

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 FEBRUARY 24, 2022 AT 6:00 P.M.

RESOLUTION #5-101/2022

To Issue a SEQR Negative Declaration for The Fairways at Riverton Subdivision (formerly Riverton Parcel A) project on Scottsville-West Henrietta Road and Erie Station Road.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Page

WHEREAS, the Town of Henrietta received an application from the property owner/developer, Forest Creek Equity Corporation, (the "Application"), requesting a Special Use Permit (Application No. 2021-034) to develop the lands commonly known and referred to as "Riverton Parcel A" located on the west side of Scottsville-West Henrietta Road and Erie Station Road, bearing Tax Account Nos. 187.02-2-4.111, 187.04-2-3.11, 187.02-2-8, 187.02-2-9, and 187.02-2-10, comprising of a 55.7 +/- acre parcel of land (the "Property"), in compliance with the Riverton Planned Unit Development Zoning District in which it is located; and

WHEREAS, on April 14, 2021 by Resolution #8-88/2021, the Town Board declared its intent to be the Lead Agency for the purposes of the New York State Environmental Quality Review Act (SEQR) and duly issued the required notices and information to the involved agencies; and

WHEREAS, greater than 30 days have since passed and the Town has received no objections to its intent to act as Lead Agency; and

WHEREAS, on May 12, 2021, May 26, 2021, January 26, 2022, and February 24, 2022 the Town Board held public hearings to consider the Application, at which time all parties and citizens were afforded an opportunity to be heard; and

WHEREAS, the application was referred to and reviewed by Monroe County; and

WHEREAS, the Town Board has carefully considered and taken a hard look at all potential environmental impacts of the Project, carefully considering all documentary, testimonial, and other evidence presented to the Town Board prior to, at, and subsequent to the public hearings, together with any input from Town staff, and any applicable advisory boards and agencies; and

WHEREAS, any potential adverse impacts have been successfully addressed and/or the Town Board, after careful study, concludes none rise to the level of potentially significant adverse environmental impacts, all as additionally specified in the record and the SEQR EAF; and

WHEREAS, the parcel lies within the East River Road Traffic Mitigation Corridor, as defined in the 2019 Comprehensive Land Use Plan Update, and the proposed additional generated traffic will be subject to the corresponding traffic mitigation fees, as per the East River Road Traffic SEQR Mitigation schedule in the aforementioned Comprehensive Land Use Plan, to ensure that the project adequately contributes to the overall mitigation efforts for increased traffic along the East River Road Corridor; and

WHEREAS, the Developer has provided documentation demonstrating that the non-jurisdictional wetlands had been filled in by the Applicant as allowed by and prior to the expiration of the Jurisdictional Determination provided by the Army Corps of Engineers in July 2011; and

WHEREAS, the Town Board has completed Parts 2 and 3 of the EAF, which are attached hereto, and has carefully considered the information contained therein.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board is the Lead Agency for the proposal.

BE IT FURTHER RESOLVED, the Town Board hereby approves the attached Part 2 of said EAF.

BE IT FURTHER RESOLVED, that the Town Board hereby finds that the proposal will not have any significant adverse environmental impacts, as more fully set forth herein, in the record, and in Parts 2 and 3 of the EAF, including in the attachment thereto.

BE IT FURTHER RESOLVED, that the Town Board hereby approves Part 3 of the EAF, confirming its findings in Part 2 of the EAF, and setting forth its basis and reasoning for finding that there are no potential significant adverse environmental impacts.

BE IT FURTHER RESOLVED, that in accordance with its adoption of Part 3 of the EAF, the Town Board hereby issues a Negative Declaration with regard to the action, finding that the proposal will not have any unmitigated significant adverse environmental impacts.

BE IT FURTHER RESOLVED, that the Town Board hereby directs that the Negative Declaration be filed in accordance with SEQR Regulations, that the Supervisor is authorized to execute such necessary documents and to take such other actions as will facilitate an orderly and proper SEQR process.

Duly put to a vote:

Councilmember Sefranek	No
Councilmember Bolzner	Aye
Councilmember Page	Aye
Councilmember Bellanca	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: The Fairways at Riverton		
Project Location (describe, and attach a general location map): East Side of Erie Station Road Across From Scottsville-West Henrietta Road		
Brief Description of Proposed Action (include purpose or need): We are Requesting a Special Use Permit and Subdivision Approval for the Planned Unit Development (PUD) for 130 Single Family Residential Lots on 55.7 +/- Acres		
Name of Applicant/Sponsor: DSB Engineers, Walter Baker	Telephone: 585-271-5230	E-Mail: wfbaker@aol.com
Address: 2394 Ridgeway Avenue		
City/PO: Rochester	State: NY	Zip Code: 14626
Project Contact (if not same as sponsor; give name and title/role): Forest Creek Equity Corp., Bernie Iacovangelo	Telephone: 585-889-4840	E-Mail: bernie@fabergroup.com
Address: 3240 Chili Avenue		
City/PO: Rochester	State: NY	Zip Code: 14624
Property Owner (if not same as sponsor): Same	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board for Special Use Permit	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Planning Board	
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Monroe County Health & Water Authority	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	New York State Department of Transportation	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):
 NYS Heritage Areas: West Erie Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Planned Unit Development _____
- b. Is the use permitted or allowed by a special or conditional use permit? Yes No
- c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? Rush Henrietta School District
- b. What police or other public protection forces serve the project site?
Monroe County Sheriff
- c. Which fire protection and emergency medical services serve the project site?
Town of Henrietta
- d. What parks serve the project site?
Town of Henrietta

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Residential
- b. a. Total acreage of the site of the proposed action? 55.778 +/- acres
b. Total acreage to be physically disturbed? 52.4 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 55.778 +/- acres
- c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____
- d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? 130
iv. Minimum and maximum proposed lot sizes? Minimum 0.21 acres Maximum 1.21 acres
- e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated 6
• Anticipated commencement date of phase 1 (including demolition) 3 month 2022 year
• Anticipated completion date of final phase 3 month 2028 year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:
Phase 1 will start at the southern end due to the sanitary sewer and water connections then proceed northeast and west

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	28			
At completion of all phases	130			

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: storm water quality control
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: storm water runoff from rain events
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ 55,750 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: Monroe County Water Authority (MCWA)
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
water mains within Town right of ways per MCWA standards and approval
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 55,750 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: Van Lare Treatment Plant
- Name of district: Irondequoit Bay South Central Waters District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
 - Will a line extension within an existing district be necessary to serve the project? Yes No
- If Yes:
- Describe extensions or capacity expansions proposed to serve this project: _____
Sanitary Public Sewers within the Town Right of Ways _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

- If Yes:
- Applicant/sponsor for new district: _____
 - Date application submitted or anticipated: _____
 - What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

- If Yes:
- i. How much impervious surface will the project create in relation to total size of project parcel?
- _____ Square feet or _____ 25 acres (impervious surface)
- _____ Square feet or _____ 55.7 acres (parcel size)
- ii. Describe types of new point sources. _____ Storm Water Sewer Systems Directed to Detention / Retention Ponds _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

- If Yes, identify:
- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- _____
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- _____
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
- _____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

- If Yes:
- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- ii. In addition to emissions as calculated in the application, the project will generate:
- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:30 am to 5:00 pm _____ • Saturday: _____ 7:30 am to 5:00 pm _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:
Road Construction Equipment During Construction from 7:30 am to 5:00 om

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
District Street Lights at 15' Height, Down Lighting and 40' +/- from Homes

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____
 • Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____
 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): Golf Course
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	25	25
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	55.7	8	47.7
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	2	2
• Wetlands (freshwater or tidal)	0.5	0.5	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Lawns and Landscaping</u>	0	20.7	20.7

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >8 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Top Soil and Silty Clay _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ >6 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 78 % of site
 10-15%: _____ 22 % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, USACE Approximate Size 0.5 acres (see attached)
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: Squirrels _____ Deer _____ Birds _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ <u>Bald Eagle in the vicinity of the Genesee River and the NYS Thruway</u>	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

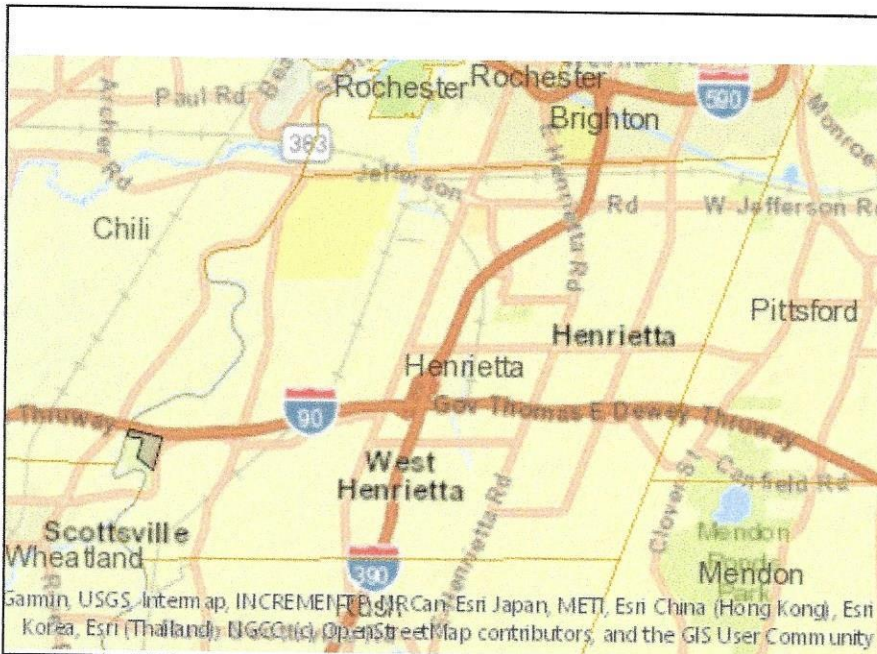
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Walter Baker Date February 8, 2022

Signature  Title Project Engineer



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No

(see attached Dept. of the Army July 1, 2011 Determination)

E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project : SUP 21-034 The Fairways at Riverton
 Date : January 12, 2022

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. NO YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. NO YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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 Reasoned Elaboration relating to the determination of no significant adverse impact for the Proposal known as The Fairways of Riverton (Parcel A) in the Town of Henrietta, NY (Monroe County).

