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 MARCH 7, 2024 AT 6:00 P.M.

RESOLUTION #6-103/2024 To issue a Negative Declaration and approve Special Use Permit Application No. 2024-003 for Starbucks Coffee Shop by 1100 Jefferson Partners, LLC for a new restaurant at 1100 Jefferson Road.

On Motion of Councilmember Barley Seconded by Supervisor Schultz

WHEREAS, 1100 Jefferson Partners, LLC has applied for a Special Use Permit for a Starbucks Coffee Shop (the "Application") to be located in a Commercial B-1 Zoned District at 1100 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.

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 Drive-Thru Service.

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

- 1. That the applicant realigns the access road to provide improved traffic circulation within the plaza.
- 2. Install "no stopping anytime" signs along the plaza road, as necessitated by queuing backups.

Duly put to a vote:	
Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	Aye
Supervisor Schultz	Aye
RESOLUTION ADOPTED	

## Short Environmental Assessment Form Part 1 - Project Information

#### **Instructions for Completing**

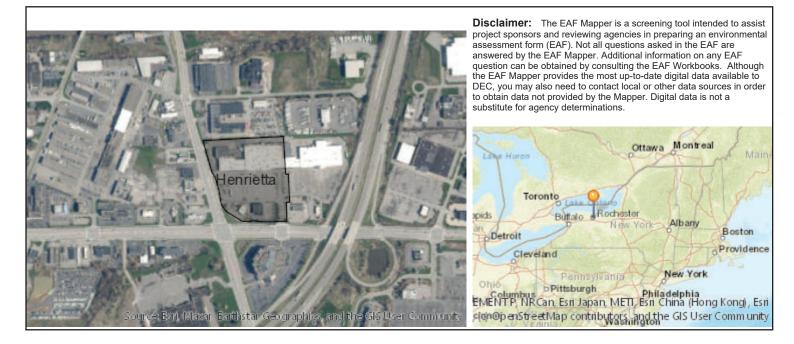
**Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Starbucks Project Location (describe, and attach a location map): 1100 Jefferson Road, Rochester NY 14623 Brief Description of Proposed Action: The redevelopment of a portion of an existing parking lot in an existing plaza into a Starbucks restaurant with drivethru. In addition to the Starbucks, there will be the modification to an existing intersection in the plaza that will create a more traditional 4-way intersection to improve safety. Name of Applicant or Sponsor: Telephone: **FSI** Construction E-Mail: Address: 2213 Brighton Henrietta TL Road Citv/PO: State: Zip Code: Rochester NY 14623 Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, 1. NO YES administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that $\checkmark$ may be affected in the municipality and proceed to Part 2. If no, continue to question 2. Does the proposed action require a permit, approval or funding from any other government Agency? NO YES If Yes, list agency(s) name and permit or approval: MCWA,MCHD, MCPW, Town of Henrietta Town Board, and Planning $\checkmark$ Board a. Total acreage of the site of the proposed action? 12.64 acres b. Total acreage to be physically disturbed? 1.85 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 12.64 acres Check all land uses that occur on, are adjoining or near the proposed action: 4. Urban Rural (non-agriculture) $\Box$ Industrial $\checkmark$ Commercial $\Box$ Residential (suburban) 5. Forest Agriculture Aquatic Other(Specify): Parkland

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	$\checkmark$		
b. Consistent with the adopted comprehensive plan?		$\checkmark$	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape	7	NO	YES
	,		$\checkmark$
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:		$\checkmark$	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
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?			
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:			
			$\checkmark$
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or distri	ct	NO	YES
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	9	$\checkmark$	
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?			
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
			$\checkmark$
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:			
There are no wetlands/waterbodies in the vicinity of the anticipated disturbance limits of this project.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
□Wetland 🔽 Urban □ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	$\checkmark$	
16. Is the project site located in the 100-year flood plan?	NO	YES
	$\checkmark$	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		$\checkmark$
a. Will storm water discharges flow to adjacent properties?	$\checkmark$	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		$\checkmark$
Runoff will effectively be less than existing, as the project will be creating more greenspace than exists today.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:		
	$\checkmark$	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility?		
If Yes, describe:	$\checkmark$	
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
		$\checkmark$
A spill occured at the Flve Guys Resturant located south of this development on 10/19/2018		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Joshua Saxton (Sponsor for applicant) Date: 3/19/2023		
Signature:		



