

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON MAY 11, 2022 AT 6:00 P.M.

RESOLUTION #10-172/2022 To Confirm and Finalize SEQR Conditional Negative Declaration for the Lehigh Ridge project located at the southern ends of Authors Avenue and Nevins Road.

On Motion of Councilmember Bellanca

Seconded by Councilmember Sefranek

WHEREAS, the Town of Henrietta received an application from the property owner/developer, Lehrwood Estates, LLC (the "Application"), requesting to develop a subdivision under New York State Cluster Development Laws (New York State Town Law §278) on the lands located between the southern ends of Authors Avenue and Nevins Road and the northern edge of the New York State Thruway, bearing Tax Account Nos. 175.20-1-84, 175.20-1-85, 175.20-1-86, 176.17-1-25.12, 176.17-1-23.12, 176.17-1-22.2, 175.04-1-20, and 189.02-1-5 comprising a 69.48 +/- acre parcel of land (the "Property"), in compliance with the Residential R-1-15 Zoning District in which it is located; and

WHEREAS, after becoming Lead Agency and holding various public/neighborhood meetings on the Application, and after carefully considering all relevant information on the Application, on March 23, 2022, the Town Board issued a Conditioned Negative Declaration ("CND"); and

WHEREAS, said CND was duly noticed in the Environmental Notice Bulletin; and

WHEREAS, the public was permitted to comment on said CND for at least thirty days; and

WHEREAS, no public comments were received relative to the CND.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby confirms and finalizes the Conditional Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Board directs that all filings required as related to the same be handled by the Department of Engineering and Planning, including that the CND be filed with the Town Supervisor, all involved agencies, the Town Clerk, and provided to the applicant.

Duly put to a vote:
Councilmember Sefranek Aye
Councilmember Bolzner Aye
Councilmember Page Aye
Councilmember Bellanca Aye
Supervisor Schultz Aye

RESOLUTION ADOPTED

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Please refer to attached Part 3 SEQR Reasoned Elaboration relating to the Negative Declaration for the Proposal known as Lehigh Ridge Subdivision in the Town of Henrietta, NY (Monroe County). Please also refer to the Conditions set forth therein, which are a part of this Conditional Negative Declaration. The attached Reasonable Elaboration and Conditions are explicitly incorporated herein and made a part hereof. This Conditional Negative Declaration shall be subject to public comment for 30 days, beginning on March 24, 2022, and ending on April 26, 2022.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
(please see the attachments, include the reasoned elaboration)

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Henrietta Town Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

Please refer to attached Part 3 SEQR Reasoned Elaboration relating to the Negative Declaration for the Proposal known as Lehigh Ridge Subdivision in the Town of Henrietta, NY (Monroe County), which includes and sets forth the conditions a part of this conditional negative declaration.

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Lehigh Ridge Subdivision

Name of Lead Agency: Henrietta Town Board

Name of Responsible Officer in Lead Agency: Stephen L. Schultz

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: 

Date: 3/23/2022

Signature of Preparer (if different from Responsible Officer)

Date: March 23, 2022

For Further Information:

Contact Person: Christopher E. Martin, P.E.

Address: P.O. Box 999, 475 Calkins Road, Henrietta, NY 14467

Telephone Number: (585) 359-7070

E-mail: cmartin@henrietta.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

SEQR Part III EAF Reasoned Elaboration Narrative Relating to the Conditional Negative Declaration for the Proposal known as Lehigh Ridge Subdivision (the “Project”)