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

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:

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: The Fairways at Riverton (Parcel A)

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: 2/22/2022

Signature of Preparer (if different from Responsible Officer) _____

Date: January 12, 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

**EAF Part 3 for The Fairways at Riverton Subdivision
(Riverton Parcel A)**

February 24, 2022

In addition to the narrative below, this EAF Part 3 hereby incorporates the following, which is made a part of this Part 3 reasoned elaboration:

- a. Special Use Permit Application SUP 2021-034 for the Fairways at Riverton, prepared by DSB Architects & Engineers, PC revised January 11, 2022;
- b. Fairways at Riverton Concept Plan for Single Family Lot Subdivision, prepared by DSB Engineers & Architects revised January 11, 2022;
- c. Part 1 of the Full Environmental Assessment Form, completed by DSB Engineers & Architects. Revised January 11, 2022;
- d. Traffic Impact Assessment for Riverton Parcel A Development, prepared by SRF Associates updated June, 2021;
- e. Traffic Impact Study Review Letter from Terrence J. Rice, PE of Barton & Loguidice to Christopher E. Martin, PE, dated July 22, 2021;
- f. Letter from Paul J. Spitzer, PE of the New York State Department of Transportation to Walt Baker of DSB Engineers, dated March 30, 2021;
- g. Bald Eagle Ecological Evaluation Letter from Gene Pellett of Environmental Resources, LLC to Bernie Iacovangelo of Forest Creek Equity Corporation, dated May 21,2021;
- h. NYSDEC Part 182 Jurisdictional Determination for Fairways at Riverton, DEC ID #8-2632-00412/00001 Letter from Robert B. Call to Gene Pellett, dated October 21, 2021;
- i. Department of the Army Application No. 2010-01616 regarding Federal Wetlands Permit for Riverton Parcel A from Molly Connerton to Jim LeChase of Conifer Realty, LLC dated July 1, 2011;
- j. Town of Henrietta Interoffice Memorandum from Christopher E. Martin, PE to the Henrietta Planning Board dated April 12, 2021.
- k. Schedules A and B to the Town Board approval Resolution for the proposal.

1. Impact on Land

- 1b. A small portion of the subdivision will be constructed on slopes greater than fifteen percent. In these areas, the slopes will be stabilized as soon as possible with jute mesh and other erosion control devices as indicated in the erosion and sediment control plan in order to prevent erosion.
- 1d. The project will result in the excavation of topsoil which may exceed 1,000 tons. The handling of the topsoil will be handled via a Stormwater Pollution Prevention Plan

(SWPPP). The stockpiles are temporary and will be stabilized to avoid potential dust and erosion.

- 1e. The construction of The Fairways at Riverton Subdivision will take approximately six years and will be constructed in six phases. As the initial Section 1 is completed, it will be stabilized and landscaped with residents moving in. Construction activities will be phased so that land disturbance and site impact is minimized.
- 1f. A minimum amount of vegetation will be removed from the development area. The hedgerows adjacent to the existing golf course and the Federal wetland will be protected by orange construction fence to prevent them from being removed or disturbed during construction. Also, a SWPPP will be in place to ensure erosion does not occur. The site will be inspected once or twice per week throughout construction to monitor the implementation of the SWPPP. Finally, no work will be performed within any Federally protected wetland unless the applicant obtains a permit from the Army Corps. of Engineers.

2. Impact on Geological Features

No impact; there are no geological features on or adjacent to the site.

3. Impacts on Surface Water

- 3a. As part of this project, two new stormwater management facilities will be constructed in conformance with New York State Department of Environmental Conservation (NYSDEC) requirements.
- 3d. The action has the potential to create turbidity and sediment in the adjacent water bodies if the proper erosion control devices are not implemented or properly maintained. A Stormwater Pollution Prevention Plan (SWPPP) will be used to protect surface water. The SWPPP shall use sedimentation basins, stone check dams, stabilized construction entrances, silt fence, and other erosion control devices to control site erosion. Also, site inspections will be performed two times a week if more than five acres of land is disturbed or weekly until the site is stabilized to ensure that erosion is not leaving the site.
- 3e. See paragraph 3d.
- 3h. See paragraph 3d.
- 3i. See paragraph 3d.

4. Impact on Groundwater

No impact; the project will not use or impact the groundwater, nor will it result in contaminants which may be introduced to the groundwater.

5. Impact on Flooding

- 5b. A portion of the subdivision is located within the 100 year and 500 year floodplain, and the floodway of the Genesee River. No buildings or structures are proposed within the 100

year floodplain. If any grading is proposed within the floodplain, then the applicable Town procedures and requirements will need to be followed as indicated in Chapter 125 of the Henrietta Town Code. No development is being proposed within the floodway.

5c. See paragraph 5b.

6. Impacts on Air

No impact.

7. Impact on Plants and Animals

7b. As indicated on the NYSDEC EAF Mapper Report, there is a bald eagle nest located within the vicinity of this project; the bald eagle is indicated as being on the endangered species list. In the letter from Robert B. Call of the NYSDEC to Gene Pellett of Environmental Resources, LLC dated October 21, 2021, he states “Although a bald eagle nest is known to occur near your project location, the DEC does not anticipate your proposed action to result in a taking because the property is far enough from the closest known nesting location that impacts to the eagles are not anticipated.”. Therefore, no impacts are anticipated to the bald eagle habitat.

8. Impact on Agricultural Resources

No impact; the proposed subdivision is not located within or adjacent to an agricultural district.

9. Impact on Aesthetic Resources

No impact; the land is zoned for single family homes and there are no scenic or aesthetic resources in the vicinity of the site.

10. Impact on Historic and Archeological Resources

10c. Since the subdivision is located within an area designated as archeologically sensitive, a Phase IA Cultural Resource Investigation may be required. The applicant will have to provide documentation to the Town and to the New York State Parks, Recreation, and Historic Preservation (OPRHP) stating that there are no archeological issues prior to commencing any construction work.

11. Impact on Open Space and Recreation

No impact. This project includes paved public sidewalks which will improve access to the Town’s Riverton Golf Course and other Town owned land. Also, sidewalks will be provided along a section of Scottsville West Henrietta Road and Erie Station Road that will also connect to the Riverton sidewalk network for safe pedestrian transit.

12. Impact on Critical Environmental Areas

No, impact; there are no CEA’s on or adjacent to the site.

13. Impact on Transportation

The proposed 130 lot residential subdivision will result in a slight increase in traffic along the Scottsville West Henrietta Road and Erie Station Road corridor. Trip generation numbers for the proposed 130 lot subdivision were prepared by SRF & Associates and incorporated into a "Traffic Impact Assessment" which was reviewed by the NYSDOT and the Town's consultant Barton & Loguidice in order to assess traffic impacts.

Traffic at the subdivision intersections with Scottsville-West Henrietta Road and Erie Station Road has been examined by the New York State Department of Transportation (NYSDOT) who has concluded after reviewing the traffic impact study that no improvements are warranted at this time. As stated in their letter to Walt Baker of DSB Engineers dated March 30, 2021, they state "We agree that the project, as proposed, should not have a significant impact to the NYSDOT highway system and that no other mitigation will be required."

Even though there is adequate sight distance at both proposed intersections it was noted during the summer months that the sight distance can be restricted due to overgrown weeds and other vegetation growing along Scottsville West Henrietta Road and Erie Station Road. Per the updated Traffic Impact Assessment prepared by SRF & Associates revised June, 2021, it states that "Sight distances measured on April 22, 2021 (prior to re-growth of the existing vegetation) indicate that both the required stopping distance and the desirable intersection sight distances are exceeded at the proposed driveways." Therefore, the sight distances will be sufficient, particularly because the developer will be required to clear the existing vegetation and also to provide maintenance.

In order to mitigate traffic issues along the East River Road Corridor, as required by the Town's Findings Statement on this topic, the Applicant will pay an amount towards the East River Road Corridor SEQR Mitigation Fees which will cover the projects contribution to the overall corridor traffic mitigation as per the Comprehensive Land Use Plan Update, approved by Town Board Resolution #5-103/2019 on February 27, 2019.

Finally, it is noted that a sidewalk will be installed along the parcel frontage of Scottsville West Henrietta Road and Erie Station Road.

14. Impact on Energy

The project will result in the need for additional energy to service the residences. However, the project will utilize high efficiency appliances and ample capacity is present in the area.

15. Impact on Noise, Odor, and Light

Minor impact; the lighting will be contained on site and not impact adjacent properties. During construction, noise will be kept below the Town's local ordinance levels and time periods. Also, dark sky compliant lighting will be used for the proposed street lights in order to reduce any light shining on adjacent properties.

16. Impact on Human Health

The site has no environmental conditions which could result in an impact to human health. The proposed use will not generate waste which could impact human health.

17. Consistency with Community Plans

No impact; the site is zoned for single family residences and the surrounding parcels to the east are residential as well.

18. Consistency with Community Character

18b. The project will result in a small demand for community services, however, there is currently ample capacity.



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1778 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

July 1, 2011

Regulatory Branch

SUBJECT: Department of the Army Application No. **2010-01616**

Jim LeChase
Conifer Realty, LLC
183 East Main St.
Suite 600
Rochester, NY 14610

Dear Mr. LeChase:

I am writing to you in regard to your request for a jurisdictional determination located at Riverton Parcel "A" adjacent to the Riverton Golf Club on Erie Station Road, in the Town of Henrietta, Monroe County, New York.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

I am hereby verifying the Federal wetland boundary as shown on the attached wetland delineation map dated September 17, 2010. This verification was confirmed on November 15, 2010 and will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new wetland delineation will be required if a project has not been completed on this property and additional impacts are proposed for waters of the United States. Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Based upon my review of the submitted delineation and on-site observations, I have determined that **Wetland C, Wetland D and Wetland E and the Unnamed Tributary to the Genesee River** on the subject parcel are part of a surface water tributary system to a navigable water of the United States as noted on the attached Jurisdictional Determination form. Therefore, these waters are regulated under Section 404 of the Clean Water Act. Department of the Army authorization is required if you propose a discharge of dredged or fill material in

Regulatory Branch

SUBJECT: Department of the Army Application No. 2010-01616

this/these area(s).

In addition, I have determined that there is no clear surface water connection or ecological continuum between **Wetland A, Wetland B, Wetland F and Wetland G** on the parcel and a surface tributary system to a navigable water of the United States. Therefore, these waters are considered isolated, non-navigable, intrastate waters and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

I encourage you to contact the appropriate state and local governmental officials to ensure that the proposed work complies with their requirements.

Finally, this letter contains an approved jurisdictional determination for the subject parcel. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above determination, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Ms. Pauline Thorndike
Review Officer
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10032
Cincinnati, OH 45202-3222
Phone: 513-684-6212

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by September 1, 2010.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Regulatory Branch

SUBJECT: Department of the Army Application No. 2010-01616

Questions pertaining to this matter should be directed to me by calling (716) 879-4304, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: molly.a.connerton@usace.army.mil

Sincerely,

A handwritten signature in cursive script that reads "Molly Connerton".

