

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 27, 2019
7:00 P.M.**

Supervisor Schultz
Councilman Page
Councilman Adair
Councilman Barley
Councilman Stafford

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Approval of Minutes of the Preceding Meeting(s):
February 13, 2019
5. Public Presentation(s)/ Miscellaneous Communications
 - Update on New Henrietta Public Library
 - Discuss Dollar General Process
6. Public Hearing:
 - Public Hearing to Consider Amendments and Updates to the Town of Henrietta Comprehensive Plan
 - Public Hearing for Local Laws to Consider Amendments and Updates to the Town of Henrietta Zoning Code at Chapter 295 of the Town Code
 - Public Hearing to Consider Rezoning 3875 East Henrietta Road from RR-1 to R-2-15
7. Introduction of, Public Discussion of, and Action Upon Resolutions, Local Laws, and Ordinances
8. Committee Reports
9. Additional Public Comment
10. Adjournment

RESOLUTION #5-91/2019
Authorize Accounts Payable

RESOLUTION #5-92/2019
Call for Public Hearing to Consider Rezoning Property on Lehigh Station Road from Residential R-1-15 to Residential R-2-15

RESOLUTION #5-93/2019
Declare Intent to be Lead Agency – Lehigh Station Road Rezone SEQR

RESOLUTION #5-94/2019
Issue Negative Declaration and Accept SEQR Determination for Proposed Rezone of Approximately 1.89 Acres of Land at 340 Jefferson Road from Commercial B-1 to Industrial

RESOLUTION #5-95/2019

Adopt Local Law No. 2 of 2019 to Amend the Official Zoning Map of the Town of Henrietta to Rezone Approximately 1.89 Acres of Land at 340 Jefferson Road from Commercial B-1 to Industrial

RESOLUTION #5-96/2019

Accept Sanitary Sewer Capacity Study

RESOLUTION #5-97/2019

Declare Items Surplus Material – Highway Department / Public Library

RESOLUTION #5-98/2019

Recognize Year 2019 Youth Hall of Fame Inductees

RESOLUTION #5-99/2019

Authorize Supervisor to Execute Host Community Benefit Agreement – Silvarole

RESOLUTION #5-100/2019

Authorize Budget Transfers and Adjustments

RESOLUTION #5-101/2019

Accept Proposal – New Public Library Furniture – Merkel Donohue

RESOLUTION #5-102/2019

Authorize Personnel Items

RESOLUTION #5-103/2019

Adopt 2019 Comprehensive Plan Updates and Findings

RESOLUTION #5-104/2019

Adopt Local Law No. 3 of 2019 to Amend and Update the Town of Henrietta Zoning Code at Chapter 295 for the Town Code

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-91/2019

On Motion of
Councilman Barley

Seconded by
Councilman Stafford

BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

Exhibit A	Bills Payable dated 2/27/2019	\$ 302,267.99
Exhibit B	Manual Bills Payable dated 2/20/2019	\$ 11,435,802.59

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

Vendor Activity Report Parameters

Report ID:	TB REPORT		
Vendor Code:		To:	
Trans. Date:	02/28/2019	To:	02/28/2019
Include Req?:	No	Include PO?:	No
Include Vch?:	Yes	Voucher Status:	Paid
Sort Vch By:	Due/Paid Date	Summary Only:	Yes
Report By:	Vendor Name	Include Vendors With No Activity:	No
Req/PO Outstanding Only:	No	1099 Vendors Only:	No
Print Multi Inv Detail:	No	Print Fed ID/SS:	No
Print Fiscal YTD Paid Amount:	Yes		

TOWN OF HENRIETTA

Vendor Activity Report

Vendor Code	Vendor Name	\$ Outstand Vch Amt	\$ Paid Vch Amt	Total
0000013692	ALESSI, JENN	0.00	16.01	16.01
0000109472	AMERICAN ROCK SALT CO LLC	0.00	50,905.62	50,905.62
0000113555	APWA	0.00	217.00	217.00
0000113577	ARAMARK UNIFORM SERVICES	0.00	188.67	188.67
0000118557	AVALLONE, GENE	0.00	650.00	650.00
0000139750	BEAM MACK SALES & SERVICE	0.00	1,242.13	1,242.13
0000011181	BEIKIRCH, JAMES F	0.00	1,395.14	1,395.14
0000014029	BLAZE GYMNASTICS OF SYRACUSE, LLC	0.00	1,447.15	1,447.15
0000159300	BME ASSOCIATES	0.00	10,315.00	10,315.00
0000014062	BOOR, ABIGAIL	0.00	15.00	15.00
0000014054	BRINK'S INCORPORATED	0.00	508.14	508.14
0000717535	BSN/PASSONS SPORTS	0.00	152.59	152.59
0000013963	CASELLA WASTE MANAGEMENT OF N.Y. IN	0.00	285.09	285.09
0000014065	CAYEA, TERRY	0.00	603.22	603.22
0000014049	CLUBHOUSE FUN CENTER, GREECE, INC	0.00	231.00	231.00
0000013931	COLONY HARDWARE CORPORATION	0.00	52.00	52.00
0000239474	CONTECH ENGINEERED SOLUTIONS, LLC	0.00	4,981.20	4,981.20
0000013258	CORNWALL, P.E., DANIEL	0.00	2,000.00	2,000.00
0000269650	DECKMAN OIL COMPANY	0.00	941.82	941.82
0000011351	DEMOCRAT & CHRONICLE #1070	0.00	21.00	21.00
0000284015	DIVAL SAFETY EQ. CO.	0.00	124.13	124.13
0000286884	DOLOMITE PRODUCTS CO, INC	0.00	1,474.19	1,474.19
0000299821	DYNAMIC KLEANING	0.00	975.00	975.00
0000014069	EAGLE GYMNASTICS INC	0.00	1,673.75	1,673.75
0000012656	EMERGENCY POWER SYSTEMS, LLC	0.00	856.19	856.19
0000311913	ENERGETIX CORP	0.00	88.00	88.00
0000323115	FASTENAL COMPANY	0.00	139.19	139.19
0000329450	FINGER LAKES SYSTEM CHEMISTRY	0.00	326.60	326.60
0000013459	FRONTIER	0.00	2,051.51	2,051.51
0000355713	GARSTON SIGN SUPPLY	0.00	347.76	347.76
0000362135	GENERAL WELDING & FAB INC	0.00	170.93	170.93
0000362160	GENESEE STAMP INC.	0.00	257.15	257.15
0000011776	GIS/SIG	0.00	20.00	20.00

TOWN OF HENRIETTA

Vendor Activity Report

Vendor Code	Vendor Name	\$ Outstand Vch Amt	\$ Paid Vch Amt	Total
0000378242	GOLDMAN & GOLDMAN	0.00	1,625.00	1,625.00
0000012583	GREATAMERICA FINANCIAL SERVICES	0.00	1,232.43	1,232.43
0000013170	GREEN MOUNTAIN LUMBER	0.00	1,250.00	1,250.00
0000395030	GUARDIAN-BETHLEHEM	0.00	441.36	441.36
0000014066	GUNNETT, KAREN	0.00	603.00	603.00
0000014063	HANSEN, BARBARA	0.00	646.14	646.14
0000011128	HASTY AWARDS	0.00	1,666.85	1,666.85
0000452200	HOME DEPOT CREDIT SERVICE	0.00	107.82	107.82
0000011741	INTERPRETEK	0.00	243.00	243.00
0000477010	INTERSTATE BATTERY SYSTEM	0.00	122.95	122.95
0000013732	JUST SIMPLY AQUARIUMS	0.00	55.00	55.00
0000011405	KOLADY, CRYSTAL	0.00	50.00	50.00
0000540012	LANDPRO EQUIPMENT	0.00	186.52	186.52
0000558330	LAWSON PRODUCTS INC.	0.00	385.14	385.14
0000588720	LOOSELEAF LAW PUBLISHERS INC.	0.00	36.55	36.55
0000588725	LOWE'S COMPANIES, INC.	0.00	522.45	522.45
0000591134	M.E. SERVICES COM., INC.	0.00	65.00	65.00
0000014044	MAD SCIENCE OF WNY	0.00	220.50	220.50
0000632255	MARSHALL, DEAN C	0.00	85.21	85.21
0000013809	MCKEE JR, LARRY	0.00	93.00	93.00
0000643509	MESSENGER-POST NEWSPAPERS	0.00	1,307.41	1,307.41
0000012877	METLIFE - GROUP BENEFITS	0.00	2,669.58	2,669.58
0000013113	METRODATA SERVICES, INC.	0.00	10.00	10.00
0000662743	MONROE COUNTY DEPT OF HEALTH	0.00	155.00	155.00
0000662758	MONROE COUNTY DIR. OF FINANCE	0.00	182.00	182.00
0000662756	MONROE COUNTY FIRE MARSHALS	0.00	40.00	40.00
0000662747	MONROE COUNTY PLANNING BOARD	0.00	120.00	120.00
0000662773	MONROE COUNTY SUPERVISOR'S ASSOC	0.00	200.00	200.00
0000662781	MONROE COUNTY WATER AUTHORITY	0.00	1,619.32	1,619.32
0000745200	MVP HEALTH CARE, INC.	0.00	94,270.83	94,270.83
0000013733	NATIONAL ENTERTAINMENT TECH. INC	0.00	720.00	720.00
0000688068	NEW YORK STATE PARKS	0.00	300.00	300.00
0000013776	NEWCOMB, DONALD	0.00	125.00	125.00
0000014071	NORTHEAST INSTITUTE OF	0.00	150.00	150.00

TOWN OF HENRIETTA

Vendor Activity Report

Vendor Code	Vendor Name	\$ Outstand Vch Amt	\$ Paid Vch Amt	Total
	GYMNASTICS			
0000696466	NU-WAY SOUTH	0.00	109.85	109.85
0000012634	NYSTCA	0.00	90.00	90.00
0000701220	O CONNOR CHEVROLET INC	0.00	800.30	800.30
0000011638	OCCUPATIONAL AND ENVIRONMENTAL MEDI	0.00	550.00	550.00
0000702745	OIL FILTER SERVICE	0.00	617.59	617.59
0000011659	ON THE MARK UTILITY LOCATING SERVIC	0.00	65.00	65.00
0000014068	ONTARIO WATER TAP LLC	0.00	900.00	900.00
0000012106	PASSERO ASSOC, ARCHIT & SURVEYING,	0.00	21,297.35	21,297.35
0000013941	PATHFINDER ENGINEERS AND ARCHITECTS	0.00	1,040.00	1,040.00
0000723758	PENFIELD TROPHIES, INC.	0.00	325.00	325.00
0000723761	PENN DETROIT DIESEL	0.00	71.22	71.22
0000012095	POWER DRIVES, INC.	0.00	287.72	287.72
0000013414	RED WING BUSINESS ADVANTAGE ACCOUNT	0.00	403.42	403.42
0000012948	REITSCHKY, PAUL J	0.00	1,320.00	1,320.00
0000867008	SPRINT SPECTRUM REALTY CO., LP	0.00	1,299.81	1,299.81
0000872272	STANTEC CONSULTING SERVICES INC	0.00	1,577.92	1,577.92
0000886720	STONEYS AUTO SUPPLY CO.	0.00	277.80	277.80
0000013593	T MINA SUPPLY EAST INC	0.00	2,713.60	2,713.60
0000914250	THRU-WAY AUTO SPRING SERVICE, INC.	0.00	443.90	443.90
0000914256	TICHACEK, ANITA L	0.00	51.43	51.43
0000014064	TOSH, CHERYL	0.00	599.74	599.74
0000919824	TOSHIBA BUSINESS SOLUTIONS, USA	0.00	699.00	699.00
0000362130	TOWN OF HENRIETTA	0.00	66,303.47	66,303.47
0000921192	TRACEY ROAD EQUIPMENT	0.00	285.25	285.25
0000930934	UNIFORM EXPRESS	0.00	93.00	93.00
0000012740	VOSS, HEATHER	0.00	16.00	16.00
0000011447	W.B. MASON CO INC	0.00	302.38	302.38
0000013945	WEX BANK	0.00	83.00	83.00
0000477432	XYLEM WATER SOLUTIONS USA, INC	0.00	3,227.00	3,227.00
0000013495	YANDOW, MELISSA	0.00	238.00	238.00
Grand Total		0.00	302,267.99	302,267.99

TOWN OF HENRIETTA

Voucher Summary Report

Exhibit B

Voucher No. Cash Account	Vendor Cd Vendor Name	Invoice No. Stub- Description	Inv. Date	Voucher Amt.	Disc. Amt. Taxable	Check ID	Period PO No.	Year	Check No. Due/Check Date	Account No.	Amount
755118	0000436423	CHS CHS MOBILE INTEGRATED HEALTHCARE, I	02/20/2019	780,221.59	0.00	00003	2	2019	13301 02/20/2019	SM.4540.4.400	780,221.59
755119	0000436410	HENRIETTA FIRE DISTRICT HENRIETTA FIRE DISTRICT	02/20/2019	10,652,831.00	0.00	00003	2	2019	13302 02/20/2019	A.0630	10,652,831.00
755120	0000013691	021519 KEYBANK - HSA	02/20/2019	2,750.00	0.00	00003	2	2019	13303 02/20/2019	A.9189.8.800	2,750.00

Total Vouchers reported: 3

Total GL Detail Reported 11,435,802.59
Total Amount All Vouchers 11,435,802.59

PUBLIC HEARING

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-92/2019

On Motion of
Councilman Stafford

Seconded by
Councilman Adair

WHEREAS, the Town Board has received a written application from the property owner, Lehigh Park II, LLC, relating to the proposed multi-family on the north side of Lehigh Station Road and west of Florendin Drive, bearing Tax Account numbers 175.12-1-3.1 and 175.12-1-3.2, and

WHEREAS, the applicants would like to rezone the 18.97 +/- acre parcels of land located on the north side of Lehigh Station Road and west of Florendin Drive (Tax Account Nos. 175.12-1-3.1 and 175.12-1-3.2) from Residential R-1-15 to Residential R-2-15.

THEREFORE, BE IT RESOLVED, that the Town Board calls for a Public Hearing to be held on March 13, 2019 at 7:00 p.m. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, to consider rezoning said land to Residential R-2-15 in order to allow for the proposed multi-family dwelling.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried



TOWN OF HENRIETTA
APPLICATION TO TOWN BOARD
- PETITION FOR REZONING -

Appeal No. RZ2019-002

Date 2/15/2019

TOWN OF HENRIETTA
 County of Monroe • State of New York
 475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467
 (585) 334-7700 • www.henrietta.org

I (We) Christopher A. DiMarzo Brian Powers
 Applicant/Engineer

Business Name: Lehigh Park II LLC

Contact Info: [Redacted] [Redacted]

Business Address: 301 Exchange Blvd. Rochester NY 14608

Property Owner: Same as applicant Same as applicant

No. & Street City State Zip Code Phone Number

Hereby submit a petition to the Town Board to Rezone the property located at:

1294 and adjacent parcel Lehigh Station Rd. Henrietta, NY 14534

175.12-1-3.1 & 175.12-1-3.2 R-1-15

If property is under a purchase option, indicate date option expires: N/A

Description of Proposal: Rezone the subject properties from R-1-15 to R-2-15, and then obtain a Special Permit to develop the properties into 10 2-story apartment buildings each containing 8 apartment units, and also construct 6 townhouse buildings each containing 3 townhouse units for a total of 18 townhouse units. Portions of apartment buildings will be on tax parcel 175.12-1-6.1.

The rezoned parcels will also be resubdivided and combined with tax parcel 175.12-1-6.1

Signature of Owner: *Christopher A. DiMarzo*

NOTE: If signature is other than owner, written authorization from owner must accompany application. Acceptance of this form is tentative and it will not be processed if incorrectly filed.

Signature of Agent: _____

Received By	Date of Meeting (unless rescheduled)	Time
First Copy To: OFFICE	Second Copy To: APPLICANT	Third Copy To: FILES

**Statement of Applicant and Owner with Respect to Reimbursement
of Professional and Consulting Fees**

In conjunction with an application made to the Town of Henrietta, the undersigned states, represents and warrants the following:

- 1) I/We am/are the applicant and owner with respect to an application to the Town of Henrietta.
- 2) I/We have been advised of, are aware of and agree to comply with the obligation to reimburse the Town of Henrietta for any and all professional and consulting fees incurred by the Town in conjunction with this and any other applications by me/us, including but not limited to engineering and/or legal fees, all as more fully set forth in the Henrietta Town Code.
- 3) I/We have been provided with, or have otherwise reviewed the Henrietta Town Code provisions related to the obligation to reimburse the Town with respect to professional and consulting fees, and agree to comply with the same.
- 4) I/We understand that this obligation shall not be dependent upon the approval or success of the application.
- 5) I/We further agree that in the event the Town of Henrietta is required to refer for collection an outstanding debt for such professional and/or consulting fees due to the Town of Henrietta, I/we shall be obligated to pay the reasonable attorney's fees incurred as a result of the Town's efforts to collect such fees. Reasonable attorney's fees shall also include any and all disbursements that may result from the commencement of litigation.
- 6) Each party to the application, including the applicant and the owner, shall be jointly and severally liable for all consulting and professional fees and expenses incurred in conjunction with the application.

Applicant: Same as Owner

By: _____

Title: _____

Dated: _____

Signed: _____

Owner: Lehigh Park II LLC

By: Christopher A. DiMarzo

Title: Member

Dated: February 14, 2019

Signed: 

Lehigh Park II, LLC

301 Exchange Blvd.
Rochester, NY 14608
(585) 232-1760
Fax: (585) 232-5846

February 15, 2019

Town Board
Town of Henrietta
475 Calkins Road
Henrietta, NY 14467

Re: Lehigh Park, Phase II – Rezoning Letter of Intent

Ladies and Gentlemen:

Under a separate entity we are the owners and operators of the Lehigh Park Apartments located at 1260 Lehigh Station Road, Henrietta, NY 14467, Monroe County tax parcel 175.12-1-6.1. This property is currently occupied by 16 two story apartment buildings with 8 apartment units per building. This property is currently zoned R-2-15 and was issued a Special Permit to allow the multi-family apartment use in January of 2007.

We have purchased two properties to the west of Lehigh Park Apartments (Tax Parcel 175.12-1-3.1 comprising 18.6 acres and zoned R-1-15, and Tax Parcel 175.12-1-3.2 comprising 0.765 acres and also zoned R-1-15). We are respectfully requesting these two properties be rezoned to R-2-15 to allow for an apartment multiple housing use subject to issuance of a Special Permit as set forth in §295-13. We propose to construct 10 two story apartment buildings each containing eight apartment units of similar design as the Lehigh Park Apartments. We are also proposing 6 - 3 unit Townhouse buildings to provide a transition from the 2-story apartment buildings to the single family residential homes to the east. The existing home on Tax Parcel 175.12-1-3.2 which carries a historical designation is intended to remain and become a rental home on the property.

Approximately 11-acres of tax parcel 175.12-1-3.1 are encumbered by NYSDEC wetlands and wetland buffer. So the proposed apartments will be developed on the remaining 7.5-acres as illustrated on the attached plan. The 11-acres to remain undeveloped are proposed for dedication to the Town to enhance the Towns current parkland adjacent to the property's northern boundary.

A portion of Apartment Buildings 2, 3, and 4 are to be located on the original Lehigh Park Apartment property together with associated parking and sidewalk connections. So we also request that the prior Special Permit issued for this property be amended to include these features. It is intended to resubdivide these properties after the issuance if the Special Permits so that the entire apartment community is all on one property.

Attached for your consideration are:

1. 12 copies of the Rezoning Application.
2. 12 copies of a Long Environmental Assessment Form (EAF).
3. 12 copies of the Concept Plan for Lehigh Park Phase II.
4. 12 copies each of the maps and metes and bounds descriptions for each of the two properties proposed to be rezoned.
5. 12 copies of the Statement of the Applicant and Owner with Respect to Reimbursement of Professional and Consulting fees.
6. Two Checks (\$200 Application Fee and \$300 Engineering Fee)

Lehigh Park II, LLC

301 Exchange Blvd.
Rochester, NY 14608
(585) 232-1760
Fax: (585) 232-5846

Should you require additional information or have any questions, please contact me. Otherwise, we would like to move forward with the Rezoning request for the noted parcels and respectfully request to be placed on the Town Board's March 27, 2019 meeting agenda.

Sincerely,



Christopher A. DiMarzo
Member – Lehigh Park II LLC

c: Lehigh Park II LLC

X:Powers\Lehigh Park\Phase 2\L001-Rezoning and Special Permit Letter of Intent 2-15-19.doc

Description of
Lands now or formerly of
Lehigh Park II, LLC.
T.A. No. 175.12-1-3.1
To be Re-Zoned

ALL THAT TRACT OR PARCEL OF LAND containing 18.206 acres more or less, situate in the Phelps and Gorham Purchase, Township 12, Range 7, Town Lot 15, Town of Henrietta Third Range of Lots, Town of Henrietta, County of Monroe, and State of New York, as shown on the drawing entitled "Lehigh Park Phase II, Re-Zoning Exhibit," prepared by BME Associates, having drawing number 2512-02, last revised November 15, 2016, being more particularly bounded and described as follows:

Commencing at a point, said point being the intersection of the westerly right-of-way line of Florendin Drive (50' Right-of-Way) with the centerline of Lehigh Station Road – N.Y.S. Route 253 (66' Right-of-Way); thence

- A. S 87°31'28" W, along said centerline of Lehigh Station Road, a distance of 121.88 feet to the Point of Beginning; thence
 1. S 87°31'28" W, continuing along said centerline of Lehigh Station Road, a distance of 121.87 feet to a point on at the southeasterly boundary corner of lands now or formerly of Lehigh Seniors Property, LLC. (T.A. No. 175.12-1-6.1); thence
 2. N 20°41'36" E, along the easterly boundary line of said lands of Lehigh Seniors Property, LLC. a distance of 683.10 feet to a northeasterly boundary corner thereof; thence
 3. S 87°31'28" W, along a northerly boundary line of said lands of Lehigh Seniors Property, LLC. a distance of 207.24 feet to a point; thence
 4. N 20°41'36" E, along an easterly boundary line of said lands of Lehigh Seniors Property LLC., a distance of 660.00 feet to a northeasterly boundary corner thereof; thence
 5. S 87°31'28" W, along the northerly boundary line of said lands of Lehigh Seniors Property, LLC., a distance of 346.50 feet to a point; thence
 6. N 20°41'36" E, a distance of 547.64 feet to a point; thence

7. N 88°10'26" E, a distance of 795.69 feet to a point; thence
8. S 20°44'58" W, a distance of 1,637.37 feet to a point at the northeasterly boundary corner of lands now or formerly of Lehigh Park II, LLC. (T.A. No. 175.12-1-3.2); thence
9. N 69°15'02" W, along the northerly boundary line of said lands of Lehigh Park II, LLC., a distance of 127.37 feet to a point at the northwesterly boundary corner thereof; thence
10. S 20°44'58" W, along the westerly boundary line of said lands of Lehigh Park II, LLC., a distance of 133.15 feet to a point; thence
11. S 15°14'18" W, continuing along the southerly boundary line of said lands of Lehigh Park II, LLC., a distance of 160.00 feet to the Point of Beginning.

2512
KAM
Revised
11/15/16

Description of
Lands now or formerly of
Lehigh Park II, LLC.
T.A. No. 175.12-1-3.2
To be Re-Zoned

ALL THAT TRACT OR PARCEL OF LAND containing 0.765 acres more or less, situate in the Phelps and Gorham Purchase, Township 12, Range 7, Town Lot 15, Town of Henrietta Third Range of Lots, Town of Henrietta, County of Monroe, and State of New York, as shown on the drawing entitled "Lehigh Park Phase II, Re-Zoning Exhibit," prepared by BME Associates, having drawing number 2512-02, last revised November 15, 2016, being more particularly bounded and described as follows:

Beginning at a point, said point being the intersection of the westerly right-of-way line of Florendin Drive (50' Right-of-Way) with the centerline of Lehigh Station Road – N.Y.S. Route 253 (66' Right-of-Way); thence

1. S 87°31'28" W, along said centerline of Lehigh Station Road, a distance of 121.88 feet to a point; thence
2. N 15°14'18" E, along an easterly boundary line of lands now or formerly of Lehigh Park II, LLC. (T.A. No. 175.12-1-3.1), a distance of 160.00 feet to a point; thence
3. N 20°44'58" E, continuing along said easterly boundary line of Lehigh Park II, LLC., a distance of 133.15 feet to a point on a southerly boundary line thereof; thence
4. S 69°15'02" E, thence along a southerly boundary line of Lehigh Park II, LLC., a distance of 127.37 feet to a point on the aforementioned westerly right-of-way line of Florendin Drive; thence
5. S 20°44'58" W, along said westerly right-of-way line of Florendin Drive, a distance of 244.35 feet to the Point of Beginning.

STATE OF NEW YORK COUNTY OF MONROE
TOWN OF HENRIETTA TOWN BOARD

In the Matter of the Request for Rezoning of
In the Town of Henrietta

PETITION
TO THE TOWN BOARD OF THE TOWN OF HENRIETTA
MONROE COUNTY, NEW YORK

1. The undersigned Petitioner, Christopher A. DiMarzo, Member of Lehigh Park II LLC, Owner of two properties. One, an 18.2 acre parcel and one a 0.765 acre parcel of property located on Lehigh Station Road, bearing tax account numbers 175.12-1-3.1 and 175.12-1-3.2.
2. Petitioner requests that the Town Board of the Town of Henrietta (the "Town") rezone the properties from its current zoning designation of R-1-15, to R-2-15 to reflect the proper zoning designation for the current and the intended use of the subject properties for a proposed use of multiple dwellings.
3. Submitted with the Petition are the following supporting documents:
 - a. Petitioner's letter of intent
 - b. Concept development plan
 - c. Full Environmental Assessment Form
 - d. Rezoning map
 - e. Metes and bound description of the property to be rezoned.

WHEREFORE, the undersigned Petitioner respectfully petitions the Town Board to change and amend the Town of Henrietta Zoning map to change the zoning designation of the referenced real property from R-1-15 to R-2-15 in accordance with provisions of the Henrietta Town Code.

Dated the 15th day of February, 2019

PETITIONER

By: _____

Christopher A. DiMarzo

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

On the 15th day of February, in the year 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared Christopher A. DiMarzo personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) executed the instrument.