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

Project: SUP 2024-003 Starbucks

Date: February 29, 2024

### 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?	$\checkmark$	
2.	Will the proposed action result in a change in the use or intensity of use of land?	$\checkmark$	
3.	Will the proposed action impair the character or quality of the existing community?	$\checkmark$	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	$\checkmark$	
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?	$\checkmark$	
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?	$\checkmark$	
7.	Will the proposed action impact existing: a. public / private water supplies?	$\checkmark$	
	b. public / private wastewater treatment utilities?	$\checkmark$	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	$\checkmark$	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	$\checkmark$	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	$\checkmark$	
11.	Will the proposed action create a hazard to environmental resources or human health?	$\checkmark$	

Agency Use Only [If applicable] Project: SUP 2024-003 Date: February 29, 2024

### 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 Starbucks, 1100 Jefferson Road" Planning Board supplement dated February 29, 2024.

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	03/07/2024	
Name of Lead Agency	Date	
Stephen L. Schultz	Town Supervisor	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer	
over	<u>Signature of Preparer (if different from Responsible Officer)</u>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)	

#### EAF Part 3 for Starbucks 1100 Jefferson Road Tax Account No. 162.06-1-7

#### February 29, 2024

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. <u>Town Board Special Use Permit Application SP-2024-003 for Starbucks at 1100</u> <u>Jefferson Road</u>, prepared by Passero Associates, dated January 10, 2024;
- b. <u>Short Environmental Assessment Form, Part 1</u>, prepared by Passero Associates, dated March 19, 2023;
- c. <u>Site Concept Plan for Jefferson Starbucks</u>, prepared by Passero Associates, dated August 22, 2023;
- d. <u>Proposed Starbucks Drive-Thru, Henrietta Plaza, Town of Henrietta, NY Parking</u> <u>Study</u>, prepared by Passero Associates, dated April 6, 2023;
- e. Letter from Christopher Reeve, PE of the New York State Department of Transportation to Christopher E. Martin, PE of the Town of Henrietta dated February 5, 2024.

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

The property is zoned Commercial, B-1, 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 located within an unused portion of the plaza's parking lot, 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 1100 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 mainly used by vehicles that are already traveling within the Jefferson Road and East Henrietta Road corridors so the traffic impact should be the

minimum. Also, as part of the project, the internal access road will be modified to improve traffic circulation within the plaza.

#### 6. Impacts on Energy

No impact; the energy system in this area is more than adequate to handle the demands from this restaurant.

### 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; a small portion of the restaurant is located within an archeo-sensitive area, but this area has been previously disturbed when the original plaza 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 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.

#### SCHEDULE "A"

Town Code Section 295-54 sets forth the criteria to be considered by the board in determining whether to grant a Special Use Permit. The Town Board makes the following findings with respect to each of these criteria, based upon its own knowledge and investigation or from testimony or other information submitted to it:

## 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?

The proposal consists of constructing a Starbucks quick serve coffee shop with a drive-thru within the plaza located at 1100 Jefferson Road. The proposed location is zoned Commercial, B-1 and is surrounded by hotels, restaurants, retail, and offices. A restaurant is an allowed use in a Commercial, B-1 zoned district with the issuance of a Special Use Permit from the Town Board. This use is very consistent with the development and character of the neighborhood and works well with the other uses in the vicinity.

## 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.

Jefferson Road and that section of East Henrietta Road is in one of the main commercial and industrial stretches of the Town and the use detailed in the Comprehensive Land Use Plan calls for this to remain this way. As such, a new restaurant is very consistent and in harmony with the existing and the continued redevelopment of the property's neighborhood.

