

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 JUNE 28, 2023 AT 6:00 P.M.

RESOLUTION #14-240/2023 To issue a Negative Declaration and approve Special Use Permit No. 2023-029 for a truck parking lot on Cook Drive.

On Motion of Councilmember Sefranek

Seconded by Supervisor Schultz

WHEREAS, Andrew Vieira of GreenTech has applied for a Special Use Permit, Application No. 2023-029, to allow truck parking on a parcel without an associated industrial building on that parcel, (the "Application") to be located in an Industrial District with a Mixed-Use Employment Center Overlay District, on Cook Drive, 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 EAF 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 Applications.

BE IT FURTHER RESOLVED, that the Town Board has considered the Special Use Permit factors for Application No. 2023-029 to allow truck parking on a parcel without an associated industrial building on that parcel, in an Industrial District with a Mixed-Use Employment Center Overlay District, 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.

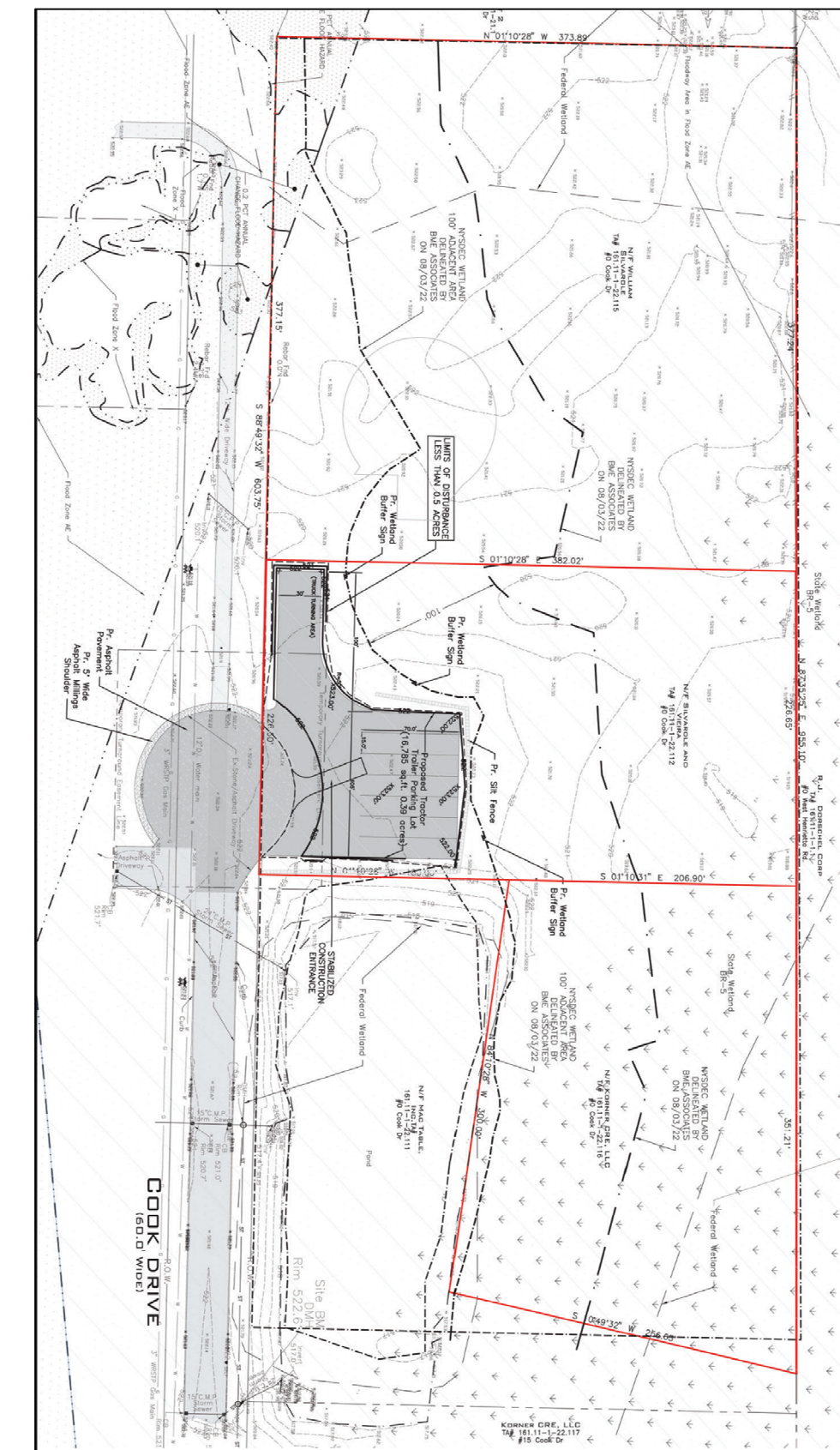
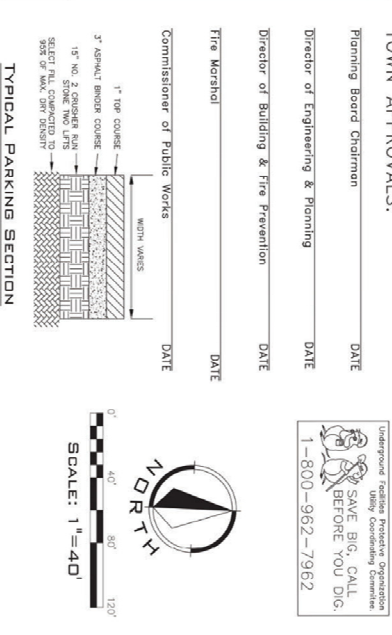