Notary Public

JULIA PARODY
Notary Public, State of New York
Reg# 01PA6355104
Qualified in Monroe County
Commission Expires Feb 27, 2021

LANDS TO BE RE-ZONED



N/F
TOWN OF HENRIETTA
T.A. No. 176.05-1-55.11
475 CALKINS ROAD

N88°10'26"E 795.69'

N/F
CALKINS CORPORATE PARK LLC
T.A. No. 175.12-1-13
600 RED CREEK DRIVE

N20°41'36"E 547.64'

S87°31'28"W 346.50'

N/F
LEHIGH PARK II, LLC.
T.A. No. 175.12-1-3.1
AREA= 18.206
ACRES

N/F
TOWN OF HENRIETTA
T.A. No. 175.12-2-1

N20°41'36"E 660.00'

S20°44'58"W 1881.72' (CL)
1637.37'

FLORENDIN DRIVE
(50' RIGHT-OF-WAY)

CENTERLINE

207.24'
S87°31'28"W

N/F
LEHIGH SENIORS PROPERTY LLC
T.A. No. 175.12-1-6.1
1260 LEHIGH STATION ROAD

N20°41'36"E 683.10' (CL)

N/F
LEHIGH PARK II, LLC.
T.A. No. 175.12-1-3.2
1294 LEHIGH STATION ROAD
AREA= 0.765 ACRES

N69°15'02"W 127.37'
S20°44'58"W 133.15'

P.O.B. (0.765 AC)
P.O.C. (18.206 AC)

RIGHT-OF-WAY LINE
CENTERLINE

121.87' 121.88' 243.75'

P.O.B. (18.206 AC)

LEHIGH STATION ROAD - N.Y.S. ROUTE 253
(66' RIGHT-OF-WAY)

PHELPS & GORHAM PURCHASE, TOWNSHIP 12, RANGE 7, TOWN LOT 15,
TOWN OF HENRIETTA THIRD RANGE OF LOTS, T.A. No. 175.12-1-3.1 & 175.12-1-3.2

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S ORIGINAL INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.
UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, OF THE NEW YORK STATE EDUCATION LAW.

BME ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

10 LIFT BRIDGE LANE EAST
FAIRPORT, NEW YORK 14450
PHONE 585-377-7360
FAX 585-377-7309

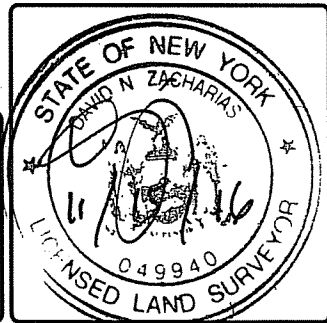
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BME Associates



LEHIGH PARK PHASE II RE-ZONING EXHIBIT
TOWN OF HENRIETTA MONROE COUNTY NEW YORK

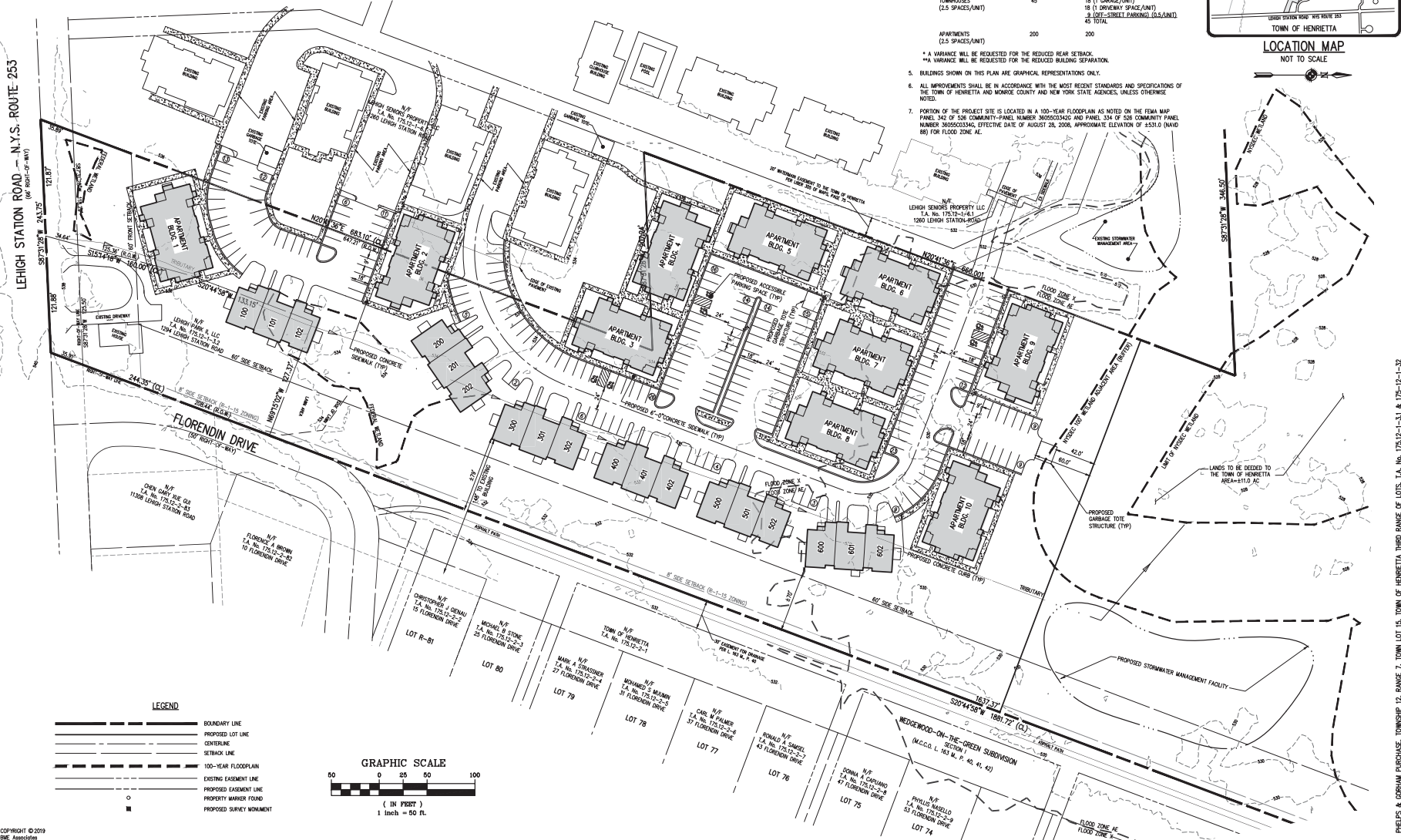
DRAWN BY: KAM
DATE: 11-14-16

SCALE: 1"=200'
DWG NO: 2512-02



REVISED OWNER OF 0.765 AC PARCEL 11-15-16 KAM
REVISED PER COMMENTS 11-14-16 KAM

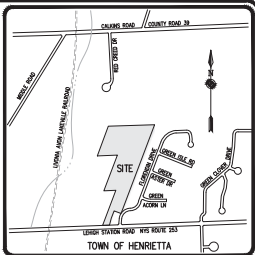
LEHIGH STATION ROAD - N.Y.S. ROUTE 253
(BY RIGHT-OF-WAY)



SITE NOTES:

- EXISTING ZONING: R-1-15 RESIDENTIAL
 - PROPOSED ZONING: R-2-15 RESIDENTIAL
 - TOTAL PROJECT AREA IS 18.97 ACRES.
 - PROPOSED USE: 80 APARTMENT UNITS IN 10 BUILDINGS (8 UNITS/BUILDING) AND 18 TOWNHOUSE UNITS
 - APPLICABLE DEVELOPMENT STANDARDS PROVIDED AS FOLLOWS:
- | SETBACKS | REQUIRED | PROPOSED |
|------------------------------|----------|---|
| FRONT | 60' | 60' |
| SIDE | 60' | 42' |
| REAR | 60' | 42' |
| BUILDING HEIGHT | 40' | 40' |
| MIN. BUILDING SEPARATION | 40' | 20'+* |
| PARKING | REQUIRED | PROPOSED |
| TOWNHOUSES (2.5 SPACES/UNIT) | 45 | 18 (1 GARAGE/UNIT)
18 (1 DRIVEWAY SPACE/UNIT)
3 (OFF-STREET PARKING) (0.5/UNIT)
45 TOTAL |
| APARTMENTS (2.5 SPACES/UNIT) | 200 | 200 |

- A VARIANCE WILL BE REQUESTED FOR THE REDUCED REAR SETBACK.
- A VARIANCE WILL BE REQUESTED FOR THE REDUCED BUILDING SEPARATION.
- BUILDINGS SHOWN ON THIS PLAN ARE GRAPHICAL REPRESENTATIONS ONLY.
- ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT STANDARDS AND SPECIFICATIONS OF THE TOWN OF HENRIETTA AND MONROE COUNTY AND NEW YORK STATE AGENCIES, UNLESS OTHERWISE NOTED.
- PORTION OF THE PROJECT SITE IS LOCATED IN A 100-YEAR FLOODPLAIN AS NOTED ON THE FEMA MAP PANEL 345 OF 506 COMMUNITY-PANEL NUMBER 3005003346 AND PANEL 336 OF 506 COMMUNITY PANEL NUMBER 3005003346, EFFECTIVE DATE OF AUGUST 28, 2008, APPROXIMATE ELEVATION OF 4531.0 (NAVD 88) FOR FLOOD ZONE AC.



Drainage Attention
This drawing is an extract from the final plan to be submitted to the Town of Henrietta, NY, under the provisions of the Town Code, Section 250 and shall apply to the project.
It is the obligation of the drafter to verify the accuracy of the information provided to the drafter and to ensure that the information is correct and complete. The drafter shall be responsible for the accuracy of the information provided to the drafter and for the accuracy of the information provided to the drafter.

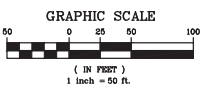
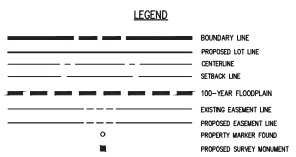
NO.	REVISION	DATE	BY
7	REVISED FOR TOWN COMMENTS	12/15/16	BAE
6			
5			
4			
3			
2			
1			

BME ASSOCIATES
ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
15 HARTFORD AVENUE, SUITE 200
FAIRPORT, NEW YORK 14455
PHONE: 516-377-2760
FAX: 516-377-2509
WWW.BMEINC.COM

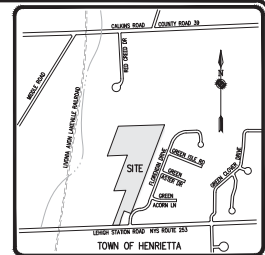
LEHIGH PARK II
TOWN OF HENRIETTA, MONROE COUNTY, NEW YORK
PROJECT ENGINEER
M. BOGUEVSKI
DRAWN BY
M. SERINI
SCALE
DATE ISSUED
NOVEMBER 2016

CONCEPT PLAN
PROJECT LOCATION CLIENT DRAWING TITLE

PROJECT MANAGER DATE
P. VARS
PROJECT ENGINEER DATE
M. BOGUEVSKI
DRAWN BY DATE
M. SERINI
SCALE DATE ISSUED
1"=50' NOVEMBER 2016
PROJECT NO.
2512
DRAWING NO.
01



PHILIP S. CORHAM PURCHASE: TOWNSHIP 12, RANGE 7, TOWN LOT 15, TOWN OF HENRIETTA, THIRD RANGE OF LOTS, L.A. No. 175-12-1-11 & 175-12-1-12



Caution: Attention
 The following is an extract from the
 New York State Engineering Law, Article
 160 Section 7203 and applies to this
 drawing.
 "It is a violation of this law for any
 person, unless he is acting under the
 engineer or land surveyor to alter any
 part of any drawing or plan having the
 seal of an engineer or land surveyor to
 extend the liability imposed or to add
 thereto any other liability, or to add
 and the relation 'taken by' referred
 to the engineer and the date of such
 alteration, and a specific description
 of the alteration."

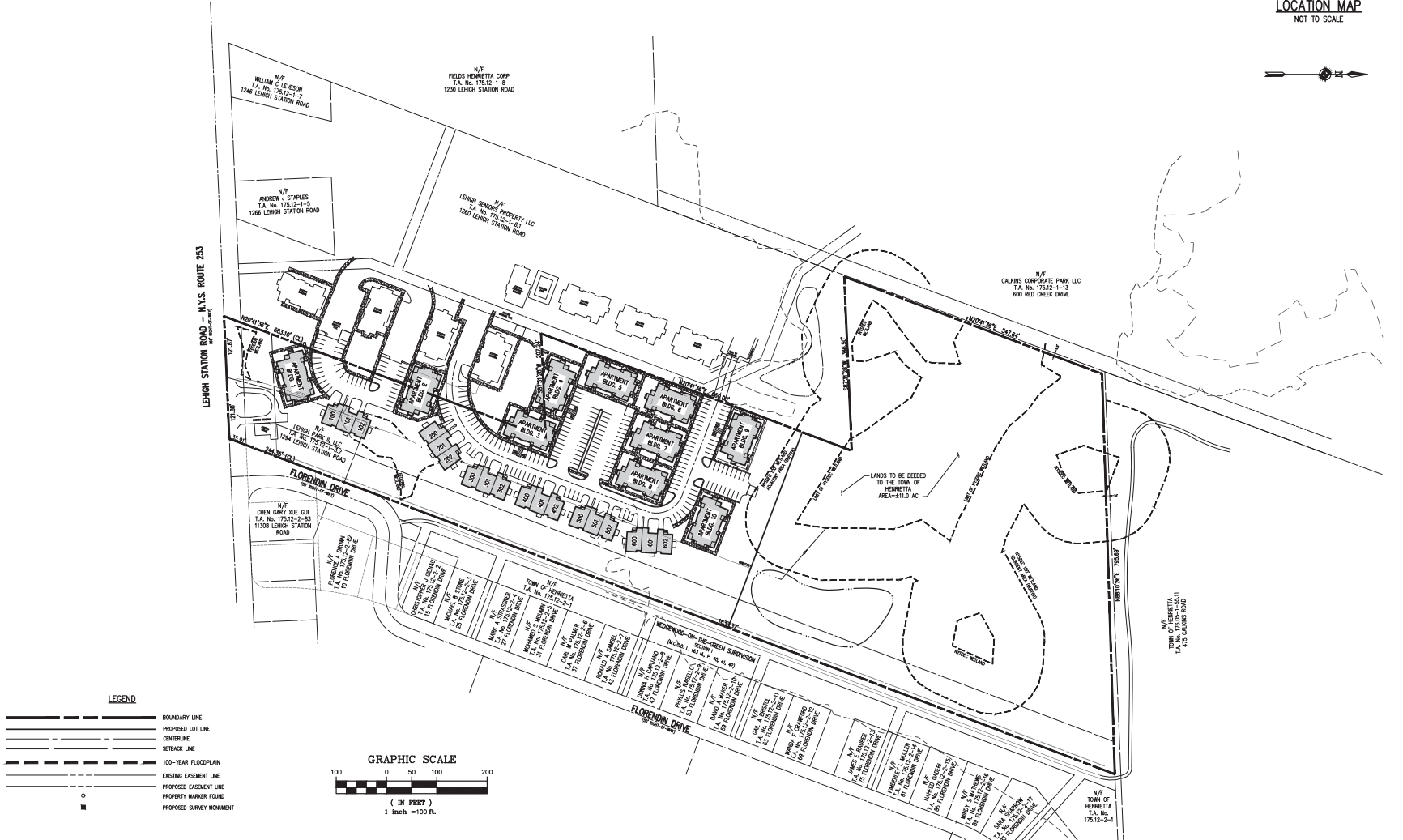
NO.	REVISION	DATE
7	REVISED PER TOWN COMMENTS	12/27/16
6		
5		
4		
3		
2		
1		

BME ASSOCIATES
 ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
 15 ALPHEUS BRIDGE LANE, SUITE 100
 FAIRPORT, NEW YORK 14450
 WWW.BMEINC.COM
 PHONE: 516-377-7260
 FAX: 516-377-7269

LEHIGH PARK II
 TOWN OF HENRIETTA, WARREN COUNTY, NEW YORK
 LEHIGH PARK II, LLC
 1000 WOODSIDE AVENUE
 SUITE 200, NEW YORK, NY 10028

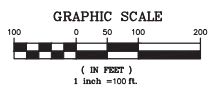
OVERALL CONCEPT PLAN
 PROJECT: LEHIGH PARK II
 LOCATION: TOWN OF HENRIETTA, WARREN COUNTY, NEW YORK
 CLIENT: LEHIGH PARK II, LLC
 DRAWING TITLE: OVERALL CONCEPT PLAN

PROJECT MANAGER	DATE
P. VARS	
PROJECT ENGINEER	DATE
M. BOGOSIANSKI	
DRAWN BY	DATE
M. SERINI	
SCALE	DATE ISSUED
1"=100'	NOVEMBER 2016
PROJECT NO.	2512
DRAWING NO.	03



LEGEND

	BOUNDARY LINE
	PROPOSED LOT LINE
	CENTERLINE
	SETBACK LINE
	100-YEAR FLOODPLAIN
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	PRIORITY MARKER FOUND
	PROPOSED SURVEY MONUMENT



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FIELD'S & CORHAM PURCHASE, TOWNSHIP 12, RANGE 7, TOWN LOT 145, TOWN OF HENRIETTA, THIRD RANGE OF LOTS, T.A. No. 175.12-1-31 & 175.12-1-32

Significance Andrew Short-Bonnie Kase Property

Located on Tax Parcel 175.12-1-3.2
1294 Lehigh station Road

Placed in the Eleventh Historic Site District by Town Board Resolution #5-88/2015 at the request of the owner and recommendation of the Historic Site Committee

Placed on the State and National Register of Historic Places January 23, 2015

The following excerpts are from the Registration Form for the National Register of Historic places written and submitted by Virginia L. Bartos, Ph.D, NYS Office of Parks, Recreation, & Historic Preservation

Regarding the construction of the house:

'Constructed in the 1850's, the house is a farm residence of vertical wood plank construction, the first to be documented for the locality...'

'The interior is largely intact in plan and has visible evidence of plank construction, including exposed corner beams on the first floor and exposed sections of vertical plank framing where plaster has been removed. The interior also retains historic features such as much of the original lath and plaster walls, wall and ceiling moldings, wood floors and an enclosed staircase. '

'With most of the historic fabric still intact, the house is an excellent example of mid nineteenth century plank house construction and how it was updated to fit the needs of the farm and family. The house is a rare example of this construction method in the town....'

Brief history for Andrew Short:

'Andrew Short was an Irish immigrant who settled in Henrietta around 1855. After working as a laborer in Rochester, Short was able to buy three acres of farmland, which was quickly expanded to eight acres and eventually twenty acres by 1870. It was at this time that the town of Henrietta was well into its transformation from densely wooded forest to active agricultural area.'

' After his death in 1895, the farm was inherited by his daughter Elizabeth, the first child of his second marriage. It eventually passed to her daughter Esther Schaefer Halpin, who sold the property out of the family in 1948.'

[Additional information from T. Thompson, Historian:](#)

[I know of only one other house with plank construction and it is located on Middle Road.](#)

[The Andrew Short House was originally identified as the Florendin Feasel House and that is not correct. The State Register of Historic Properties has been corrected but the National Register has not, despite multiple requests.](#)

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-93/2019

On Motion of
Councilman Adair

Seconded by
Councilman Page

WHEREAS, the Town Board has received a written application from the property owner, Lehigh Park II, LLC, relating to the proposed multi-family on the north side of Lehigh Station Road and west of Florendin Drive, bearing Tax Account numbers 175.12-1-3.1 and 175.12-1-3.2, and

WHEREAS, the applicants would like to rezone the 18.97 +/- acre parcels of land located on the north side of Lehigh Station Road and west of Florendin Drive (Tax Account Nos. 175.12-1-3.1 and 175.12-1-3.2) from Residential R-1-15 to Residential R-2-15, and

WHEREAS, a Public Hearing is being held on March 13, 2019 at 7:00 p.m. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta New York, to consider rezoning said land to Residential R-2-15 in order to allow for the proposed multi-family dwelling.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby declares its intent to be Lead Agency for the purposes of the New York State Environmental Quality Review Act (SEQR), and directs that required notices and information be distributed to the various involved agencies.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Lehigh Park II		
Project Location (describe, and attach a general location map): North side of Lehigh Station Road, NYS Rte. 253, west of Florendin Drive including property at 1294 Lehigh Station Road and Tax Parcel 175.12-1-3.1		
Brief Description of Proposed Action (include purpose or need): Application for rezoning from R-1-15 to R-2-15 to construct a multi-family rental apartment and townhouse project. This action will be the second phase of an existing rental apartment project and will connect to existing parking areas and pedestrian sidewalks within the first phase.		
Name of Applicant/Sponsor: Lehigh Park II LLC attn: Christopher A. DiMarzo, member		Telephone: (585) 232-1760
		E-Mail: cdimarzo@markiventerprises.com
Address: 301 Exchange Blvd.		
City/PO: Rochester	State: New York	Zip Code: 14608
Project Contact (if not same as sponsor; give name and title/role): Same as Applicant/Sponsor		Telephone: N/A
		E-Mail: N/A
Address: N/A		
City/PO: N/A	State: N/A	Zip Code: N/A
Property Owner (if not same as sponsor): Same as Applicant/Sponsor		Telephone: N/A
		E-Mail: N/A
Address: N/A		
City/PO: N/A	State: N/A	Zip Code: N/A

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Rezoning and Special Permit	2/15/19
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan and Subdivision Approval	7/19
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Monroe County Health Dept. for water and sewer supply. Monroe County Water Auth. for water	7/19
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	New York State DEC for wetland buffer permit to construct pedestrian path future Town lands	8/19
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	New York State DOT for Utility Permit	8/19
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	US Army Corps of Engineers Nation Wide Permit to fill 0.1 acre of Federal Wetlands	8/197
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? YesNo

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? YesNo

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) YesNo

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? YesNo

If Yes, identify the plan(s):

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
R-1-15 Residential
- b. Is the use permitted or allowed by a special or conditional use permit? Yes No
- c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? R-2-15 Residential District

C.4. Existing community services.

- a. In what school district is the project site located? Rush Henrietta School District
- b. What police or other public protection forces serve the project site?
Monroe County Sheriff's
- c. Which fire protection and emergency medical services serve the project site?
Henrietta Fire District - Henrietta Fire Company No. 1 Fireman
- d. What parks serve the project site?
Veterans Memorial Park, Tinker Nature Park, Martin Road Park, and Mendon Ponds Park

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential
- b. a. Total acreage of the site of the proposed action? 18.97 acres
b. Total acreage to be physically disturbed? 6 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 30.46 acres
- c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 42 Units: 95 housing units
- d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential to combine proposed Phase 2 property with Phase 1 property and eliminate property lines for 1294 Lehigh Sta. Rd.
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? 0
iv. Minimum and maximum proposed lot sizes? Minimum N/A Maximum N/A
- e. Will proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: 24 months
ii. If Yes:
 - Total number of phases anticipated _____
 - Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 - Anticipated completion date of final phase _____ month _____ year
 - Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	18	80
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: Storm water detention
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: Storm water runoff
 iii. If other than water, identify the type of impounded/contained liquids and their source. N/A
 iv. Approximate size of the proposed impoundment. Volume: 0.5 million gallons; surface area: +/- 0.30 acres
 v. Dimensions of the proposed dam or impounding structure: N/A height; N/A length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Proposed grading and excavation for construction of stormwater management facility

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? N/A
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): N/A
 • Over what duration of time? N/A
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. N/A
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. N/A
 v. What is the total area to be dredged or excavated? _____ N/A acres
 vi. What is the maximum area to be worked at any one time? _____ N/A acres
 vii. What would be the maximum depth of excavation or dredging? _____ N/A feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: N/A

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Unnamed Federal Wetland

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Placement of fill in 0.60 - acres of the wetland to accomidate portions of Townhouse buildings 100-102 and 200-202.

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: Placement of Fill

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: N/A
- expected acreage of aquatic vegetation remaining after project completion: N/A
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): N/A
- proposed method of plant removal: N/A
- if chemical/herbicide treatment will be used, specify product(s): N/A

v. Describe any proposed reclamation/mitigation following disturbance: N/A

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: 19,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: Monroe County Water Authority Service Area
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: N/A
- Source(s) of supply for the district: N/A

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: N/A
- Date application submitted or anticipated: N/A
- Proposed source(s) of supply for new district: N/A

v. If a public water supply will not be used, describe plans to provide water supply for the project: N/A

vi. If water supply will be from wells (public or private), maximum pumping capacity: N/A gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: 19,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: Frank E. VanLare Treatment Plant
- Name of district: Town of Henrietta
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
N/A

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: N/A
- Date application submitted or anticipated: N/A
- What is the receiving water for the wastewater discharge? N/A

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):
 N/A

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 N/A

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 3.73 acres (impervious surface)
 _____ Square feet or 18.97 acres (parcel size)
- Describe types of new point sources. Stormwater pipe discharge from on-site stormwater management pond
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
On-site stormwater management pond then to NYSDEC Wetland HR-20
 - If to surface waters, identify receiving water bodies or wetlands: _____
 NYSDEC Wetland HR-20
 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 N/A
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
 N/A
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
 N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ N/A Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ N/A Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ N/A Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ N/A Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ N/A Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 - _____ N/A Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): N/A

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): N/A

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

N/A

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: N/A

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease N/A

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

N/A

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

N/A

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

N/A

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 AM - 5:00 PM</u> • Saturday: <u>7:00 AM - 5:00 PM</u> • Sunday: <u>None</u> • Holidays: <u>None</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>N/A</u> • Saturday: <u>N/A</u> • Sunday: <u>N/A</u> • Holidays: <u>N/A</u>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
During Construction - Back-up warning beeper, heavy equipment noises, generator and compressor noises throughout the construction hours

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Parking lot lights 12-18 feet in height. Lights will be dark sky compliant and avoid any light spill over property lines

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____
N/A

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored N/A

ii. Volume(s) _____ N/A per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____
N/A

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):
Standard lawn care pesticides will be applied to established lawns.