Molly Connerton
Biologist

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Conifer Riverton Associates File Number: 2010-01616 Date: July 1, 2010

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
x	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CBCW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Molly Connerton
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
(716) 879-4304
molly.a.connerton@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Ms. Pauline Thorndike, Review Officer
U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10032
Cincinnati, OH 45202-3222
(513) 684-6212; FAX(513) 684-2460
pauline.d.thorndike@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:




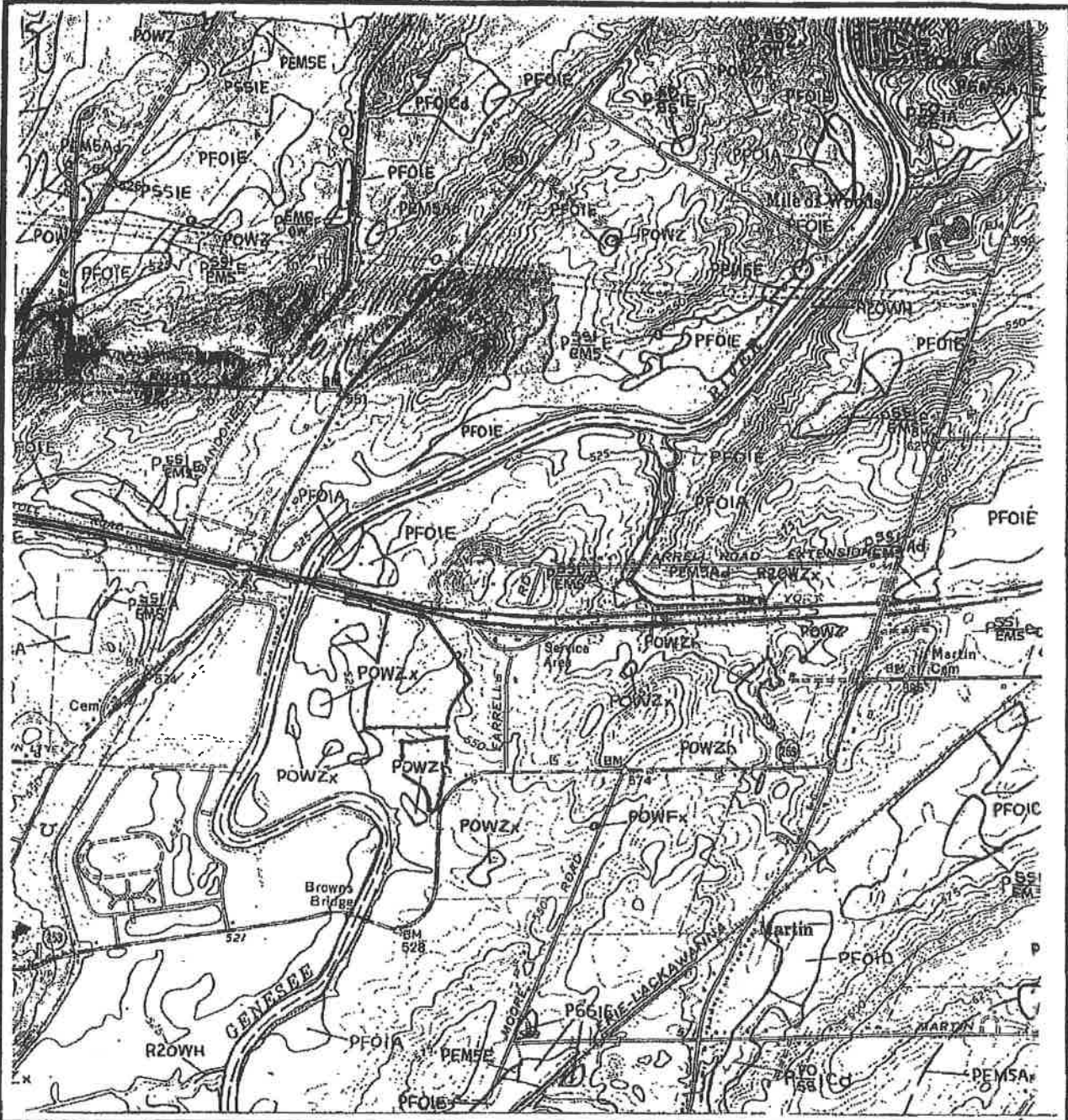
Legend:  Site Boundary
 Base Map: USGS Quadrangle Map - West Henrietta, New York
 Prepared By: Environmental Resources, LLC

FIGURE 1. SITE LOCATION



Riverton Parcel A
 D/A Processing No. 2010-01616
 Monroe County, New York
 Quad: West Henrietta
 Sheet 1 of 5






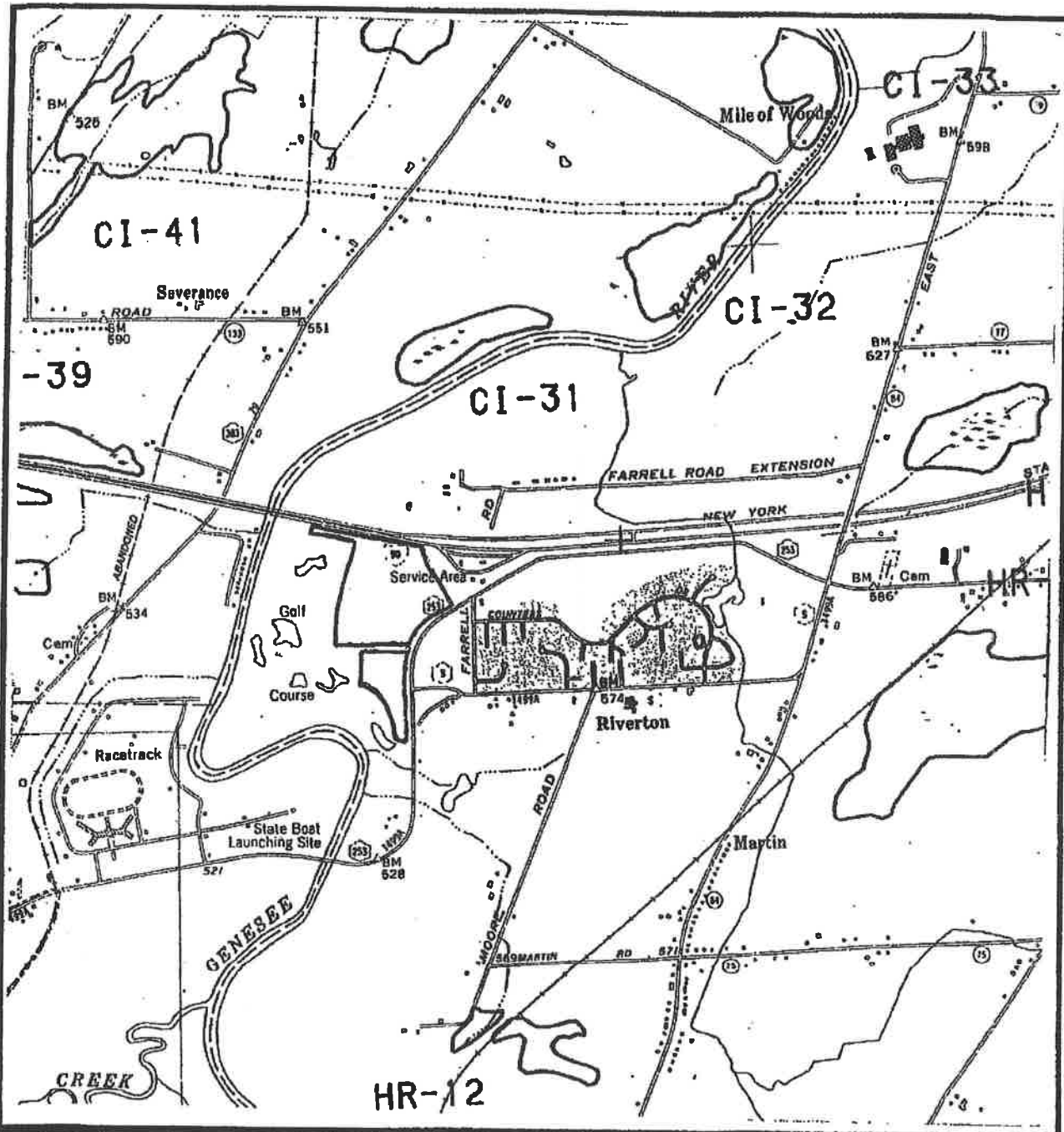
Legend:  Site Boundary
 Base Map: National Wetlands Inventory Map - West Henrietta, New Yc
 Prepared By: Environmental Resources, LLC

FIGURE 2. FEDERAL WETLANDS



Riverton Parcel A
 D/A Processing No. 2010-01616
 Monroe County, New York
 Quad: West Henrietta
 Sheet 2 of 5