1. Impact on Land:

- a. The depth to the water table is greater than 3 feet, and thus there will be no potential impact from construction or development of the property as a result of the presence of groundwater. The presence of the existing non-regulated man-made ponds pose no impact as the single-family homes have been designed upland of the existing ponds to remain. All ponds located on the site after construction will have engineered outlet structures and will be part of the project’s stormwater management design, controlling the ponding water level.
- b. The project site does contain some areas with existing slopes greater than 15%, however most are manmade from previous land grading activities for the Belfrey Golf Course construction. Construction activities for the proposed subdivision within slope areas greater than 15% will be completed with appropriate stabilization measures as outlined by the New York State Standards and Specifications for Erosion and Sediment Control.
- c. There are no bedrock outcroppings on site nor is bedrock expected to be encountered within five feet of the surface.
- d. There is no potential impact as a result of excavation and removal of soil from the site. The EAF Workbook is clear that this question pertains to a minimum 12 months of successive soil removal and for operations such as mining. The Workbook also specifically identifies as a small impact any excavation and removal of material during the construction phase of the project. The project will likely result in the export of excess topsoil material, but it will be a short finite duration activity completed with the completion of house construction on-site. The clearing and grading construction will be completed per the Town of Henrietta requirements, and the NYSDEC Standards and Specifications for Erosion and Sediment Control Practices. The appropriate design, notes, and details are provided on the plans.
- e. The project will include construction in multiple phases, which will occur over several years. To mitigate the impact on the existing neighborhood north of the project site, the applicant has obtained an agreement with the property owner to the west of the development site to allow for a temporary construction access drive to be installed and utilized during construction. This access will reduce construction vehicles from routing through the existing subdivision to access the construction site. The property also includes an existing 300 foot wide easement which will be open space within the proposed development located along the northern property limits which providing a buffer between the existing neighborhood and the proposed construction.
- f. The project will have no to a small impact concerning soil erosion and the potential for impacts from construction are minimal. The site does contain slopes greater than 15% but the soil survey indicates that the soils present on site are not highly erodible. From site observation there is no current evidence of soil erosion. The development of the site will include the implementation of a construction erosion control plan and stormwater pollution prevention plan (SWPPP), prepared per municipal and NYSDEC standards and regulations. Implementation of the SWPPP reduces the potential impacts of erosion from the construction activity. The EAF Workbook identifies implementation of a SWPPP and controlling runoff from the new impervious surfaces are projects that will likely have a small impact.
- g. The project is not located within a Coastal Erosion hazard area.

2. Impact on Geological Features:

The project site does not contain any unique geologic features or National Natural Landmarks as defined within the EAF Workbook. As such, the answer to this question is "no" and thus there is no impact.

3. Impact on Surface Water:

- a. The project will create one new stormwater management pond with the improvements, designed in accordance with the NYSDEC requirements. This stormwater facility will be a component of the projects SWPPP and contribute to the necessary water quality treatment for the development.
- b. The project site contains 7 existing man-made non-jurisdictional ponds which were created as part of the construction of the Belfrey Golf Course. The improvements to the site involve modification to 4 of the existing ponds, removal of 2 of them, and no disturbances to the remaining 1. All existing ponds located at the site have been determined to be non-jurisdictional per the NYSDEC and USACOE, and all ponds to remain will be utilized as components of the projects SWPPP and contribute to the necessary water quality treatment for the development.
- c. There are no regulated water bodies or wetlands on the site, thus there is no impact as no earthwork activity affects regulated water bodies.
- d. There are no regulated water bodies or wetlands on the site, thus there is no impact as no earthwork activity affects regulated water bodies.
- e. The project will not involve any disturbance to a regulated water body or stream that would result in turbidity within the water body. The project will include implementation of a construction erosion control plan and a project SWPPP for the duration of construction. These practices are designed per municipal and NYSDEC standards and will prevent erosion from the construction activity thus limiting the potential for impacts to any the un-regulated ponds on site or downstream areas. Given the implementation of the SWPPP and the anticipated short duration of construction, there is no to small potential impact.
- f. No water intake facility is proposed with this project. Water supply will be provided via the public water system of MCWA to be extended through the proposed development. Thus, there is no impact.
- g. The project does not involve the discharge of wastewater to any surface water bodies. All wastewater will be collected and conveyed by a proposed dedicated sanitary sewer system which will connect to the existing Town of Henrietta sanitary sewer.
- h. There is no to small potential impact as defined by the EAF Workbook. The project will be of a short construction duration and will include the preparation and implementation of a SWPPP. NYSDEC regulations require that the SWPPP address water quality during and after construction. This project will include a construction erosion control plan consisting of silt fence, siltation basins, inlet structure protection, stabilized construction access roads and maintenance. The post-construction facilities will include a new stormwater management pond, existing ponds equipped with new outlet control structures, and bio-retention practices located

throughout the site. All features are designed per the NYSDEC Stormwater Design Manual and the NYSDEC Manual for Sediment and Erosion Control.

- i. There is no to small potential impact as defined by the EAF Workbook. The project will be of a short construction duration and will include the preparation and implementation of a SWPPP . There are no regulated water bodies on site, and the man made ponds to remain, the new stormwater management facility, and the proposed bio-retention practices are components of the development's SWPPP which are designed to control water quality during and after construction. As a result of the design and implementation of the SWPPP, the project will have no to small potential impact upon receiving downstream waters.
- j. The project does not propose the use or application of pesticides or herbicides for the construction activities. The project also does not propose the use of phosphorus containing fertilizers. Future homeowners may choose to utilize these treatments, however the EAF Workbook states individual residential use may only have a small impact.
- k. The proposed action does not include the construction of new, or require the expansion of existing wastewater facilities. All wastewater will be collected with a proposed sanitary sewer system which will connect to the existing Town of Henrietta system and be treated within the Monroe County Pure Waters system. Capacity exists within the existing system for the projected project wastewater flow.