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ N/A tons per _____ (unit of time)
- Operation : _____ N/A tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: N/A
- Operation: N/A

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: N/A
- Operation: N/A

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): N/A
 ii. Anticipated rate of disposal/processing:
 • N/A Tons/month, if transfer or other non-combustion/thermal treatment, or
 • N/A Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: N/A years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: N/A
 ii. Generally describe processes or activities involving hazardous wastes or constituents: N/A
 iii. Specify amount to be handled or generated N/A tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: N/A
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: N/A
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: N/A

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.09 ac	3.82 ac	+3.73 ac
• Forested	15.25 ac	9.21 ac	-6.04 ac
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0.25 ac	+0.25 ac
• Wetlands (freshwater or tidal)	2.96 ac	2.35 ac	-0.61 ac
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Lawn</u>	0.67 ac	3.34 ac	+2.67 ac

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
N/A

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ N/A feet
• Dam length: _____ N/A feet
• Surface area: _____ N/A acres
• Volume impounded: _____ N/A gallons OR acre-feet
ii. Dam's existing hazard classification: N/A
iii. Provide date and summarize results of last inspection:
N/A

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: N/A
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
N/A
iii. Describe any development constraints due to the prior solid waste activities: _____
N/A

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
N/A

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
N/A
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 828037
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
In active

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: N/A
- Describe the type of institutional control (e.g., deed restriction or easement): N/A
- Describe any use limitations: N/A
- Describe any engineering controls: N/A
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: N/A

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? Greater than 8 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

<u>Odessa Series</u>	<u>30</u> %
<u>Schoharie Series</u>	<u>30</u> %
<u>Cayuga Series</u>	<u>40</u> %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: 35 % of site
 Moderately Well Drained: 35 % of site
 Poorly Drained 30 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name NYS Wetland, Federal Waters Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) HR-20

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: N/A

m. Identify the predominant wildlife species that occupy or use the project site: _____ N/A _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ N/A _____ ii. Source(s) of description or evaluation: N/A _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ N/A acres • Following completion of project as proposed: _____ N/A acres • Gain or loss (indicate + or -): _____ N/A acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ N/A _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: N/A _____ ii. Basis for designation: N/A _____ iii. Designating agency and date: N/A _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
ii. Name: <u>Florendin Feasel House</u>	
iii. Brief description of attributes on which listing is based:	
<u>Age and construction of the house</u>	
f. 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Describe possible resource(s): <u>N/A</u>	
ii. Basis for identification: <u>N/A</u>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>Mendon Ponds Park</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Named to the National Registry of National Landmarks due to its geography</u>	
iii. Distance between project and resource: <u>3.4 miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: <u>N/A</u>	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

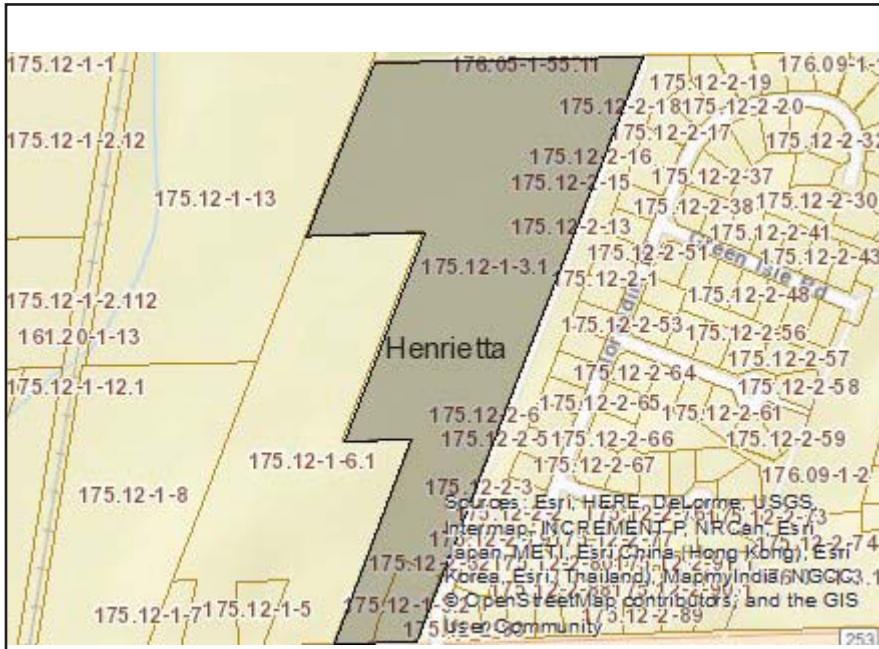
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Lehigh Park II LLC - Christopher A. DiMarzo Date 2/15/19

Signature  Title Member



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.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	828037
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	NYS Wetland, Federal Waters
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres): 123.7
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	HR-20
E.2.h.v [Impaired Water Bodies]	No

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	Florendin Feasel House
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-94/2019

On Motion of
Councilman Page

Seconded by
Supervisor Schultz

WHEREAS, the Town of Henrietta received an application from the property owner, Louis Bivone, and the buyer, Neil Silvarole (the "Application"), requesting a rezoning of lands at 340 Jefferson Road, bearing Tax Account No. 161.07-1-1.2, comprising a 1.89 +/- acre parcel of land (the "Property"), from its current zoning designation of Commercial B-1 to Industrial, in order to construct a self-storage facility, and

WHEREAS, on January 23, 2019 by Resolution #3-67/2019, the Town Board adopted a Resolution declaring its intent to be the Lead Agency for the purposes of the New York State Environmental Quality Review Act (SEQR) and duly issued the required notices and information to the involved agencies, and

WHEREAS, greater than 30 days have since passed and the Town has received no objections to its intent to act as Lead Agency, and

WHEREAS, on February 13, 2019, the Town Board held a public hearing to consider the Application, at which time all parties and citizens were afforded an opportunity to be heard, and

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

WHEREAS, the Town Board has carefully considered and taken a hard look at all potential environmental impacts of 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 has carefully considered the information contained therein.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board is the Lead Agency for the project proposed by the property owner, Louis Bivone, and the buyer, Neil Silvarole.

BE IT FURTHER RESOLVED, that pursuant to SEQR, the Town Board hereby adopts and approves the attached Parts 2 and 3 of the EAF.

BE IT FURTHER RESOLVED, that based upon the information, documentation, testimony, and findings, and after examining the relevant issues by taking a hard look and engaging in reasoned elaboration, the Town Board determines that the Project will not have a potentially significant adverse impact on the environment, and hereby issues a negative declaration.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: 340 Jefferson Road		
Project Location (describe, and attach a general location map): 340 Jefferson Road, Rochester, NY 14623		
Brief Description of Proposed Action (include purpose or need): Rezoning of 340 Jefferson Road from B-1 (Commercial) to I (Industrial).		
Name of Applicant/Sponsor: LandTech (John Sciarabba)		Telephone: (585) 442-9902
		E-Mail: john@landtechny.com
Address: 710 Latta Road		
City/PO: Rochester	State: NY	Zip Code: 14612
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Louis A. Bivone		Telephone: (585) 370-5182
		E-Mail: lbivone@alliancedoor.com
Address: 1725 Calkins Road		
City/PO: Pittsford	State: NY	Zip Code: 14534

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board: Rezoning	12/2018
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? YesNo

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? YesNo

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) YesNo

If Yes, identify the plan(s):
 NYS Heritage Areas:West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? YesNo

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

B-1 (Commercial)

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? I (Industrial)

C.4. Existing community services.

a. In what school district is the project site located? Rush-Henrietta CSD

b. What police or other public protection forces serve the project site?

Monroe County Sheriff, New York State Troopers

c. Which fire protection and emergency medical services serve the project site?

Henrietta Fire District

d. What parks serve the project site?

Lynch Woods Nature Park, Kenwick Park & Highland Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial (Self-Storage Facility)

b. a. Total acreage of the site of the proposed action? 1.89 acres

b. Total acreage to be physically disturbed? 0.9 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.89 acres

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: 12 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____ 4

ii. Dimensions (in feet) of largest proposed structure: _____ 20' height; _____ 20' width; and _____ 200' length

iii. Approximate extent of building space to be heated or cooled: _____ 100 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
If Yes:

i. Total anticipated water usage/demand per day: _____ 50 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
If Yes:

- Name of district or service area: MCWA
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 50 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
If Yes:

- Name of wastewater treatment plant to be used: Pure Waters
- Name of district: Irondequoit Bay South Central Pure Waters District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

Yes No
 Yes No

Do existing sewer lines serve the project site?
 Will line extension within an existing district be necessary to serve the project?
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
50,000 kWh

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Rochester Gas & Electric

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7AM-7PM • Saturday: _____ 7AM-7PM • Sunday: _____ 7AM-7PM • Holidays: _____ N/A 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hrs/day • Saturday: _____ 24 hrs/day • Sunday: _____ 24 hrs/day • Holidays: _____ 24 hrs/day
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
Construction: Typical construction noises

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Building mounted light fixtures (10-12 foot mounting height)

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ 1 tons per _____ month (unit of time)
- Operation : _____ 0 tons per _____ month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Traditional recycling provided by hauler
- Operation: N/A

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Typical hauler
- Operation: N/A

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.87	1.00	+0.13
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.02	0.89	-0.13
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >4 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Claverack loamy fine sand	60 %
Cosad loamy fine sand	40 %
_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ >4 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 821-10 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Principal Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">Deer</td> <td style="width: 33%; border-bottom: 1px solid black;">Raccoons</td> <td style="width: 33%; border-bottom: 1px solid black;">Squirrels</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Rabbits</td> <td style="border-bottom: 1px solid black;">Mice</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>			Deer	Raccoons	Squirrels	Rabbits	Mice	
Deer	Raccoons	Squirrels						
Rabbits	Mice							
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 								
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>								
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>								
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>								
<p>E.3. Designated Public Resources On or Near Project Site</p>								
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>								
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>								
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>								
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>								

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? Yes No

If Yes:
 i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District
 ii. Name: _____
 iii. Brief description of attributes on which listing is based: _____

f. 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? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:
 i. Describe possible resource(s): _____
 ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:
 i. Identify resource: _____
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____
 iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:
 i. Identify the name of the river and its designation: _____
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

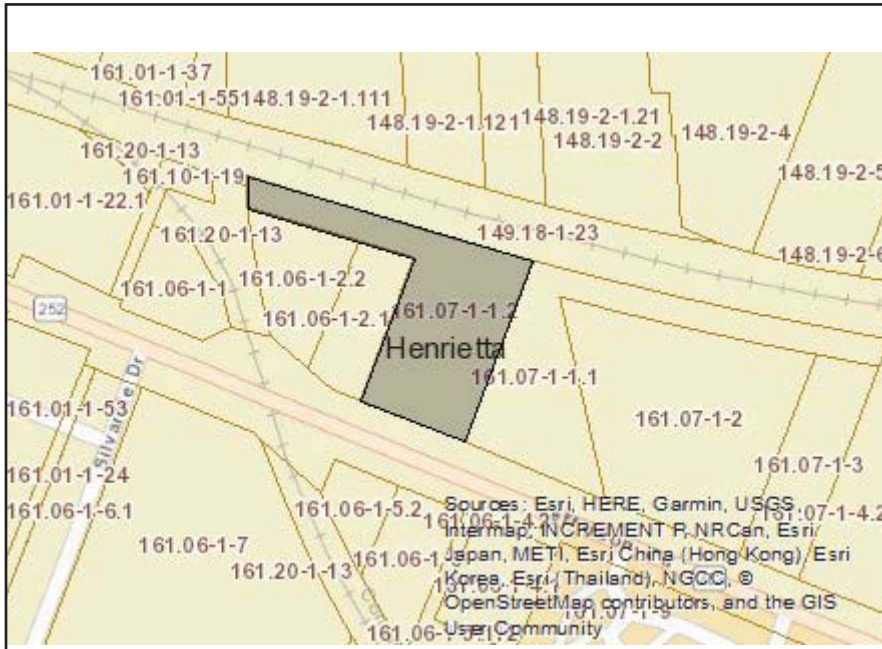
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name LandTech (John Sciarabba) Date 12-20-18

Signature  Title _____



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.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	821-10
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No

E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : 340 Jefferson Road Rezone
Date : February 20, 2019

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

 NO YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

 NO YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

 NO YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
 If “Yes”, answer questions a - h. If “No”, go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
 If “Yes”, answer questions a - g. If “No”, proceed to Part 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See the attached EAF Part 3 supplement dated February 20, 2019.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

N/A

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Henrietta Town Board _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: 340 Jefferson Road Rezoning

Name of Lead Agency: Henrietta Town Board

Name of Responsible Officer in Lead Agency: Stephen L. Schultz

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date: February 20, 2019

For Further Information:

Contact Person: Christopher E. Martin, P.E.

Address: 475 Calkins Road, PO Box 999, Henrietta, NY 14467

Telephone Number: (585) 359-7070

E-mail: cmartin@henrietta.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**EAF Part 3 for 340 Jefferson Road Rezoning
Tax Account No. 161.07-1-1.2**

February 20, 2019

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. Petition to Rezone Real Property, prepared by Land Tech Surveying & Planning, PLLC dated December 18, 2018;
- b. Full Environmental Assessment Form, Part 1, prepared by Land Tech Surveying & Planning, PLLC dated December 20, 2018;
- c. 340 Jefferson Road Self-Storage Rezoning Concept Plan, prepared by Land Tech Surveying & Planning, PLLC dated December 10, 2018.

1. Impact on Land

- 1f. There is a potential for erosion to occur within the site if proper erosion control devices are not in place. To ensure compliance, a grading and erosion control plan will be required to prevent erosion from occurring. Also, the site will be inspected once a week throughout construction to monitor the condition of the erosion control.

2. Impact on Geological Features

No impact; there are no geological features on or adjacent to the site.

3. Impacts on Surface Water

- 3e. The action has the potential to create turbidity and sediment in the adjacent water bodies if the proper erosion control devices are not implemented or properly maintained. A drainage report and grading plan will have to be prepared in accordance with Town of Henrietta standards. The grading plan shall use sedimentation basins, stone check dams, stabilized construction entrances, silt fence, concrete wash out area, and other erosion control devices to control site erosion. Also, site inspections will be performed once a week until the site is stabilized to ensure that erosion is not leaving the site.

3h. See paragraph 3e.

3i. See paragraph 3e.

4. Impact on Groundwater

No impact; the project will not use or impact the groundwater, nor will it result in contaminants which may be introduced to the groundwater.

5. Impact on Flooding

- 5b. The project is located within a 100 and 500 year floodplain of a tributary to Red Creek. The finish floor elevations of the proposed buildings will have to be a minimum of two

feet above the 100 year floodplain elevation, and compensatory storage, if applicable, will have to be provided on-site to account for the portion of the floodplain that is being filled in. No development is being proposed within the floodway.

5c. See paragraph 5a.

6. Impacts on Air

No impact.

7. Impact on Plants and Animals

No impact. There are no habitats within the site of any significance.

8. Impact on Agricultural Resources

The proposed project is not located within or adjacent to an agricultural district, so there is no impact.

9. Impact on Aesthetic Resources

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

10. Impact on Historic and Archeological Resources

10b. Since the site is located within an area designated as archeologically sensitive, a Phase IA Cultural Resource Investigation may be required. The applicant will have to provide documentation to the Town and to the New York State Parks, Recreation, and Historic Preservation (OPRHP) stating that there are no archeological issues prior to commencing any construction work. Also, the site is currently occupied by an existing building that will be demolished as part of the proposed self-storage development, so any archeological impacts to the site should be minimal.

11. Impact on Open Space and Recreation

No impact.

12. Impact on Critical Environmental Areas

No impact, there are no CEA's on or adjacent to the site.

13. Impact on Transportation

No significant impact since a self-storage facility generates very little traffic.

14. Impact on Energy

No impact, there is ample energy capacity present in the area.

15. Impact on Noise, Odor, and Light

Minor impact; the lighting will be contained on site and should not impact adjacent properties. During construction, noise will be kept below the Town's local ordinance levels and time periods.

16. Impact on Human Health

The site has no environmental conditions which could result in an impact to human health. The proposed use will not generate waste which could impact human health.

17. Consistency with Community Plans

No impact, the project is consistent with community plans.

18. Consistency with Community Character

No impact, the project will result in no demand for community services.

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-95/2019

On Motion of
Supervisor Schultz

Seconded by
Councilman Barley

WHEREAS, the Town of Henrietta received an application from the property owner, Louis Bivone, and the buyer, Neil Silvarole, relating to the rezoning of a 1.89 +/- parcel of land located at 340 Jefferson Road, Tax Account No. 161.07-1-1.2, to be rezoned from Commercial B-1 to Industrial, and

WHEREAS, the applicant proposes to build a self-storage facility on the indicated parcel, which is an allowed use in an Industrial Zone, and

WHEREAS, the adjacent parcels to the north are all currently zoned Industrial Limited Commercial, and

WHEREAS, the Henrietta Town Board duly called for and held a Public Hearing at the Henrietta Town Hall on the 13th day of February, 2019, at 7:00 p.m., where all interested parties were heard, including neighbors, on the proposed local law for the rezoning addressed herein, and

WHEREAS, the Town Board has complied with the requirements of the State Environmental Quality Review Act ("SEQR"), has acted as Lead Agency, and, on February 27, 2019, issued a Negative Declaration, determining that the Project will not have a significant adverse impact on the environment, and

WHEREAS, said Local Law is attached hereto and made a part hereof, and

WHEREAS, the Henrietta Town Board, after review of the application, all related materials and all Town staff and public comments, and after due deliberation thereon, finds it in the best interest of the Town to adopt said Local Law, and

WHEREAS, the Henrietta Town Board finds that the Henrietta Town Code and Town Zoning Map should be amended as set forth therein.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts said Local Law No. 2 of 2019 to Amend the Official Zoning Map of the Town of Henrietta to Rezone Approximately 1.89 Acres of Land (Tax Map Parcel No. 161.07-1-1.2) from Commercial B-1 to Industrial.

BE IT FURTHER RESOLVED, that the Henrietta Town Clerk is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

LOCAL LAW NO. 2 OF 2019 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF HENRIETTA TO REZONE APPROXIMATELY 1.89 ACRES OF LAND COMMONLY KNOWN AS 340 JEFFERSON RD. (TAX MAP PARCEL # 161.07-1-1.2)

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Municipal Home Rule Law Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 2 of 2019 to Amend the Official Zoning Map of the Town of Henrietta to Rezone Approximately 1.89 Acres of Land Commonly Known as 340 Jefferson Rd. (Tax Map Parcel # 161.07-1-1.2) from Commercial B-1 to Industrial.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the subject parcel is in an area characterized by similar commercial and business uses. Furthermore, the Town of Henrietta Comprehensive Plan calls for enhancing new commercial development in existing commercial areas. As a result, the Town Board finds that the proposed rezoning is in the interest of the Town of Henrietta.

Section IV. Amendment.

The Town of Henrietta Official Zoning Map, on file in the Office of the Town Clerk, and the Town of Henrietta Zoning Code (located at Chapter 295 of the Henrietta Town Code), inasmuch as the Zoning Map is incorporated into the Town of Henrietta Zoning Code, be and hereby is amended by this Local Law as follows:

The following Property, that being approximately 1.89 Acres of Land commonly known as 340 Jefferson Rd., comprising a parcel with Tax Map Parcel # 161.07-1-1.2, is hereby zoned and designated as follows, subject to all regulations created and established relative to the applicable zoning designations that follow.

Said Property shall be rezoned from Commercial B-1 to Industrial, all as more particularly described in the metes and bounds description that follows.

Description of
Parcels to be Rezoned

ALL THAT TRACT OR PARCEL OF LAND, being part of Town Lot 3, Fifth Range of Lots, Township 12, Range 7 of the Phelps-Gorham Purchase, Town of Henrietta, County of Monroe and State of New York, all as shown on a subdivision map of the Krenzer Property, prepared by Cornwall Consultants, P.C., last dated July 23,

1992, being Drawing No. 150.1-07 and being more particularly described as follows:

Beginning at a point in the northerly highway boundary of Jefferson Road (New York State Route No. 252), said point being 3,318 more or less feet westerly of the westerly highway boundary of West Henrietta Road, said point also being the southeast corner of Lot 1 of the Krenzer Subdivision; thence

1. North 68° 29' 55" West, along the northerly highway boundary of said Jefferson Road, a distance of 197.33 feet to a point; thence
2. North 20° 22' 57" East, along the easterly line of lands, now or formerly, owned by Mohamed A. Rawoof, as filed in the Monroe County Clerk's Office in Liber 6509 of Deeds, page 167, a distance of 270.25 feet to a point; thence
3. North 73° 36' 08" West, along the northerly line of said Rawoof lands, a distance of 308.52 feet to a point; thence
4. Northerly, along the easterly line of lands reputedly owned by Consolidated Railway Corporation on a curve to the left having a radius of 1,877.00 feet (Chord+ N 6° 32' 39" West, 54.30 feet), a distance of 54.30 feet to a point; thence
5. South 73° 36' 08" East, along the southerly line of lands reputedly owned by said Consolidated Railway Corporation, a distance of 344.29 feet to a point; thence
6. Easterly, along the southerly line of lands reputedly owned by said Consolidated Railway Corporation, on a curve to the left having a radius of 5,779.60 feet, a central angle of 1° 55' 12" and a distance of 193.68 feet to a point; thence
7. South 21° 30' 05" West, along the westerly line of Lot 2 of the Krenzer Subdivision, a distance of 342.40 feet to a point on the north right of way of Jefferson Road, said point being the true point beginning.

Intending to describe Lot 1 (1.891 acres) as shown on a Map of the Krenzer Property, prepared by Cornwall Consultants, P.C. being Drawing No. 150.1.07, filed in the Monroe County Clerk's Office in Liber 272 of Maps, page 3 (340 Jefferson Road).

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-96/2019

On Motion of
Councilman Barley

Seconded by
Councilman Stafford

WHEREAS, the 2019 Sanitary Sewer Budget provides funds for studies on the Sanitary Sewer System, and

WHEREAS, the Engineering Department and the Drainage, Sewer, and Sidewalk Department have requested quotes from different sources, and

WHEREAS, a quote was received from TEC Smith, Inc. for an amount not to exceed \$24,300.

THEREFORE, BE IT RESOLVED, that TEC Smith, Inc., PO Box 383, Elma, New York 14059 be hereby awarded the quote for the 2019 Sanitary Sewer Capacity Study per the Town's RFP for professional services received February 21, 2019.

BE IT FURTHER RESOLVED, that the Finance Director be hereby authorized to pay TEC Smith, Inc. upon successful completion of the Project and acceptance by the Director of Engineering and Planning and the Drainage, Sewer, and Sidewalk Department.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

February 14, 2019

Mr. Christopher E. Martin, P.E.
Director of Engineering and Planning
Town of Henrietta
475 Calkins Rd.
Henrietta, NY 14467

Quotation for Flow Monitoring Service – 2019 Sanitary Sewer Flow Monitoring

Dear Mr. Martin:

This is our quote to provide sanitary sewer flow monitoring services as outlined in your February 2019 RFP. We understand and are capable of providing all labor and equipment necessary to complete all tasks outlined in Section-3, Basic Scope of Services. We intend to abide by all terms and attachments of the RFP.

Primary Contact:
Ethan Smith, President
716-462-0382 office
716-655-3369 fax
tecsmithinc@outlook.com

Project Coordinator:
Patrick Gronachan, Director of Operations
716-648-5691 operations + fax
patrickgro1984@msn.com

Experience

TECSMITH Inc. is a flow service provider. We specialize in open channel flow measurement for sanitary and storm sewer studies, as well as service and calibration of permanent flow meters used for billing and compliance. We have crews installing and servicing flow meters every day since 1996. As requested, here are three recent projects with references that involve portable flow meters for sanitary sewer studies similar to your project:

Town of Henrietta Temporary Sanitary Sewer Flow Monitoring 2018
Christopher E. Martin PE, Director of Engineering and Planning 585-359-7070

Monroe County 2014 Sanitary Sewer Study – I&I Master Plan
Mark Delavak, Field Supervisor, Monroe Co. Sewer Dept., 585-753-7584.
David Barnes, PE, Project Manager, CDM-Smith, 716-332-6133.

Town of Amherst Engineering Dept. Flow Monitoring and Meter Service (on-going)
Frank Fanara, Sewer Maintenance Engineer, 716-631-7154.

Professional Fees

We propose to do all nine (9) locations at once rather than splitting into two phases. This may be beneficial in capturing rain events that meet the criteria and monitoring your entire system under the same conditions.

Eight (8) Week Study (9 flow meters + 1 rain gauge) = \$24,300.
If additional monitoring is needed to capture the required rain events, our fee is \$2,700/week.

February 14, 2019
Mr. Christopher E. Martin, P.E.
Director of Engineering and Planning
Town of Henrietta
Quotation for Flow Monitoring Service – 2019 Sanitary Sewer Flow Monitoring
Page 2/2

Our work involves providing all labor and equipment to continuously monitor sanitary sewer flow at the nine (9) proposed meter locations. Our flow service includes weekly meter maintenance, calibration check, data collection, review, and data report. We will also provide, install, and maintain a recording rain gauge. Our data report can be e-mailed in spreadsheet format each week, and/or you can access weekly data files through our FSdata web site.

We are responsible for the performance (operation and function) of the meters we provide and manage. If one of our meters or sensors fails we will replace it as soon as possible. We are not responsible for lost data due to problems that may occur in the sewer (beyond our control) that damage our equipment or affect the sensor's ability to take measurements. We plan to use Hach – American Sigma model FL900 portable flow meters with subAV sensors. Attached is the flow meter specification document.

TECSMITH technicians are trained in confined space entry procedures and use all the appropriate safety equipment. They will complete an entry form each time they enter a manhole to service a flow meter.

Thank you for this opportunity.

Respectfully submitted,



Ethan Smith
President



Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

<p>1a. Legal Name and address of Insured (Use street address only) TECSmith Inc 55 Highland Drive Elma NY 14059</p> <p><i>Work Location of Insured (Only required if coverage is specifically limited to certain location in New York State, i.e. a Wrap-Up Policy)</i></p>	<p>1b. Business Telephone Number of Insured (716) 687-1418</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured 49619577</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number 27-3063388</p>
<p>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p>Town of Henrietta 475 Calkins Road Henrietta NY 14467</p>	<p>3a. Name of Insurance Carrier Selective Insurance Company of America</p> <p>3b. Policy Number of entity listed in box "1a": WC9023878</p> <p>3c. Policy effective period: 10/01/2018 to 10/01/2019</p> <p>3d. The Proprietor, Partners or Executive Officers are: <input checked="" type="checkbox"/> included (Only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded</p>

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

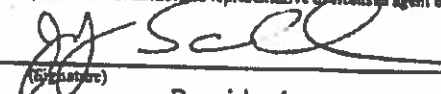
The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy. This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved By: John J. Schwab
(Print name of authorized representative or licensed agent of insurance carrier)

Approved By:  09/24/2018
(Signature) (Date)

Title: President
(Title)

Telephone Number of authorized representative or licensed agent of insurance carrier: Carrier Phone

Please Note: Only insurance carriers and their licensed agents are authorized to issue the C-105.2 form. Insurance brokers are NOT authorized to issue it.

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

C-105.2 (9-17) REVERSE



**CERTIFICATE OF INSURANCE COVERAGE
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW**

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

<p>1a. Legal Name & Address of Insured (use street address only) TECSMITH, INC. 55 HIGHLAND DRIVE ELMA, NY 14059</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)</p>	<p>1b. Business Telephone Number of Insured 7166871418</p> <p>1c. Federal Employer Identification Number of Insured or Social Security Number 02-0669062</p>
<p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Henrietta 475 Calkins Road Henrietta, NY 14467</p>	<p>3a. Name of Insurance Carrier Standard Security Life Insurance Company of New York</p> <p>3b. Policy Number of Entity Listed in Box "1a" R66050-000</p> <p>3c. Policy effective period 7/1/2018 to 12/31/2018</p>

4. Policy provides the following benefits:

A. Both disability and paid family leave benefits.

B. Disability benefits only.

C. Paid family leave benefits only.

5. Policy covers:

A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.