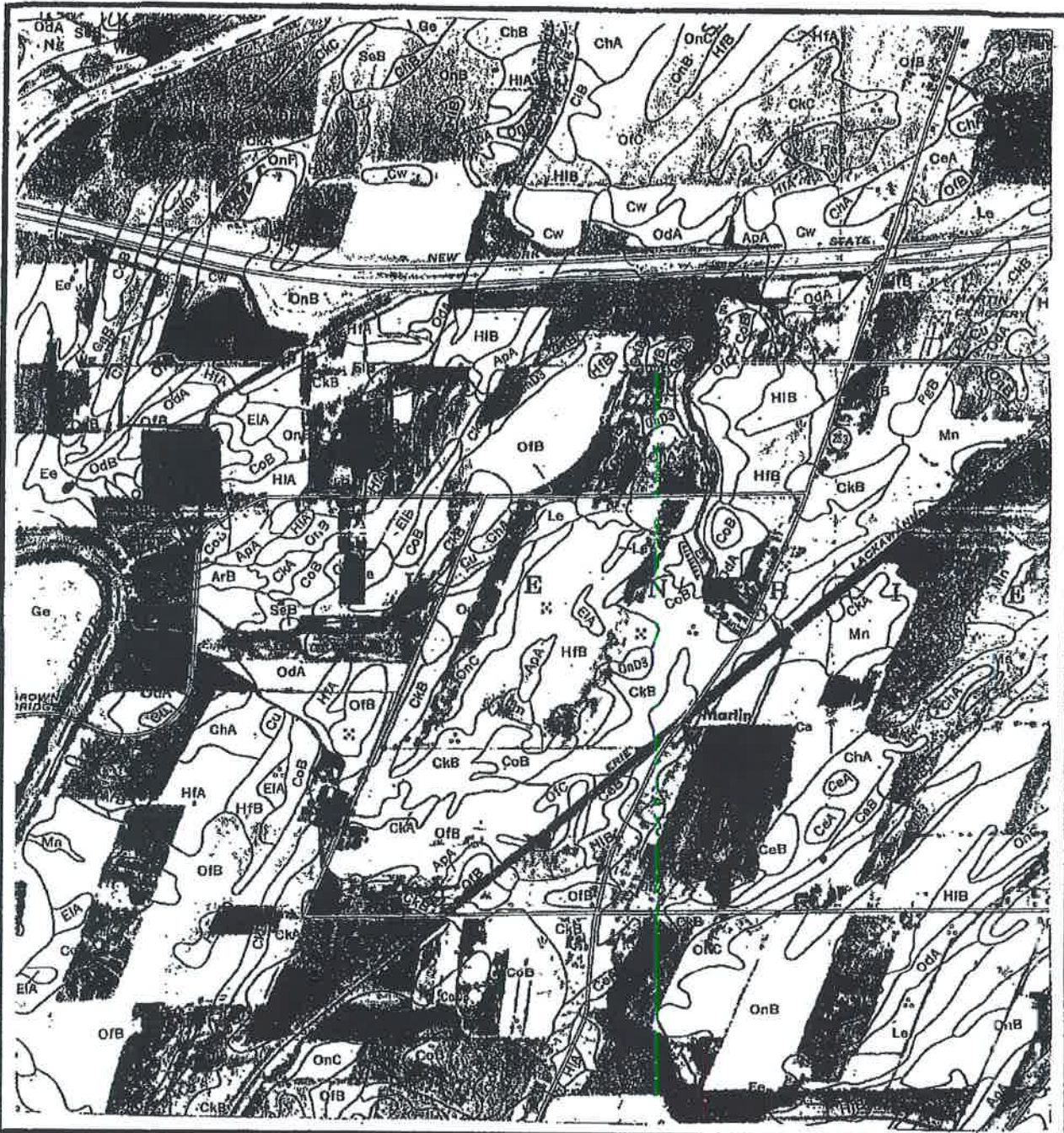
Legend:  Site Boundary
 Base Map: NYS Freshwater Wetlands Map - West Henrietta, New York
 Prepared By: Environmental Resources, LLC

FIGURE 3. STATE WETLANDS



Riverton Parcel A
 D/A Processing No. 2010-01616
 Monroe County, New York
 Quad: West Henrietta
 Sheet 3 of 5





Legend:  Site Boundary
Base Map: Monroe County Soil Survey (USDA, 1973)
Prepared By: Environmental Resources, LLC

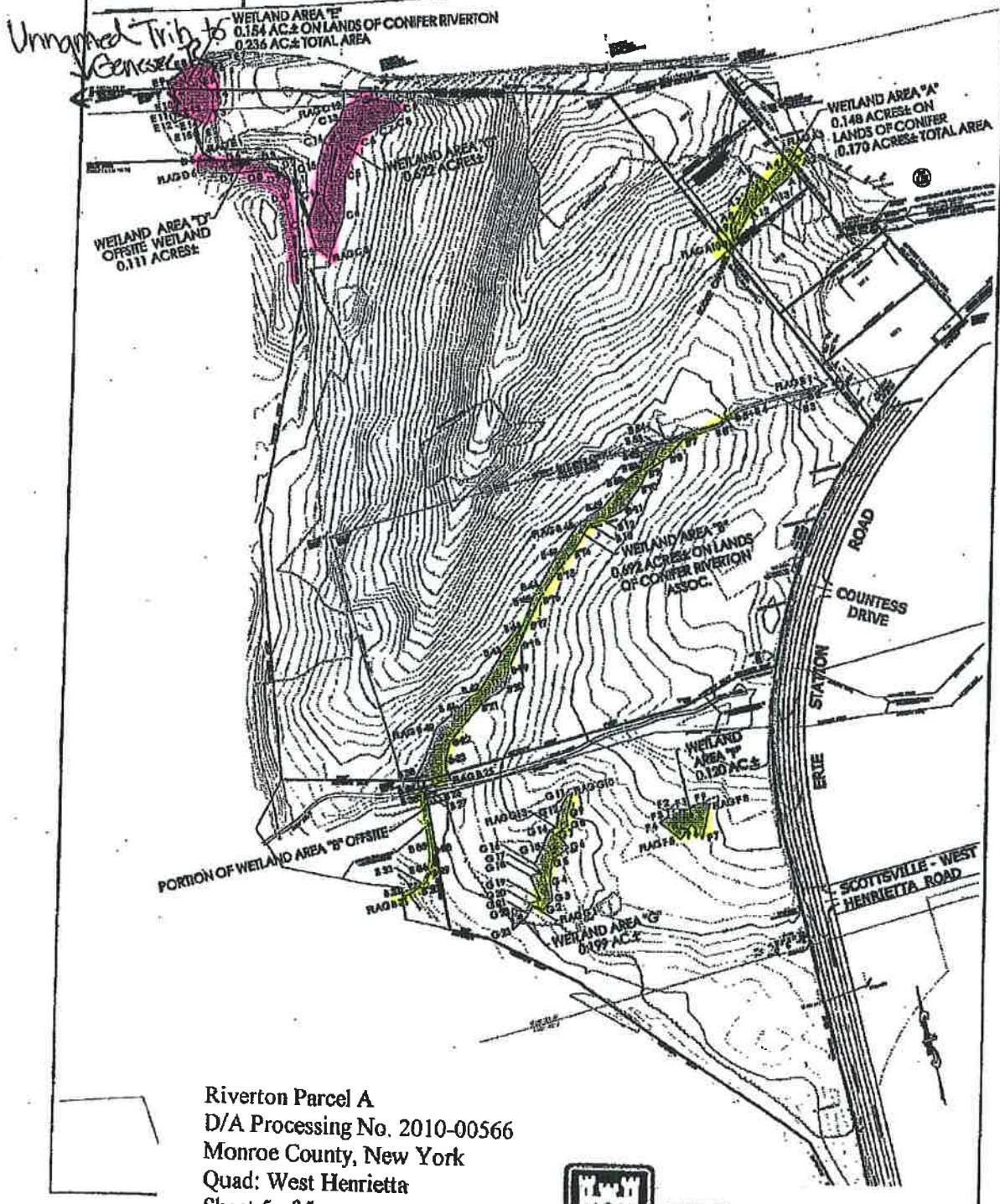
FIGURE 4. SOILS



Riverton Parcel A
D/A Processing No. 2010-01616
Monroe County, New York
Quad: West Henrietta
Sheet 4 of 5



<p>THIS DRAWING IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.</p>							
<p>Revisions</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12.23.17</td> <td>Initial issue of Wetland ID</td> </tr> </tbody> </table>	No.	Date	Description	1	12.23.17	Initial issue of Wetland ID	<p>Passero Associates 225 Albany Ave. Rochester, NY 14620 Phone: (716) 252-1234 Fax: (716) 252-1234 Website: www.passero.com Project Manager: John F. Passero, P.E. Designer: Ed Passero, P.E. Drafted by: D. Zaccaro</p>
No.	Date	Description					
1	12.23.17	Initial issue of Wetland ID					
<p>Client Conifer Realty, LLC 188 East Main St. Rochester, N.Y. 14610</p>	<p>Wetland Location Lands N/F Conifer Riverton Assoc. NW Side of Erie Station Rd. Tract Acct. No. 187,002-02-04,111 Henrietta, Monroe Co., NY</p>						
<p>Project No. 20070531.0002</p>	<p>Drawing No. WS-1</p>						
<p>Sheet No. 1 of 1</p>	<p>Scale: 1" = 200'</p>						
<p>Date: 09.17.10</p>							



Riverton Parcel A
 D/A Processing No. 2010-00566
 Monroe County, New York
 Quad: West Henrietta
 Sheet 5 of 5



APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 1, 2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Riverton Parcel "A", 2010-01616

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Monroe City: Henrietta
Center coordinates of site (lat/long in degree decimal format): Lat. 43.04° N, Long. 77.71° W.
Universal Transverse Mercator:

Name of nearest waterbody: Unnamed Tributary to the Genesee River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Genesee River

Name of watershed or Hydrologic Unit Code (HUC): Southwestern Lake Ontario

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: March 22, 2011

Field Determination. Date(s): November 15, 2010

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 1600 linear feet; 2 width (ft) and/or acres.

Wetlands: Wetland C (0.622), Wetland D (0.111), Wetland E (0.39) acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Wetland A (0.170 acres), Wetland B (0.692 acres) Wetland F (0.120 acres) Wetland G (0.199 acres) have no surface flow or other connections to a water of the United States. I also reviewed aerial photography, soils maps and topographical features. Based on the field and office review, these wetlands were determined to be geographically isolated. Therefore, Wetland A, Wetland B, Wetland F and Wetland G are not jurisdictional.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2 acres

Drainage area: 2 acres

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are 1 (or less) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 1 (or less) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵: The Unnamed Tributary to the Genesee River flows from Wetland C north for approximately 550 Linear Feet then continues to flow north through Wetland D for approximately 250 linear feet and

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

then flows through Wetland E and continues west for approximately 800 linear feet and empties directly into the Genesee River, a navigable waterway.

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 2 feet

Average depth: 2 feet

Average side slopes: 4:1 (or greater).

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: stable.

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Meandering

Tributary gradient (approximate average slope): 1 %

(c) Flow:

Tributary provides for: Intermittent but not seasonal flow

Estimate average number of flow events in review area/year: 6-10

Describe flow regime: Tributary flows during snow melt, wet periods and following rain events.

Other information on duration and volume:

Surface flow is: Discrete and confined. Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: No oily film or other residue was observed in the channel.

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

Riparian corridor. Characteristics (type, average width):

Wetland fringe. Characteristics:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

The channel supports potential breeding habitat for amphibians and throughout the subject parcel there is potential to support bird and small mammal species.

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) **General Wetland Characteristics:**

Properties:

Wetland size: Wetland C (0.622), Wetland D (0.111), Wetland E (0.236) acres

Wetland type. Explain: Scrub-Shrub.

Wetland quality. Explain: The wetlands are of good quality.

Project wetlands cross or serve as state boundaries. Explain: The wetlands don't cross or serve as state boundaries.

(b) **General Flow Relationship with Non-TNW:**

Flow is: Intermittent flow. Explain:

Surface flow is: Discrete and confined

Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

(c) **Wetland Adjacency Determination with Non-TNW:**

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) **Proximity (Relationship) to TNW**

Project wetlands are 1 (or less) river miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from TNW.

Flow is from: Wetland to navigable waters.

Estimate approximate location of wetland as within the 10-20-year floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: No oily film or residue color.

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

On July 2, 2013 site visit there was saturation within the wetlands and these areas are potential breeding habitat for amphibians. Throughout the subject parcel there is potential to support bird and small mammal species.

