

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 NOVEMBER 10, 2021 AT 6:00 P.M.

RESOLUTION #23-321/2021 To issue a Negative Declaration and approve Special Use Permit Application No. 2021-060 for Store Master Funding XVI, LLC, to utilize the property at 3861 West Henrietta Road as overflow parking for the Bob Johnson Dealerships.

On Motion of Councilmember Sefranek

Seconded by Councilmember Bolzner

WHEREAS, Store Master Funding XVI, LLC has applied for a Special Use Permit to allow a vehicle storage lot for a dealership (the "Application") to be located in a Commercially Zoned District at 3861 West Henrietta Road, Rochester, New York 14623 (the "Property"), or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, a public hearing was duly advertised and held relative to the same.

THEREFORE, BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act, in accordance with the EAFs Parts 1, 2, and 3, attached hereto and accepted and approved, the Application will not have a significant environmental impact and the Town Board issues a Negative Declaration relative to the Application.

BE IT FURTHER RESOLVED, that the Town Board has considered the Special Use Permit factors, and, based upon the record, including all materials submitted related to such Application, and based upon those reasons discussed at the public meeting related to the same, and so long as compliant with the conditions set forth herein, finds that said Special Use Permit factors favor approval of the application.

BE IT FURTHER RESOLVED, that the Town Board thus approves the Application, subject to the following conditions:

1. The use shall remain compliant with all applicable Federal, State, and Local Laws;
2. The vehicles may be stored only on those portions of the property specifically indicated on the drawings associated with and approved via the Application;
3. Pursuant to the Town Code at Chapter 295, the storage lot may only be utilized for storing new vehicles to be offered for sale through the Bob Johnson Dealership in the Town of Henrietta; and
4. Pursuant to the Town Code at Chapter 295, there is to be no customer activity and no sales activity taking place on the storage lot.

Duly put to a vote:

Councilmember Barley	voting	Aye
Councilmember Stafford	voting	Aye
Councilmember Sefranek	voting	Aye
Councilmember Bolzner	voting	Aye
Supervisor Schultz	voting	Aye

Carried

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.


Part 1 – Project and Sponsor Information				
Bob Johnson Overflow Lot				
Name of Action or Project: Bob Johnson Overflow Lot				
Project Location (describe, and attach a location map): 3861 West Henrietta Rd, Henrietta, NY				
Brief Description of Proposed Action: The project propose the use of an existing abandon restaurant parking facility for overflow parking for a car dealership.				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO: q		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ .81 acres		
b. Total acreage to be physically disturbed?		_____ 0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.81 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

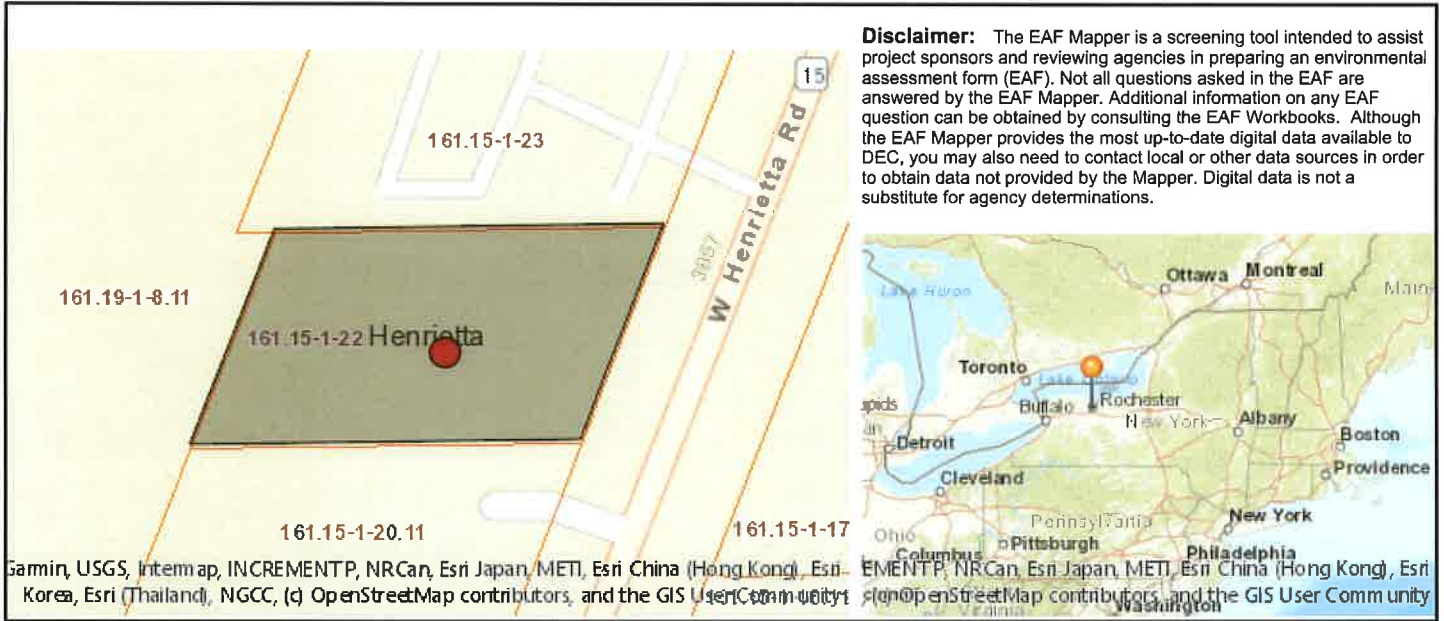
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. 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? b. 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Asbestos, which is being abated as part of the demolition		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Matthew Newcomb</u> Date: <u>10/7/21</u>		
Signature: <u></u> Title: <u>Project Manager</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Project: SUP 2021-060