B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 9/20/2018 By *Bela J. Shapiro*
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (212) 355-4141 Name and Title SUPERVISOR-DBL/POLICY SERVICES

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

**State of New York
Workers' Compensation Board**

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.



Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in box "1a" for disability and/or paid family leave benefits under the New York State Disability and Paid Family Leave Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Disability and/or Paid Family Leave Benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or paid family leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYS Disability and/or Paid Family Leave Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability and Paid Family Leave Benefits Law.

DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-97/2019

On Motion of
Councilman Stafford

Seconded by
Councilman Adair

WHEREAS, the Henrietta Highway Department and Library have requested that the attached items on Exhibits A and B be declared surplus materials, and

WHEREAS, the Commissioner of Public Works has requested that truck #153 on Exhibit C, a 2003 Sterling Dump/Plow Truck (VIN#2FZAAZAN93AL05699), damaged by a fire on December 3, 2018, be declared surplus material, and

WHEREAS, the 2003 Sterling Dump/Plow Truck, on Exhibit C, has been surrendered to the New York Municipal Insurance Reciprocal for salvage value.

THEREFORE, BE IT RESOLVED, that the items attached be declared surplus materials and the items on the attached Exhibits A and B be sent to the Parks and Facilities Department for disposal.

BE IT FURTHER RESOLVED, that the attached items be removed from the Town's Inventory list.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried



585.359.7092
hplinfo@libraryweb.org

Henrietta Public Library
455 Calkins Road
Rochester, NY 14623

Exhibit A

Memo

To: Supervisor Schultz and the Town Board
Date: Wednesday, February 13, 2019
From: Library Board
Re: Surplus Inventory Item

If you could please put this in for a Town Board meeting when other inventory items are being done.

To request that the Town Board declare the following items as surplus:

- #4520 Compaq Pro Small Form Factor B305 Computer, 2010
- #4864 Compaq Pro Small Form Factor B305 Computer, 2010
- #4865 Compaq Pro Small Form Factor B305 Computer, 2010
- #4870 Compaq Pro Small Form Factor B305 Computer, 2010
- #4873 Compaq Pro Small Form Factor B305 Computer, 2010
- #4890 Compaq Pro Small Form Factor B305 Computer, 2010
- #8056 Compaq Pro Small Form Factor B305 Computer, 2010
- #3886 Sign-Neon, 2006

Thank you.

EXHIBIT B

TOWN OF HENRIETTA DEPARTMENT OF PUBLIC WORKS MEMORANDUM

February 22, 2019

To: Supervisor Schultz and the Town Board
From: Chuck Marshall, Commissioner of Public Works\Safety Officer
Subject: Surplus Town Equipment

It is recommended that the following Town equipment be declared surplus and removed from the town's inventory

<u>Inventory #</u>	<u>Description</u>	<u>Department</u>
ID # 3112	Black Exec. Chair	Service Garage
ID# 4526	Sthil 18" Chain Saw	Highway
ID# 4093	Schoenstadt Magnetic Locater	Sewer
ID# 4532	Honda Portable Generator	Sewer
ID# 3045	Turbo Air Compressor	Sewer
ID# 4608	Sthil MS271 Chainsaw	Drainage

EXHIBIT C

TOWN OF HENRIETTA
DEPARTMENT OF PUBLIC WORKS
MEMORANDUM

February 22, 2019

To: Supervisor Schultz and the Town Board
From: Chuck Marshall, Commissioner of Public Works\Safety Officer
Subject: Surplus Town Equipment

It is recommended that the following Town equipment be declared surplus and surrendered to the New York Municipal Insurance Reciprocal for salvage value.

<u>Inventory #</u>	<u>Description</u>	<u>Department</u>
ID# 3798	6 Wheel Dump Truck 2003 Sterling Vin# 2FZAAZAN93AL05699	Highway (Fire Damaged)

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-98/2019

On Motion of
Supervisor Schultz

Seconded by
Councilman Page

WHEREAS, the Henrietta Youth Hall of Fame Selection Committee has selected twenty-six exceptional young people to be inducted into the Year 2019 Youth Hall of Fame because of their special accomplishments, and

WHEREAS, these individuals have made significant contributions to the Henrietta community and/or have made a great personal achievement, and

WHEREAS, the Henrietta Town Board hereby recognizes the contributions and achievements of these young people.

THEREFORE, BE IT RESOLVED, that

Adriana Albino-Toro
Teepa Al-Mosawi
Giselle Antonio
Tyler Arthmann-Shepard
Taylor Biata
Benjamin Buyer
Jordyn Carter
Emily Ciccarelli
Jacen Emerson

Devin Felder
Hannah Feliciano
James Fiorilli II
Gabriella Garrett
Madelyn George
Tynisha Johnson
Hannah Lang
Kayla Lewis
Cierra McFadden

Ashlie Morrison
Jenna Peterson
Rafael Rivera Jr.
Vrushali Savalia
Ally Sobaszek
Ariana Stotz
Jared Trout
Kieran Wiesenberg

are congratulated by the Town Board for their induction into the Year 2019 Youth Hall of Fame and will be recognized on March 31, 2019 at 5:30 p.m. during a dinner being held at the RIT Inn & Conference Center, Henrietta, New York, for their positive influence on the quality of life in our community.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-99/2019

On Motion of
Councilman Page

Seconded by
Supervisor Schultz

WHEREAS, Silvarole Trucking previously owned property located within the Town having a street address of 85 Silvarole Drive, Rochester, New York 14623 ("Premises"), and operated the Premises as a materials recovery facility ("Facility"), and

WHEREAS, in connection with operation of the Facility, Silvarole entered into a Host Community Agreement ("HCA") with the Town, requiring certain payments to the Town. Said HCA was made to be applicable to all successors, assigns, etc. relating to the Facility, and

WHEREAS, on or about the fall of 2018, Silvarole transferred ownership of the Facility to Casella and Casella has obtained from the NYSDEC a permit to operate the Facility, and

WHEREAS, by operation of law, the HCA now applies to Casella instead of Silvarole, and

WHEREAS, for purposes of clarity, the Town Attorney prepared a document formally transferring the HCA from Silvarole to Casella, to ensure continued and uninterrupted applicability of the HCA, including payments to the Town due thereunder, and

WHEREAS, Silvarole has executed such transfer document.

THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute such transfer document.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried



85 Silvarole Drive
Rochester, New York 14623
(585) 272-0741 • Fax (585) 272-1015

August 20, 2018

Town of Henrietta Supervisor
Town of Henrietta
475 Calkins Road
PO Box 999
Henrietta, NY 14467

Re: Host Community Benefit Agreement

Dear Supervisor,

I am writing in regard to the Host Community Benefit Agreement (the "Agreement") between the Town of Henrietta (the "Town") and Silvarole Trucking, Inc. ("Silvarole"), dated June 25, 2014, pertaining specifically to certain benefits that the Town is to enjoy during the period Silvarole operates the transfer station located on Silvarole Drive in Henrietta, NY (the "Transfer Station").

Per the Agreement, Silvarole is to pay the Town one dollar (\$1.00) per ton of material accepted at the Transfer Station, and that fee is to increase by ten percent (10%) on the tenth (10th) anniversary of the Agreement, and will increase by additional ten percent (10%) increments every ten (10) years thereafter (the "Host Fees").

Pursuant to Section 5.6, Binding Effect, of the Agreement, "This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns." Please be advised that as of September 1, 2018, the Transfer Station will be owned and operated by Casella Waste Management of N.Y., Inc. They are aware of the terms and conditions of the Agreement, and will be assuming all Host Fees payments to be made to the Town as of that date.

If you wish to speak with a Casella representative, please contact Dennis Pantano at (607) 227-9831. He or his designee will also be following up with you in the coming weeks.

It has been our pleasure to work with the Town, and we are confident that Casella will be an excellent partner to you.

Sincerely,

Silvarole Trucking, Inc.

A handwritten signature in black ink, appearing to read "Neil Silvarole".
Neil Silvarole

HOST COMMUNITY BENEFIT AGREEMENT CONTINUANCE

THIS AGREEMENT made and entered into this ____ day of _____, 2019, by and between the Town of Henrietta, a municipal corporation organized and existing under and by virtue of the laws of the State of New York, having offices at 475 Calkins Road, Henrietta, New York 14467 ("Town"), and Casella Waste Management of NY, a business authorized to operate pursuant to the laws of the State of New York, having offices 58 Clifton County Rd., Suite 200, Clifton Park, NY 12065 ("Casella").

WITNESSETH

WHEREAS, Silvarole Trucking Incorporated ("Silvarole") previously owned approximately 12.43 acres of real property located within the Town having a street address of 85 Silvarole Drive, Rochester, New York 14623 ("Premises"), and operated the Premises as a materials recovery facility ("Facility"), and

WHEREAS, Silvarole had obtained from the Town, pursuant to the Town Code, a Special Permit and site plan approval to develop and operate the Facility on the Premises, and

WHEREAS, since the Town sought to obtain certain environmental commitments, protections and enhancements pertaining to the Facility, Silvarole entered into a Host Community Agreement ("HCA") dated June 24, 2014, with the Town, and said HCA is attached hereto and made a part hereof; and

WHEREAS, said HCA was made to be applicable to all successors, assigns, etc. relating to the Facility; and

WHEREAS, on or about the fall of 2018, Silvarole transferred ownership of the Facility to Casella, and Casella intends to continue to operate the Facility in a manner that affords environmental, economic and public benefits to the Town, and

WHEREAS, Casella has obtained from the New York State Department of Environmental Conservation ("NYSDEC") a permit to operate the Facility, and

WHEREAS, by operation of law, the HCA now applies to Casella instead of Silvarole.

NOW, THEREFORE, the parties hereto agree that Casella is a transferee or assign of Silvarole, and thus the HCA applies to Casella (in place of Silvarole) by operation of law, and shall continue to apply in its entirety with full force and effect and without any gap or discontinuance as a result of the transfer; except that notices shall now be provided to Casella instead of Silvarole, as follows:


To: Casella Waste Management of NY
58 Clifton County Rd., Suite 200
Clifton Park, NY 12065
Attn: Samuel Nicolai.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

Town of Henrietta:

By: Steve Schultz, Town of Henrietta Supervisor

Casella Waste Management of NY:

By: 
RVP
DENNIS G. PANTANO

Acknowledgements

State of New York)
County of Monroe) ss

On the _____ day of _____, 2019, before me, the undersigned, personally appeared _____, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument the individual, or the person upon behalf of which the individual acted, executed the instrument

Notary Public

State of New York)
County of Steuben) ss

On the 23rd day of January, 2019, before me, the undersigned, personally appeared Dennis D. Pantano, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument the individual, or the person upon behalf of which the individual acted, executed the instrument

Rose M. Bartlett
Notary Public

ROSE M. BARTLETT
Notary Public, State of New York
Steuben County
#01BA5015936
My Commission Expires 7-15-19

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-100/2019

On Motion of
Supervisor Schultz

Seconded by
Councilman Barley

WHEREAS, the Director of Finance has requested authorization to make Budget Transfers as part of the expenditure reconciliations, and

WHEREAS, funds are available in the Budget year.

THEREFORE, BE IT RESOLVED, that the Director of Finance be hereby authorized to make the Budget Transfers and Adjustments per the attachment.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

2018 Budget Transfers and Adjustments for the February 27, 2019 Town Board Meeting

2018 Budget Transfers

From Account	Account Description	Amount	To Account	Account Description
General				
A.1355.1.100	Assessor - Personal Services	\$ 1,625.00	A.1355.4.417	Assessor - Professional Fees
Highway				
DA.5110.4.404	Highway - Training	\$ 603.72	DA.5110.4.410	Highway - Supplies

2019 Budget Transfers and Adjustments for February 27, 2019 Town Board Meeting

2019 Capital Projects - Budget Adjustments for Bond Proceeds and State Construction Grant

From Account	Account Description	Amount	To Account	Account Description
Capital Project				
H.5710.0.000	Serial Bonds Revenue	\$ 3,944,163.00	H.1620.3.304	Facilities - New Henrietta Public Library
H.3897.0.000	State Aid - Library Capital Project	\$ 1,055,837.00	H.1620.3.304	Facilities - New Henrietta Public Library
Receipt of 2019 Serial Bond Revenues and set up of Construction Aid for the Henrietta Public Library				

2019 Budget Transfers

From Account	Account Description	Amount	To Account	Account Description
General				
A.7020.4.430	Rec Admin - GSG Chargebacks	\$ 10,000.00	A.1990.4.400	Contingency Account
Remove GSG expenditures from Rec Center - allocated elsewhere and funds will be disbursed from contingency as needed				
Sewer				
SS.1990.4.400	Contingency Account	\$ 100,000.00	SS.8110.4.417	Sewer Admin - Professional Services
Allocate funds for the non-project related Sewer Engineering fees				

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-101/2019

On Motion of
Councilman Barley

Seconded by
Councilman Stafford

WHEREAS, the Town of Henrietta required a Request for Proposal (RFP) for Furniture for the Henrietta Public Library, and

WHEREAS, five (5) proposals were received, and

WHEREAS, the lowest cost proposal for the Library Furniture Category, as described in the RFP as shelving only, was submitted by Merkel Donohue for \$312,585.53.

THEREFORE, BE IT RESOLVED, that Merkel Donohue, 106 Despatch Drive, East Rochester, New York 14445 is the lowest responsible bidder and the Town of Henrietta hereby accepts its proposal for the Library Furniture Category of the RFP, and

BE IT FURTHER RESOLVED, subsequent to execution of a contract in accordance with the bid documents, and upon carrying out the terms of such contract, the Director of Finance be hereby authorized to pay Merkel Donohue in an amount not to exceed \$312,585.53 for Library Furniture, but only upon successful acceptance of the same by the Town of Henrietta or designee, said payment(s) to be in accordance with such contract.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

**Town of Henrietta
Henrietta Public Library
Furniture Quotes
Library - Shelving Portion Only**

The following were conforming quotes:

Merkel Donohue	\$ 312,585.53
Quality Office Environments	\$ 364,388.00
Creative Library Concepts	\$ 380,259.47

The following did not meet specifications of design intent:

Library Interiors Inc.	\$ 330,442.00
------------------------	---------------

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-102/2019

On Motion of
Councilman Adair

Seconded by
Councilman Barley

BE IT RESOLVED, that the employee on the attachment, Exhibit A, be hired.

BE IT FURTHER RESOLVED, that the employee changes on the attachment, Exhibit B, be made.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

Personnel Information
Available Upon
Request

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-103/2019

On Motion of
Councilman Adair

Seconded by
Councilman Page

WHEREAS, the Henrietta Town Board has identified the need to update the Comprehensive Plan as a result of growth and change in the Town of Henrietta, including updates as they relate to the topics of multiple dwellings, mixed use, traffic, and farmland protection, and

WHEREAS, with much public input and with much time and effort, including many committee meetings, a draft Comprehensive Plan Update (the "2019 Comprehensive Plan Update") and associated Farmland Protection Plan and Active Transportation Plan were developed and are now on file with the Henrietta Town Clerk where they are available for examination and review by the public, and

WHEREAS, in conjunction with development of the 2019 Comprehensive Plan Update, the Town has also developed amendments to the Town Code and Town Zoning Map based upon the 2019 Comprehensive Plan Update, all of which are also on file with the Henrietta Town Clerk where they are available for examination and review by the public, and which will also be considered for adoption by the Town Board, and

WHEREAS, the adoption and implementation of the 2019 Comprehensive Plan Update, the Farmland Protection Plan, the amendments to the Town Code, the amendment to the Town Zoning Map, and the Active Transportation Plan together comprise an "Action" (the "Action") subject to environmental review pursuant to the NY State Environmental Quality Review Act ("SEQR"), and

WHEREAS, as Lead Agency pursuant to the SEQR, the Town Board adopted a positive declaration, held multiple hearings in relation to the Action and approved a Draft and Final Generic Environmental Impact Statement, and

WHEREAS, as required by SEQR, a Findings Statement dated February 27, 2019, related to the Action has been prepared for consideration by the Town Board, and

WHEREAS, pursuant to General Municipal Law Section 239-m, all items a part of the Action were referred to the Monroe County Planning Board for review, and

WHEREAS, the Town Board has thoroughly reviewed the proposed 2019 Comprehensive Plan Update, considered all relevant documentation relating thereto, and considered the input of the public and other parties thereon.

THEREFORE, BE IT RESOLVED, that upon due consideration as set forth herein, and upon review and consideration of the Findings Statement, the Town Board hereby determines that:

1. The Findings Statement considers the relevant environmental impacts, facts and conclusions disclosed in the FEIS;
2. The Findings Statement weighs and balances relevant environmental impacts with social, economic and other considerations;
3. The Findings Statement provides a rationale for the Town Board's SEQR decision;
4. The Findings Statement meets the requirements of SEQR; and
5. Consistent with social, economic and other essential considerations, the Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified within the Findings Statement.

BE IT FURTHER RESOLVED, that in consideration of the aforementioned, the Town Board hereby adopts and approves the Findings Statement.

BE IT FURTHER RESOLVED, that the Findings Statement be distributed and filed as required and as according to New York Law.

BE IT FURTHER RESOLVED, that, in consideration of the aforementioned, and upon the input of all who have contributed to the development of the 2019 Comprehensive Plan Update, including the citizens of the Town, and in consideration of all documents, presentations and any other relevant information related to the 2019 Comprehensive Plan Update, the Town Board hereby finds that approval of the Comprehensive Plan is in the best interest of the health, safety and welfare of the Town of and its citizens, and hereby adopts and approves the 2019 Comprehensive Plan Update.

BE IT FURTHER RESOLVED, that the 2019 Comprehensive Plan Update be filed in the Office of the Town Clerk and with the Monroe County Planning Board.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried



Town of Henrietta

Comprehensive Land Use Plan - 2019 Update



Environmental Design & Research, Landscape Architecture,
Engineering & Environmental Services, D.P.C.

February 2019

Town of Henrietta
Comprehensive Land Use Plan - 2019 Update

Table of Contents

1. Introduction	1
2. Key Aspects of the 2003 Comprehensive Plan	4
3. Key Aspects of the 2011 Strategic Update	6
4. Goals and Objectives in 2019.....	9
5. Existing Conditions Update	10
6. Land Use – Issues and Opportunities.....	14
7. Recommendations	23
8. Summary	29
Figure 1. Population Change (1970-2015)	10
Figure 2. Age of Housing Stock	11
Figure 3. Town of Henrietta When Multiple Dwelling Projects were Built	15
Figure 4. Town of Henrietta When Multiple Dwelling Bedroom were Added	15
Table 1. Employment by Industry Sector.....	12
Table 2. Existing Land Use	13
APPENDIX A - MAPPING	
Map 1. Existing Land Use	
Map 2. Future Land Use	
Map 3. Existing Zoning and Proposed Changes	

Town of Henrietta

Comprehensive Land Use Plan - 2019 Update

1. Introduction

1.1 Purpose and Need

The Town of Henrietta (the “Town”) has found it necessary to update the Town Comprehensive Land Use Plan of 2003 (the “2003 Plan”) based upon current land use, development and dated information. This Comprehensive Land Use Plan – 2019 Update (the “2019 Update”) is also a following up on recommendations contained in the 2011 Strategic Update to the Comprehensive Plan (the “2011 Update”). Upon its adoption by the Town Board, this document will become a part of the Town’s 2003 Plan.

Because this update is a supplement, there is no need to repeat or amend text sections and maps of the existing 2003 Plan that remain relevant and accurate. All text sections and maps in the 2003 Comprehensive Land Use Plan that are not specifically addressed, revised, or updated in this document are considered to still be valid and useful as an important source of information for guiding the Henrietta community on planning-related topics. The contents of this update shall prevail as the more recent source of information in the event of an apparent or actual inconsistency with the 2003 Plan.

1.2 Background

Certain topics and sections of the 2003 Plan have not been addressed in this update as these sections have information that has not significantly changed over the course of the past 15 years. These 2003 Plan sections include: Community Facilities and Recreation; Cultural Resources and Visual Character; and Natural Resources (geology, water and air resources, climate, vegetation and wildlife).

The Town began preparation of its Agricultural Development and Farmland Protection Plan in 2016 as a recipient of a planning grant from the New York State Department of Agriculture and Markets. That plan was adopted in 2018 and it is anticipated that the Town of Henrietta Agricultural Development and Farmland Protection Plan will be incorporated into the Town’s Comprehensive Plan by reference and/or as an appendix. The Agricultural Development and Farmland Protection Plan will substantially update agricultural information that is presently contained in the 2003 Plan with new data and maps. The Farmland Plan will be addressed in this update as well because it provides existing conditions information and recommendations relevant to farmland protection and future land use policies in Henrietta.

Similarly, in 2016 the Town adopted the Henrietta Active Transportation Plan with funding provided by the Federal Highway Administration that was made available through the Genesee Transportation Council, which is the region’s Metropolitan Planning Organization (MPO). The Active Transportation Plan

shall also be made and considered a part of the Town's Comprehensive Land Use Plan because it provides existing conditions information and recommendations for safety improvements to various modes of travel and transportation in Henrietta including vehicular movement, pedestrian activity, public transit, and bicycling.

The Active Transportation Plan recommends that the Town adopt a Complete Streets policy. The New York State Department of Transportation defines a "Complete Street" as a roadway with design features that include sidewalks, lane striping, bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks, pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, sidewalk ramps and traffic calming measures. The plan provides short and long-term project recommendations for intersection and roadway improvements and encourages ADA-compliant sidewalks on both sides of all collector streets and arterials in Henrietta.

This 2019 Update also documents recent and evolving changes in land use and development patterns occurring in Henrietta. Existing land use maps and parcel acreages by land use categories, i.e. residential, commercial, industrial, open space, etc., have been updated in this document and compared to the 2003 Plan to identify how land use trends may be changing the character of Henrietta.

The community has expressed concerns regarding certain types of development occurring in portions of the Town that may be adversely affecting community character, open space resources, and increasing demands on local infrastructure and services. Concern over these issues and a substantial increase in project applications resulted in the Town of Henrietta implementing a temporary moratorium on new multiple dwelling facilities in 2016 so that the implications of this form of development could be better understood and possibly addressed through the Town's land use policies and regulations.

Recent issues over new development in Henrietta reflect changes in residential and to a lesser extent non-residential development trends since preparation of the 2003 Plan. Changing trends in the housing market locally includes a recent surge in construction of large-scale multiple dwelling projects in Henrietta. Multiple dwelling projects are being developed for different types of residents including, but not limited to young professionals, seniors, empty nesters and college students. For a variety of reasons these residents are choosing to live in apartments rather than traditional single-family houses. At the same time changes in property ownership of former regional employers like Xerox and Kodak and the closing of major retailers in the Town are creating new issues and opportunities for developing vacant and underutilized properties.

The Town continues to identify opportunities for implementing Smart Growth principles as initially recommended in the 2003 Plan and the 2011 Update. The ten Smart Growth principles are summarized below, and more information is available online at <http://smartgrowth.org/smart-growth-principles/>.

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas

7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The Agricultural Development and Farmland Protection Plan and the Active Transportation Plan mentioned previously are both ways to implement Smart Growth principles in Henrietta. Another opportunity includes introducing mixed-use policies and amending zoning regulations to encourage mixed-use development in the Town.

Mixed-use development contains two or more types of use from different land use groups, (e.g., residential, commercial, or industrial), or from two or more significantly different use categories within the same use group (e.g., offices, retail sales and services). The uses are functionally integrated and typically share common buildings, open space, ingress/egress, parking and pedestrian access. A key characteristic of mixed-use development is its focus on walkability and connections via sidewalks, trails and pathways in a pedestrian-friendly environment. Access to public transit is another characteristic.

Mixed-use may be contained on a single parcel or adjoining parcels that includes different, complementary uses which provide for a variety of activities throughout the day. Mixed-use may be integrated both vertically or horizontally. An example of a vertically integrated mixed-use development might be a building with retail sales at ground level, and offices or multiple dwelling units on upper floors. An example of a horizontally integrated mixed-use development might be an office/industrial park containing office buildings side-by-side with commercial buildings or other uses, including residential use.

Multi-use development is often confused with mixed-use development. Although multi-use may consist of a combination of land uses adjacent to each other the uses typically do not occupy the same building and are not interconnected via sidewalks or shared driveways and parking. The land uses may or may not interact with each other and the development in general does not emphasize pedestrian circulation.

In Henrietta mixed-use development, and multi-use as well, can respond to current development trends by potentially providing a greater range of housing choices with a mix of residential and non-residential uses in appropriate areas of the Town. Mixed-use zoning in particular, can be implemented as separate zoning districts or as overlay zones on existing (underlying) or base zoning districts to allow for more compact, pedestrian-friendly development and the adaptive reuse of previously developed sites.

The Town does not specifically permit mixed-use development under its current zoning ordinance, although to some degree a mix of uses is allowed through the Town's Planned Unit (PUD) District. The use of PUD zoning however, is restricted to sites of 150 acres or larger, making it relatively infeasible to provide compatibly-scaled mixed-use opportunities in appropriate areas of the Town. The Town also has a Planned Commercial District (PCD) that provides for a well-planned commercial area. However, the PCD District does not permit mixed-use buildings or residential uses.

To permit and encourage mixed-use opportunities, it is necessary to modify existing zoning regulations as recommended by both the 2003 Plan and the 2011 Update. Both documents recommend mixed-use

development, possibly using zoning district overlays, accompanied by design and development guidelines and standards. Mixed-use development and redevelopment of existing areas provides important alternatives to conventional single-use projects allowed under current zoning. Mixed-use also provides for new housing and commercial opportunities with a wide range in scale, uses and public amenities.

This Update is intended to provide information to property owners, prospective developers and decision-makers about alternative types of development that are possible within designated areas of Henrietta. Recommendations provided herein are anticipated to create public and private interest and investment in redevelopment and the reuse of commercial and industrial properties as an alternative to sole reliance on new site development.

Redevelopment includes reconstruction, reuse or modification to any existing, previously developed property and buildings including residential, commercial, industrial, and institutional uses. New development, on the other hand, should be responsive to site conditions and the context of its setting, adjacent uses, and the desires expressed by the community via surveys and stakeholder outreach conducted during previous planning initiatives. New development refers to construction on land where there generally had not been previous construction or significant disturbance to surface conditions.

2. Key Aspects of the 2003 Plan

Due to their continued relevancy today, this 2019 Update reaffirms the Town's original Goals and Objectives from the 2003 Plan, which were also reaffirmed by the 2011 Update. Recommended changes to the Town's land use policies and zoning regulations discussed in this update are consistent with previous recommendations in the Town's 2003 Plan and the 2011 Update. Therefore, it is worthwhile to briefly review the vision, goals, and objectives as the foundation for this update.