4. Impact on Groundwater:

- a. No impact as the project will be served by the MCWA public water supply.
- b. The proposed water supply demand of 49,720 gpd can be provided by MCWA. Adequate supply and pressure are available in the public mains along Nevins Road and Authors Avenue, which will be extended through the proposed development.
- c. The proposed action is a single-family residential subdivision use which will be served by public water and sewer.
- d. The proposed action will not discharge wastewater to the ground or groundwater. The project will be served by public sewer in conformance with the Monroe County Sewer Use Law.
- e. No impact as the project does not propose construction of water supply wells. The project will be served by public water.
- f. There is no impact as the project, a single family residential subdivision, will not involve the bulk storage of petroleum or chemical products over an aquifer, and the area is served by public water.
- g. The project site is not located within 100' of a potable water or irrigation source. The project will be served by public water.

5. Impact on Flooding:

The project site does contain a designated 100 year floodplain located in the southwest corner of the property, however no disturbance or construction improvements are proposed within or

immediately adjacent to its limits. The site was also reviewed by the NYSDEC and USACOE and no jurisdictional wetlands were identified within the proposed development area and all existing water bodies were determined to be non-jurisdictional. All existing water bodies on site were man made in approximately 2001 for the Belfrey Golf Course construction.

Storm water runoff for the post-development condition will generally maintain the current site drainage pattern, which is to discharge runoff to the northwest corner of the property. The project does include drainage improvements within existing 300 foot easement for the overhead power lines along rear of the northern adjacent properties to convey water more effectively away from these existing properties. All existing and proposed ponds located within the property will be utilized as part of a comprehensive stormwater management design with engineered outlet structures to control detention time and discharge rates. This is all documented within the storm water management plan provided in the submitted Engineer's Report.

Though we answered the question "no" based upon the above, we will provide responses to the sub-questions for #5 Impact on Flooding.

- a. The project does not propose development within a floodway; the project site does not contain a floodway.
 - b. The project does not propose development within the 100-year floodplain. The project site does contain a designated 100-year floodplain in the southwest corner of the property, however no development or disturbance of this area is proposed.
 - c. The project does not propose development within the 500-year floodplain. The project site does contain a designated 500-year floodplain in the southwest corner of the property. This area is consistent with the designated 100-year floodplain limits and will not be developed or disturbed.
 - d. The project generally maintains the existing storm water runoff patterns. The project design will use site grading and storm sewers to maintain the current south to north and east to west drainage patterns generally conveying all runoff from the property to the northwest corner where a majority of the site currently drains, ultimately reaching Red Creek to the west of the property. Runoff currently directed to the pond at the northeast corner of the site will be rerouted to the northwest discharge point, to reduce poor draining areas along the existing properties to the north of the site near Authors Avenue. Stormwater control facilities are located throughout the site as the project proposes to utilize existing and proposed ponds with engineered outlet structures as part of the stormwater management design for the project.
 - e. The project development will not change floodwaters on site. The project will include a stormwater management plan to collect, convey, and detain stormwater runoff. As a result, the post-development runoff will be attenuated to the pre-development runoff rates for the design storms analyzed. Thus, discharge of runoff downstream will not result in the potential to change floodwater flows to downstream receiving waters. Thus, there is no impact for the potential for increasing flooding.
 - f. The project site does not contain a dam, nor is one proposed. No impact.
6. Impact on Air:

The proposed project will not include a NYS regulated air emission source as defined by Article

19 of ECL (Environmental Conservation Law).

7. Impact on Plants and Animals:

The proposed project does not contain habitat for endangered or threatened species, flora or fauna as identified through the NYSDEC EAF mapper. The project site contains no vegetation of value as its primary make up is scrub brush and secondary successional growth. The site has previously been disturbed through the development of the Belfrey Golf Course, which included clearing and land grading across the entire property. Vegetation currently existing on site is primarily successional growth occurring over the past 20 years due to inactivity of the golf course or maintenance of the property.