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: 3

Approximately (0.969) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Y	Wetland C (0.622)		
Y	Wetland D (0.111)		
Y	Wetland E (0.236)		

Summarize overall biological, chemical and physical functions being performed: Wetland C, D and E are Scrub-Shrub Wetlands and they perform some of the following functions A) habitat diversity B) water quality improvements C) and nutrient cycling.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapnos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Drainage:

The Unnamed non-RPW Tributary drains an area that is adjacent to a golf course and primarily scrub-shrub. The water leaving the subject property is moderately free of contaminants.

Wetlands:

Wetland C occur entirely within the boundaries of the project site. Wetland D is located just offsite and Wetland E is partially on site and partially offsite. Wetland C, D and E are characterized as seasonally saturated scrub-shrub wetlands. The November 15, 2010 site visit showed the wetlands in a relatively saturated condition. Flood attenuation/runoff storage, pollutant trapping/water quality, removal of suspended solids, dissolved solids, toxins and retention/treatment of nitrogen and phosphorus, functions are considered to be moderate for the subject wetlands. Wildlife habitat functions are considered to be moderate.

Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?

Moderate appreciable lifecycle support functions, with respect to the Genesee River, are performed by the tributary and adjacent wetlands for this relevant reach. The tributary is not large enough to support fish passage or spawning. There is habitat in the wetlands to support other aquatic species present in the TNW. The wetlands provide habitat for local communities of insects, birds, some amphibians and small mammals and avian species. The avian species which likely use these wetlands could be closely associated with use of the TNW.

Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?

Yes, serve as primary collectors and processors of organic matter and nutrients for downstream waters. The storage and transformation of organic matter is important to these types of systems because it prevents downstream water quality degradation as a result of excess organic matter. It also transforms unusable organic matter (inorganic carbon) into food for aquatic organisms (organic carbon).

CONCLUSION

The Unnamed non-RPW Tributary and its adjacent wetlands were found to influence the chemical, physical, and biological integrity of downstream waters. Based upon the evaluation presented herein, there is a significant nexus between the Unnamed non-RPW Tributary and its adjacent wetlands and the Genesee River. Therefore, the entire reach of the Unnamed non-RPW Tributary and Wetland C, Wetland D and Wetland E are jurisdictional waters of the US.

3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: 1600 linear feet 2 width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

⁸See Footnote # 3.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: _____ acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.
 Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: 0.969 acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain:
 Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: _____ linear feet _____ width (ft).

Other non-wetland waters: _____ acres.

Identify type(s) of waters:

Wetlands: _____ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
 Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
 Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
 Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).

Lakes/ponds: _____ acres.

Other non-wetland waters: _____ acres. List type of aquatic resource: _____

Wetlands: 1.18 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).

Lakes/ponds: _____ acres.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA Jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Other non-wetland waters: acres. List type of aquatic resource;
 Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Wetland Delineation Report submitted by Environmental Resources, LLC.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
 - Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas: Southwestern Lake Ontario.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000, West Henrietta.
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Websoil Survey-Canandaigua and Lyons soils series on site determined to be hydric.
- National wetlands inventory map(s). Cite name: NWI Online Mapper-No NWI wetlands mapped on site.
- State/Local wetland inventory map(s): Environmental Resource Mapper-No NYSDEC wetlands mapped on site.
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Review of Google Earth, Bing maps and NYSGIS Clearinghouse maps.
or Other (Name & Date): Photographs within the Wetland Delineation Report.
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: The contents of this JD form represent the summary of field observations from a site visit conducted on November 15, 2010 and an office review of the data sources listed above. Wetland C, D and E were found to perform several functions including flood attenuation and runoff storage, pollutant trapping, wildlife habitat, and water quality protection, especially helping to protect the downstream waters of the Genesee River and Lake Ontario. Based on the verified hydrological connection to the Genesee River (a TNW) and the ecological services being performed, Wetland C, D and E and the Unnamed non-RPW Tributary to the Genesee River have a significant effect on the physical, chemical, and biological integrity of downstream waters, including Irondequoit Bay (a TNW). The regulation of these areas and those similar to it is vital to the goals and purpose of the Clean Water Act (CWA). Therefore, Wetland C, D and E and the Unnamed Tributary to the Genesee River are jurisdictional waters of the U.S.

None of the 328.3(a)(3)(i-iii) factors are relevant for Wetlands A, B, F and G. These wetlands do not support recreational or other use by interstate travelers, nor do they provide habitat for fish or shellfish. These wetlands are considered to be isolated and not subject to Federal jurisdiction.



100 Meridian Centre Blvd.
Suite 300
Rochester, NY 14618
(585) 787-7000
FAX (585) 787-7007

February 14, 2022

VIA EMAIL

Stephen Schultz
Town Supervisor
Town Board
Town of Henrietta
475 Calkins Road
Henrietta, New York 14467

Re: Riverton Parcel A

Dear Supervisor Schultz:

As you are aware, Evans Fox LLP represents the Applicant, Forest Creek Equity Corp. (“Applicant” or “Forest Creek”), relative to the pending application before the Town Board seeking a Special Use Permit for the proposed 130-lot single-family subdivision at Riverton Parcel A. I write in follow-up to the two (2) issues raised at the Town Board Meeting held on January 26, 2022, being: (a) the production of proof establishing that those certain Wetlands A, B, F and G delineated in the letter issued by the Army Corp. of Engineers, dated July 1, 2011, were filled and/or otherwise eradicated on/or before July 1, 2016; and (b) confirmation of an understanding by and between Forest Creek and the Town relative to the methodology to be used in calculating any applicable mitigation fees established by the East River Road Financing Strategy Summary. This letter and the annexed documents submitted herewith address the foregoing issues, which I understand to be the only issues left outstanding.

Proof of Eradication of Wetlands

By way of background, it is my understanding that the excavation, clearing and fill work necessary to fill and otherwise eradicate Wetlands A, B, F and G at Riverton Parcel A was performed in June 2016 by Cicero-Ranzenbach Excavating, Inc. and B-C Excavating, Inc.. The following records are annexed hereto as competent proof and evidence that said wetlands were filled and/or otherwise eradicated on/or before July 1, 2016:

Exhibit A: A copy of a letter, dated April 21, 2016, from Forest Creek to Christopher Martin authorizing the Town to apply \$10,000.00 of the contingency amount contained in the Canandaigua National Bank & Trust Letter of Credit posted for Queens Park Subdivision as financial surety for the fill work to be performed at Riverton Parcel A.

Exhibit B: A copy of an Invoice issued by Cicero-Ranzenbach Excavating, Inc. to Forest Creek, with supporting work tickets reflecting that excavation, clearing and fill work at Riverton Parcel A was completed in June 2016.

Exhibit C: A copy of the Contract by and between Forest Creek and B-C Excavating, Inc., dated June 3, 2016, and a copy of the Invoice, dated June 21, 2016, with supporting work tickets reflecting that the fill work at Riverton Parcel A was completed in June 2016.

Mitigation Fee

By way of letter, dated January 25, 2022, SRF Associates submitted that the proposed 130- lot single-family subdivision would result in 83 trips in AM and PM peak hours that would travel north and south on East River Rd. and north of Erie Station Rd., thereby resulting in a total mitigation fee of \$66,400.00. Barton & Loguidice thereafter submitted a letter, dated January 26, 2022, indicating that the proposed 130-lot single-family subdivision would result in 179 trips during AM and PM peak hours, resulting in a total mitigation fee of \$143,200.00. I understand that SRF and Barton & Loguidice have subsequently agreed to the methodology utilized by Barton & Loguidice for calculating the number of total trips, thereby agreeing that 179 trips would result if the proposed 130-lot single-family subdivision is approved and constructed. Accordingly, the total resulting mitigation fee pursuant to the East River Road Financing Strategy Summary would be \$143,200.00 if the 130-lot single-family subdivision is approved and constructed. I note that the Stantec Memo, dated November 20, 2018, specifically indicates on Page 9 that the mitigation fee “would be required to be paid prior to issuance of any certificate of occupancy/building permit”. (A copy of the Stantec Memo is annexed hereto as Exhibit D). Accordingly, it is the Applicant’s understanding that the sum of \$1,101.54 ($\$143,200/130=\$1,101.54$) will be required to be paid into the East River Road Intersection Improvement Fund prior to the issuance of each and every certificate of occupancy.

Given the foregoing, it is respectfully submitted that all of the outstanding issues relative to Forest Creek’s pending request for the issuance of a Special Use Permit have been sufficiently and adequately addressed. Accordingly, it is respectfully requested that the Applicant be placed on the Agenda for the Town Board Meeting scheduled for March 9, 2022, for purposes of proceeding with the requested issuance of a Special Use Permit for the proposed 130-lot single-family subdivision at Riverton Parcel A.

As always, I thank you for your consideration of the above and look forward to appearing before the Town Board on March 9, 2022.

Very truly yours,



Jared P. Hirt

CC: Forest Creek Equity, Corp.
Walter Baker
Christopher Martin
Donald Young, Esq.

Exhibit A



FOREST CREEK EQUITY CORP.

April 21, 2016

Town of Henrietta
Engineering Department
Christopher Martin
475 Calkins Road
Henrietta, New York 14467

In Re: Queens Park Subdivision LOC
Riverton Parcel A

Dear Chris,

Please accept this letter as authorization from Forest Creek Equity Corp. (FCEC) for the Town of Henrietta to apply \$10,000.00 of the contingency amount contained in Canandaigua National Bank & Trust Letter of Credit posted for Queens Park Subdivision, as financial surety for limited fill work to be performed by FCEC at four (4) areas of Riverton Parcel A as allowed by NYS DEC.

Should you have any other questions or concerns regarding this transaction please do not hesitate to call.

Very truly yours,
Forest Creek Equity Corp.


Bernard J. Iacovangelo, Pres.

cc. J. Moore, Henrietta
cc. FILE

Exhibit B

CICERO-RANZENBACH EXCAVATING, INC.