The 2003 Comprehensive Land Use Plan states that "Henrietta needs to ensure that a broad mix of housing opportunities is available for its increasing population, especially for senior citizens, and that new housing is accessible to community facilities." Residential dwellings are the most prevalent land use in the Town. According to 2000 U.S. Census data, there were 13,243 housing units in the Town at the time the Plan was prepared. This increased by more than 23 percent to 16,326 units as estimated by the American Community Survey (ACS) between 2011-2015. The 2010 population in the Town was 42,581. The population in 2017 was estimated at 43,536 so the Town is increasing in population.

The 2003 Plan states that the hamlets of East Henrietta and West Henrietta should be maintained, expanded, and enhanced. It recommends the following. "The hamlets are intended to provide for a variety of pedestrian-friendly mix of activities and services with a village atmosphere that will provide a comfortable gathering place where residents and visitors may come together. A hamlet overlay district is recommended to serve as an overlay to the lot, bulk, and use requirements of underlying zoning districts. The Hamlet Overlay District would include the following components/goals: walkability; mixed use (commercial-residential) areas; a diversity in neighborhood services accessible to the residents and visitors within easy walking distance; and a variety of housing choices for people of all age groups, family sizes, and income levels."

Additionally, the 2003 Plan recommends creating “a floating senior citizen development zone with a minimum lot size of ten acres in which integrated health care, residential, recreational, and commercial uses for elderly persons would be allowed, and in which a specific percentage of units would be required to be affordable to persons of low or moderate income. Specific criteria to determine appropriateness of proposed sites would be established. These would include parcel size (e.g., 10-acre minimum), direct access to a county or state road, availability of on-site sewer and water, etc.”

The 2003 Plan lists a series of goals to achieve this vision. These goals include land use, economic development, housing and environmental amongst others (please refer to the 2003 Plan for details).

3. Key Aspects of the 2011 Update

The 2011 Update is organized around three interrelated initiatives towards achieving a “sustainable community” consistent with the 2003 Plan. The three initiatives are community building, green infrastructure and economic development.

Relative to community building and creating a sense of place, the concept of creating a mixed-use Town Center first suggested in the 2003 Plan. The 2011 Update notes that “Erie Station Village is a new multifamily housing neighborhood in the Hamlet of West Henrietta. Its pedestrian orientation, interconnected street network, public spaces, and use of vernacular architectural styles make it an excellent example of many of the elements of traditional neighborhood development.” It is also noted that Erie Station Village does lack a true mix of uses. The Park Point development, located at the corner of Jefferson Road and John Street adjacent to the RIT campus was also discussed as another example of a type of mixed-use development in the Town.

Relative to green infrastructure, the 2011 Update noted that agriculture is a significant contributor to the Town’s green infrastructure network, with over 20 percent of the parcels (in land area) in Town containing active agriculture land. The 2003 Plan noted most of Henrietta’s agricultural land is located in the southern and western areas of Town, with large “core” areas of contiguous farmland as an ideal location to focus future farmland protection efforts. As noted previously, in 2016 the Town began preparation of its Agricultural Development and Farmland Protection Plan that includes the identification of priority farmland protection areas.

Relative to economic development the 2011 Update state, “Rather than limiting the reuse or redevelopment of the Town’s older commercial areas to the same commercial zoning standards that are in place today, the Town could provide an alternative redevelopment option – creating an overlay zone or a similar designation that would utilize incentive zoning - to allow these areas to be converted to much higher density, mixed-use (residential, commercial, and office) developments. These would include very specific urban design requirements intended to promote the establishment of walkable and public transit-friendly neighborhoods or districts. The inclusion of a more varied range of residential types in these developments would have the added benefit of creating housing options for seniors, young professionals, and others in Henrietta who might be looking for something other than a single-family home.”

The 2011 Update set priorities to these goals and provides information to guide the implementation of these priorities in the coming years as summarized in the following table. Goals were prioritized based on their relevancy to the three major sustainability components previously mentioned: Community Building, Green Infrastructure and Economic Development. These goals, objectives, priorities and implementation actions continue to be valid as guidance for policy and action by the Town going forward.

Priorities	Short-Term Actions	Mid-Term Actions	Long-Term Actions
Community Building	<ul style="list-style-type: none"> Establish a Community Building Coalition Develop a Town Center Vision Plan 	<ul style="list-style-type: none"> Town Center Master Plan and Feasibility Study 	Update the Comprehensive Plan
Green Infrastructure	<ul style="list-style-type: none"> Prepare a Town-wide Green Infrastructure Plan 	<ul style="list-style-type: none"> Begin implementation of the Green Infrastructure Plan 	
Economic Development	<ul style="list-style-type: none"> Develop a Land Use Plan and GEIS for the western part of Henrietta 	<ul style="list-style-type: none"> Create redevelopment strategies for older commercial sites Create illustrated design guidelines / standards for commercial development 	

The 2011 Update provides a series of prioritized recommendations involving opportunities to implement mixed-use alternatives including the following:

- Developing a Town Center Vision Plan, including alternative development scenarios, followed by a Town Center Master Plan and Feasibility Study. Town Center is potentially located alongside Calkins Road, west of East Henrietta Road and currently includes municipal buildings (Town offices, library, recreation center and senior center), trails and parkland.
- Prepare a Town-wide Green Infrastructure Plan
- Implement economic development initiatives, such as institutionalizing the idea of a pre-proposal meeting between an applicant and the Town to expedite the project review process
- Create redevelopment strategies and inventory vacant and underutilized commercial space toward developing revitalization plans for older commercial areas and consider incentives for redevelopment
- Cooperate with the Rochester Genesee Regional Transportation Authority (RGRTA) to consider transit and redevelopment options for older commercial areas
- Develop a Land Use Plan and GEIS for the western part of Henrietta to identify areas for office and industrial uses and establish shovel-ready development sites
- Create illustrated design guidelines/standards for commercial development
- Monitor progress on implementation and update the Comprehensive Plan

4. Goals and Objectives in 2019

Building upon the Town's previous land use planning initiatives some new goals and objectives are provided in this update to reflect emerging development and redevelopment opportunities. These new goals and objectives are to supplement those expressed in the 2003 Plan and, the 2011 Update. These new additions include:

Goal 1. Create Opportunities for Redevelopment and Reuse of Underutilized and Vacant Properties

- Identify areas for infill, mixed-use, and possibly multi-use development in appropriate areas that are already served by existing public infrastructure and community services
- Redirect development through incentives and other administrative and legislative means away from sensitive environmental areas and significant community resources, both natural and cultural
- Provide incentives for re-investment, redevelopment and reuse of properties
- Encourage mixed-use development to expand housing choices and neighborhood services

Goal 2. Implement Complete Street Policies and Projects per the Town's Active Transportation Plan

- Require pedestrian and bicycling safety improvements for all major development projects, particularly along major arterials, important intersections, and collector streets
- Require access management, the consolidation of underutilized driveways and limit new curb cuts, with shared parking opportunities, where necessary and practicable
- Connect existing and future development areas through the site design process by setting aside future street and utility rights-of-way and stub roads

Goal 3. Enhance Community Character

- Maintain working farmlands, open space resources, and scenic landscapes that contribute to Henrietta's heritage and diverse character
- Promote sustainable land use practices, low impact development, and flexible, but high-quality building design that can accommodate future changes in use
- Encourage green infrastructure, the reduction of impervious surfaces, and re-establishment of natural buffers and drainage patterns
- Revitalize "tired" neighborhoods
- Clean-up degraded and contaminated properties

Goal 4. Establish Great Places and Destinations that Foster a Sense of the Henrietta Community

- Develop centers of neighborhood activity with pedestrian connections to venues for social gathering and community events
- Establish high quality site design with development standards and guidelines to enhance the look and function of developing areas without sacrificing local character
- Connect people and places through linked street patterns with pedestrian pathways and bicycling facilities and amenities

- Require interconnected sidewalks and pedestrian-scale features as part of comprehensive and context-sensitive site design for all major development projects

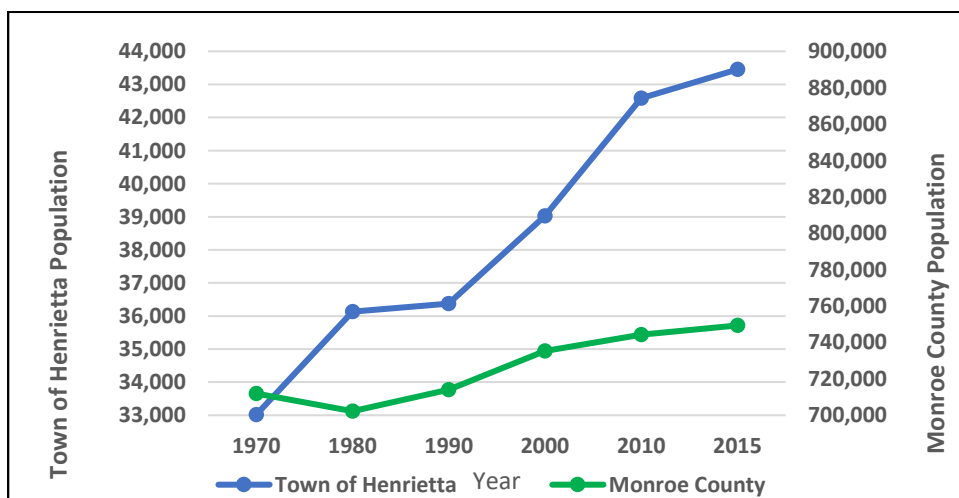
5. Existing Conditions Update

5.1 Population

According to the American Community Survey (ACS) 5-year estimates (2011-2015), the population within the Town of Henrietta was approximately 43,450 people. More recent estimates in 2017 put the population at approximately 43,536 people. While these numbers are estimates, this represents an approximate increase of 2.0 percent plus in total population from the 2010 (U.S. Decennial Census) population of 42,581. Monroe County has also experienced an increase (0.7 percent) in total population from 744,344 in 2010 (U.S. Decennial Census) to 749,356 in 2015 (ACS 5-year estimates). The projected 2020 population for the Town of Henrietta and Monroe County is estimated to be 44,343 and 754,402, respectively. This would be about a 4 percent increase in population in Henrietta between 2010 and 2020. Projections for the Town and County are based on their respective 2010-2015 growth rates.

The average household size for the Town of Henrietta is estimated to be 2.65 persons per household, which is slightly higher than the 2010 (U.S. Decennial Census) number of 2.51 persons per household. Figure 1 compares population change for the Town of Henrietta and Monroe County from 1970-2015. The U.S. Decennial Census and the ACS 5-year estimates indicate the total number of housing units in the Town increased 1.5 percent from 16,078 units to 16,326 units between 2010-2015; and the vacancy rate increased from 3.9 percent to 5.1 percent over the same time frame. Based on recent census data (2015) and as shown in Figure 2, the Town of Henrietta has seen an increased number of homes built from 2000-2015 as compared to the County. The median home value for the Town is \$139,400, while the County has a slightly lower median home value of \$138,600.

Figure 1. Population Change (1970-2015)

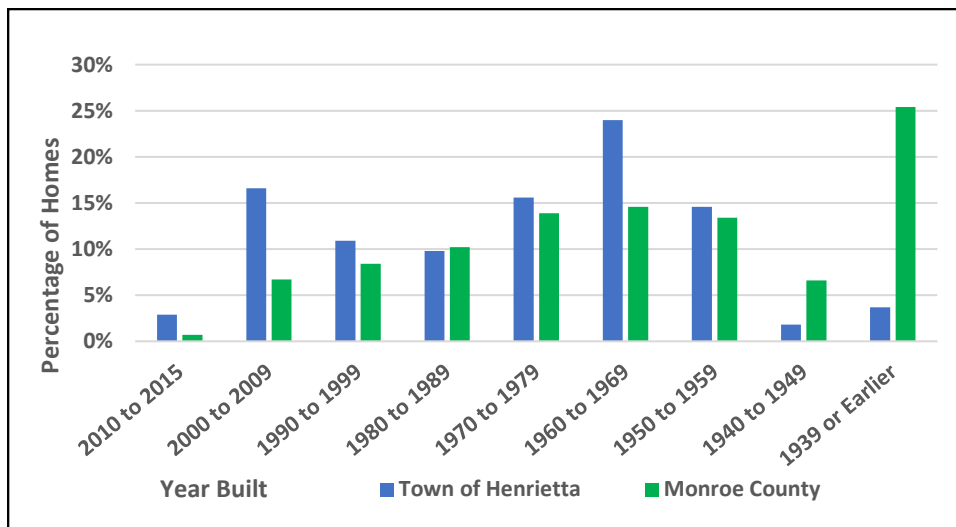


Data Source: U.S. Decennial Census and American Community Survey 5-year estimates 2011-2015

The median age in Henrietta increased (10.4 percent) from 30.7 years in 2010 (U.S. Decennial Census) to 33.9 years in 2015 (ACS 5-year estimates). In 2017 median age in Henrietta is estimated at 33.4 years, compared to New York State at 38.2 years and nationwide at 37.7 years. Given the survey results from the 2011 Strategic Update, a significant percentage of survey respondents have lived in Henrietta for over 20 years, it stands to reason that the median age would increase as the Henrietta population seems to be “aging in place.”

The 2015 (5-year estimates) median household income for the Town is \$61,762, which is an increase of approximately 5.1 percent from the 2010 (ACS 5-year estimates) median household income of \$58,750. The 2010 and 2015 ACS 5-year estimates show the percentage of people living below the poverty level increased from 11.2 percent in 2010 to 12.2 percent in 2015.

Figure 2. Age of Housing Stock



Data Source: American Community Survey 5-year estimates 2011-2015

According to the 2015 ACS 5-year estimates, approximately 61 percent of the population age 16 and over is employed. Of the total employed population, 84 percent are privately employed, 12 percent are employed by the government, and the remaining 4 percent are either self-employed or unpaid family workers. The three leading industry sectors in the Town are: 1) educational services, health care and social assistance, 2) retail trade, and 3) manufacturing. A full breakdown of employment by industry sector is shown in Table 1.

Since 2000 there has been about a 10.4 percent increase in the size of the civilian labor force in the Town. The largest increase during this period has been about 4.5 percent in educational, health care and social assistance services. The largest decline of about 4.8 percent has been in manufacturing down from 16.7 percent in 2000 to the most recent estimate of 11.9 percent. Arts and entertainment has remained the same at 8.9 percent. All other sectors have fluctuated in the range between plus 1.5 percent to minus 1.5 percent.

The local and regional workforce has substantially changed during the past 10 to 20 years with the loss of employment of major corporations such as Xerox and Kodak. Similarly, a more recent trend has been

the closing of major retailers within the Town, a reflection of what is occurring on a nationwide basis. The shift in retailing from brick and mortar stores to on-line purchasing is also occurring regionwide. The decline in large retail stores is reflected in a decrease in retail employment. These changes in workforce are also echoed somewhat in the change in percentages of land use within the Town.

Industry Sector	Town of Henrietta	
	Employed Population	Percent
Educational services, and health care and social assistance	6,648	29.9
Retail trade	2,912	13.1
Manufacturing	2,652	11.9
Professional, scientific, and management, and administrative and waste management services	2,611	11.7
Arts, entertainment, and recreation, and accommodation and food services	1,986	8.9
Finance and insurance, and real estate and rental and leasing	933	4.2
Other services, except public administration	885	4.0
Public administration	894	4.0
Construction	860	3.9
Transportation and warehousing, and utilities	763	3.4
Information	639	2.9
Wholesale trade	459	2.1
Agriculture, forestry, fishing and hunting, and mining	12	< 0.1
Total civilian employed (population 16 years and over)	22,254	100.0

Data Source: American Community Survey 5-year estimates 2011-2015

5.2 Existing Land Use

Overall land use and non-residential development patterns have remained essentially the same in Henrietta during the past fifteen years. However, there appears to have been a substantial shift in local housing trends away from interest based solely on living in single-family homes to a stronger interest in apartments and multiple dwelling facilities. The reason for this increased interest in multiple dwelling facilities may be a combination of factors. These factors include: the nationwide housing downturn in 2008 that made single-family housing unaffordable for many; the increase of empty nesters and seniors that may no longer be interested in buying and maintaining large homes; and the increase in single parent households. There may be other reasons as well to explain why Henrietta has experienced a recent surge in multiple dwelling construction. For example, it is apparent that new multiple dwelling facilities are being constructed as student housing for RIT students who want to live near or off-campus.

As illustrated in Table 2, residential use accounts for nearly one-third of all development within the Town of Henrietta. There has been an increase of approximately 2 percent in residential use since the early 2000s. Commercial use has also increased by approximately 3 percent during this same period and there has been some decrease in industrial acreage. Existing land use and development patterns are shown on **Map 1. Existing Land Use**. There have also been changes in how land use is classified since the early 2000s which may account for the difference in agricultural acreages and some of the other land use classifications as noted in Table 2.

Table 2. Existing Land Use				
Property Classification	2001 Existing Land Use		2017 Existing Land Use	
	Acres	Percent of Total	Acres	Percent of Total
Agricultural*	987	4	3,032	14
Residential	6,440	28	6,681	30
Vacant	6,027	26	4,588	20
Commercial	2,280	10	2,830	13
Recreation and Entertainment	898	4	901	4
Community Services*	1,512	7	3,453	15
Industrial	472	2	389	2
Public Services	451	2	538	2
Wild Forested, Conservation Lands, and Public Parks	40	<1	90	<1
Other Rights-of-way*	2,417	10	see Note below*	-
Unclassified*	1,603	7	see Note below*	-
Total	23,127	~100%	22,503	~100%

Source: 2016 Henrietta Parcels

***Note:** The differences in total acreages may be due to changes in how land uses are currently classified compared to 2001, when these data were originally compiled by Monroe County. The increase in agricultural lands based on 2016 parcels may be due to a large percentage of the lands that were previously categorized as “unclassified” or “vacant”, but now classified as agricultural, but vacant land. Lands classified as “Other Rights-of-way” in 2001 are now classified under both the “Community Services” (roads, streets, highways, etc.) and “Public Services” (utilities, pipelines, etc.). Changes in parcels may also be due to subdivisions and consolidations.

The Town is largely developed as a suburban community north of the NYS Thruway (I-90) and somewhat less developed with more rural characteristics south of the Thruway. Northern portions of the Town are balanced between residential uses, mostly east of I-390 and commercial, institutional and industrial uses west of the interstate. Rural residential and some agricultural areas remain undeveloped in the western section of the Town north of the Thruway and east of the Genesee River. However, recently this area has been a focus of substantial development interest. Agricultural lands and other previously undeveloped properties along East River Road north of the Thruway and areas south of the RIT campus have been developed with several large multiple dwelling complexes.

Land use south of the Thruway includes single family residential neighborhoods, both east and west of the I-390 corridor, particularly along the NYS Route 15A (East Henrietta Road) and NYS Route 15 (West Henrietta Road) corridors as well as areas east of the Genesee River in the southwestern portion of the Town. Some commercial and industrial development has also occurred along Erie Station Road west of NYS Route 15.

6. Land Use - Issues and Opportunities

6.1 Development of Industrial Lands

Land use continues to evolve as uses, property ownership, and market trends continue to change throughout the Town of Henrietta. In recent years the Town has experienced considerable development of industrially zoned parcels not only for industrial purposes, but for commercial and particularly non-industrial uses including multiple dwelling facilities. At the time of writing this Update, the use of industrially zoned land for multiple dwelling facilities is allowed by Special Permit from the Town Board according to current zoning regulations. In 2016 and extending through 2018, the Town initiated a temporary moratorium on the development of multiple dwelling projects and issuance of Special Permits for these uses because of the number of facilities proposed to be located on parcels zoned industrial.

Concerns with over development of multiple dwellings within the Town and the loss of industrially zoned properties to non-industrial uses have been expressed by residents and local officials which prompted the moratorium. The moratorium was to temporarily halt such development until an analysis of the increase in these types of projects and impacts upon the Town could be analyzed. The loss of industrially zoned property has also resulted in the potential need to identify new areas for industrial purposes that provide tax revenue to the community. In 2016 an Advisory Committee was established to study the issue and a planning consultant, Environmental Design & Research, Landscape Architecture, Engineering and Environmental Services, D.P.C. (EDR) was hired by the Town to address potential issues with continued development of multiple dwelling projects and the loss of industrial lands.

6.2 Large Multiple Dwelling Projects

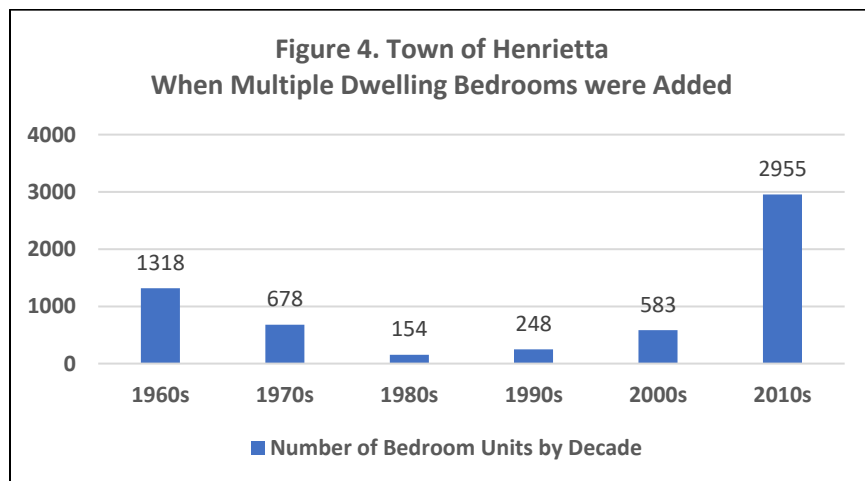
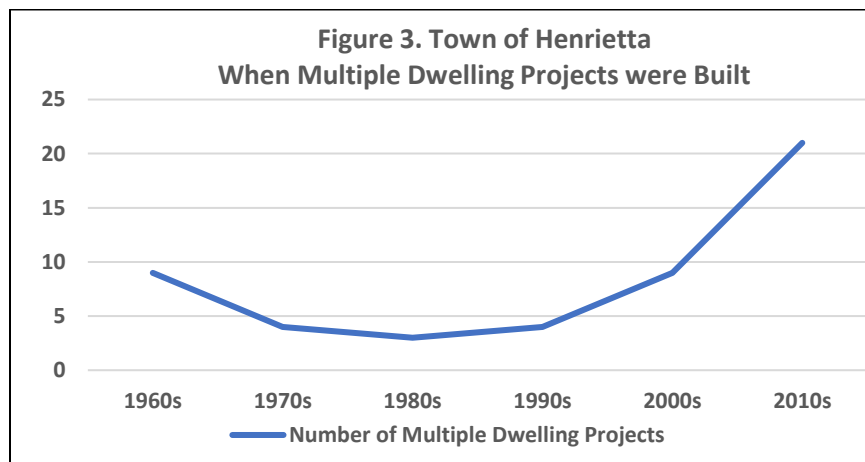
The Town has experienced a substantial influx of large multiple dwelling projects in recent years due to strong housing demand for choices other than single-family homes, particularly since the nationwide housing crisis in 2008. Multiple dwellings are defined to include all lands, buildings, structures and facilities, or any part thereof, which comprise a "Multiple Dwelling" pursuant to the Henrietta Town Code.

A Multiple Dwelling is defined in Section 295-2 of the Code as: A building arranged, intended or designed to be occupied by three or more families living independently of each other. At the time of writing this Update, the terms Multiple Dwelling and Apartment House as used in the code have the same meaning. Townhouses are also permitted as multiple dwellings. A Townhouse is defined as, "A one- or two-story single-family dwelling unit joined with another family unit or units in a row or cluster but separated from each other by (common) party walls."

At the time of writing this Update, Multiple dwellings under existing zoning regulations are permitted in the following zoning districts, subject to certain requirements as follows:

- Multiple dwellings are permitted in the Industrial District (I), subject to a special permit from the Town Board, after notice and a public hearing, to be granted or denied pursuant to the procedures set forth in Article XII of the Zoning Chapter and in accordance with all provisions of Chapter 295 applicable to apartment houses.
- Apartment houses (and therefore, multiple dwellings) are permitted in the R-2 Residential District, subject to provisions as set forth in §295-13, including a special permit.
- Townhouses, whether for sale or rent, are also permitted as multiple dwellings under §295-13.
- Multiple dwellings are also permitted within the B-1 and B-2 Commercial Districts, subject to a special permit.

The Town maintains a listing of multiple dwelling complexes and related information including location, dates certificates of occupancy were issued, total number of bedrooms per dwelling unit, and the type of residential dwellings. Recent trends in the development of multiple dwelling facilities are summarized in the charts below.



As of 2017, there were approximately 52 multiple dwelling complexes listed within the Town. Approximately forty-eight complexes have been built since 1964. Several others are either under construction or in design. These complexes represent more than 6,600-bedroom units and comprise a variety of housing types including regular market rate apartments, senior living, student housing, affordable family, assisted living, special needs, disabled and nursing home units. The increase in multiple dwelling facilities and the total number of bedroom units constructed in recent years is illustrated in Figures 3 and 4. Nearly 3,000-bedroom units and 21 projects have been constructed or are in design since the beginning of 2010.

6.3 Industrial and Commercial Development

Industrial and commercial development also continues in Henrietta. Most recent development has continued to occur on greenfield sites along and near NYS Route 15 (West Henrietta Road) and adjacent to the RIT campus. Greenfield development has implications on existing natural resources and changes in land use character, most notably in western portions of the Town between West Henrietta Road and East River Road. This is an area that contains wetlands, floodplains and considerable woodlands on some, but not all parcels. Development has increased traffic on State, County and local roadways and created additional demand for extending public infrastructure such as sewer and water. Town sanitary and water districts have been extended in several areas to accommodate this development. Development of former agricultural areas both north and south of the NYS Thruway are changing the landscape and visual character of the Town as it continues to transition into suburban uses.

6.4 Redevelopment and Reuse Opportunities

During the moratorium on multiple dwellings, the Advisory Committee discussed opportunities for encouraging redevelopment and adaptive reuse of previously developed properties as a feasible alternative to further development of greenfield sites. Redevelopment and adaptive reuse, for example of former commercial sites or buildings, could help redirect land use development, including multiple dwellings as a possible part of a mixed-use project or as a stand-alone project, to locations in the Town where public infrastructure (sewer, water, highways) already exist and likely have the available capacity to accommodate redevelopment. Redevelopment opportunities in already developed areas could also result in shifting development interest away from greenfield locations and take further stress off undeveloped areas, including active farmlands, open space and sensitive natural resources.

Specific locations have been identified for possible redevelopment and reuse. These locations presently consist of properties that are underutilized and possibly capable of supporting new uses as surrounding areas transition into other forms of development so that they no longer are compatible with the new uses. The general area surrounding Marketplace Mall in north-central Henrietta may hold considerable redevelopment potential as large retailers have closed leaving sizeable building footprints and parcels that could possibly be divided for multiple purposes and mixed-use or replaced entirely with smaller mixed-use buildings. This is also an area of several older commercial strip developments and shopping centers situated along high volume roadways such as Jefferson Road and West Henrietta Road near RIT. Redevelopment opportunities may extend northward to the Henrietta/Brighton Town boundary.