The +/-69.5 acres site is not part of any larger woodlot or habitat area. It is bordered by a residential subdivision and overhead transmission power lines to the north, a developed commercial property to the west, the NYS Thruway to the South, and athletic fields to the east. Thus, there is no potential impact to plants or animals identified with this property and project.

8. Impact on Agricultural Resources:

The proposed project will have no impact on agricultural resources as the project site currently is not an agricultural use. Also, there are no surrounding lands that are in agricultural use, thus development of this site will not cause fragmentation of or prohibit use of adjoining agricultural uses, as none currently exist. The Town of Henrietta Agricultural & Farmland Protection Plan identifies the property as “abandoned or vacant farmland” and it is not considered a Priority Farmland Area for protection. The lands surrounding the property have all been developed.

9. Impact on Aesthetic Resources:

The proposed project will have no impact on aesthetic resources. The proposed use is a residential subdivision which is consistent with the current zoning and with nearby properties. A portion of the Lehigh Valley Trail routes through the site along the western limits, however this trail will be maintained and the portion within the project area will be improved with a new surface treatment.

10. Impacts on Archeological Resources:

- a. The project site is located within an archaeologically sensitive area and does contain one identified archeological site. The applicant has coordinated with the NY State Historic Preservation Office (SHPO) to determine the location of the resource which consists of an old foundation and outbuilding associated with a drummer boy from the revolutionary war. The identified area will be protected from disturbance during construction, have a protective easement placed over it, and offered to the Town for dedication as part of the open space areas provided. Per SHPO the remainder of the project area will not require further site investigations given the previous studies completed for the entire property with the Belfrey Golf Course development, which also included mass grading throughout the property. Since the existing identified resources will be protected during and after construction there are no additional potential impacts to archeological resources with the proposed development.
- b. See response to 10a. The existing archeological site known to occur within the project area is already included in a designated sensitive area by SHPO, which will be protected from

disturbance during and after construction. This is the only identified archaeological resource identified by SHPO within the project area and since it will be protected no impacts will occur.

- c. See response to 10a. & 10b.
- d. No response required.
- e. The proposed action will not result in any disturbance or destruction to the identified resource as the applicant has worked with their archeological consultant and the NYS Historic Preservation Office to determine the limits of the resource and place it within a protective easement as represented on the revised Concept Site Plan. The terms of the protective easement are those as specified by SHPO and will be provided to the Town of Henrietta.

11. Impact on Open Space and Recreation:

The project does not result in the loss of a designated open space resource or recreational opportunity as identified by any adopted plan, study, or code of the municipality. The applicant intends to dedicate approximately 26 acres of open space located outside of the proposed single family home lots. This dedicated land will provide additional open space and recreational opportunities to the existing nearby residents and other members of the community including an internal trail network and connection to the Lehigh Valley Trail. The proposed action will also result in the dedication of land to the Town for the Lehigh Valley Trail segment through this area, thus solidifying this community recreation amenity.

12. Impact on Critical Environmental Area:

The project site does not lay within nor adjoins a CEA as designated by NYSDEC or other government entity.

13. Impact on Transportation:

- a. The applicant completed a Traffic Impact Study for the proposed development at the Town of Henrietta's request, studying 4 intersections along Lehigh Station Road within the project vicinity, including the Middle Road, Nevins Road, Authors Avenue, and East Henrietta Road. The study evaluated the capacity of the existing road network and any potential impacts which may result from the proposed residential development. The Traffic Impact Study was submitted to the NYSDOT for review and coordination, given that the Project fronts on a State Road. The NYSDOT concluded that "...we do not believe this development will have a significant impact on the surrounding roadway network." Nonetheless, certain mitigation and conditions, as detailed below, will be required given the potential impacts (detailed below) that have been identified via the Traffic Impact Study.
- b. The proposed development does not include construction of any paved parking area for 500 or more vehicles, thus there is no impact.
- c. The proposed development will not degrade existing transit access, thus there is no impact.
- d. The proposed development will include reconstruction of a portion of the Lehigh Valley Trail through the property and include dedication of open spaces area with trails to the Town of Henrietta. The applicant will also be required to construct a sidewalk along Nevins Road

between Lehigh Station Road and where the new development begins. These improvements will improve pedestrian and bicycle accommodations in the project vicinity, thus there is no impact.