Date: October 25, 2021

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

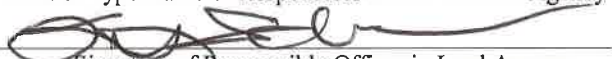
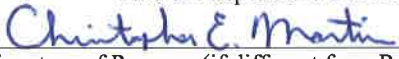
Project: SUP 2021-060

Date: October 25, 2021

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

For the support documentation for Part 2, see the attached "EAF Part 3 for the Bob Johnson Overflow Lot, 3861 West Henrietta Road" Special Permit supplement dated October 25, 2021.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Henrietta Town Board	November 10, 2021
Name of Lead Agency	Date
Stephen L. Schultz	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

**EAF Part 3 for Bob Johnson Overflow Parking Lot
3861 West Henrietta Road
Tax Account No. 161.15-1-22**

October 25, 2021

In addition to the narrative below, this EAF Part 2 hereby incorporates the following, which is made a part of this Part 3 reasoned elaboration;

- a. Town Board Special Use Permit Application SP-2021-060 for the Bob Johnson Overflow Parking Lot, prepared by Store Master Funding XVI, LLC and Passero Associates, PC, dated October 8 2021;
- b. Short Environmental Assessment Form, Part 1, prepared by Passero Associates, PC, dated October 7, 2021;
- c. Site Plan for 3861 West Henrietta Road, prepared by Passero Associates, PC, dated October, 2021;

1. Material Conflict with Adopted Land Use Plan or Zoning

The property is zoned Commercial, B-1, and car dealerships and overflow parking lots are a permitted use in this district as long as a special use permit is obtained from the Henrietta Town Board. Since there are already numerous car dealerships and overflow parking areas located along West Henrietta Road in the vicinity of this project, the proposal for an overflow parking lot is not expected to have a significant adverse impact.

2. Change in Use or Intensity of the Use of Land

The parcel is currently a vacant building and parking lot surrounded by commercial land uses, so the proposal to add a car overflow parking lot is not expected to have a significant adverse impact.

3. Impairment of the Character or Quality of the Existing Community

There are currently existing commercial uses within the vicinity of 3861 West Henrietta Road. Also, the area is surrounded by other car dealerships. As a result, the proposal to add a car parking area is not expected to have a significant adverse impact.

4. Impact on Critical Environmental Areas

No impact; there are no CEA's located within or adjacent to the site.

5. Impact on Transportation

Small impact. The parking lot will be an overflow lot for new and or used vehicles and should not impact the adjacent highway system.

6. Impacts on Energy

No impact; no buildings are proposed for this development.

7. Impact on Existing Water Supplies and Wastewater Treatment Facilities

No impact; no buildings are proposed for this development.

8. Impact on Historic And Archeological Resources

Small impact; even though the proposed parking lot is located within an archeo-sensitive area, the site has already been previously developed.