Similar opportunities also exist along some of the older commercial corridors within the Town, such as East Henrietta Road (NYS Route 15A) in the eastern portion of Henrietta. Some existing properties are showing their age and underutilization as evidenced by building vacancies and large unused parking lots. This corridor includes several small to medium size retail stores and neighborhood strip shopping plazas that are no longer filled with retail and commercial businesses. These areas may be prime candidates for re-use and redevelopment into other uses, specifically mixed-use types of development as originally discussed in both the 2003 Plan and the 2011 Update.

6.5 Land Use and Transportation Policies

Land use and transportation policies are possibly the two most important planning considerations addressed in the 2003 Plan and the 2011 Update. Both documents recommend considering alternatives to conventional forms of suburban development that have occurred throughout the Town in past decades. Those conventional forms of development often created and continue to result in a host of transportation-related issues affecting traffic management, vehicle and pedestrian circulation, use of public transit, and facilitating sprawl.

Development alternatives, initially identified in the 2003 Plan include encouraging mixed-use development combined with transportation policies that place greater emphasis on pedestrian activity, access to public transit, and accommodation for non-motorized means of travel. Changes in land use and transportation policies that promote mixed-use and for example, complete street design, will require amending Town zoning regulations and review and approval processes for proposed development. These changes may require greater scrutiny of development proposals by the Town to ensure that projects meet additional criteria for approval, including consistency with design guidelines and development standards that will need to be incorporated into the Zoning Ordinance.

6.6 Mixed-use Development and Redevelopment

Mixed-use development is a type of development that is pedestrian-focused around a walkable community comprised of not only a variety of housing choices, but also a vibrant mix of shopping, dining, personal services, employment and entertainment venues. This type of development is typically served by public transit situated along enhanced streetscapes and near other community assets, such as trails, civic spaces for social gathering, and public art. As an alternative to more conventional suburban forms of development, mixed-use development represents a potentially significant opportunity for the Town to redevelop underutilized areas like what is occurring on a widespread basis in urban and suburban communities in New York State and throughout the U.S.

The form of mixed-use development described above is not a specifically permitted use within any existing zoning district in Henrietta at this time. One possible exception is the Town's current Planned Unit Development (PUD) District. One of the constraints on mixed-use development as a PUD is, however, its minimum acreage requirement of 150 acres. This size constraint precludes much smaller forms of mixed-use development on a more widespread basis and for targeted areas for redevelopment. The Town currently has one designated PUD at Riverton in the southwestern portion of Henrietta, east of the Genesee River and south of the NYS Thruway. Riverton includes a mix of housing types and some

commercial uses but as an older community it does not fully represent current thinking about what comprises a walkable mixed-use community. Portions of the Riverton PUD were developed more than 30 years ago.

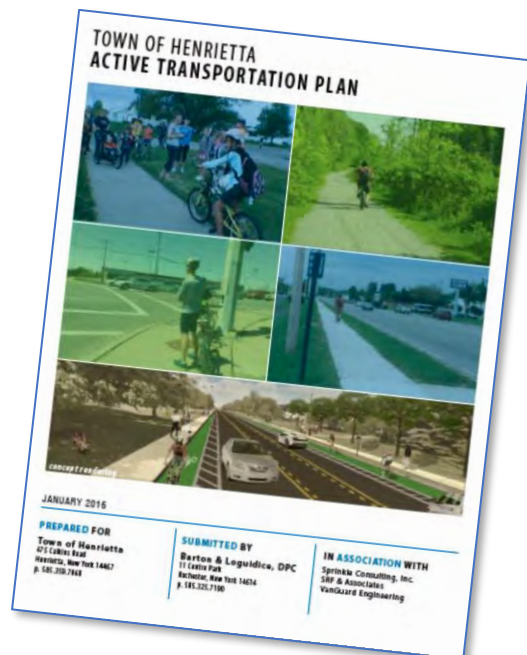
Erie Station Village, located just south of the NYS Thruway and northeast of Riverton also provides a mix of housing opportunities, including townhouses, apartments, studios, and lofts with some commercial uses integrated into the site's development. Erie Station Village is based on traditional neighborhood design principles. The architectural styles of housing are diverse, but respectful of the area's rural character. The community includes pedestrian amenities including sidewalks and trails, open space, ponds and gardens. Erie Station Village was developed in a series of three phases that began in 2004. Its development was largely achieved through the granting of use and area variances to accommodate the mixing of different uses and project amenities.

Park Point is another variation of a mix of residential and commercial uses located along Jefferson Road and John Street at the northeast corner of the RIT campus neighborhood. Park Point, previously called College Town, opened in 2008 on approximately 60 acres of land and consists of 32 buildings, mostly apartment buildings housing RIT students. Approximately 80,000 square feet of commercial retail, including a large Barnes and Noble bookstore is situated around Simone Square, a public plaza consisting of a central fountain and stage area for concerts and other outdoor events. Buildings around the square have ground level retail shops and apartments on the 2nd, 3rd and 4th floors.

6.7 Active Transportation Plan

The 2003 Plan describes Henrietta as the crossroads of Monroe County due to its location at the intersection of I-90 (NYS Thruway) and I-390. The Plan identifies one of the key challenges to the community being the coexistence of pedestrians and autos in areas of conventional commercial strip development that creates traffic congestion, safety issues and negative visual impacts. It is noted that there are both residential and commercial areas in Henrietta that lack pedestrian and bicycling facilities. Thus, the Comprehensive Land Use Plan established a goal to enhance Town identity and community spirit by creating focal points, central meeting places and making transportation and circulation improvements, such as traffic calming and sidewalks.

Consistent with the 2003 Plan, the Town prepared the Henrietta Active Transportation Plan in 2016. The Active Transportation Plan evaluates existing transportation and safety conditions, including bicycling and pedestrian facilities, priority intersections, and shared use trails.



The Active Transportation Plan provides recommendations for these facilities and design guidance, including the use of bike lanes, multi-use paved shoulders, shared lane markings, designated bike routes and boulevards, shared-use paths, sidewalk gap improvements, curb ramps, mid-block crossings, transit improvements and bike parking. Key recommendations include adopting a Town-wide Complete Streets policy and requiring all development to include ADA accessible sidewalks on all public roadways.

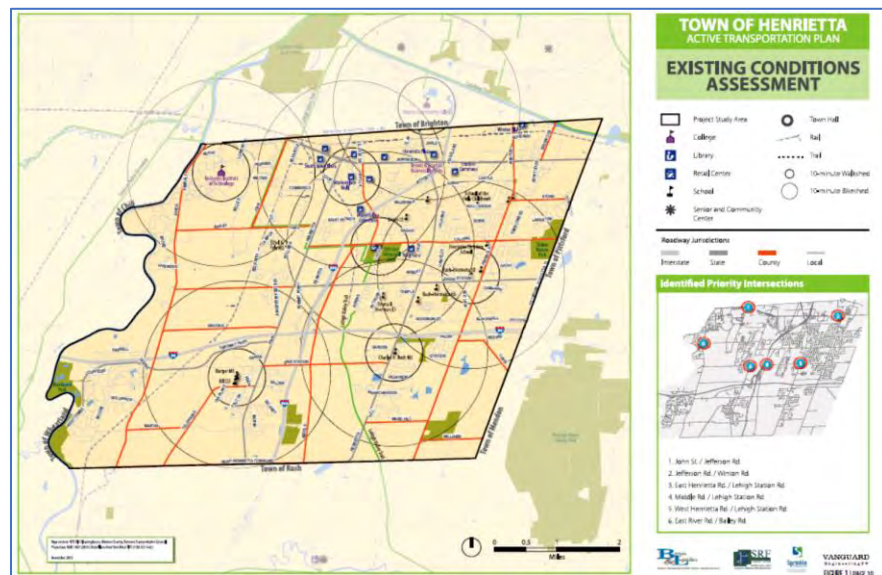
The 2003 Plan and the Active Transportation Plan note the importance of providing a variety of transportation choices in the community. These include motorized and non-motorized means of travel including pedestrian pathways and shared-use trails. The Active Transportation Plan addresses the Erie Canalway Trail that runs through the northeastern corner of Henrietta and the Lehigh Valley Trail that runs north-south connecting Henrietta with regional trail networks that also provide off-road bike connections for residents in Henrietta, Brighton, Rochester, and Rush.

Six intersections were studied in detail in the Active Transportation Plan as part of the assessment of existing conditions. Issues and concerns associated with each intersection location are addressed in the Plan. Recommendations for pedestrian and other safety improvements are then provided including illustrations of necessary improvement projects. The objectives of the analysis and subsequent recommended actions are intended to:

- Minimize conflicts between different modes of transportation
- Improve visibility between modes
- Elevate motorist awareness of pedestrian and bicycle activity

These intersections and the jurisdictional agencies include:

- Jefferson Road and Winton Road South (NYSDOT)
- Jefferson Road and John Street (NYSDOT)
- Bailey Road and East River Road (MCDOT)
- Lehigh Station Road and West Henrietta Road (NYSDOT)
- Lehigh Station Road and Middle Road (NYSDOT)
- Lehigh Station Road and East Henrietta Road (NYSDOT).



The Active Transportation Plan assesses existing pedestrian, bicycling, and public transit conditions and the interaction with motorized modes of transportation in Henrietta.

6.8 Complete Streets

Governor Andrew M. Cuomo signed the Complete Streets Act (Chapter 398, Laws of New York) on August 15, 2011, requiring state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding. The New York State Department of Transportation (NYSDOT) is working to ensure that its policies and procedures meet the new standards. The initiative presents an opportunity to expand upon existing programs and collaborate with bicyclists, pedestrians, people with disabilities and others to identify best practices and designs for transportation facilities.

A Complete Street is a roadway planned and designed to consider the safe, convenient access and mobility of all roadway users of all ages and abilities. This includes pedestrians, bicyclists, public transportation riders, and motorists; it includes children, the elderly, and persons with disabilities. Complete Street roadway design features include sidewalks, lane striping, bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks, pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, ramps and traffic calming measures. Additional information is available at www.dot.ny.gov/programs/completestreets. The Cornell Local Roads Program has also compiled a very helpful and informative manual on Complete Streets. This information is available at [https://www.dot.ny.gov/programs/completestreets/repository/Complete Streets Manual 2012 nylta p.pdf](https://www.dot.ny.gov/programs/completestreets/repository/Complete_Streets_Manual_2012_nylta_p.pdf).

The Henrietta Active Transportation Plan provides the following recommendations:

1. Adopt a town-wide Complete Streets policy that would incorporate the Town's Sidewalk Policy and Complete Streets guidelines throughout all Town districts.
2. All development documents should include requirements for sidewalks on all public roadways. These requirements should specifically state that sidewalks must be compliant with the ADA Public Rights-of-Way Accessibility Guidelines (draft), or most recent ADA standards for public rights-of-way.
3. Enact a local law based on the State of NY enabling legislation to reimburse consultants for review of subdivision site plans for active transportation considerations. Additional information is available at http://www.dos.ny.gov/lg/publications/Site_Development_Plan_review.pdf.

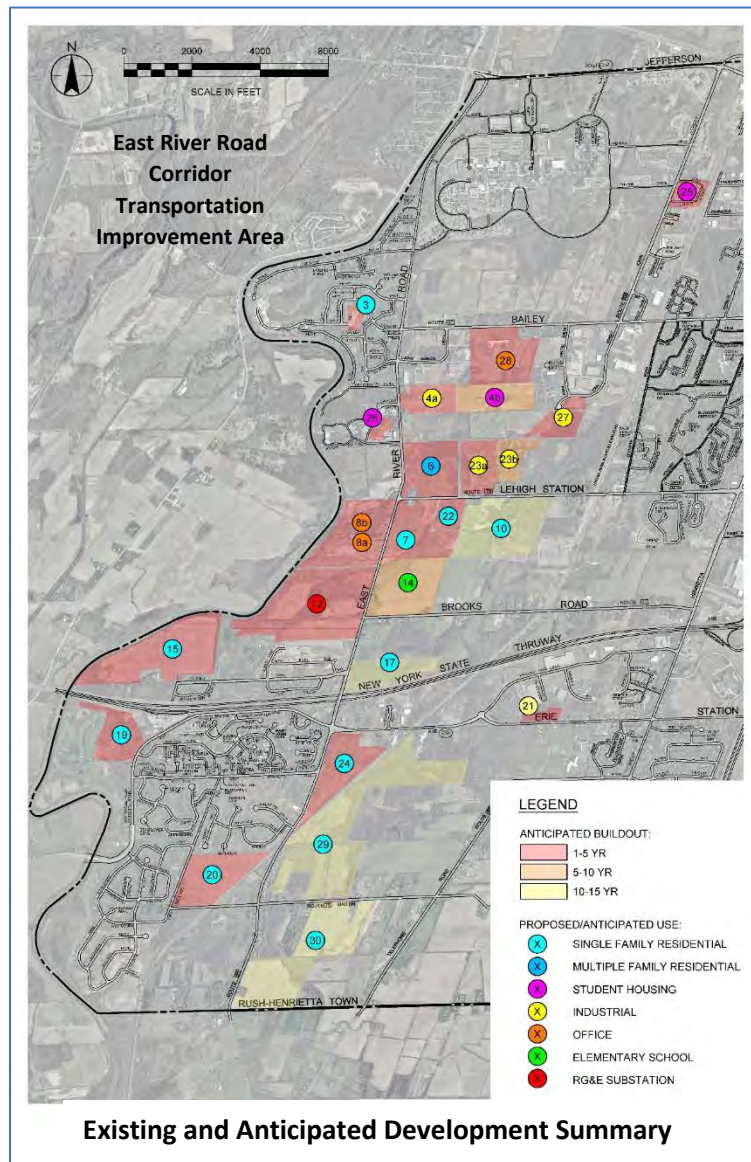
6.9 East River Road Corridor Study

In 2018, in response to the negative impacts created by all of the new development that has been occurring along East River Road, the Town of Henrietta, in conjunction with the Monroe County Department of Transportation and RIT, conducted a traffic analysis of current and future traffic conditions along the East River Road Corridor in the western portion of the Town. The study area extends from Erie Station Road in the south to Jefferson Road in the north. The study calculated the expected traffic impacts from these potential developments, using a combination of current projects, future projects, and conceptual projects, and then analyzed what improvements could be made to the traffic corridor to help mitigate any of the negative impacts from the additional traffic.

In the past decade, there have been significant development that has occurred within the corridor as well as south of the traffic study portion. Large new single-family developments have occurred south of the Thruway for which East River Road is the main thoroughfare out of their neighborhoods. These include Berkshire Park by Faber Homes, Shadow Ridge by Ryan Homes, Riverton Parcel C by Home Properties, Queens Park by Faber Homes, Graywood Meadows by Ryan Homes, Foxfield by Graywood Properties, Howlett Acres by Ryan Homes, and The Preserve Sections 7-10 by Reidman AtHome Builders and Faber Homes. In addition, a number of new apartment complexes have gone in or been expanded, including The Lodge student housing, Rivers Run senior housing, Greenwood Cove senior then later market rate housing, The Hill (formerly Racquet Club) student housing, Red Maple Apartments, and four large planned developments: a senior housing complex on Lehigh Station Road near East River, a Heritage Christian housing complex on Lehigh Station Road near East River, a market rate apartment complex on Lehigh Station Road near East River, and a student housing complex on East River Road on the former Wallman farm.

In addition to all of the new residences, there has been significant development of the office parks in the area, including major new tenants on John Street, the extension of John Street south to Lehigh Station Road, Park Center Drive, Bailey Road, Tech Park Drive, Lucius Gordon Drive, and planned for the new Wiregrass Park Drive. The significant growth of the RIT Campus, including dozens of new academic buildings, has also added to the congestion, especially at the northern end of the corridor.

The study will assist the Monroe County Department of Transportation in planning for future roadway improvements as development occurs and the resulting conditions require the improvements. In addition to significant improvements to most of the intersections along the East River Road corridor, the study also recommends additional improvements, including improving multi-modal access, such as a



sidewalk or bicycle path along the heaviest used portion of the road, given that there are a lot of anticipated student housing, as well as senior housing, multi-family, and single-family residential properties along the length of East River Road.

The above map, taken from the study, shows the recent, current, planned, and contemplated future developments.

The traffic study was prepared by Stantec Associates and accepted by the Monroe County Department of Transportation and the Henrietta Town Board.

6.10 Agricultural Development and Farmland Protection Plan

Chapter 2.5 of the 2003 Plan addresses the importance of agricultural lands as scenic, economic, and historic assets to the community. One of the goals of the 2003 Plan was to preserve important agricultural land uses and undeveloped rural lands. Agriculture in Henrietta is generally located in portions of the western part of the Town and mostly south of the NYS Thruway. Many of the largest existing farmland parcels in the Town participate in the NYS Agricultural Districts Program as part of Monroe County Agricultural District #6.

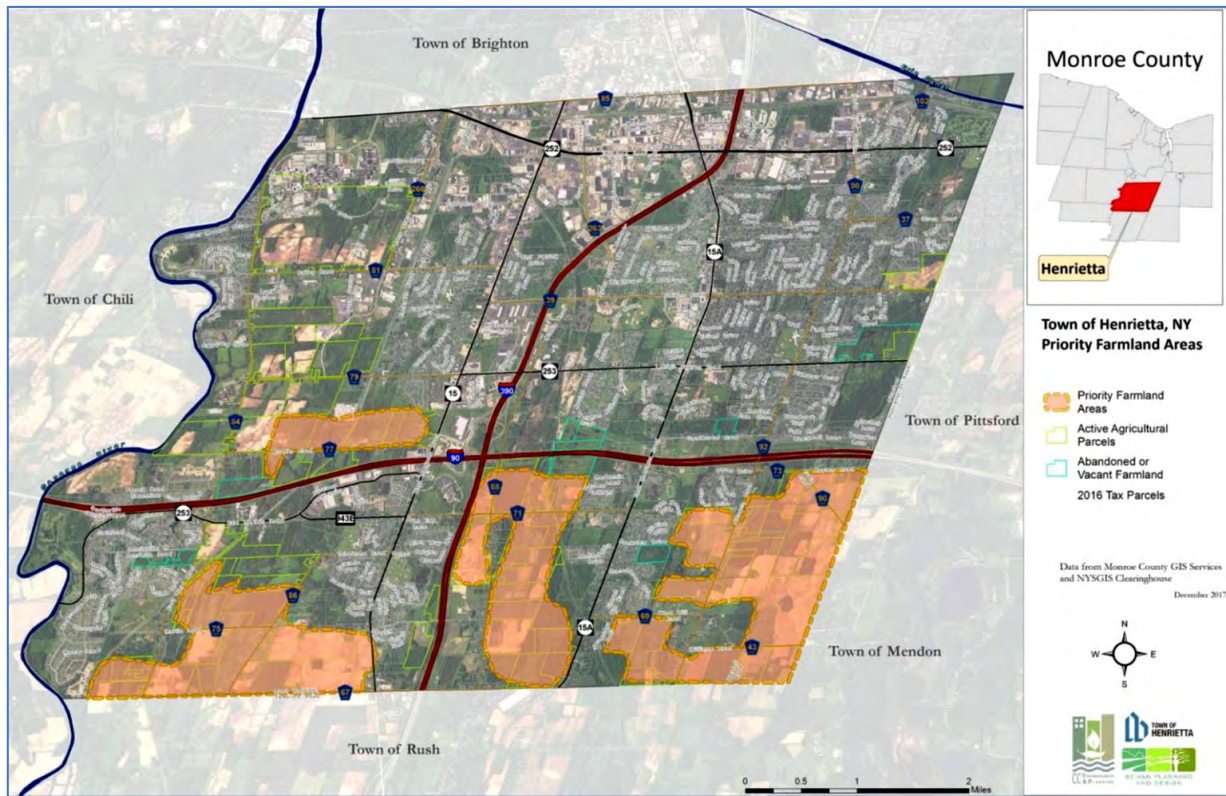
The Town supports agriculture and the use of local farmland for farming purposes. In 2016 the Town selected Behan Planning and Design as its planning consultant to prepare a Municipal Agricultural Development and Farmland Protection Plan with the assistance of a grant from the NYS Department of Agriculture and Markets. The Agricultural Development and Farmland Protection Plan contains up-to-date information about the status of agriculture and farming in the Town of Henrietta as well as land use policy and other recommendations for protecting agricultural resources. The Agricultural Development and Farmland Protection Plan addresses strategies for agricultural development and farmland protection including: the status of current farming in Henrietta and challenges faced from conversion pressure; a vision for the future of agriculture in Henrietta; a “farm-friendly” zoning audit with recommendations for amending the zoning ordinance; and, mapping of agricultural resources throughout the Town including the prioritization of farmland areas for possible protective measures as shown below.

The plan identifies priority farmland areas based in part on physical characteristics of properties including: parcel size; existing agricultural exemptions; location within the Monroe County Agricultural District; contiguous blocks of active farmland; development pressure; and presence of prime farmland soils. Other important criteria in prioritizing farmland include landowner interest in protecting farmland.

The results of the prioritization process identify priority farmlands, many of which are in the Monroe County Agricultural District, located in four general areas:

- Parcels north of Brooks Road and the NYS Thruway,
- Parcels along Martin Road, East River Road, and Telephone Road in the southwestern portion of the Town north of the Town of Rush,
- Parcels east of I-390 along Middle Road and south of the Thruway, and

- Parcels along Pinnacle Road, Ward Hill Road, and Williams Road in the southeastern portion of the Town north of the Town of Rush and west of the Town of Mendon.



The Henrietta Agricultural Development and Farmland Protection Plan identifies several clusters of Priority Farmland Areas (shown above in orange shading).

The Agricultural Development and Farmland Protection Plan recommends several opportunities to implement farmland protection measures in Henrietta. Recommended actions include establishing incentive (or amenity) zoning as a voluntary method that would allow a landowner or developer to obtain development incentives in exchange for providing certain community benefits, such as preservation of agricultural resources, possibly through conservation easements. As noted in the Farmland Plan a conservation easement is a voluntary agreement that restricts development of a property only to the extent necessary to protect the land's conservation value. These easements and incentives could be tied to either the Purchase (PDR) or Transfer of Development Rights (TDR) programs that could be instituted by the Town. Information on conservation easements, PDR and TDR programs is available through the NYS Department of Agriculture and Markets (<https://www.agriculture.ny.gov/ap/agservices/farmprotect.html>).

The Zoning Analysis section of the Farmland Plan recommends the following actions relative to Town code and zoning:

- Protect priority farmland
- Consider creating a local "Right to Farm" law
- Initiate a feasibility study for a possible Town supported PDR program and identify landowner

interest and funding options.

- Develop PDR applications with landowners/land trust (including consideration of local match for grants).
- Design incentive zoning/TDR program to fit Henrietta's unique setting.
- Educate the community about priority farmland areas.
- Limit water/sewer extension into agricultural areas - adopt an easement program to offset lateral restriction impacts if necessary.
- Ensure farm operation as a permitted use in industrial and other appropriate zoning districts and the County Agricultural District.
- Clarify definitions of farm operation and related uses including agri-tourism.
- Remove restrictions on farm operations as necessary and appropriate.
- Prepare and adopt subdivision regulation and site plan review amendments, including design criteria to minimize fragmentation of farm fields, reduce neighbor conflicts, and protect farm infrastructure and access to fields when new development is proposed on or near active farmland.

Following its adoption by the Town Board in 2018, the Agricultural Development and Farmland Protection Plan will be incorporated into the Town's Comprehensive Plan.

7. Recommendations

7.1 Encouraging Mixed-use Development and Redevelopment

The following recommendations are provided to further implement the Town's Comprehensive Land Use Plan in response to recent and emerging changes in land use and demographic conditions in the Town. It is anticipated that there will be increasing opportunities for adaptive reuse, redevelopment and new mixed-use projects as land use continues to evolve in meeting community needs. This is especially true for some older properties that can transition to meet new market expectations for more diversity in styles of residential and non-residential forms of development. Redevelopment opportunities may be most evident in aging commercial and industrial areas and along well-developed transportation corridors north of the NYS Thruway. These highway corridors and their adjacent land uses include East Henrietta Road (NYS Route 15A), Jefferson Road (NYS Route 252) and northern portions of West Henrietta Road (NYS Route 15).

Consistent with previous planning initiatives, the Town should position itself to attract and accommodate reinvestment, reuse and redevelopment of previously developed properties in lieu of greenfield development, where appropriate. Greyfield redevelopment, as it is often called, could shift some development interest away from undeveloped (greenfield) properties to previously developed areas, particularly underutilized commercial strip shopping centers and other former retail and larger non-retail properties.

Greyfield properties typically consist of large building footprints and equally large underused parking areas with access along major thoroughfares such as those identified above. The redevelopment of

these properties may become more possible due to anticipated changes in retail markets, such as the continued closing of major retail stores due to online shopping, and consumer expectations for greater choices in housing and other lifestyle needs for all age groups and abilities. Greyfield properties can be redeveloped relatively quickly for various types of mixed residential and commercial uses unlike brownfields that are typically associated with environmental contamination that require clean-up before reuse. These underutilized and vacant properties can accommodate redevelopment, possibly on a large scale, because of existing public infrastructure (roadways, sewer, water, utilities) and the availability of other community services, such as public transit and emergency services.

The 2003 Plan and the 2011 Update discuss the social, economic and safety benefits of mixed-use development and the importance of walkable communities. These benefits do not need to be repeated here, but it is important to reaffirm the validity of mixed-use development and redevelopment as a viable alternative to conventional suburban development.

The implementation of mixed-use will require a shift in land use policy away from sole reliance on new site development to consideration of reuse and redevelopment alternatives. The development community may need to be encouraged by the Town to consider such alternatives at first in presenting their project proposals to the Town. On the other hand, the concept of mixed-use development has been around for several decades and is in fact based on traditional neighborhood design, so many in the development community and others involved in real estate may welcome this as a real opportunity. Before mixed-use can become a reality, the Town will need to adjust its Future Land Use Plan and amend sections of the zoning ordinance to permit its development in order to achieve the Smart Growth principles described in previous planning documents, the goals expressed in this update, and the recommendations of the Active Transportation Plan and the Agricultural Development and Farmland Protection Plan.

Proposed Mixed-use Overlay Zones can support and complement the underlying single-use base zoning districts by providing opportunities for a balance between residential and non-residential uses. Mixed-use areas may develop in the form of centers, activity nodes, and as corridors subject to site design and development standards.