Sanitary Grading Trucking Storm Water Main
 2688 Brick Schoolhouse Road, Hilton, N.Y. 14468
 964-5264 392-5198 Fax: 964-5633

Date: 07/25/2016

Location: Henrietta, NY

For: Riverton
Section 3

To: Forest Creek Equity –
Faber Homes

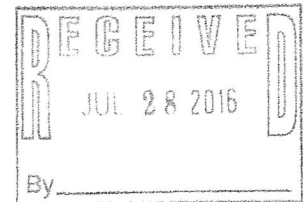
Invoice: 7.25.16

Item	Description	Quantity	unit price	Total
equipment: tickets attached				
1	2626			850.00
2	2627			100.00
3	2628			1680.00
4	2629			2610.00
5	2630			2240.00
6	2631			3440.00
7	2632			2640.00
8	2633			2240.00
9	2634			2400.00
10	2635			2100.00
11	2637			1650.00
Total due:				\$21,950.00
	MJPipe inv. #1508524	12" pipe		7,197.12
	The Duke Co. inv.#1303064	Silt fence		94.50
Total due:				\$29,241.62

PAID TO
 MJI + DUKE

Terms: 2% finance charge per month (24% per year) on balances over 10 days

Please pay upon receipt
Thank you



964-3018

Date 6/19/16

CICERO - RANZENBACH

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABER

Location Renton H

Quantity	Description	Total Time	Price	Amount
	Shovel			
	Bulldozer			
	Backhoe			
	Dump Truck			
	Other			
	<u>LABOR</u>	<u>2</u>	<u>50⁰⁰</u>	<u>100⁰⁰</u>
	<u>UNLOADED PIPE</u>			
	Moving Time			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

21,950

Date 6/15/16

CICERO - RANZENBACH

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABER

Location Renton A

Quantity	Description	Total Time	Price	Amount
	Shovel			
	Bulldozer			
	Backhoe			
	Dump Truck			
	Other			
	Moving Time	<u>3</u>	<u>786</u>	
		<u>100</u>		<u>1000</u>
		<u>300</u>		<u>3000</u>
		<u>3</u>	<u>1500</u>	<u>4500</u>

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

197 6060

Date 6/22/16**CICERO - RANZENBACH**

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABEN

Location

Quantity	Description	Total Time	Price	Amount
1	Shovel	7	140	980
1	Bulldozer	2	140	280
1	Backhoe	7	100	700
	Dump Truck			
1	Other STONE Box	300	300	300
1	LABOR			
	Installed 12" Pipe	7	50 ⁰⁰	350
710	Moving Time	45		2610⁰⁰

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator

Received by

964-3018

197 3020

Date 6/20/16**CICERO - RANZENBACH**

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABEN

Location

Riverford A

Quantity	Description	Total Time	Price	Amount
	Shovel			
1	Bulldozer D-6	7	140 ⁰⁰	980 ⁰⁰
1	Backhoe	2	100	200 ⁰⁰
	Dump Truck			
	Other			
1	LABOR	4	50	200 ⁰⁰
				1380 ⁰⁰
710	Moving Time in	300		300
				1680 ⁰⁰

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator

Received by

964-3018

125 60001

Date Tu 6/24/16

CICERO - RANZENBACH

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABEN

Location Riverton A

Quantity	Description	Total Time	Price	Amount
1	Shovel	8	140	1120
1	Bulldozer	8	140	1120
1	Backhoe	8	100	800
	Dump Truck			
1	Other LABOR	8	50	400
1	STONE BOX			
	Installed 12" Pipe and Graded Fill			
No	Moving Time		3940	

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

125 60001

Date Thurs 6/23/16

CICERO - RANZENBACH

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABEN

Location Riverton A

Quantity	Description	Total Time	Price	Amount
1	Shovel	8	140	1120
1	Bulldozer	8		1120
	Backhoe			
	Dump Truck			
	Other			2240
No	Moving Time			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

1975 60006

Date Tue 6/28/16

CICERO - RANZENBACH

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FAREN

Location Riverton A

Quantity	Description	Total Time	Price	Amount
1	Shovel	8	140	1120
1	Bulldozer	8	140	1120
	Backhoe			
	Dump Truck			
	Other			
	Moving Time			

2240

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

1975 60006

Date Mon 6/29/16

CICERO - RANZENBACH

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer Riverton A

Location FAREN

Quantity	Description	Total Time	Price	Amount
1	Shovel	8	140	1120 ⁰⁰
1	Bulldozer	8	140	1120 ⁰⁰
	Backhoe			
	Dump Truck			
	Other			
2	LABOR INSTALL			
	Silt Fence	4	100	400
	Moving Time			

2640

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

195 6000

Date Thurs 6/30/16

CICERO - RANZENBACH EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABER

Location Riverton A

Quantity	Description	Total Time	Price	Amount
1	Shovel	8	140	1120
1	Bulldozer	7	140	980
	Backhoe			
	Dump Truck			2,100 ⁰⁰
	Other			
	Moving Time			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

195 6000

Date WED 6/29/16

CICERO - RANZENBACH EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABER

Location Riverton A

Quantity	Description	Total Time	Price	Amount
1	Shovel	5	140	700
1	Bulldozer	5	140	700
1	Backhoe	5	100	500
	Dump Truck			
2	Other LABOR	5	100	500
				2,400 ⁰⁰
	Moving Time			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

964-3018

275 2000

Date _____

CICERO - RANZENBACH

EXCAVATING - GRADING

2009 N. Hamlin Road • Hamlin, New York 14464

Customer FABEN

Location River town A

Quantity	Description	Total Time	Price	Amount
1	Shovel OUT			
1	Bulldozer OUT			
1	Backhoe OUT			
	Dump Truck			
	Other			
1	STONE BOX OUT			
1	Low Boy Service	10 ^{hrs}	125 [¢]	1250
	Moving Time PERMIT		100 [¢]	100 [¢]
	ESCORT CAR			300 [¢]
				<u>7650</u>

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS — 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

Exhibit C

Forest Creek Equity Corp.
 3240 Chili Ave
 Rochester, NY 14624

PO #: 207465

Subcontractor Price Quote for Work

Subcontractor name & address:
 B.C. Excavation
 4775 Lyell Rd. 30 Valerie Trail
 Spencerport, NY 14559

Date: 6/1/2016
 Lot: N/A
 Subdivision: Riverton Parcel A
 Cost Code: Tree removal at wetland
 areas

Bill back:

Contact: Lou Brongo
 Phone: (585)370-7986

Detailed Description of work to be performed	Completion Date	Qty	Unit Price	Extended Price
1. Remove and stock pile trees from wetland areas "B", "C", "G", and "F" at Riverton Parcel A. *Tree stockpile location to be coordinated and verified with Rich Battisti.	ASAP	-	T & M	T & M
Grand Total (not to exceed)				T & M

Note: By signing this quote, the subcontractor agrees to the General Conditions outlined on the reverse side of this Price Quote.

WO # noted above must appear on the subcontractor invoice to Forest Creek Equity Corp.

Price Quote submitted by: [Signature]
B.C. Excavating, Inc.
 Legal Name of Subcontractor (print/type)
Louis Brongo
 Signature
16-102104110
 Federal ID# (if subcontractor is not a Corporation)

Accepted and approved by:
[Signature]
 Forest Creek Equity Corp. 6/3/16

(585) 352-4130

Date 6-4-16

14680

B-C EXCAVATING, INC.

LAND CLEARING - EXCAVATING - GRADING
30 Valerie Trail - Spencerport, New York 14559

Customer Faber Forest Creek

Location River-ton Parcel A

Quantity	Description	Total Time	Price	Amount
	Shovel			
	Bulldozer			
	Backhoe			
	Log Truck			
	Clearing			
1	Shear <i>saw</i>	4 ¹ / ₂		
	Chipper			
1	Hydro-Ax	3 ¹ / ₂		
	Grinder			
	Skidder			
	Loader			
	Other			
	Moving Time			
	Mulch			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS - 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by [Signature]

(585) 352-4130

Date 6-3-16

14679

B-C EXCAVATING, INC.

LAND CLEARING - EXCAVATING - GRADING
30 Valerie Trail - Spencerport, New York 14559

Customer Faber Forest Creek

Location River-ton Parcel A

Quantity	Description	Total Time	Price	Amount
	Shovel			
	Bulldozer			
	Backhoe			
	Log Truck			
	Clearing			
1	Shear	2 ¹ / ₂		
	Chipper			
1	Hydro-Ax	2 ¹ / ₂		
	Grinder			
	Skidder			
	Loader			
	Other			
3 ¹ / ₂	Moving Time			
	Mulch			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS - 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by [Signature]

Date 6-5-16

14682

B-C EXCAVATING, INC.
LAND CLEARING - EXCAVATING - GRADING
30 Valerie Trail - Spencerport, New York 14559

Customer Faber Forest Creek

Location _____

Quantity	Description	Total Time	Price	Amount
1	Shovel 320	8		
	Bulldozer			
	Backhoe			
	Log Truck			
	Clearing			
1	Shear Saw	2		
	Chipper			
	Hydro-Ax			
	Grinder			
	Skidder			
	Loader			
	Other			
	Moving Time			
	Mulch			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS - 2% finance charge per month (24% per year) on balances over 30 days.

Operator CB Received by [Signature]

Date 6-5-16

14681

B-C EXCAVATING, INC.
LAND CLEARING - EXCAVATING - GRADING
30 Valerie Trail - Spencerport, New York 14559

Customer Faber Forest Creek

Location _____

Quantity	Description	Total Time	Price	Amount
1	Shovel 320	6		
	Bulldozer			
	Backhoe			
	Log Truck			
	Clearing			
1	Shear Saw	4 1/2		
4	Chipper			
1	Hydro-Ax	4 1/2		
	Grinder			
	Skidder			
	Loader			
1	Other Man x Saw	2		
	Moving Time			
	Mulch			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS - 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by [Signature]

Date 6-9-16

14683

B-C EXCAVATING, INC.
LAND CLEARING - EXCAVATING - GRADING
30 Valerie Trail - Spencerport, New York 14559

Customer Forest Creek

Location _____

Quantity	Description	Total Time	Price	Amount
1	Shovel	1		
	Bulldozer			
	Backhoe			
	Log Truck			
	Clearing			
1	Shear <u>Saw</u>	1H		
	Chipper			
1	Hydro-Ax	1H		
	Grinder			
	Skidder			
	Loader			
	Other			
	Moving Time			
	Mulch			

NOT RESPONSIBLE for any underground damage when work is done by hour - only under contract agreement.

TERMS - 2% finance charge per month (24% per year) on balances over 30 days.

Operator _____ Received by _____

Exhibit D

To:	Chris Martin, P.E. Town of Henrietta, NY	From:	Jon Hartley Rochester, NY
File:	Mem001_East River Cost Share.docx	Date:	November 20, 2018 <i>Revised March 7, 2019</i>

**Reference: East River Road Financing Strategy Summary
Erie Station Road to Jefferson Road**

Introduction

In years past, East River Road (County Road 84), was very rural in character and a mostly 2-lane roadway. Future anticipated economic development will continue to transform the character of this vital corridor which is a key north south link in the overall transportation network. This facility is experiencing increased vehicle traffic, along with bicycle and pedestrian traffic, from the development that is taking place immediately within the corridor, as well as beyond the study area.

