

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

RESOLUTION #10-170/2022 To issue a Negative Declaration and approve Special Use Permit Application No. 2022-014 for BJ's Restaurants, Inc. for a new restaurant at 760 Jefferson Road.

On Motion of  
Supervisor Schultz

Seconded by  
Councilmember Page

WHEREAS, BJ's Restaurants, Inc. has applied for a Special Use Permit for a restaurant (the "Application") to be located in an Industrial District at 760 Jefferson 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; and

BE IT FURTHER RESOLVED, that the Town Board thus approves the Application such that a Special Use Permit for a Restaurant is approved, as follows:

1. For Sit Down Meal Service,
2. For Take-Out Meal Service,
3. For Outdoor Seating, and
4. For Alcohol to be Sold; and

BE IT FURTHER RESOLVED, that such approval is subject to the following conditions:

1. Easements / other agreements providing for sufficient parking for the Restaurant are provided and acceptable to the Town; and
2. Easements / other agreements providing for sufficient access to the Restaurant across adjacent parcels are provided and acceptable to the Town.
3. That, given existing easements/agreements relative to the site, the site plan be developed such that either (1) the building floor plan is less than 7,000 SF; or (2) in the event the building floor plan is greater than 7,000 SF, the submission to the Town in a form acceptable to the Town Attorney of a signed reciprocal easement/operation agreement from Home Depot allowing for the larger proposed building.

Duly put to a vote:

Councilmember Sefranek	Aye
Councilmember Bolzner	Aye
Councilmember Page	Aye
Councilmember Bellanca	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
BJ's Restaurant			
Name of Action or Project: 760 Jefferson Rd			
Project Location (describe, and attach a location map): Northeast of the intersection of W Jefferson Rd and Marketplace Dr. Currently a closed Macaroni Grill building.			
Brief Description of Proposed Action: Proposed new freestanding BJ's Restaurant building with associated site work.			
Name of Applicant or Sponsor: Mark Fernandez		Telephone: g [REDACTED]	
		E-Mail: [REDACTED]	
Address: 5847 Brace Rd			
City/PO: Loomis		State: CA	Zip Code: 95650
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 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 type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.28 acres	
b. Total acreage to be physically disturbed?		0.80 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.28 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" 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?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
_____		
Stormwater from the proposed redevelopment mimics existing drainage paths and flows to an existing stormwater management system.		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<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?	NO	YES
If Yes, describe: _____	<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?	NO	YES
If Yes, describe: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
On the opposite side of Jefferson Road are three remediation sites. Site Code V00126, a voluntary cleanup program, Site Code C828148 a Brownfield Cleanup Program and Site Code 828077 a state superfund program.		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Jared Taylor</u> Date: <u>4/7/2022</u>		
Signature:  Title: <u>Applicant</u>		

Project: SUP 2022-014

Date: May 9, 2022

## *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 2022-014

Date: May 9, 2022

### **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 BJ's Restaurant, 760 Jefferson Road" Special Permit supplement dated May 9, 2022.

- 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.
- 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

Name of Lead Agency

5/12/2022

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)

**EAF Part 3 for BJ's Restaurant  
760 Jefferson Road  
Tax Account No. 162.05-1-3.3**

**May 9, 2022**

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-2022-014 for the BJ's Restaurant, prepared by BJ's Restaurant, Inc., dated March 8, 2022;
- b. Short Environmental Assessment Form, Part 1, prepared by BJ's Restaurant, Inc., dated April 7, 2022;
- c. Site Plan for BJ's Restaurant and Brewhouse, prepared by Bohler Site Civil and Consulting Engineers, dated January 26, 2022.

**1. Material Conflict with Adopted Land Use Plan or Zoning**

The property is zoned Industrial, and restaurants 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 restaurants located along Jefferson Road in the vicinity of this project, the proposal for a new restaurant 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 restaurant building so the new restaurant 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 760 Jefferson Road. Also, the area is surrounded by other restaurants and retail uses. As a result, the proposal to add a restaurant 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 proposed restaurant is replacing an existing restaurant so the traffic impact should be the same.

**6. Impacts on Energy**

No impact; the proposed restaurant is replacing an existing restaurant so the energy impact should be the same.

**7. Impact on Existing Water Supplies and Wastewater Treatment Facilities**

No impact; the water and sanitary sewer system in this area is more than adequate to handle the demands from this restaurant.

**8. Impact on Historic And Archeological Resources**

No impact; the restaurant is not located within an archeo-sensitive area.

**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 restaurant 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.