The objectives for implementing these overlays include:

- (1) Encouraging the efficient use of land through clustering and similar conservation techniques to protect environmentally sensitive resources and open space in a setting that provides for the compatibility of uses with existing and proposed surrounding development.
- (2) Promoting the economic sustainability of neighborhoods, businesses and property values by encouraging actions that protect areas from blight, neglect and abandonment of properties by providing choices in housing and employment.
- (3) Facilitating safe pedestrian and non-motorized activity with improved accessibility to businesses to reduce reliance on personal forms of motorized travel.
- (4) Permitting mixed-use development that integrates residential use with office, retail and other suitable types of non-residential uses in a walkable environment that fosters social interaction.

- (5) Accommodating infill development and the reuse of properties already served by public infrastructure, transit and community services.

7.2 Updating the Future Land Use Map

This 2019 Update includes “**Map 2. Future Land Use**” as a replacement for the Generalized Land Use Plan (Figure 4-1) in the 2003 Plan, which, by this update, shall be reamed as “Historical 2003 Generalized Land Use Plan”. The updated Future Land Use map provides new guidance for how the community wants to develop in the future. It is also somewhat predictive in showing where possible updates to the zoning ordinance may be necessary to better align with Smart Growth principles, including encouragement of mixed-use development and redevelopment.

The Future Land Use map is a tool for identifying where changes in land use policies and administrative procedures may need to be implemented by the Town via the zoning ordinance, the official zoning map and project approval processes. Unlike the Official Zoning Map of the Town, the Future Land Use map is intended to be generic in its content and should not be precisely interpreted along property boundaries or at a parcel level of detail or scrutiny. In other words, the boundaries of uses shown on the Future Land Use map are intended to be flexible and general in nature, subject to shifting and revisions, and should not be expected to perfectly align with the zoning district boundaries for the same uses shown on the Official Zoning Map. The Official Zoning Map is the legally enforceable document.

Map 2 identifies three major categories of land use, either existing or proposed. These include residential, commercial and industrial uses. Existing land use is generalized and not shown to the same level of detail as shown in Map 1. Existing Land Use. The purpose of Map 2 is to provide information at a broader perspective that identifies the locations of each category in relationship to other uses. The map is helpful in determining where growth has occurred and where the community would like it to occur in the future.

Noteworthy elements shown on the Future Land Use map include:

- Areas of residential use at different levels of density from the lowest density of rural residential/agriculture south of the NYS Thruway to low density, mostly single-family residential neighborhoods, and moderate density residential (including single-family and multiple dwelling/apartment uses) scattered throughout the Town.
- Areas of commercial and industrial uses
- Areas of important institutional uses such as the Town Center area along Calkins Road that contains municipal facilities, and the Rochester Institute of Technology (RIT) in the northwest portion of the Town
- Areas identified as priority farmland in the Town of Henrietta Agricultural Development and Farmland Protection Plan.

7.3 Amending the Zoning Ordinance and Zoning Map

The Town should consider the use of overlay zoning as a technique to provide greater incentives to attract mixed-use development and promote reinvestment and the redevelopment of greyfields and other vacant and underutilized properties. The use of overlay zones is discussed in both the 2003 Plan and the 2011 Strategic Update.

An overlay zone is superimposed over one or more previously established underlying zoning districts, typically establishing additional standards and criteria for properties within the overlay district in addition to the requirements of the underlying zoning district. Under this overlay approach, mixed-use development and redevelopment would be optional on the part of a property owner or developer. Option one would continue to allow a project to be developed according to the requirements of the underlying zoning district regulations in a conventional (non-mixed-use) manner. Under the overlay option if chosen, a property owner or developer could develop a mixed-use project according to certain design and development standards created by the overlay.

Overlay zones are a permitted type of zoning regulation widely used in New York. Overlay zoning can be used for a variety of reasons including the protection of environmentally sensitive natural or cultural resources and as in this case to promote economic redevelopment of specific areas. The use of overlay zoning will require modifications to the Zoning Ordinance and Official Zoning Map. Additionally, there will be the need for amending procedural aspects of the Town's review and approval processes for development proposals. Requirements for project approvals may also need to consider compliance with design and development standards.

7.4 Mixed-use Overlay Districts

Opportunities for mixed-use development and redevelopment will be encouraged in three areas of Henrietta as an optional form of development under a mixed-use overlay zone. In the future additional areas may be identified. The three areas with greatest potential at this time as identified on **Map 3.**

Existing Zoning Districts and Proposed Changes include the following:

- **Mixed-use Redevelopment Corridor** - The East Henrietta Road (NYS Route 15A) corridor, includes those properties immediately adjacent to the roadway that are currently zoned Commercial (B-1 and B-2). This corridor is an older developed area extending from I-390, the Genesee Expressway southward for a total distance of approximately 1.9 miles to approximately 700 feet south of Lehigh Station Road. This corridor contains numerous small to medium size commercial parcels with a variety of service-oriented and professional businesses, and small to medium size older underutilized or vacant commercial strip style shopping centers and retail establishments. Large single-family residential neighborhoods are located both east and west of the corridor and would not be included in the overlay zone.

The East Henrietta Road corridor is highly traveled by Rochester area commuters and nearby residents. NYSDOT 2015 annual average daily traffic (AADT) volumes along the segment between I-390 and Calkins Road are 22,125 vehicles. Volumes between Calkins Road and Lehigh Station Road are 17,084 vehicles. Volumes south of Lehigh Station Road decrease substantially to 5,107 vehicles. Mixed-use redevelopment at a neighborhood scale could service the needs of the adjacent residential neighborhoods in a more pedestrian-friendly environment. The area is also served by public transit.

- **Mixed-use Redevelopment Area** – This is an area centered around the intersection of Jefferson Road (NYS Route 252) and West Henrietta Road (NYS Route 15) in an older developed commercial and industrial area extending outward in all directions including north to the Town

boundary with Brighton, west to John Street, south along West Henrietta Road to Bailey Road, and eastward for approximately 0.5 miles. This is an area that includes many medium to large size parcels in use as either commercial retail, business or industrial uses. Residential use is mostly restricted to several multiple dwelling facilities located in this area or nearby. In addition to the redevelopment potential of commercial and industrial properties some of these multiple dwelling properties may also have redevelopment potential. Residential neighborhoods exist to the south of this area. The RIT campus is west of West Henrietta Road.

Roadways in this area experience high traffic volumes. Highest AADT volumes are along Jefferson Road just east of West Henrietta Road at 31,694 vehicles; and 32,775 vehicles north of Jefferson Road. Volumes also include 19,189 vehicles along Jefferson Road west of West Henrietta Road; and 21,532 vehicles along West Henrietta Road south of Jefferson Road. Hylan Drive has an AADT of 22,526 vehicles. The area is served by public transit. This is a large area that may afford opportunities for large-scale mixed-use or multi-use commercial and residential redevelopment in the future especially in light of the changing retail landscape and declining marketplace for large commercial retailers and “brick and mortar” stores.

- **Mixed-use Employment Center** – This is an area south of the RIT campus and along East River Road from Bailey Road south to the existing transmission line right-of-way north of Brooks Road. The area is experiencing substantial new development of multiple dwelling facilities primarily along East River Road on lands zoned for industrial and residential use. This area includes major employers such as RIT, the RIT Business and Technology Park, Paychex, and the University Park of Rochester. Undeveloped parcels in this area are generally large and most are existing or former agricultural lands. Considerable development interest in these parcels continues. Some of these remaining undeveloped properties contain wetlands, floodplains, and substantial woodlands. Due to current development interest, these properties are an opportunity for the Town to manage their use in a proactive manner for a balance between development (preferably mixed-use development) and conservation of open space and natural resources. Development is possible if sited properly in the context of the area’s sensitive environment.

Development consisting of employment centers with a variety of nearby housing choices, including multiple dwellings, could be provided in a walkable environment. Light industrial and limited commercial uses may be associated with research and development businesses in a campus-like or office park setting. Due to its proximity to RIT this area may support entrepreneurial businesses, research and development. AADT traffic volumes on area roadways range between a high of 8,248 vehicles along East River Road, to 6,185 vehicles on Lehigh Station Road, and lows of 5,196 vehicles on Brooks Road and 4,781 vehicles on Bailey Road. Managing the density of further development and limiting future traffic volumes in the area are important to maintaining a high quality of life in this area. Development in this area has been the subject of the East River Road Corridor Traffic Study by Monroe County, the Town of Henrietta and RIT to assess existing and future traffic conditions and needed improvements.

7.5 Incentives for Redevelopment

The 2011 Update to the 2003 Plan noted that 87 percent of respondents to a Community Survey of Henrietta indicated the Town should create policies that encourage redevelopment of currently vacant or underutilized commercial sites as an alternative to commercial development in new locations. It was recommended that the Town consider creating incentives for redevelopment of older “underperforming or abandoned” commercial sites. The 2011 Update recommends the use of incentive zoning “- to allow these areas to be converted to much higher density, mixed-use (residential, commercial, and office) developments. These would include very specific urban design requirements intended to promote the establishment of walkable and public transit-friendly neighborhoods or districts. The inclusion of a more varied range of residential types in these developments would have the added benefit of creating housing options for seniors, young professionals, and others in Henrietta who might be looking for something other than a single-family (detached) home.”

The 2011 Update further states, “The increased development density and the flexibility of use that would be permitted under this new redevelopment option for commercial properties should be a powerful incentive for the owners of these properties to invest in their redevelopment. In this manner, the Town of Henrietta would inspire the market to think differently about the economic opportunity that these properties represent.”

In combination with mixed-use overlay zones, incentive zoning or the creation of some form of incentives is recommended to attract redevelopment to targeted areas, such as the three potential mixed-use areas described previously. Incentive zoning allows a developer to develop a project in such a way that would otherwise not be permitted in exchange for some form of a public amenity or community benefit. Incentive zoning is allowed under NY Town Law.

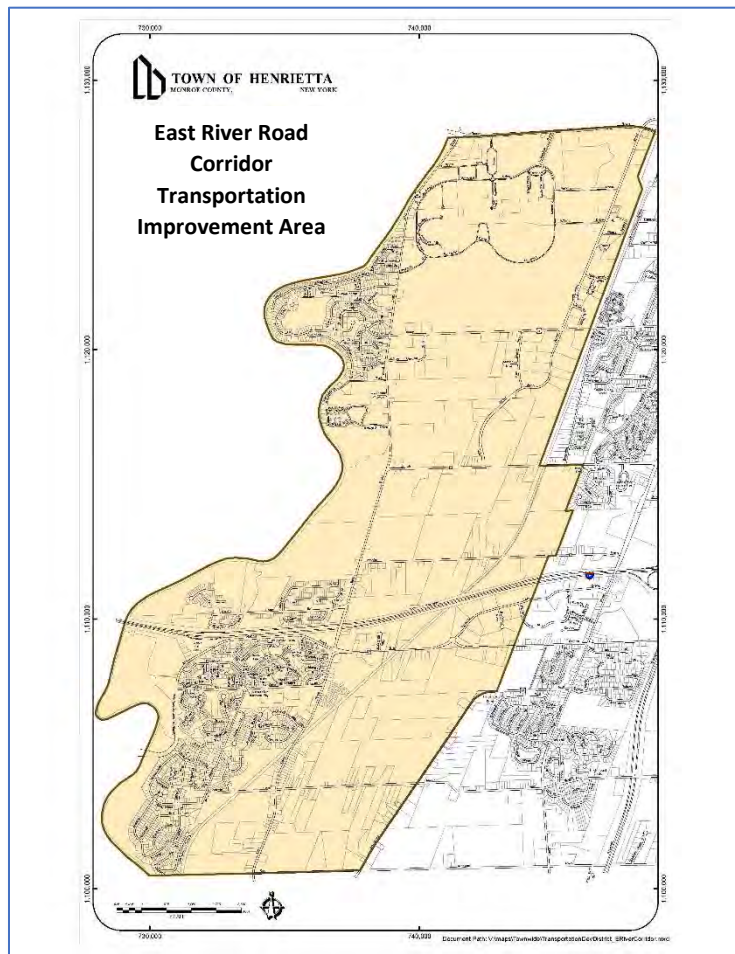
Increased flexibility in developing a project would be considered by the Town under incentive zoning upon the request of a developer in exchange for certain types of amenities or community benefits. These benefits might include the dedication or preservation of open space, historic preservation, parks, affordable housing, or improvements to public infrastructure such as sewer, water or roadways. These benefits would be provided by the developer in addition to any improvements that might also be required for approving a project under the Town’s subdivision, site plan or SEQRA regulations such as the mitigation of potential traffic impacts. The use of incentives would be voluntary on the part of a developer and approval would be at the discretion of the municipality, in this case the Town Board.

7.6 East River Road Corridor Traffic Mitigation

The Town is considering implementing recommendations from the East River Road Corridor Study in order to help mitigate the negative impacts of all of the development along that area. The study identifies all of the improvements the Monroe County Department of Transportation is planning to construct as traffic counts warrant them. Rather than placing these mitigation requirements on the shoulders of the development whose additional traffic impacts triggers the require mitigation, the study proposes a means to share that mitigation cost among all of the developments that add traffic to the area and thus add to the negative impacts that the traffic is creating.

To do this, the Town should create a final update of the expected and contemplated future projects to have the traffic consultant prepare final traffic counts. At the same time, the Monroe County Department of Transportation should create a final cost estimate of all of the proposed development. By dividing the total costs allocated to the developers by the total number of traffic added, a per vehicle contribution to the mitigation costs can be calculated. Since the majority of the negative traffic impacts occur during morning or evening peak travel times, the Town, County, and consultants agreed that the basis for the mitigation should be the number of vehicles added to East River Road during peak travel hours, as calculated by traffic impact studies.

By doing it this way, it incents the developers to provide access to other roads from their development since that could potentially reduce the number of cars introduced onto East River Road during peak travel hours and thus decrease the amount of their traffic mitigation costs. It also incents other means to decrease the amount of traffic added to East River Road such as providing a shuttle bus to and from the RIT campus for student housing complexes as that encourages students to leave their cars home and thus reduce the traffic mitigation needed.



The recommendation is for the Town to calculate, as part of the SEQRA process, the traffic mitigation costs for a new development based upon the number of vehicles added to East River Road during the peak travel hours as calculated from accepted traffic impact studies provided by the developers. Those funds would then be accumulated in a capital reserve fund, or similar mechanism, created specifically for this purpose. Any funds collected for this purpose could only be used for traffic mitigation, including vehicular, pedestrian, bicycle, or other, within the defined corridor area as depicted on the map below.

Then, when the increased traffic dictates that an improvement is needed, the Monroe County Department of Transportation will engineer the improvement, determine the total cost of the improvement,

and determine the portion of the costs allocated to developers. The County will then request the funds from the Town's capital reserve fund, or similar mechanism, and the Town will provide the funds, if

available, as the costs are incurred and billed, or more precisely through the Intermunicipal Agreement that will be created between the Town and County as recommended by the study and by this Comprehensive Land Use Plan Update.

It is recommended that the traffic mitigation funds be collected as part of permitting process by the Town. As an alternative to providing the traffic mitigation funds, it is recommended that developers be allowed to propose constructing necessary traffic improvements of equal or greater value to their calculated traffic mitigation costs. However, it should be noted that improvements specific to their development, such as a turn lane into their development, should not be considered as a contribution to traffic mitigation costs and should be made in addition to any contribution or improvements made to the general corridor itself. It is recommended that Town and County approval be required for any proposed traffic improvements to be considered as traffic mitigation.

In the event there are funds left in the capital reserve fund, or similar mechanism, when the corridor is deemed by the County and Town to be fully built out, it is recommended that those remaining funds be spent to make improvements to bike paths, pedestrian paths, or similar infrastructure, within the traffic corridor area, as agreed to by the Town and County.

7.7 Design Guidelines and Development Standards

Design Guidelines and Development Standards are also discussed in both the 2003 Plan and the 2011 Update. Standards are typically interpreted as regulatory requirements enforced through use of terms such as, “shall”, “will” or “must”. Standards would be enforced through the Henrietta Town Code. For example, standards for mixed-use development would be enforced through the mixed-use overlay zones. Guidelines are typically more suggestive in nature and could be overtly encouraged, but not mandatory unless stated otherwise in the enacting legislation. Guidelines highlight opportunities where design creativity and flexibility are available on the part of design professionals such as architects, engineers, landscape architects, and urban designers. Typically, guidelines are identifiable by terms such as “may” or “should”. Guidelines can also be transitioned into standards over time depending upon their effectiveness.

Design guidelines and development standards provide a degree of predictability to the outcome of a development proposal. Through use of guidelines and standards, the Town can clarify its expectations about what is desired from an owner/developer and the owner/developer knows ahead of time what is expected from a project proposal.

Preparing and implementing Design Guidelines and Development Standards is recommended to address project-related design and appearance issues associated with neighborhood compatibility. Guidelines and standards will help create more attractive and walkable neighborhoods, diversify housing options, encourage aging-in-place, protect important resources, and promote mixed-use development and redevelopment in suitable areas of the Town. These should be described in text and graphic formats to illustrate sustainable site design principles, desired building form, and public amenities. Various factors can be addressed such as:

- Site design and layout

- Grading and open space requirements
- Building placement and orientation on a site
- Building design, scale, form, materials, rooflines, and frontages
- Façade treatment and transparency with windows and doors
- Parking, vehicle and pedestrian circulation
- Streetscaping, sidewalks and public space amenities
- Visual screening and buffers
- Landscaping and lighting

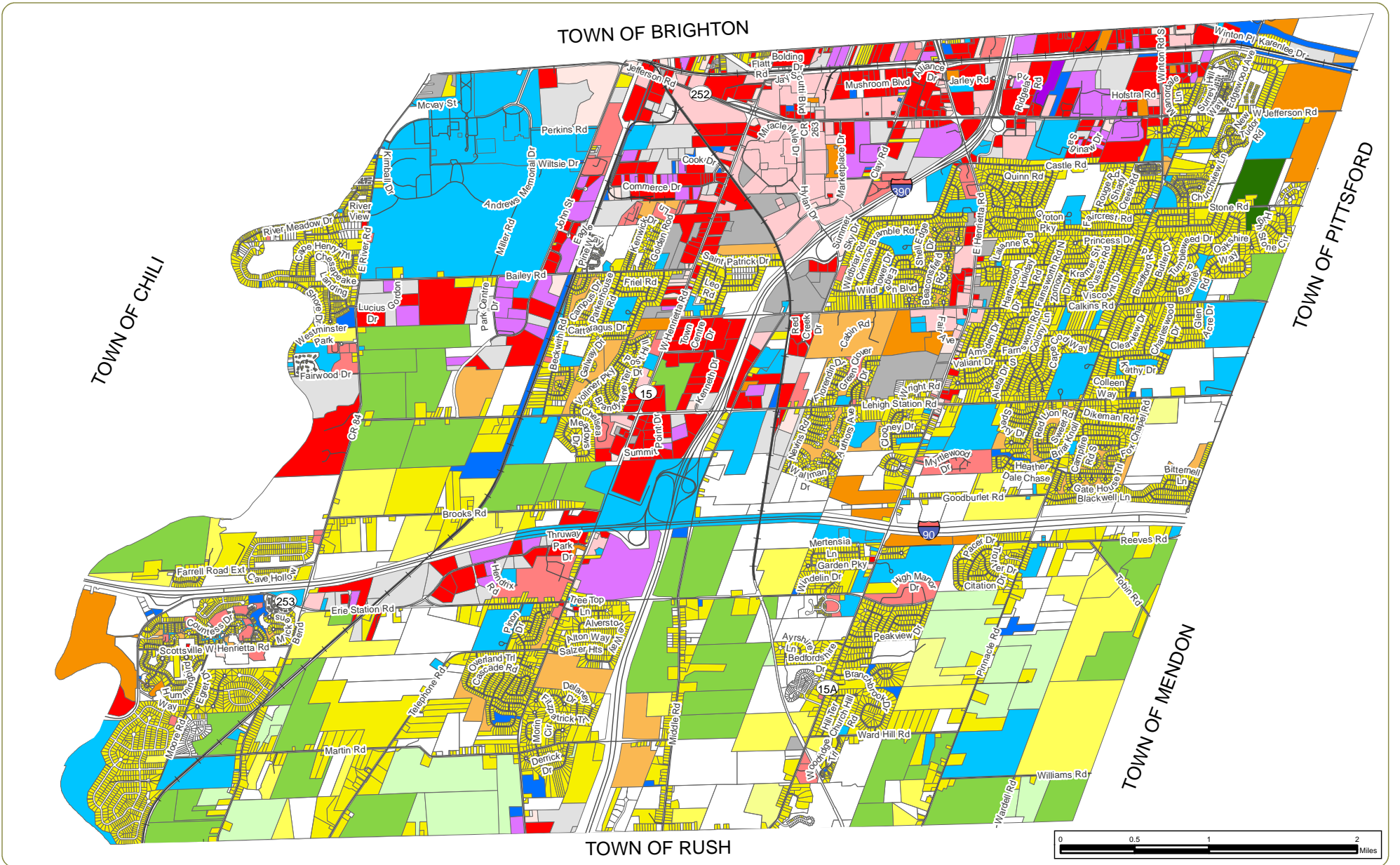
8. Summary

The Town of Henrietta is recognized as a premier community in which to live and work as well as a great place to raise a family and get a solid education. Henrietta is known as the crossroads of Monroe County and has the distinction of being home to the Rochester Institute of Technology, leading national and regional retailers, and both large and small businesses and employers. Although suburban in nature north of the Thruway, it is a community that still retains aspects of its rural agricultural heritage, especially to the south. The population of the Town continues to increase at a time when many communities are seeing a decline. And the landscape is evolving as demographics change and market demand increases for expanded housing opportunities and commercial forms of development that meet the changing expectations of homeowners and consumers of all ages and abilities.

The Town continues to implement the recommendations of its 2003 Plan to serve the health, safety and general needs of its residents, businesses and property owners. This Update is yet another step in the Town's proactive approach to planning for the future of Henrietta. Consistent with the recommendations of the 2003 Plan and the 2011 Update the Town is considering some important changes in land use development policies that will both highly encourage and allow for mixed-use development and redevelopment of appropriate areas in the Town where it can be supported by existing public infrastructure and community services. In doing so, the Town will shift from what is often a singular focus in developing new, single-use sites in conventional ways to encouraging redevelopment and reuse alternatives of previously developed areas that can support it. In places where redevelopment or reuse may not be possible or yet practicable, the Town will promote mixed-use and site design alternatives in creating a balance between development and protection of open spaces and natural resources. To accomplish the recommendations contained in this Update, it is necessary for the Town to revisit and modify, as needed, its present land use policies and zoning regulations.

APPENDIX A

MAPPING



Comprehensive Plan Update - 2019

Town of Henrietta, Monroe County, New York

Map 1: Existing Land Use

Notes: 1. DISCLAIMER: This map is for planning purposes only. 2. This map was generated in ArcMap on February 25, 2019. 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.

Land Use by Property Class

- 100 - Agricultural
- 105 - Vacant Agricultural
- 200 - Residential
- 240 - Rural Residence
- 250 - Estate

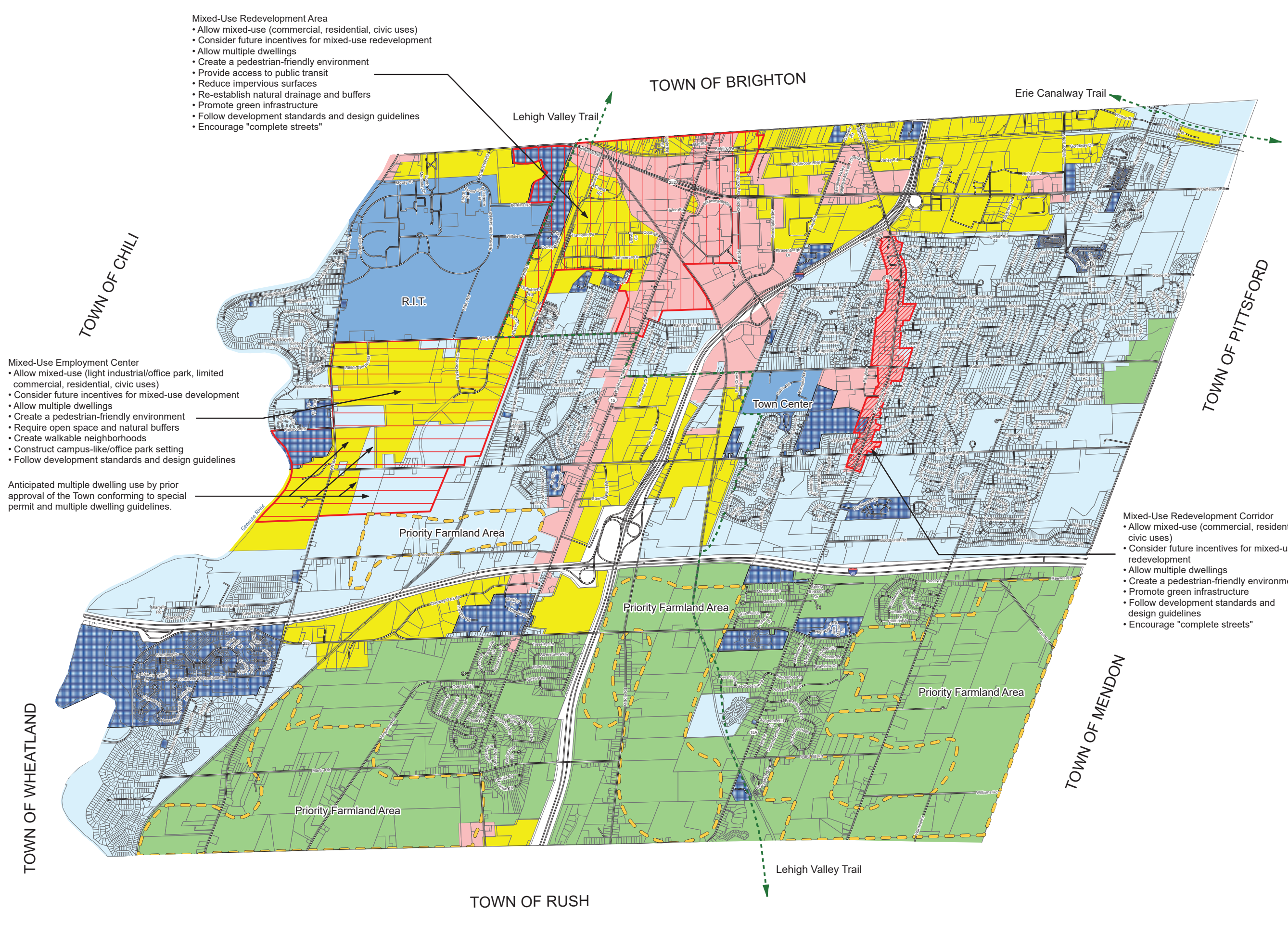
- 300 - Vacant
- 330 - Vacant Commercial
- 340 - Vacant Industrial
- 400 - Commercial
- 411 - Apartments
- 450 - Retail Services

