

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 OCTOBER 26, 2022 AT 6:00 P.M.

RESOLUTION #24-320/2022 To issue a Negative Declaration for Floor & Decor Outlets of America, Inc.

On Motion of Councilmember Bolzner

Seconded by Supervisor Schultz

WHEREAS, the Town of Henrietta received an application (the "Application") from Floor & Decor Outlets of America, Inc. (the "Applicant"), who is planning the development of the property known as Floor and Decor, in a Commercial B-1 Zoned District with a Mixed-Use Redevelopment Area Overlay District, on an existing 6.74 +/- acre parcel being part of Tax Account No. 161.12-1-1.11/B (the "Property"), and which Application seeks approval of a Special Use Permit to construct said retail store with a height of 36 feet whereas Town Code only permits a height of 30 feet (the "Project"); and

WHEREAS, the Town Board has carefully reviewed and considered all documentary, testimonial, and other evidence presented to the Town Board prior to, at, and subsequent to a Public Hearing held on the Application on October 26, 2022, together with input from Town staff, and other advisory boards and other agencies; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, and the Town Board having carefully considered and taken a hard look at all potential environmental impacts of the Project; 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 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 in the record, and in Part 3 of the EAF, including in the attachment thereto.

BE IT FURTHER RESOLVED, that the Town Board hereby approves Part 3 of the EAF, including the narrative attached thereto, 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 significant adverse environmental impacts.

BE IT FURTHER RESOLVED, that the Town Board 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 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.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Floor & Decor Henrietta			
Project Location (describe, and attach a location map): 20 Miracle Mile Drive - Section 161.12, Block 1, Lot 1.1/B			
Brief Description of Proposed Action: Floor and Decor Outlets of America, Inc. ("Floor & Decor") is the prospective tenant of a portion of the Marketplace Mall. Floor & Decor proposes to demolish the existing Macy's and construct, in its place, an approximately 65,136 square foot freestanding Floor & Decor retail store. The proposed new building will be located generally within the same footprint as the existing Macy's, with certain bump-outs for loading and other building features. Access to the facility will be similar to the old Macy's circulation around Miracle Mile Drive and the surrounding access driveways. New utilities are proposed as well as signage, stormwater management systems, site lighting and landscaping.			
Name of Applicant or Sponsor: Zachary Chaplin, PE - Stonefield Engineering and Design		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 854 Broadway Suite 310			
City/PO: New York		State: NY	Zip Code: 10012
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: See footnotes below			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		6.74 acres	
b. Total acreage to be physically disturbed?		3.94 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.74 acres (property acreage for the development lease area)	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" 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			

#2:
 -Town of Henrietta: Engineering & Planning Department Approval and Planning Board Approval
 -Town of Henrietta: Town Board Approval of Special Use Permit
 -Town of Henrietta: Zoning Board of Appeals Approval for Signage
 -New York State Department of Environmental Conservation (NYSDEC): State Pollutant Discharge Elimination System (SPDES) Permit

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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<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 <input checked="" type="checkbox"/>	YES <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 <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 type="checkbox"/>	YES <input type="checkbox"/> <input checked="" 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 type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

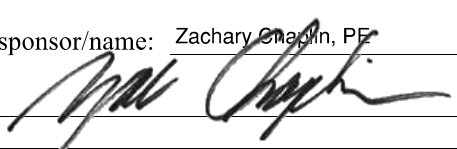
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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:		