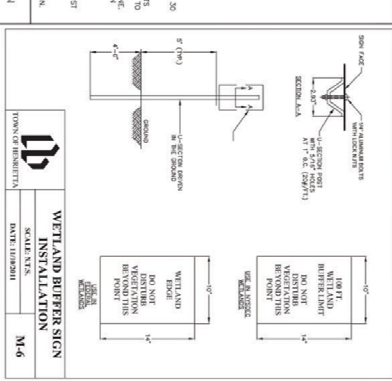
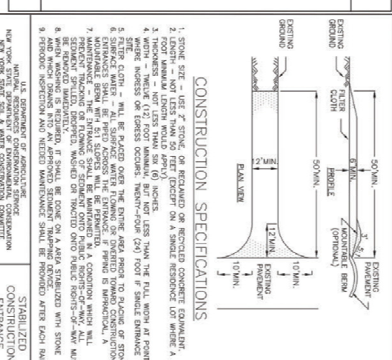
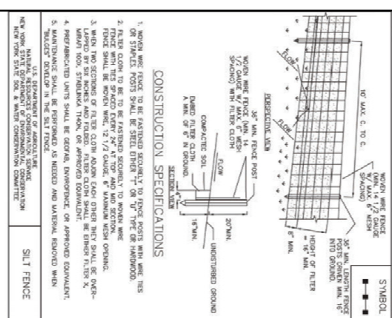
BE IT FURTHER RESOLVED, that the Town Board approves Special Use Permit Application No. 2023-029 to allow truck parking on a parcel without an associated industrial building on that parcel in an Industrial District with a Mixed-Use Employment Center Overlay District, subject to the following conditions:

1. No structures or pavement may extend into wetlands or floodway areas.
2. No additional structures may be built and no paved areas (whether stone, asphalt, or other materials) may be extended or added without first obtaining site plan approval for the same.
3. The use permitted by way of this Special Use Permit Application No. 2019-029 is limited to the specific area indicated on the associated application, and as outlined on the attached Special Use Permit Site Plan prepared by Landtech Surveying and Planning PLLC.
4. The applicant shall provide a permanent turnaround easement at the limits indicated on the attached Special Use Permit Site Plan prepared by Landtech Surveying and Planning PLLC.