The Town of Henrietta, in conjunction with the Monroe County Department of Transportation and RIT, commenced a corridor traffic study in 2015 which was completed in spring 2018. This study defined current and future traffic conditions based on estimated development scenarios. Potential traffic impacts and operational deficiencies were identified over a 20 years time frame in order to assist the Town and County in planning for future roadway improvements as growth and surrounding development occur. The limits of this study included the section of East River Road from Erie Station Road to Jefferson Road which is 3.8 miles in length and includes six (6) major intersections. The analysis focused on the operations at these intersections and any impacts to linear capacity for the roadway segments in between. See Figure 1 on page 2 for the Project limits and Intersection Locations.

Future development scenarios were estimated by the Town in 2016 based on known and projected development. This initial estimate of development was used to predict future traffic volumes which were then combined with existing traffic volumes. The resulting volumes were used to investigate the current configuration and performance of the corridor as well as the future anticipated conditions. From this analysis the corridor traffic study identified future intersection improvements along with estimated opinion of probable costs. These improvements and associated costs are the basis for developing a mitigation approach.

The intersection improvements under the jurisdiction of the New York State Department of Transportation (East River Road at Erie Station Road and Jefferson Road) will be funded by NYSDOT. In addition, the Monroe County Department of Transportation (MCDOT) has identified a capital improvement project within the study limits on East River Road that will include a two-way left turn lane at the north end of the project limits along with a mixture of pavement reconstruction and rehabilitation. The timing of the developer funded improvements will be coordinated with the agency efforts to consolidate projects and minimize disruption to the traveling public. However, significant additional funding will be required to construct the improvements anticipated as a result of projected and likely development.

This memo outlines the steps taken to define a funding mechanism as well as the estimate of equitable infrastructure shares for the private shares.

Reference: East River Road Financing Strategy Summary
 Erle Station Road to Jefferson Road

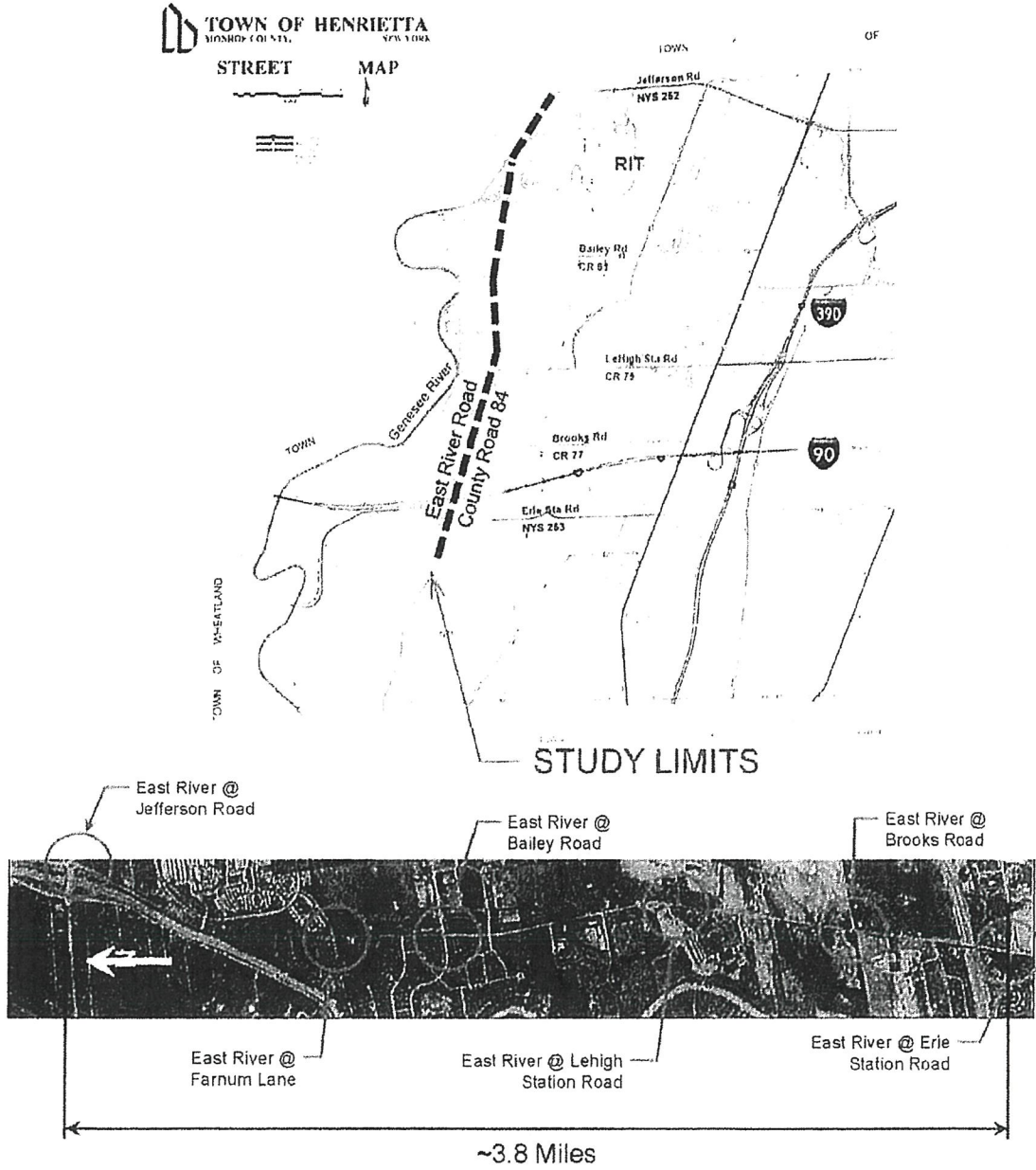


Figure 1 – Project Limits and Intersections



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Reference: East River Road Financing Strategy Summary
Erie Station Road to Jefferson Road

Anticipated Development Summary

The development summary has been updated to reflect any changes since 2016 as well as incorporating projected development. We do not anticipate any significant changes to the magnitude of the identified improvements. A land use trip generation and trip distribution were created for each parcel in order to approximate development trips that would utilize the East River Road corridor. Figure 2 on page 4 is a map of the anticipated development and Table 1 on page 5 is a summary of the anticipated development.

Reference: East River Road Financing Strategy Summary
 Erie Station Road to Jefferson Road