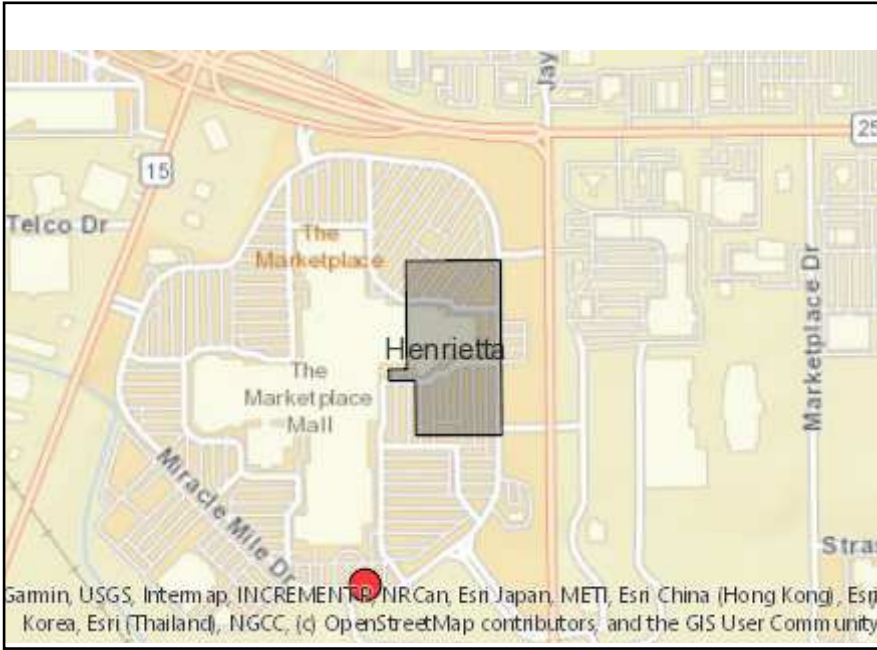
Stormwater runoff will be collected and conveyed to the existing stormwater management system on site		

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"/>

After reviewing the NYS DEC Info Mapper, the nearest remediation site is located approximately 2,000 feet away from the project area. Therefore, it is believed that this site will not effect the projects redevelopment		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Zachary Onaglin, PE</u> Date: <u>September 21, 2022</u>		
Signature:  Title: <u>Project Manager</u>		



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.



Gamin, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Project: SUP 2022-044

Date: October 20, 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?”

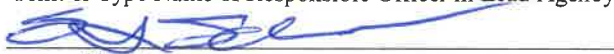
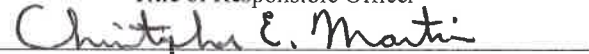
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity 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 2022-044
Date:	October 20, 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 the Floor and Decor Outlets, 20 Miracle Mile Drive" Special Permit supplement dated October 20, 2022.

<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	October 26, 2022
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 Floor and Décor Outlets
20 Miracle Mile Drive
Tax Account No. 161.12-1-1.11B**

October 20, 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-2022-044 for the Floor and Décor Outlets, prepared by Floor and Décor Outlets of America, Inc., dated September 23, 2022;
- b. Short Environmental Assessment Form, Part 1, prepared by Stonefield Engineering and Design, dated September 21, 2022;
- c. Site Plan for Floor and Decor, prepared by Stonefield Engineering and Design, dated September 21, 2022;
- d. Building Elevations for Floor and Décor, prepared by SBLM Architects, dated September 16, 2022.

1. Material Conflict with Adopted Land Use Plan or Zoning

The property is zoned Commercial, B-1, and retail stores are a permitted use in this district. Since there are already numerous retail and shopping centers located along Jefferson Road and West Henrietta Road in the vicinity of this project that are taller than the proposed thirty-six foot retail store, the new building 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 retail building so the new retail 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 Marketplace Mall and the Jefferson Road corridor. Also, the area is surrounded by other buildings within the Marketplace Mall area that are much taller than the proposed thirty-six-foot-high one story building. As a result, the proposal to tear down an existing building and install a new retail building 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

No impact; the proposed retail store is replacing an existing retail store so the traffic impact should be minimal.

6. Impacts on Energy

No impact; the proposed retail building is replacing an existing retail building so the energy impact should be similar.

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 retail building.

8. Impact on Historic And Archeological Resources

No impact; the retail building is located within an archeo-sensitive area, but this area has been previously disturbed when the previous building was constructed.

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 retail building 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.

A portion of the site is located within a floodplain but since the building is being built on the same building pad as the existing Macy's Building 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.