Duly put to a vote:

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

RESOLUTION ADOPTED



COOK DRIVE
PART OF TOWN LOT 6, FIFTH RANGE,
TOWNSHIP 12, RANGE 7
TOWN OF HENRIETTA, MONROE COUNTY
STATE OF NEW YORK

SPECIAL USE PERMIT SITE PLAN

PROJECT NUMBER: 22009

DATE: 05/24/23
DRAWN BY: JWH
CHECKED BY: JHS

SCALE: 1" = 40'

REVISIONS

DATE **NAME**

STATE OF NEW YORK
LAND SURVEYING & PLANNING P.L.L.C.

1105 RIDGEWAY AVE • ROCHESTER, NY • 14615
PHONE (585) 442-9902 • INFO@LANDTECHNY.COM

TOWN APPROVALS:

Planning Board Chairman _____ DATE _____

Director of Engineering & Planning _____ DATE _____

Director of Building & Fire Prevention _____ DATE _____

Fire Marshal _____ DATE _____

Commissioner of Public Works _____ DATE _____

UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION
SAVE BIG, CALL BEFORE YOU DIG.
1-800-962-7962

Short Environmental Assessment Form Part 1 - Project Information

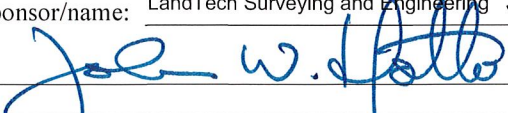
Instructions for Completing

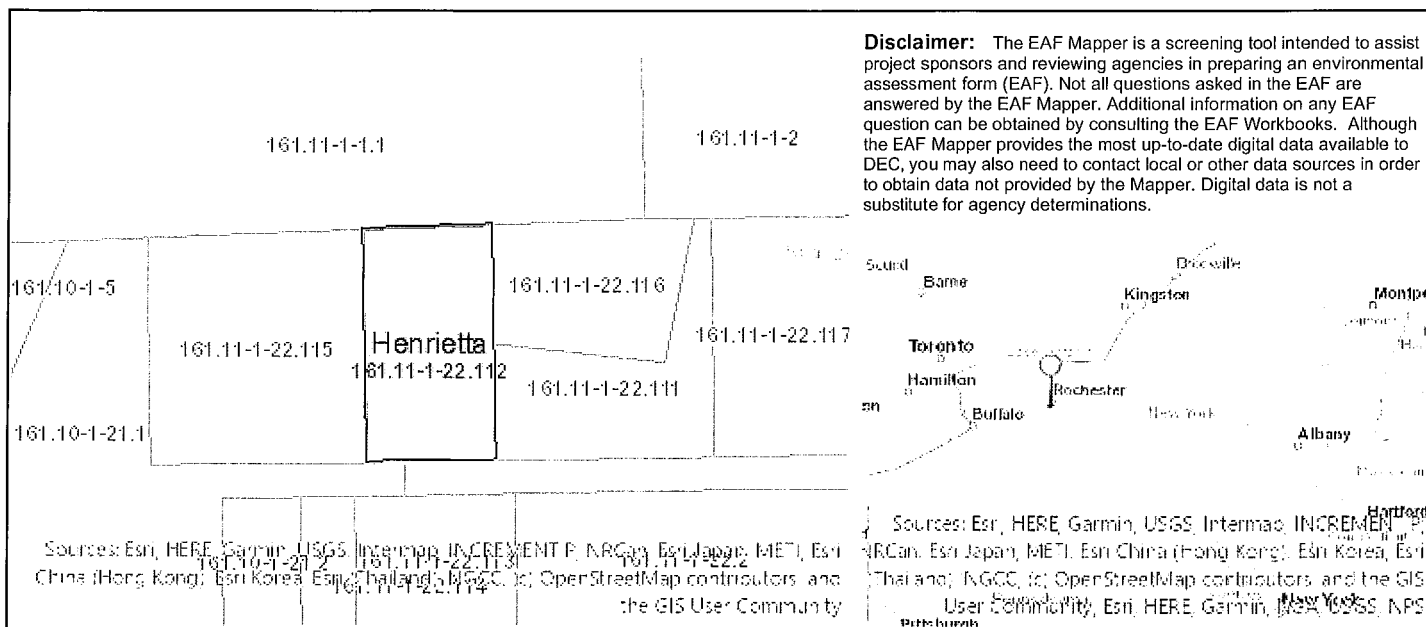
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Application for a Special Use Permit to construct a 7 space tractor-trailer parking area off of Cook Drive, Henrietta, New York			
Project Location (describe, and attach a location map): 0 Cook Drive, Henrietta, New York			
Brief Description of Proposed Action: the proposed project entails the construction of a parking area for 7 tractor-trailer vehicles off of a cul-de-sac within the Cook Drive right-of-way, with an on-site tractor-trailer turning area.			
Name of Applicant or Sponsor: LandTech Surveying and Engineering John W. Hotto		Telephone: ██████████	
		E-Mail: hotto@landtechny.com	
Address: 1105 Ridgeway Avenue			
City/PO: Rochester		State: New York	Zip Code: 14615
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: Henrietta Town Board-Special Use Permit Henrietta Planning Board-Site Plan Approvals			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.0+- acres			
b. Total acreage to be physically disturbed? _____ 0.46+- acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 5.27+- 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 checked="" 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 checked="" type="checkbox"/>	<input 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	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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: No buildings to be constructed. Strictly a parking area. _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	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)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
To adjacent grassland areas and nearby stormwater catch basins and management basins.		
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"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>LandTech Surveying and Engineering John W. Hotto</u> Date: <u>June 1, 2023</u></p> <p>Signature: <u></u> Title: <u>project engineer</u></p>		