- e. The proposed development will not alter the present pattern of movement of people or goods, thus there is no impact.
- f. Although the NYSDOT did not identify significant material negative impacts to the existing road network within the Project vicinity, the Town of Henrietta has identified the existing Authors Avenue and Lehigh Station Road intersection as a potential area of concern given the current background traffic existing today, including the location of the Sherman Elementary School on Authors Avenue and the traffic and activity associated therewith. The Town requested a signal warrant analysis of the Authors Avenue & Lehigh Station Road intersection and a preference to have a new traffic signal installed at this location. Notably, the public school on Authors Avenue creates temporary short-term delays on Authors Avenue during drop-off and pick up periods.

The NYSDOT assessed the intersection and determined that it does not currently support the installation of a traffic signal there, all as stated in detail in their letter dated February 3, 2022, wherein the NYSDOT provided that “Based on this analysis we do not concur a signal should be installed at this intersection.”

However, the NYSDOT did appear to indicate that a traffic signal could be warranted at the intersection in the future, perhaps as the Project approaches full build out. The Town, in coordination with its consultant, believes that a traffic signal will be warranted upon full build out. As such, given that the Project will represent an approximate 50% increase in single family homes in the area of the intersection (and, thus, 1/3rd of the total number of the homes in the area upon full build out), as a condition of this Negative Declaration, the Town will require that the applicant pay into escrow (or set aside in another secure manner approved by the Town, such as via a bond) an amount equal to 1/3 of the cost to install a traffic signal at the subject intersection – this being viewed as the applicant’s proportionate share of the cost given the existing traffic and school activity currently present at the intersection and given the Project’s contribution of additional traffic.

The amount of the 1/3 contribution (the “Project Contribution”) will be determined by the Town based upon an engineering estimate by the Town and shall be paid by the developer prior to the issuance of any building permits for the construction of the homes associated with the Project. As the Project approaches full build out, or sooner if the Town so determines, the Town will again approach the NYDOT for its concurrence relative to the installation of a traffic signal. Should the NYDOT then concur that a traffic signal is warranted, as is expected, the Project Contribution will be utilized towards the cost of the installation of a traffic signal. Any portion of the Project Contribution not utilized within 10 years from the date of deposit, or after the traffic signal installation is complete, whichever occurs first, will be returned to the developer.

The Project Contribution thus will act to mitigate the potential adverse impact of delays at the subject intersection upon full build out by securing the developer’s share of the cost to construct a traffic signal to mitigate such delays.

The lack of sidewalks along Nevins Road between the project site and Lehigh Station Road is a concern given the increased traffic to be generated by the Project, including pedestrian traffic.

As such, as another condition of this Negative Declaration the applicant will be required to construct sidewalks along Nevins Road between Lehigh Station Road and where the new development begins, as well as to construct a minimum of one, with a maximum of two, speed table(s) with applicable signage on Authors Avenue, said speed table(s) to be at a location or locations to be determined by the Planning Board during its review of the Project. The installation of the speed table(s) as well as the sidewalks will mitigate the potential adverse impacts associated with additional traffic to be generated from the Project.

Additionally, the applicant has secured a separate construction access to the property from East Henrietta Road, such that no construction traffic will utilize the existing neighborhood streets of Nevins Road or Authors Avenue to access the project site when active construction is underway.

Given the conditions and mitigations set forth herein, there will not be any potentially significant adverse impacts related to traffic.

14. Impact on Energy:

- a. The proposed project is a residential development in an already suburbanized area serviced by available public infrastructure to be extended through the development, thus there is no impact.
- b. Rochester Gas and Electric has confirmed power is available at the project site to serve the proposed development, thus there is no impact.
- c. The project demand will not exceed 2,500 MW hours per year per review with the applicant.
- d. The proposed buildings are single family residential homes which is far below the 100,000 SF threshold of this question, thus there is no impact.

15. Impact on Noise, Odor and Light:

- a. The potential impact from noise is small as defined by the EAF Workbook as it will be temporary and short duration as it will only occur during construction. The residential use will not be noise generators above ambient or regulated levels. The project's noise levels will also not be greater than the ambient noise level of the adjacent NYS Thruway immediately to the south of the project site.
- b. No blasting is proposed for any part of construction, thus there is no impact.
- c. The proposed use is for single family residential home and does not propose any commercial or manufacturing processes that would generate unregulated odors. Thus, there is no impact.
- d. No street lights are proposed for this subdivision.
- e. No street lights are proposed for this project.
- f. There are hills and vegetation helping to reduce the amount of thruway noise that reaches the existing homes in the area, and the grading of the land and the potential clearing of the vegetation could create a potential adverse impact by increasing the thruway noise that reaches the existing homes. The developer will also create natural sound barriers, such as berms, tree

lines, and shrubbery/hedge rows in order to reduce the amount of thruway noise that reaches the existing homes.

