

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 25, 2023 AT 6:00 P.M.

RESOLUTION #22-354/2023 To issue a SEQR Negative Declaration for a proposed Senior Housing Apartment and Townhome Complex to be known as Erie Station, Section 4 located on the south side of Erie Station Road and west of East Henrietta Road.

On Motion of
Councilmember Sefranek

Seconded by
Supervisor Schultz

WHEREAS, Town Board Resolution #14-158/2005, passed on July 20, 2005, made a SEQR determination and issued a Negative Declaration for the proposal known as "The Legacy", with the applicant being Erie Station Property, LLC, which proposal sought approval to construct a mixed-use residential development comprising of senior apartments and townhome buildings on lands located on the southwest corner of the intersection of Erie Station Road and Lehigh Station Road, with the parcel having a former Tax Account #189.02-1-8.1, or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, the Town has recently received an application from ESIV, LLC to amend the Special Use Permit for this project (the "Application") with a proposal to replace the area originally proposed as The Legacy Subdivision, Section 4 which was comprised of townhome buildings at the remaining Erie Station Road parcel, Tax Account #189.12-3-77, with for-sale townhomes and apartments on 8.2 acres; and

WHEREAS, a public hearing was held relating to the project on October 25, 2023 at the Town Board meeting, at which time all feedback and concerns from neighbors, residents, and Town Board members were heard and considered; and

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

WHEREAS, should the proposed changes not result in any significant adverse environmental impacts, they may be assessed pursuant to 6 NYCRR 617.7 via a Negative Declaration; and

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

WHEREAS, the Town Board has completed Parts 2 and 3 of the EAF, which are attached hereto, and have 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 proposed changes will not have any significant adverse environmental impacts, as more fully set forth herein, in the record, and in Part 3 of the EAF, including in the attached "EAF Part 3 Narrative."

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 continue to be no potential significant adverse environmental impacts.

BE IT FURTHER RESOLVED, that in accordance with its adoption of the Part 3 of the EAF, the Town Board hereby issues a Negative Declaration with regard to the action, finding that the proposed changes will not have any significant adverse environmental impacts, along with its original finding that the original plans will not have any 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	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: Erie Station Section 4			
Project Location (describe, and attach a location map): South side of Erie Station Rd. near Windelin Drive intersection, and connecting to Old Hitching Post Crossing			
Brief Description of Proposed Action: The proposal is to modify the existing Special Permit granted by the Town of Henrietta, per Town Board Resolution #14-158/2005. The modification proposed is to allow for Erie Station Section 4 (T.A.# 189.12-3-77) to consist of 74 units within 12 buildings on 8.2 acres.			
Name of Applicant or Sponsor: ESIV LLC		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 301 Exchange Boulevard, Suite 200			
City/PO: Rochester		State: NY	Zip Code: 14608
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 governmental Agency? If Yes, list agency(s) name and permit or approval: A. Town Board - Special Use Permit B. Planning Board - Subdivision & Site Plan Approval C. MCWA & MCHD - Public water, public sanitary sewer & realty subdivision			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		8.2 acres	
b. Total acreage to be physically disturbed?		8.2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.2 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
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 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Stormwater will be directed to existing storm sewer system and existing stormwater management area. _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>BME Associates (Peter G. Vars, P.E.) Agent</u> Date: <u>9/12/2023</u></p> <p>Signature: <u><i>Peter G. Vars</i></u></p>		

Project: Erie Station Townhomes, Section 4

Date: October 19, 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 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 2023-036

Date: October 19, 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 Erie Station Townhomes, Section 4" Special Permit supplement dated October 19, 2023.


- 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.

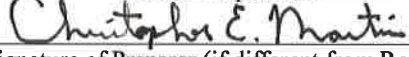
Henrietta Town Board
Name of Lead Agency

10/25/2023
Date

Stephen L. Schultz
Print or Type Name of Responsible Officer in Lead Agency

Town Supervisor
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 Erie Station Townhomes, Section 4
Erie Station Road and Old Hitching Post Crossing
Tax Account No. 189.12-3-77**