9. Impact on Natural Resources

No impact; there are no scenic or aesthetic resources in the vicinity of the site.

10. Impact on Erosion, Flooding or Drainage

Small impact. The proposed site work for the parking lot has the potential to create turbidity and sediment in the adjacent water bodies if the proper erosion control devices are not implemented or maintained. The grading plan shall use a stabilized construction entrance, silt fence, and other erosion control devices to control site erosion. Also, site inspections will be performed until the site is stabilized to ensure that erosion is not leaving the site.

The site is not located within a floodplain so there should be no issue with flooding.

The existing storm sewer system will control the drainage on the site so there should be no impact on the adjacent drainage system.

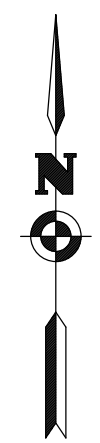
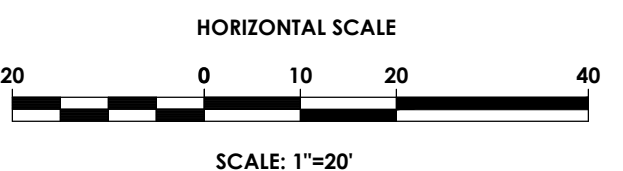
11. Impact on Human Health

No impact.



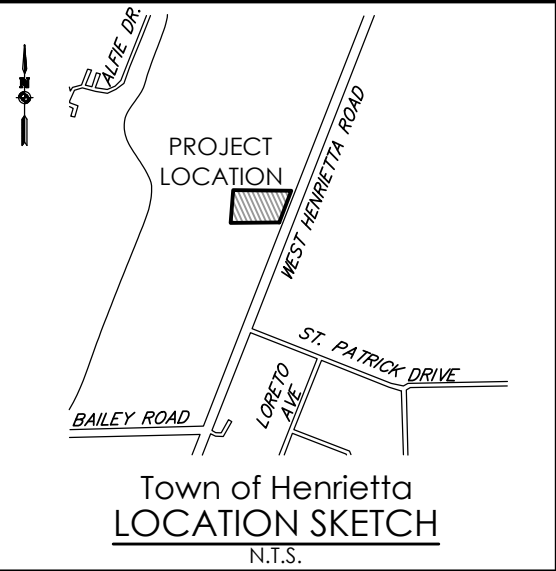
LEGEND - SITE:

- PROPERTY BOUNDARY
- RIGHT OF WAY
- EXISTING CENTER LINE ROAD
- SETBACK
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- EXISTING BUILDING
- PROPOSED BUILDING
- PROPOSED PARKING COUNT
- PROPOSED CONCRETE
- PROPOSED ACCESS RAMP
- PROPOSED PAVEMENT STRIPING
- PROPOSED CURB
- PROPOSED SIGN



SITE DATA

1. TAX ACCOUNT NUMBER: 161.150-0001-022
2. PARCEL ADDRESS: 3861 WEST HENRIETTA ROAD, HENRIETTA, NY 14623
3. TOTAL PARCEL AREA: 0.81 ACRES
4. EXISTING ZONING: B-1 COMMERCIAL
PROPOSED ZONING: B-1 COMMERCIAL
5. EXISTING USE: RESTAURANT
PROPOSED USE: OVERFLOW PARKING*
*REQUIRES SPECIAL USE PERMIT



Client:
STORE MASTER FUNDING XVI LLC
JOHN LOVE
 585-359-2200

PASSERO ASSOCIATES
 242 West Main Street Suite 100 (585) 325-1000
 Rochester, New York 14614 Fax: (585) 325-1691
 Principal-in-Charge Jess Sudol, PE
 Project Manager David Cox, PE
 Designed by Ryan Igoe, EIT

Revisions			
No.	Date	By	Description
1			

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SITE PLAN
3861 W. HENRIETTA RD.

Town/City: HENRIETTA
 County: MONROE State: NEW YORK

Project No. **20213244**

Drawing No. C 102	Sheet No. 2
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Scale: **1" = 20'**

Date **OCTOBER 2021**

NOT FOR CONSTRUCTION

Y:\PROJECTS-NEW\2021\20213244\20213244.0001\01_CAD_BIM_MODELS\CIVIL\3861 W.HENRIETTA - SITE.DWG 10/8/2021 10:42 AM Ryan Igoe