# 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 proposed use is for a restaurant which is an allowed use in the Commercial, B-1 Zone with the obtaining of a special use permit from the Town Board. The design of the proposed building is consistent with the design and development standards of the Zone.

# 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.

Neither the construction nor the operation of a Starbucks quick serve coffee shop with a drivethru will create any nuisance in law or in fact.

# 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.

Because of the popularity of the proposed use as a Starbucks quick serve coffee shop with a drive-thru, there is expected to be a slight increase in traffic. However, the majority of the patrons using the coffee shop are already traveling within the Jefferson Road and East

Henrietta Road corridor so they will not be creating any additional vehicular trips. Also, as part of this project, the internal access road within the plaza will be modified to improve traffic flow.

# 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 will not create materially adverse impacts that cannot be adequately mitigated. The only minor impact created is a slight increase in traffic, which is addressed elsewhere. In terms of natural resources, the environment, community services, etcetera, the use is the same as the use that currently exists in the surrounding area.

# 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.

Since the project is located along one of the main highway corridors in the Town, no screening or buffers are necessary. Also, by utilizing an used parking lot, the proposed coffee shop will create additional greenspace.

H. Whether there are adequate public infrastructure, utilities, 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 proposed lot is sufficient in terms of public infrastructure, utilities, emergency services, etcetera.

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.

Due to the amount of existing traffic using the Jefferson Road and the East Henrietta Road corridor during the peak morning and evening time periods, traffic does get congested at that intersection. But the amount of traffic generated from the Starbucks quick serve coffee shop with a drive-thru will not have a significant impact on the Jefferson Road and East Henrietta Road intersection.

The proposed site plan connects the restaurants internal sidewalks to the road's sidewalks to provide sufficient connectivity for pedestrians.



January 10, 2024

Town of Henrietta Attn: Supervisor Schultz/Town Board 475 Calkins Road Henrietta, NY 14467

#### RE: Starbucks- Town Board – Special Use Permit Submission

Dear Supervisor Schultz/Town Board:

On behalf of our client, FSI Construction, we respectfully request to be placed on the February 14, 2024 Town Board Agenda for review of a Special Use Permit for the proposed Starbucks at 1100 Jefferson Road. The Special Use Permit will be for a restaurant use, specific restaurant subtypes are included in the application.

The existing site is currently developed with parking that services the existing plaza. A portion of the parking lot area is to be redeveloped to accommodate a proposed  $\pm 1650$  SF Starbucks coffee shop with drive thru. The proposed design will accommodate the necessary parking for the proposed use, while reducing the impervious area and increasing landscape and greenspace on the site through the incorporation of new grass islands. The proposed business will operate during or about the hours of 5:30 a.m. to 10:00 p.m.

In addition to the development of the Starbucks restaurant, modifications to the main entrance boulevard off of Jefferson Road will be incorporated to improve the existing functionality of the plaza. This work will realign the intersection in the plaza to create a more traditional four-way intersection which will improve its safety and functionality for motorists.

A parking study was also conducted for this plaza to confirm that the amount of parking reduced as a part of the development will not negatively impact the existing businesses in the plaza. It was found the plaza has sufficient parking even with the reduced parking. A copy of the parking study has been included for review, but please note the report was supplied to the town on April 7<sup>th</sup>.

We would also ask the Town Board to act as the Lead Agent for the SEQR process as part of this Special Use Permit Request.