October 19, 2023

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

- a. Special Use Permit Application SUP 2023-036 for Erie Station Townhomes, Section 4, prepared by ESIV, LLC and BME Associates, PC dated September 20, 2023;
- b. Short Environmental Assessment Form, Part 1, prepared by BME Associates, dated September 12, 2023;
- c. Building Elevations for the Lehigh Park, Phase II, prepared by James Fahy Design, dated July, 2020;
- d. Conceptual Site Plan for Erie Station Townhouses, Section 4, prepared by BME Associates, dated September 12, 2023;
- e. Town Board Resolution #14-158/2005 for The Legacy, dated July 20, 2005;
- f. Request for the Town Board to Declare their Intent to be the Lead Agency Letter from Peter G. Vars, PE of BME Associates to the Henrietta Town Board, dated September 12, 2023;
- g. Letter from Anthony Piascik, PE of the Monroe County Water Authority to the Town of Henrietta, dated September 27, 2023;
- h. Letter from Christopher Reeve, PE of the New York State Department of Transportation to Christopher Martin, Town of Henrietta, dated September 27, 2023;
- i. Letter from Adam J. Bello, Monroe County Executive to the Honorable Stephen L. Schultz, Henrietta Town Supervisor, dated October 13, 2023.

1. Material Conflict with Adopted Land Use Plan or Zoning

This remaining section of the development known as “Legacy Subdivision” is zoned Residential, R-2-15, the project is being proposed as a multifamily senior housing project, such proposal being permitted subject to approval/modification of a special use permit from the Henrietta Town Board. Notably, the Town’s Comprehensive Plan calls for a mix of housing types – thus, the proposal would be in alignment with the Plan.

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

The parcel is currently vacant but the area surrounding it consists of single-family homes and other senior townhomes and apartments, so the one- and two-story apartment units and the one story townhomes are not expected to have a significant adverse impact since they are consistent with the adjacent residential uses. Moreover, the proposed density of nine (9) units per acre is

well below the maximum of twelve (12) units per acre permitted as per paragraph 295-13.E(i)(b) of the Multi-Dwellings section of the Town Code.

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

The current site is located within an existing multi-family and residential area so the modification to Section 4 for the senior apartment buildings and townhomes will be consistent with the character of the surrounding community. Any additional buffering which may be sought or proposed may be specified during the Planning Board approval process.

4. Impact on Critical Environmental Areas

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

5. Impact on Transportation

Minor Impact - Even though there is a moderate amount of traffic utilizing the Erie Station Road corridor, the construction of approximately seventy-four residential units is not expected to have a significant impact on the surrounding transportation system, particularly given that traffic for a number of units was previously reviewed and approved pursuant to the original proposal for this project.

In addition, per a Memorandum from Timothy A. Harris, Jr. PE of the Monroe County Department of Transportation to Rochelle Bell, Monroe County Department of Planning & Development, a traffic impact report will not be required for this project. Also, the applicant will have to obtain a permit from the Monroe Department of Transportation for the new roadway entrance at Erie Station Road.

Moreover, limitation on the use as "senior" housing is expected to result in less peak trips than might otherwise be expected from traditional residential housing, given that traditional residential housing would be expected to produce more rush hour trips to and from the workplace, for example.

Finally, pursuant to the EAF Workbook, there is a presumption that where less than 150 units of apartments are proposed, or less than 190 townhouse units are proposed – there will not be a significant adverse traffic impact. For this Section 4 proposal, there are 74 total units proposed – less than half of what would be required to trigger a presumption that a significant adverse traffic impact would result. Therefore, no significant adverse environmental impact is expected relative to traffic.

6. Impacts on Energy

No impact; there is ample energy capacity present in the area if needed.

7. Impact on Existing Water Supplies and Wastewater Treatment Facilities

No impact; there is an adequate supply of water and sanitary sewer systems present in the area if needed.

8. Impact on Historic And Archeological Resources

The proposed multi-family senior apartments and townhomes are 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

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

10. Impact on Erosion, Flooding or Drainage

Minor impact. The proposed construction work for the senior housing 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. However, erosion control devices are required to be implemented and maintained. The grading plan shall use silt fence, and other erosion control devices to control site erosion. Also, site inspections will be performed until the disturbed area is stabilized to ensure that erosion is not leaving the construction site.

The drainage from the site will be stored in the existing stormwater management facility so there should be no impact to the downstream storm drainage system.

The site is not located within a floodplain or floodway.

11. Impact on Human Health

No impact.