- 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: Green Tech Truck Parking

Date: June 23, 2023

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?”


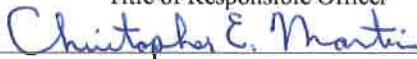
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity 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 type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **Green Tech Truck Park.**
 Date: **June 23, 2023**

**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 Green Tech Truck Parking" Special Permit supplement dated June 23, 2023.

<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	June 28, 2023
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 Green Tech Truck Parking
Cook Drive
Tax Account No. 161.11-1-22.112**

June 23, 2023

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 SUP 2023-029 for Parking Trucks in a Vacant Lot in an Industrial Zoned District, prepared by Green Tech and LandTech Surveying & Planning, PLLC, dated May 24, 2023;
- b. Short Environmental Assessment Form, Part 1, prepared by LandTech Surveying & Planning, PLLC, dated June 1, 2023;
- c. Special Use Permit Site Plan for Cook Drive, prepared by LandTech Surveying & Planning, PLLC, dated May 24, 2023.

1. Material Conflict with Adopted Land Use Plan or Zoning

The property is zoned Industrial and is located within a Mixed-Use Employment Overlay district. A truck parking lot is a permitted use in this district as long as the applicant obtains a special use permit from the Town Board. This area of Town is also heavily industrial with many trucks utilizing Commerce Drive, Transport Drive, and Cook Drive.

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

The parcel is currently vacant but there are trucking facilities located in close proximity to the site.

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

There are currently existing industrial and commercial uses along Commerce Drive, Cook Drive, and Transport Drive including several truck parking lots. Therefore, the proposed truck parking lot for seven trucks 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 truck parking area only has space for seven trucks so the traffic impact should be minimal.

6. Impacts on Energy

No impact; this project will not create any energy needs.

7. Impact on Existing Water Supplies and Wastewater Treatment Facilities

No impact; this project will not create any water or wastewater.

8. Impact on Historic And Archeological Resources

The proposed truck parking lot is located within a designated archeologically sensitive area, and before any construction activity can take place within the project site, it will have to be approved by the Office of the New York State Parks, Recreation, and Historic Preservation (OPRHP)

9. Impact on Natural Resources

Moderate impact; there are no scenic or aesthetic resources in the vicinity of the site, but there are wetlands. The wetlands are not proposed to be disturbed, but they should be protected during construction with orange construction fencing.

10. Impact on Erosion, Flooding or Drainage

Moderate impact. The proposed site work for the project 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 located within a floodplain and a floodway. No work is proposed within the floodway and any work within the floodplain will have to comply with Town of Henrietta and New York State Department of Environmental Conservation standards.

11. Impact on Human Health

No impact.