In support of our request, attached please find:

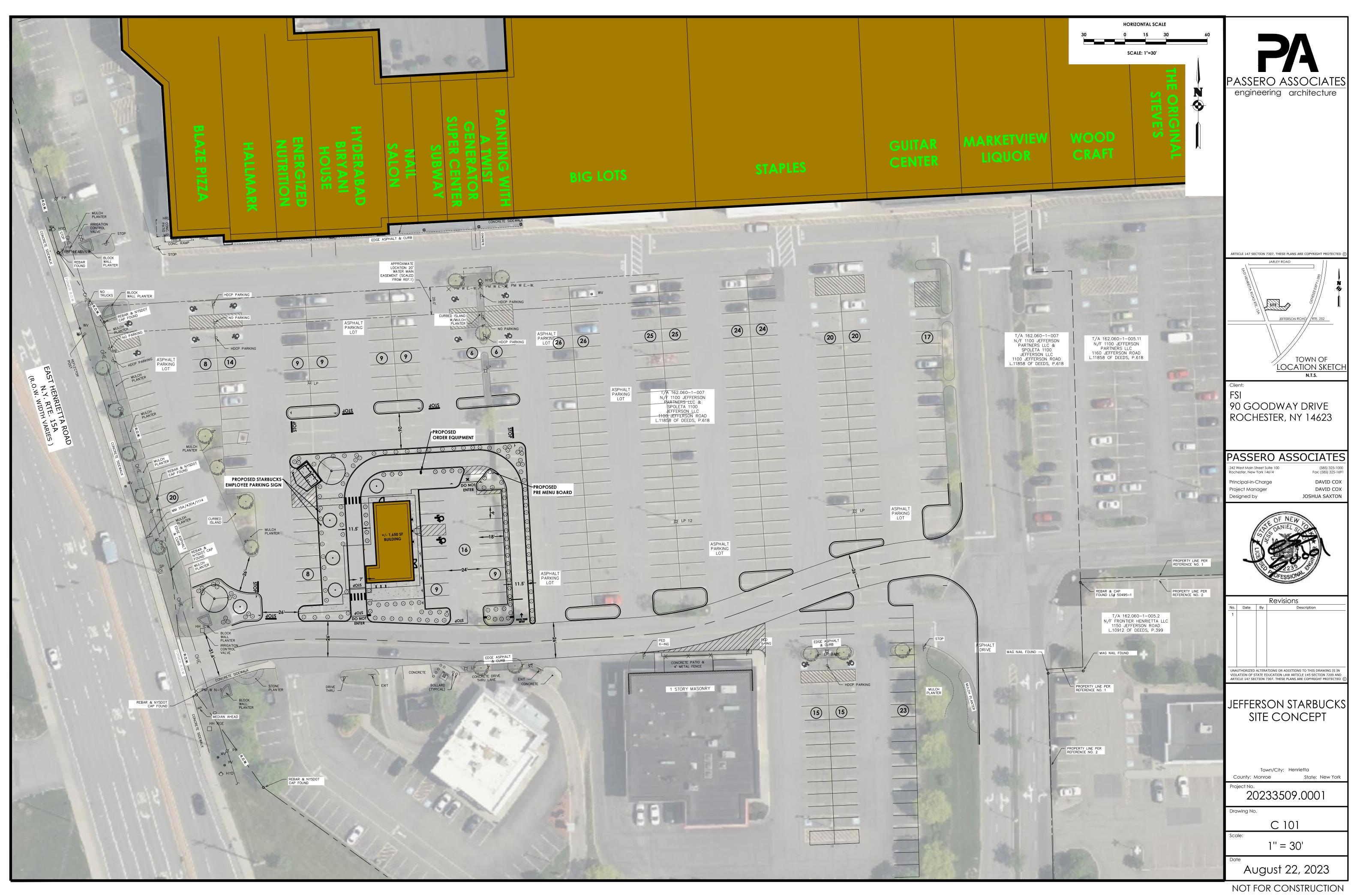
- 1. Letter of Intent
- 2. Application Form and Statement of Applicant and Owner w/Respect of Professional & Consulting Fees
- 3. Site Plans (4)
- 4. Letter of Authorization
- 5. Short Form EAF
- 6. Parking Study
- 7. Check for \$200.00

Sincerely,

John Senter

Joshua Saxton, EIT Senior Project Engineer

JDS:paf CC: File FSI Construction



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