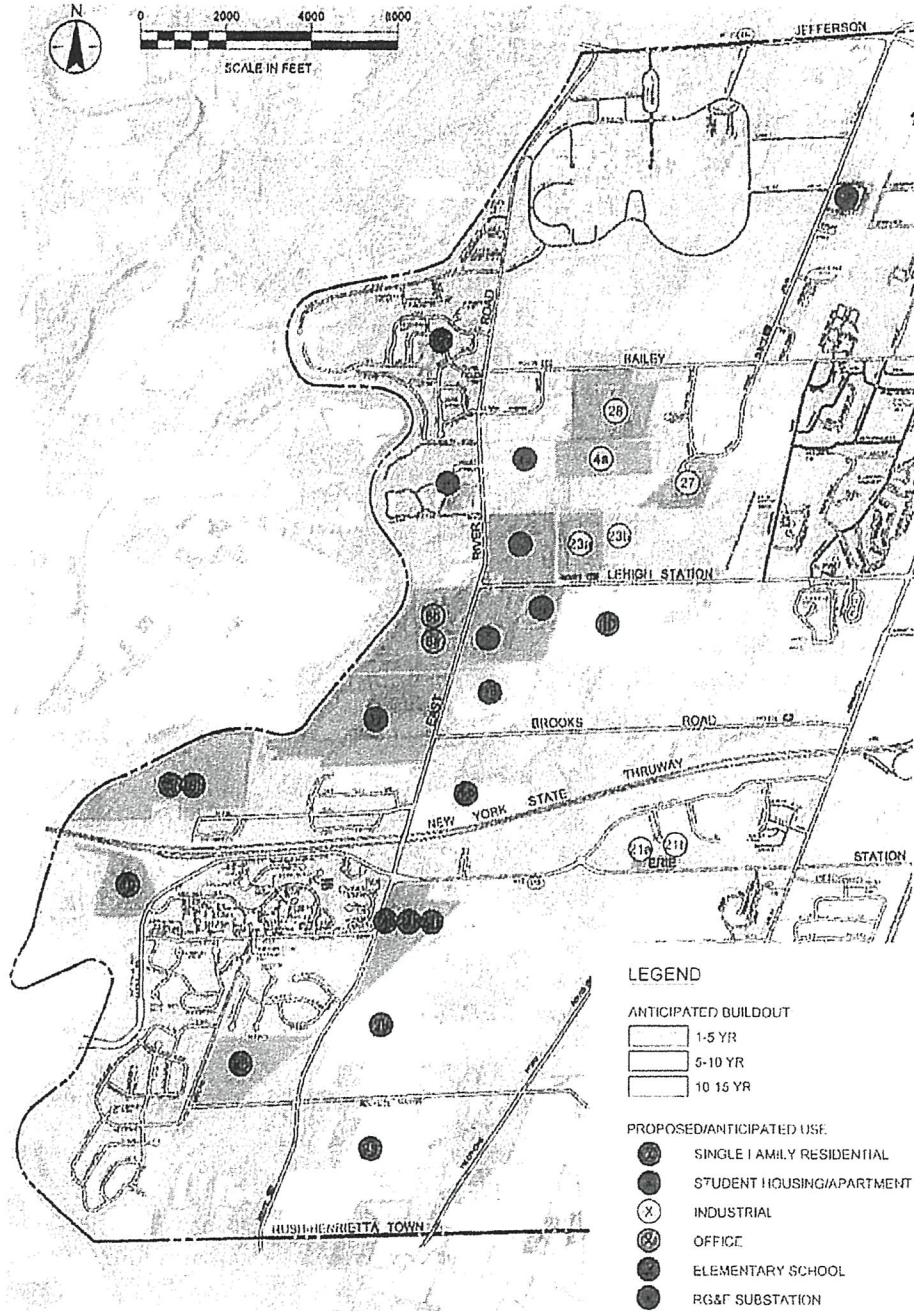


Figure 2 – Map of Development Summary



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East River Road Traffic Review										
Summary of Study Area Development for Cost Share Analysis										
Parcel No.	Town Application No.	Development Phase	Anticipated Build-out	Name	Address	Main Access	Development Summary		Trip Generation	
							Units	Land Use	AM	PM
Short-Term										
3	PB - 221.10	Construction	1-5 Years	Section 10 - Preserve Subdivision	York Bay Trail	East River/Bailey	15	Residential - Single Family	20	19
4a	N/A	Pre-Concept	1-5 Years	Waltman Property	3820/3960 East River Rd	East River Road	150,000	Industrial (SF)	130	148
6	17-005	Construction	1-5 Years	LeHigh Sta/E River Market Rate Apts	LeHigh Station Road	East River/LeHigh	199	Market Rate Apartments	92	115
7	17-005	Construction	1-5 Years	LeHigh Sta/E River 55 & Over Apts	LeHigh Station Road	LeHigh Station Rd	110	55 & Older Senior Apartments	51	64
8a*	17-020	Construction	1-5 Years	Riverwood Tech Campus (Phase 1)	East River Road	East River Road	302299	Office (SF)	0	0
8b*	N/A	Concept	1-5 Years	Riverwood Tech Campus (Phase 2)	East River Road	East River Road	80000	Office (SF)	0	0
12*	N/A	Construction	1-5 Years	Rochester Area Reliability Project	400 East River Road	East River/Brooks	0	RG&E Substation	0	0
15a	PB-305.1	Construction	1-5 Years	Section 1 Foxfield Subdivision	Farrell Road Ext	East River Road	53	Residential - Single Family	40	53
15b	PB-305.2	Concept	1-5 Years	Section 2 Foxfield Subdivision	Farrell Road Ext	East River Road	54	Residential - Single Family	41	54
19	N/A	Concept	1-5 Years	Riverton Parcel 'A' - Phases I-IV	Erie Station Road	Erie Station Road	131	Residential - Single Family	101	134
20	PB-293	Construction	1-5 Years	Section 1&2 - Queens Park Subdivision	Moore and Martin Road	East River Road	125	Residential - Single Family	94	125
21a	16-009	Construction	1-5 Years	Erie Station Business Park (Lot W)	45 Becker Road	Thruway Park Drive	61000	Industrial	50	52
21b	16-009	Construction		Erie Station Business Park (Lot X)	65 Becker Road	Thruway Park Drive	39000	Industrial	32	33
22	18-005	Design	1-5 Years	LeHigh - Heritage Apartments	LeHigh Station Road	LeHigh Station Road	180	Apartments	83	104
23a	PB-314	Construction	1-5 Years	Wiregrass Business Park	Wiregrass Road	John St/LeHigh Station	200000	Industrial Park (SF)	164	170
24a	PB-312.1	Construction	1-5 Years	Section 1 Howlett Acres Subdivision	East River Road	East River Road	32	Residential - Single Family	24	32
24b	PB-312.2	Construction	1-5 Years	Section 2 Howlett Acres Subdivision	East River Road	East River Road	37	Residential - Single Family	28	37
25*	18-016	Design	1-5 Years	Colony Manor Student Housing	John Street	John Street	415	Student Housing Units	0	0
26	18-003	Construction	1-5 Years	Racquet Club Student Housing	Fairwood Drive	Fairwood Drive	81	Student Housing Units	37	47
27	17-008	Construction	1-5 Years	John Street East - Phase II	John Street	John Street	130000	Industrial (SF)	107	111
28	17-014	Construction	1-5 Years	Bailey Rd Clinical Laboratory Building Addition	211 Bailey Road	Bailey Road	40000	Industrial (SF)	37	39
Mid-Term										
4b	N/A	Pre-Concept	5-10 Years	Waltman Property	3820/3960 East River Rd	East River Road	375	Residential - Apartments	163	216
23b	PB-314	Design	5-10 Years	Wiregrass Business Park	Wiregrass Road	John St/LeHigh Station	200,000	Industrial Park (SF)	164	170
24c	PB-312.3	Concept	5-10 Years	Section 3 Howlett Acres Subdivision	East River Road	East River Road	38	Residential - Single Family	29	38
Long-Term										
10	N/A	Concept	10-15 Years	Jaynes Riverview, Parcel F	LeHigh Station Road	LeHigh Station Rd	400	Residential - Single Family	300	430
14*	N/A	Concept	10-15 Years	Rush-Herrietta Future Elementary School	LeHigh Station Road	LeHigh Station Rd	School	Elementary School (Students)	0	0
17	N/A	Concept	10-15 Years	Jaynes Riverview, Parcel N	East River Road	East River Road	7	Residential - Single Family	15	10
29	N/A	Pre-Concept	10-15 Years	Howlett Farms Future Phase II	Martin Road	Martin Road	94	Residential - Single Family	71	94
30	N/A	Pre-Concept	10-15 Years	Howlett Farms Future Phase III	Martin Road	Martin Road/RHTL	142	Residential - Single Family	107	142

(*) Parcels have been excluded from funding mechanism analysis

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Reference: East River Road Financing Strategy Summary
Erie Station Road to Jefferson Road

Intersection Improvement Costs

Intersection improvements required as a result of the calculated cumulative traffic impacts were determined in the April 2018 Corridor Traffic Review Study, and estimated costs of the required improvements to be constructed were calculated in order to mitigate such impacts. Even though the development summary has been updated we do not anticipate any significant changes to the magnitude of the identified improvements. Table 2 below provides the summary of intersection improvement opinion of probable costs by intersection.

Table 2 – Opinion of Probable Costs for Corridor Improvements	
Intersection	Cost
East River Road (CR 84) at:	
Erie Station Road (NYS 253)	NYSDOT Funded
Brooks Road (CR 77)	\$640,000
Lehigh Station Road (CR 79)	\$150,000
Bailey Road (CR 81)/Chesapeake Landing	\$650,000
River Meadow/Farnum Lane (RIT)	\$770,000
Jefferson Road (NYS 252)	NYSDOT Funded
TWLTL: Farnum Lane/River Meadow to Minett Drive (RIT)	County Funded
Total Construction Costs for Improvements to Mitigate Cumulative Traffic Impacts in Study Area =	\$2,210,000



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Reference: East River Road Financing Strategy Summary
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Funding the Costs

Based on the amount of impending development and costs required to mitigate the expected cumulative traffic impacts, a SEQRA based mitigation fee will be collected to fairly and accurately attribute the cost of mitigative improvements to the developments contributing to the cumulative traffic impacts.

In sum, each new development will be required to pay costs for improvements according to each subject development's contribution to the cumulative traffic impacts. The portion of cumulative traffic impacts resulting from a particular development will be calculated by determining a proposed development's estimated total combined number of morning (AM) and afternoon/evening (PM) peak hour trips generated in the Study Area. Trips attributable to future development parcels were established using both the Trip Generation Manual, 10th Edition and estimated trip distributions. The Trip Generation manual provides estimates of the number of trips entering and exiting a site which are generated by a specific land use.

A formula to fairly and accurately attribute such impacts and costs has been developed as follows. Total estimated trips based on hypothetical expected development and resulting trip distributions were developed for the Study Area in coordination with the County. The total number of estimated AM and PM peak hour development trips that are expected to utilize the East River Road corridor is **2,761 trips**. Using the \$2,210,000 total intersection improvement costs from Table 3 yields a cost **per corridor trip of approximately \$800**. Table 3 below provides the basis of the total number of estimated corridor trips, all as based upon hypothetical and expected development.



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Table 3 - East River Road Equitable Share Summary		
Parcel	Name	Trips
Parcel 3	Section 10 - Preserve Subdivision	17
Parcel 4a	Wallman Property	278
Parcel 4b	Wallman Property	228
Parcel 6	Lehigh Sta/E River Market Rate Apartments	104
Parcel 7	Lehigh Sta/E River 55 & Over Apartments	58
Parcel 10	Jaynes Riverview, Parcel F	420
Parcel 15a	Section 1 Foxfield Subdivision	93
Parcel 15b	Section 2 Foxfield Subdivision	95
Parcel 17	Jaynes Riverview, Parcel N	25
Parcel 19	Riverton Parcel 'A' - Phases I-IV	108
Parcel 20	Section 1&2 - Queens Park Subdivision	219
Parcel 21a	Erie Station Buisness Park (Lot W)	28
Parcel 21b	Erie Station Buisness Park (Lot X)	18
Parcel 22	Lehigh - Heritage Apartments	112
Parcel 23a	Wiregrass Buisness Park	118
Parcel 23b	Wiregrass Buisness Park	118
Parcel 24a	Section 1 Howlett Acres Subdivision	56
Parcel 24b	Section 2 Howlett Acres Subdivision	65
Parcel 24c	Section 3 Howlett Acres Subdivision	67
Parcel 26	Racquet Club Student Housing	84
Parcel 27	John Street East - Phase II	83
Parcel 28	Bailey Road Clinical Laboratory Building Addition	29
Parcel 29	Howlett Farms Future Phase II	133
Parcel 30	Howlett Farms Future Phase III	205
	Total	2761

It is understood that each parcel in the Study Area is likely to be developed in a manner that generates slightly more or less trips, or in some cases, significantly more or less trips since no one can claim to predict the future with 100 percent accuracy. However, the above table represents the best order of magnitude that was established in consultation with the Town and County in order to calculate most likely cumulative traffic impacts in the Study Area, and thus it is expected that the total number of trips in the Area is likely to be at or about 2,761 trips, despite the fact that certain parcels may be developed differently than expected.



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In order to reasonably account for the actual development that eventually occurs on a subject parcel (as opposed to the expected trips per the model), the actual cost charged to each parcel to mitigate traffic impacts will be based upon the actual estimated trips of the particular development then proposed (per a developer funded traffic study), multiplied by \$800 per trip. Thus, the East River Road Traffic Corridor Cumulative Traffic Impact Mitigation Fee Formula is as follows:

Mitigation Fee

= [Estimated AM and PM Peak Hour Corridor Based Trips in Study Area of Proposed Development] x \$800.00.

To determine peak hour corridor based trips for a development for the Formula above, the applicant must use the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual and Town/County approved trip distributions. It is the applicant's responsibility to provide this information for the Town's review.

The developer or property owner will contribute the fee, as calculated by the established formula, to the Town of Henrietta. This mitigation fee would be deposited in the East River Road Intersection Improvement Fund. This fee would be required to be paid prior to issuance of any certificate of occupancy / building permit. The Town will consider a phased mitigation plan for payment of said fee, provided ample justification or hardship is shown by the property owner or developer.

The funds within the East River Road Intersection Improvement Fund will be used to fund the intersection improvements identified in the April 2018 Corridor Traffic Review Report. The Town or County, in addition to the available funds then available in this account, could bond the outstanding funds to accelerate the overall project. In this event, the account would then be used to pay down the bonds as they mature.

The Mitigation Fee herein is only expected to address the specific cumulative impacts assessed herein and in the Study. Should any development pose any additional traffic impacts outside of those assessed in the Study (as identified in a project specific traffic study or site specific SEQOR or otherwise), it will be required to address the same.

Stantec Consulting Services Inc.



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**Reference: East River Road Financing Strategy Summary
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A handwritten signature in black ink, appearing to read "Jon Hartley".

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Attachment: Trip Distribution Diagrams

c. C.C.