GreenTech Special Use Permit Assessment by the Henrietta Town Board for Truck Parking on Cook Drive

§ 295-54 **Granting or denial of special use permits.**

In considering an application for a special use permit, the Town Board shall make its decision based upon the following factors. The Town Board may impose conditions, including in order to resolve any issues identified via its assessment of said factors.

- A. Whether the proposed use is substantially consistent in its scale and character with those uses permitted and the existing built permitted uses in the subject zoning district and neighborhood or will otherwise impair such uses due to inconsistency.

In reviewing the application, the truck parking use appears substantially consistent in its scale and character with other industrial uses in the Industrial Zone within which the property is located and is consistent with the other uses and properties along Commerce Drive, Transport Drive, and Cook Drive.

- B. Whether the proposed use aligns with the vision, goals and recommendations of the Comprehensive Plan and other applicable plans and studies conducted by or on behalf of the Town.

The truck parking use is consistent with the Town's Comprehensive Plan as this area is identified as a major industrial commerce area including many entities that utilize tractor-trailers in conducting their business.

- C. Whether the proposed use aligns with the purpose, intent, and applicable design and development standards of the zoning district(s) in which the use is proposed to be located.

The truck parking use aligns with the purpose, intent, and applicable design and development standards of the Industrial Zoning District in which the property is located.

- D. Whether the proposed use will be a nuisance in law or in fact due to its being materially noxious, offensive or injurious by reason of the production of or emission of dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions, or will contaminate waters.

The proposed use presents no nuisance in law or in fact with regards to any of the conditions listed as long as the proposed boundaries are observed, with respect to wetlands and flood plains, and as long as the proposed drainage system is implemented and maintained so as to prevent motor oils, motor fuels, or other contaminants from leaching into the surrounding wetlands.

- E. Whether the proposed use will create material hazards or dangers to the public or to persons in the vicinity from fire, explosion, electricity, radiation, traffic congestion, crowds, parking of vehicles, or other causes.

The proposed use presents no material hazards or dangers to the public or persons in the vicinity from any of the listed conditions or other causes.

- F. Whether the proposed use will create materially adverse impacts that cannot be adequately mitigated, such as to adversely impact natural resources or the environment, agriculture, community services or other areas required to be addressed by the State Environmental Quality Review Act (SEQRA).

The proposed use does not present any materially adverse impacts under SEQRA that cannot be adequately mitigated. As discussed in (D), it is essential that the boundaries established and approved for this development are observed so as to not negatively impact the surrounding wetlands, floodways, or flood plains.

- G. Whether the physical conditions and characteristics of the site are suitable for the proposed use considering site size, configuration, location, access, topography, vegetation, soils, and hydrology for effective stormwater management and, if necessary, the ability to be screened from neighboring properties and public roads.

The proposed use is suitable for the proposed site as long as all development remains within the boundaries established in the proposed site plan and that no additional development occurs without first obtaining approval to ensure it will not cause issues for any of the above listed considerations. The location is such that the surrounding wetland and other areas provide sufficient screening.

- H. Whether there are adequate utilities, public infrastructure, community facilities and emergency services, either existing or to be provided by the applicant or others, to effectively serve the proposed use. A proposed use shall not create or contribute to an existing inadequacy.

The site has sufficient utilities and infrastructure for the truck parking lot, as does Commerce Drive, Cook Drive, and West Henrietta Road, which are used to access the site.

- I. Whether the proposed use will provide, maintain, or enhance, as necessary, safe and efficient vehicular traffic patterns, nonmotorized travel, and pedestrian circulation as well as, where feasible, access to public spaces, parks, recreation, and open space resources.

Cook Drive and Commerce Drive currently sees truck traffic and automobile traffic and has a traffic light where it intersects with West Henrietta Road. As such, the proposed plans will maintain the current vehicular traffic patterns. Due to the industrial nature of this area, there is minimal pedestrian circulation and no parks, recreation, or public spaces. Neither proposed use will create any issues for the minimal pedestrian and nonmotorized travel in the area and neither proposed use will create any significant increased demand for either.