16. Impact on Human Health:

The project will have no impact on human health as the project will not result in potential impacts from exposure to hazardous substances and contaminants. These sites that have been identified by NYSDEC are not on site or within 2000' of the project site. A former remediation site is located on the property immediately to the west of the property, however the NYSDEC Environmental Site Remediation Database indicates no environmental problems associated with hazardous waste disposal were document at the site.

In addition, the proposed project will not generate any chemicals or contaminants that will threaten human health. All materials used or stored on site will be governed by the NYS Building and Fire Code and NYSDEC. All necessary permits and procedures will be implemented as required by the NYSDEC and the Town Fire Marshal.

17. Consistency with Community Plans:

The proposed project is consistent with the Town's Zoning ordinance and the Town's Comprehensive Plan. Both identify the property as a Residential zone/use, which is consistent with the dominant land use and zoning in this area. The project plans have been prepared in conformance with the Zoning code, and no variances are required. Thus, there is no impact to Community Plans.

18. Consistency with Community Character:

The proposed project is consistent with the community character within this portion of the Town of Henrietta. The proposed subdivision will connect to Authors Avenue and Nevins Road where existing road stubs have been in place since the construction of the subdivision to the north to support future residential homes located within the proposed project site. The site is bordered by a residential subdivision and overhead transmission power lines to the north, a developed commercial property to the west, the NYS Thruway to the South, and athletic fields to the east. The construction of single-family residential homes is not out of character, as they are the predominate land use in this area of the Town. Thus, the proposed use is consistent and thus should not have an impact on community character.

Conditions of the Conditional Negative Declaration for the Proposal known as Lehigh Ridge Subdivision

1. The construction by the developer of a sidewalk (except for any design and preparation work performed by the Town at its sole discretion, with any out-of-pocket costs therefore being the responsibility of the developer) along Nevins Road between Lehigh Station Road and where the new development begins, all as more specifically detailed by the Planning Board during its review of the Project.
2. The construction by the developer (except for any design and preparation work performed by the Town at its sole discretion, with any out-of-pocket costs therefore being the responsibility of the developer) of a minimum of one, with a maximum of two, speed table(s), or other similar traffic calming device(s) specified by the Town of Henrietta Dept. of Engineering and Planning, with applicable signage on Authors Avenue, said speed table(s) to be at a location or locations to be determined by the Planning Board during its review of the Project.
3. The use of a temporary construction entrance by the developer off of East Henrietta Road between the proposed subdivision and East Henrietta Road, all as specified by the Town Planning Board.
4. The developer is to design drainage so as to direct the runoff into storm sewers and towards the large wetlands to the west, taking it away from the existing properties, all to be specified during site plan / subdivision review by the Town of Henrietta Planning Board.
5. The developer is to construct natural sound barriers, such as berms, tree lines, and shrubbery/hedge rows in order to reduce the amount of thruway noise that reaches the existing homes, all to be specified during site plan / subdivision review by the Town of Henrietta Planning Board.
6. The developer is to reconstruct a portion of the Lehigh Valley Trail through the property, including dedication of open spaces area with trails to the Town of Henrietta, all as to be specified by the Planning Board during its review of the Project.
7. The developer is to make payment into escrow (or set aside in another secure manner approved by the Town, such as via a bond) of an amount equal to 1/3 of the cost to install a traffic signal at the intersection of Authors Avenue and Lehigh Station Road – this being viewed as the applicant’s proportionate share of the cost given the existing traffic and school activity currently present at the intersection and given the Project’s contribution of additional traffic. The amount of the 1/3 contribution (the “Project Contribution”) will be determined by the Town based upon an engineering estimate by the Town and shall be paid by the developer prior to the issuance of any building permits for the construction of the homes associated with the Project. As the Project approaches full build out, or sooner if the Town so determines, the Town will again approach the NYDOT for its concurrence relative to the installation of a traffic signal. Should the NYDOT then concur that a traffic signal is warranted, as is expected, the Project Contribution will be utilized towards the cost of the installation of a traffic signal. Any portion of the Project Contribution not utilized within 10 years from the date of deposit, or after the traffic signal installation is complete, whichever occurs first, will be returned to the developer.

This Conditional Negative Declaration shall be subject to public comment for 30 days, beginning on March 24, 2022, and ending on April 26, 2022.