- 480 - Multiple Use
- 500 - Recreation and Entertainment
- 590 - Municipal Parks
- 600 - Community Services
- 700 - Industrial

- 710 - Manufacturing and Processing
- 800 - Public Services
- 900 - Forested, Conservation Lands and Public Parks



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- Mixed-Use Redevelopment Area**
- Allow mixed-use (commercial, residential, civic uses)
 - Consider future incentives for mixed-use redevelopment
 - Allow multiple dwellings
 - Create a pedestrian-friendly environment
 - Provide access to public transit
 - Reduce impervious surfaces
 - Re-establish natural drainage and buffers
 - Promote green infrastructure
 - Follow development standards and design guidelines
 - Encourage "complete streets"

- Mixed-Use Employment Center**
- Allow mixed-use (light industrial/office park, limited commercial, residential, civic uses)
 - Consider future incentives for mixed-use development
 - Allow multiple dwellings
 - Create a pedestrian-friendly environment
 - Require open space and natural buffers
 - Create walkable neighborhoods
 - Construct campus-like/office park setting
 - Follow development standards and design guidelines

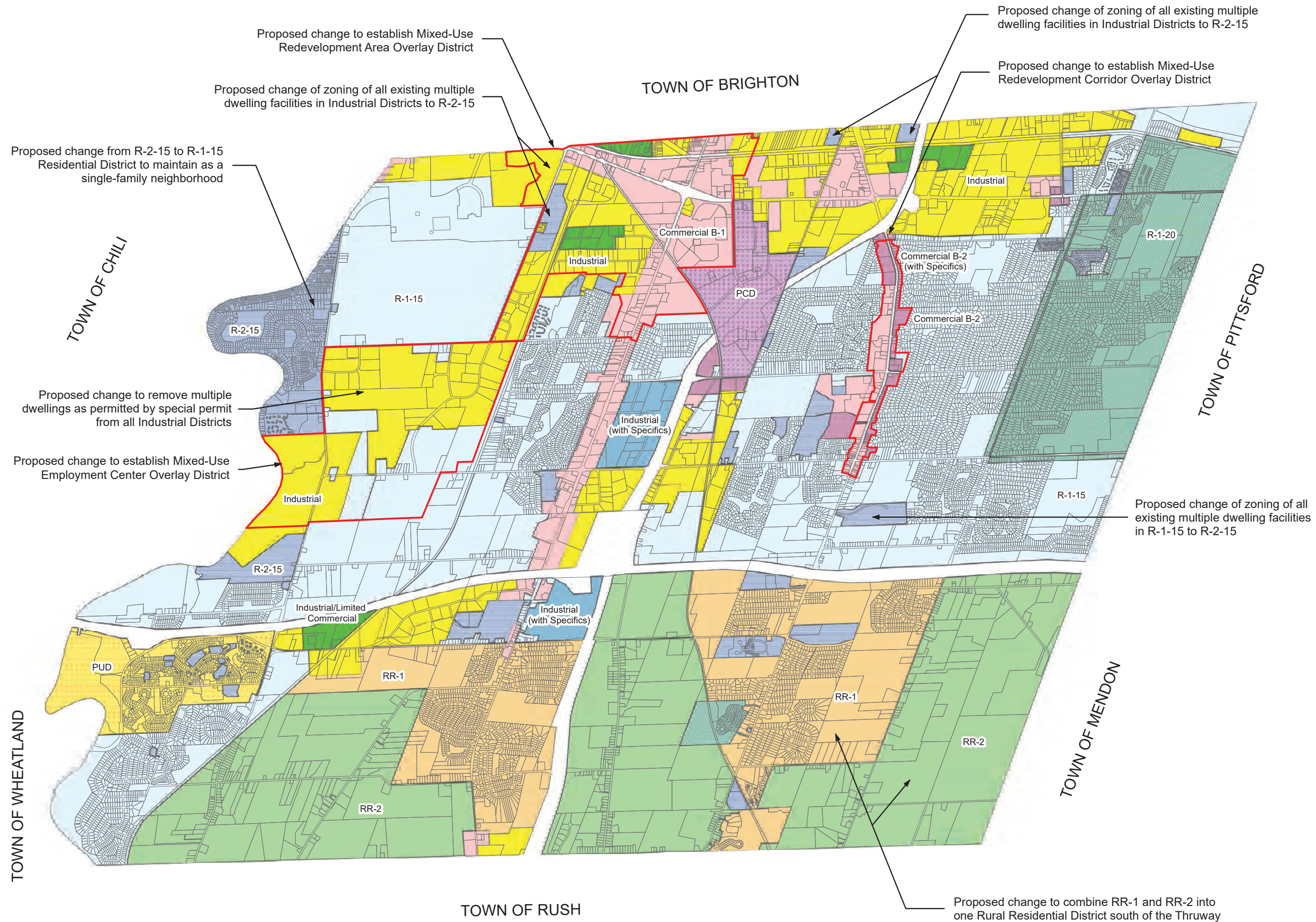
Anticipated multiple dwelling use by prior approval of the Town conforming to special permit and multiple dwelling guidelines.

- Mixed-Use Redevelopment Corridor**
- Allow mixed-use (commercial, residential, civic uses)
 - Consider future incentives for mixed-use redevelopment
 - Allow multiple dwellings
 - Create a pedestrian-friendly environment
 - Promote green infrastructure
 - Follow development standards and design guidelines
 - Encourage "complete streets"

- Roads
- - - Trail
- Priority Farmland Areas
- * See Town of Henrietta Agricultural Development and Farmland Protection Plan
- Mixed Use Redevelopment Corridor
- Mixed Use Redevelopment Area
- Mixed Use Employment Center Area
- Parcel
- Future Land Use Classification
- Commercial
- Industrial
- Institutional
- Moderate Density Residential
- Low Density Residential
- Rural Residential / Agriculture

- Notes:
1. DISCLAIMER: This map is for planning purposes only.
 2. Boundaries are approximate and not intended to be interpreted as precise parcel lines.
 3. This map was generated in ArcMap on February 25, 2019.
 4. This is a color graphic. Reproduction in grayscale may misrepresent the data.





- Proposed Mixed Use Overlay Boundaries
- Parcel
- Existing Zoning Districts
 - Commercial B-1
 - Commercial B-2
 - Commercial B-2 (with Specifics)
 - Industrial/ Limited Commercial
 - Industrial
 - Industrial (with Specifics)
 - Planned Commercial Development
 - Planned Unit Development
 - Residential R-1-15
 - Residential R-1-20
 - Residential R-2-15
 - Rural Residential RR-1
 - Rural Residential RR-2

Notes:
1. DISCLAIMER: This map is for planning purposes only.
2. This map was generated in ArcMap on February 25, 2019.
3. This is a color graphic. Reproduction in grayscale may misrepresent the data.



STATE ENVIRONMENTAL QUALITY REVIEW ACT**SEQR Findings Statement for 2019 Comprehensive Plan Update, Associated Code Changes and Traffic Assessment**

Town of Henrietta, NY

SEQR Action:

Type I - Adoption of Town of Henrietta 2019 Comprehensive Plan Update, Town Code Updates, Town Zoning Map Updates, Farmland Protection Plan and Active Transportation Plan

Findings Statement:

Adopted February 27, 2019, Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, by and through which the Town of Henrietta Town Board as the Lead Agency make the findings set forth herein.

Name of Action:

Town of Henrietta 2019 Comprehensive Plan Update and Local Laws including Zoning Amendments

Location:

The Proposed Action addresses the entirety of the Town of Henrietta, Monroe County, New York. The zoning amendments include establishment of three Mixed Use overlay districts in three specific areas of the Town as identified in the Draft and Final GEIS, as well as other updates impacting the entirety of the Town.

Agency Jurisdiction:

The Town Board of the Town of Henrietta is the SEQR Lead Agency for the Proposed Action. Pursuant to the Town Law, Article 16, Section 272-A, the Town Board of the Town of Henrietta, or by resolution of the Town Board, the Planning Board or a Special Board, may prepare a Town Comprehensive Plan and amendments, thereto and the Town Board has jurisdiction to adopt a Town Comprehensive Plan. Pursuant to the Code of the Town of Henrietta, Chapter 295 Zoning, Article XV, Section 295-65; and pursuant to the General Municipal Law Section 10, the Town Board of the Town of Henrietta has jurisdiction to amend the Town's Zoning Code. As such the Town Board is the only involved agency with approval authority.

Date Draft Generic Environmental Impact Statement Accepted:

November 14, 2018

Date Final Generic Environmental Impact Statement Accepted:

January 9, 2019

A. Description of the Proposed Action:

1. Introduction

The Proposed Action, which was described in detail in the Draft Generic Environmental Impact Statement (Draft GEIS) and the Final Generic Environmental Impact Statement (Final GEIS), involves: Adoption of Town of Henrietta 2019 Comprehensive Plan Update, Town Code Updates, Town Zoning Map Updates, Farmland Protection Plan and Active Transportation Plan.

The Town of Henrietta is proposing to adopt an update to the Comprehensive Plan as well as modifications and amendments to Town Code, most specifically the Zoning Ordinance and Zoning Map. These actions are necessary to address recent trends in land use development and related recommendations resulting from several planning initiatives carried out by the Town, including Town officials, staff and consultants, and in some cases with assistance from the County of Monroe. These planning initiatives, analyses and studies each resulted in the development of various recommendations for Town officials and the community to consider in addressing current land use and zoning-related issues and opportunities. These recommendations are the basis of the Proposed Action.

Recent Town planning initiatives and their recommendations are summarized in Chapter II of the GEIS and in the 2019 Comprehensive Plan Update, and

- *The 2019 Comprehensive Plan Update;*
- *The Multiple Dwelling Zoning Analysis;*
- *The Agricultural Development and Farmland Protection Plan;*
- *The Corridor Traffic Review Report: East River Road – Erie Station Road to Jefferson Road (East River Road Corridor Study); and,*
- *The Active Transportation Plan.*

The update to the Comprehensive Plan is necessary because some material contained in the 2003 Comprehensive Land Use Plan, such as population and land use data, are outdated and recent information is available to provide a more accurate description of current land use trends and growth and development issues in Henrietta. The 2019 Update to the Comprehensive Plan also identifies new goals and objectives that supplement those of previous plans. New existing and future land use maps have also been prepared as part of the update. This updated information will enable local officials, property owners and residents to make informed decisions about future land use policies, managing growth patterns, and anticipating potential implications of development on community character, agriculture, open space, public infrastructure and services.

The Updated Plan and Law encourage mixed-use development in Henrietta, which is consistent with Smart Growth principles. Prior to this proposed Action, the Town of Henrietta does not specifically permit mixed-use development under its current zoning ordinance. Mixed-use zoning was recommended by both the 2003 Comprehensive Plan and the 2011 Strategic Update, but never implemented. Both documents recommend mixed-use development, possibly using zoning district overlays, accompanied by design and development guidelines and standards. Mixed-use development and redevelopment of existing areas provides important

alternatives to conventional single-use projects allowed under current zoning. Mixed-use also provides for new housing and commercial opportunities with increased flexibility for development with a wide range in scale, uses and public amenities.

The Action proposes changes to some zoning districts where multiple dwelling facilities (e.g. apartments), would be permitted. These changes are recommended by the Town's Multiple Dwelling Zoning Analysis that was conducted during the moratorium on development of multiple dwellings that was in effect between 2016 and 2018. As recommended by the analysis multiple dwellings would no longer be permitted within the Industrial zoning districts. It was determined that industrial uses are the most appropriate uses within the Town's industrial districts. Multiple dwellings would still be allowed in commercial B-1 and B-2 districts, and the R-2-15 residential zoning district – all subject to special permit from the Town Board. Multiple dwelling would also be allowed subject to special permit from the Town Board in new mixed-use overlay zoning districts to be established under the Proposed Action. In this case proposed multiple dwelling facilities would be allowed as a residential component of a mixed-use project.

In Henrietta mixed-use development can respond to current development issues and trends by providing a greater range of housing choices with a compatible mix of residential and non-residential uses in appropriate areas of the Town. Areas where existing infrastructure and services are available and have adequate capacity to accommodate development are considered the most suitable. Mixed-use zoning would be implemented by establishing separate mixed-use overlay zoning districts to allow for more compact, pedestrian-friendly development and encourage the adaptive reuse of previously developed sites that may now be vacant or underutilized. The Town considers the use of overlay zoning districts the preferred alternative because as overlays these districts can be superimposed over more than one underlying zoning district, thereby encouraging mixed-use over a larger area.

To achieve community goals and objectives as expressed through the Town's Comprehensive Plan and implement the recommendations of the Town's recent planning initiatives it is necessary to modify existing zoning laws. These modifications are described in Chapter II, Section 2.2 of the Draft GEIS and summarized in the Final GEIS and below:

- *General Zoning Law and Zoning Map Modifications*
 - Adding new definitions under Article II. §295-2 Word Usage and Definitions;
 - Incorporating Purpose and Intent Statements for zoning districts where necessary;
 - Modifying §295-32 A (5) Minimum Buffer Requirements;
 - Modifying permitted uses in Article VII. §295-21 ILCD Industrial/Limited Commercial Districts and Article VIII. §295-25 Industrial Districts;
 - Modifying the Existing Zoning Map with updated parcel boundaries and modified zoning district information; and
 - Establishing development standards and design guidelines for mixed-use.
- *Procedural Changes*
 - Modifying Article XII. §295-54 Granting or Denial of Special Permits.
- *Establishing Mixed-use Overlay Districts*



- Proposing a new Article establishing three *Mixed-use Overlay Districts*; and
- Designating boundaries of three *Mixed-use Overlay Districts on the Official Zoning Map*.
- *Multiple Dwellings*
 - Removing multiple dwellings as a permitted use (subject to a special permit) from *Article VII. §295-21 ILCD Industrial/Limited Commercial Districts and Article VIII. §295-25 I Industrial Districts*;
 - Changing the zoning of existing and approved multiple dwelling facilities located in the Industrial Districts and R-1-15 Residential Districts to R-2-15 Residential District zoning; and
 - Establishing development standards and design guidelines for multiple dwelling facilities under *Article V. Residential Districts §295-13*.
- *Rural Residential District*
 - Combining the RR-1 and RR-2 zoning sub-districts under *Article V. §295-10.1 Rural Residential RR District* into a single zoning district; and
 - Modifying the list of permitted uses in the *Article V. §295-10.1 Rural Residential RR District with agritourism and agribusiness opportunities to support agriculture*.

B. Facts and Conclusions Relied on to Support the SEQR Findings and Decision:

1. Introduction

The Town Board of the Town of Henrietta has carefully and thoroughly reviewed the information contained in the Draft GEIS and Final GEIS, as well as comments received from the public and involved/interested agencies; the Monroe County Department of Transportation and the Monroe County Department of Planning and Development. The Town Board finds that the Draft GEIS and Final GEIS provides adequate examination of all potentially significant adverse impacts which could result from the Proposed Action, if implemented.

The Draft CPU and proposed zoning amendments contained in the Draft GEIS (Appendix A and Appendix B, respectively) as well as some specific text within Chapters III and IV of the Draft GEIS, has been revised to address public and agency comments received during the Draft GEIS comment period that ended December 14, 2018. Comments were provided to the Town Board verbally during the Public Hearing on the Proposed Action conducted by the Town Board on November 28, 2018 and subsequently in written form. Responses were provided in the Final GEIS.

Notable changes in the Draft GEIS resulting from comments were also described in the Final GEIS. Corrections and updates to information on local historic resources and maps contained in the Draft GEIS were noted in the Final GEIS. In addition, information related to the East River Road Corridor Study, as summarized in Chapters III and IV of the Draft GEIS, was amended and a memo describing the results of the Corridor Study was provided in Appendix D of the Final GEIS. The East River Road Corridor Study is particularly important because it provides information relative to anticipated development along the East River Road Corridor in the Town and potential impacts to the road network and several intersections in the

area. The memo, prepared by Stantec, describes the Town's proposed funding mechanism, developed in consultation with Monroe County DOT, to mitigate potential future transportation-related impacts from new development. This cost-share funding mechanism is described in greater detail under the Transportation section of this Findings Statement that follows.

2. Purpose, Need and Benefit

The Draft GEIS considers the purpose, need and benefit to be derived from the Proposed Action. The modifications to the Town's land use regulations are needed to improve the Town's ability to manage future land use and development to the benefit of Henrietta residents, property owners, businesses, and the environment. The modifications recommended by the various plans and studies discussed in the Draft GEIS promote environmental, social and economic benefits expected from following the planning principles of Smart Growth and sustainability to achieve the Town's vision and goals described in the Comprehensive Plan. These recommendations provide direction for managing future land use and development through informed decision-making that seek a balance between anticipated growth and protecting the community's physical, social and economic resources and assets.

Moreover, the need and benefit of traffic improvements in the East River Road Corridor are adequately examined via the EIS and associated studies, and the purpose of mitigation fees (to pay for the needed traffic improvements) is fully set forth therein.

The implementation of recommended actions through local laws and modifications to the zoning ordinance will provide the Town with the necessary enforcement mechanisms and tools to direct and manage development to appropriate areas. This will facilitate efforts to protect agriculture and prime farmland, improve traffic and transportation networks, promote reuse of previously developed properties, and enhance community character through, for example, mixed-use development. The modifications are designed and intended to avoid, reduce, or mitigate adverse impacts on sensitive resources and the community.

The alternative of not implementing the Proposed Action could result in adverse changes to the environment. This may include additional suburban style sprawl into undeveloped rural areas, loss of farmland and decreased agriculture, increased Town expenditures due to the provision and maintenance of services and infrastructure in rural areas, potential for visual blight resulting from proliferation of vacant and underutilized properties created by the relocation of development into greenfield areas, as well as dangerous traffic situations.

The Draft GEIS explains the potential for adverse impacts created by the various actions under the Proposed Action. Each major action considers changes from existing conditions and the potential, if any, for significant adverse impacts on: land use and zoning; natural resources and ecology; historic and archeological resources; traffic, transportation and mobility; public infrastructure and utilities; community services, public health and safety; and, growth and character of the community. Existing conditions are described in Chapter III of the Draft GEIS. Potential impacts and mitigation, if necessary, for each major action are described in detail in Chapter IV.

It is important to note as explained in both the Draft GEIS and Final GEIS that as individual development projects are proposed, and specific sites are identified within the areas addressed by the updates to Zoning

Law and the 2019 Comprehensive Plan Update, each site-specific project will be subject to SEQR review at the time of their proposed development. At that time potential impacts from proposed developments will be identified and evaluated, and if determined to be significant and adverse, alternatives to the proposed project and measures to avoid, reduce or mitigate adverse effects will be required from project applicants.

C. 2019 Comprehensive Plan Update

1. Introduction

As an administrative action, the adoption of the 2019 Comprehensive Plan Update will not create adverse impacts on the environment considering Land Use and Agriculture; Surface Waters; Plants and Animals; Historic and Archaeological Resources; Traffic, Transportation and Mobility; Community Services, Public Infrastructure and Utilities; and, Growth and Character of the Community. Each of these topics are addressed under Existing Conditions in Chapter III and under Impacts and Mitigation in Chapter IV of the Draft GEIS.

Nonetheless, discussion of the potential for adverse impacts resulting from implementation of the zoning-related recommendations of the update are addressed in the following section of this Findings Statement and in Chapter IV. Section 4.2 Modifications of Zoning Ordinance and Map. The Comprehensive Plan Update is forward looking, aiming to benefit the Town by enabling the community to address land use and environmental issues that exist or might otherwise arise if the Update and its recommendations are not carried forward.

The 2019 Comprehensive Plan Update establishes new land use goals and objectives designed to be beneficial to managing future land use and development patterns by among other things encouraging mixed-uses as an optional and alternative form of development to the more conventional suburban development and single-use zoning currently in place. The Comprehensive Plan Update recommends mechanisms to reuse and redevelop vacant and underutilized properties in light of changing uses and development patterns. The Update also includes an updated Existing Land Use Map and Future Land Use Map to facilitate decision-making. It incorporates the recommendations of other recent planning initiatives undertaken by the Town of Henrietta and is consistent with recommendations to follow Smart Growth principles initially described in the 2003 Comprehensive Land Use Plan and the Strategic Update in 2011. The recommendations contained in the 2018 Update are intended to be beneficial to the health, safety and welfare of the Henrietta community by encouraging greater protection of natural resources, open space, prime farmland, historic and archeological resources, public health and safety, and community character.

a. Finding

As an administrative action, the adoption of the 2019 Comprehensive Plan Update and its recommendations will not directly, in and of itself, create adverse impacts on natural and cultural resources. However, the policies set forth thereunder will likely lead to actions that could theoretically create impacts, which is why the "Action" subject to SEQR here includes a variety of items, including not only the Comprehensive Plan but also the associated implementation of the same via zoning law changes, for example. However, as discussed herein, the Update to the Comprehensive Plan, the associated zoning changes and the Action will generally

result in benefits to the Town, not adverse impacts (except as more fully discussed in relation to traffic), and thus, mitigation of the Comprehensive Plan Update is not required.

D. Modifications of Zoning Ordinance and Map, Including as Related to the Multiple Dwelling Zoning Analysis and Overlay District Proposal

1. Introduction

Due to the extent of proposed modifications to the zoning ordinance and map as part of the Proposed Action as related to multiple dwellings and the mixed-use overlay districts, the discussion of potential impacts, mitigation and findings is organized below by the environmental topics as addressed in the Draft and Final GEIS.

2. Land and Agriculture

All new mixed-use projects and all new multiple dwelling facilities regardless of whether the multiple dwelling facility is a residential component of a mixed-use project, or a stand-alone residential project permitted by the underlying (existing) zoning district (if outside of the mixed-use overlay districts), are subject to special permit from the Town Board. Additionally, all major development projects affected by the Proposed Action are likely to be subject to the Town's site plan, subdivision and SEQR review processes. Therefore, the Town has considerable opportunity to review projects for consistency with the Comprehensive Plan and identify any potential for adverse environmental impacts on land-based resources and land use, including agriculture and require mitigation as necessary.

Implementation of the Proposed Action will involve construction on, or physical alteration of, the land surface of future development project sites. The Mixed-use Overlays are intended to encourage reuse and revitalization of areas in ways that existing zoning requirements may not allow. The overlays would provide design and development flexibility for different types of compatible land use, at appropriate densities and scale, with building and site design features that may not presently be required, such as open space, or the preservation of natural features. Modifications to the zoning ordinance includes development standards for both the mixed-use overlays and multiple dwelling projects. These standards are intended to protect and enhance site design features that benefit the environment and may include larger vegetated buffers, protection of environmentally sensitive areas (e.g. wetlands and floodplains), and the permanent set-aside of open space areas.

Proposed modifications to zoning regulations and the zoning map include changes to permitted uses in several zoning districts and the establishment of three mixed-use overlay zoning districts. Changes in permitted uses within the industrial zoning districts under the Proposed Action, for example result in part from recommendations of the Town's Multiple Dwelling Zoning Analysis conducted in 2017. Multiple dwellings are proposed to be removed from the industrial districts as specially permitted uses. Under the Proposed Action multiple dwellings would remain permitted subject to a special permit in the B-1 and B-2 Commercial Districts and the R-2-15 Residential District. Multiple dwellings will also be permitted subject to a special permit within

the three proposed Mixed-use Overlay Districts, but only as a residential component of a mixed-use development.

Multiple dwellings that were previously constructed in the industrial districts as well as others that were built in the past in, for example, the R-1-15 Residential District are proposed to be rezoned to R-2-15 Residential zoning districts on the Official Zoning Map. This change to R-2-15 zoning would prevent future issues over non-conformance for those facilities located in zoning districts where multiple dwellings would no longer be permitted. The prohibition of developing multiple dwellings in industrial districts will preserve those lands so zoned for industrial purposes, the highest and best use.

The establishment of three mixed-use overlay zoning districts under the Proposed Action is a substantial modification to the existing zoning ordinance and zoning map. Currently the zoning ordinance does not specifically permit or encourage mixed-use although some variations of mixed-use and multi-use have occurred over the years through the Town's PUD regulations (e.g. Riverton), area or use variances (e.g. Erie Station Village), and special permit processes (e.g. Park Point at RIT). The establishment of the overlays would allow for site and building design flexibility with a compatible mix of residential and non-residential uses to create walkable and pedestrian-friendly neighborhoods. The overlays are intended to encourage reuse of previously developed properties and permit mixed-use in areas that are currently subject to single-use zoning and experiencing changes in ownership and development patterns. In doing so undeveloped lands may remain in their current form.

The Town Board is considering limiting the developable area of parcels comprising new projects (i.e., preserving open space). Any potential modification of such a requirement will be determined at the discretion of the Town Board and/or Planning Board based on the applicant's pre-application meeting with the Town, a site analysis and inventory of existing conditions, and a conceptual site plan. The Town Board will consider the type of proposed project uses, the presence of environmental sensitive resources on site, and the context of the surrounding area including adjacent properties in making its determination. In doing so significant adverse impacts to land resources can be avoided or reduced.

Open space is considered as: undeveloped lands; previously developed but cleared properties; wetlands and surface waters, including streams and floodplains; woodlands; agricultural lands (in many cases); and, cultural sites including historic and archeological resources. Open space could be permanently set aside from future development. In the case of agricultural lands, once the agricultural uses are terminated, the land would remain undeveloped. The intent of any open space set aside is to avoid, or reduce where possible, the potential for adverse impacts on environmentally sensitive features, both natural and cultural, that are considered important to the Henrietta community.

In addition to limitation of developable areas, the Proposed Action includes development standards and design guidelines that would be considered by the Town during site plan, subdivision, special permit, and SEQR environmental review processes. Proposed standards and guidelines also require applicants to consider alternatives that avoid or minimize significant changes in topography, site clearing and natural and cultural conditions (See Draft GEIS Appendix F for the Design and Development Guide). Through the establishment of the overlays the Town encourages reuse and redevelopment of vacant and underutilized properties as an important alternative to development of greenfield (undeveloped) sites. This preserves greenfield properties for agriculture, open space, woodland uses and as natural habitats. These modifications are intended to

benefit agriculture within the Town of Henrietta, maintain agriculture as a desirable land use, and are not anticipated to result in adverse land or agricultural impacts. Agriculture is expected to continue to utilize best management practices in farming operations consistent with State and local requirements.

a. Finding

No specific mixed-use projects have been proposed at this time. In the future, as mixed-use and multiple dwelling projects are proposed, site- and project-specific SEQR compliance will be required from project applicants. These Findings do not excuse site specific SEQR review for future developments in the Town affected by the Proposed Action. Future projects, depending on location, would also require Monroe County 239 Review under NYS General Municipal Law Article 12b, Section 239-m, 1(c). Mitigative measures would be identified during these project review processes for any identified adverse impacts.

No mitigation, except for the conditions set forth below, is required at this time for the reasons set forth in this section.

3. Surface Waters, Plants and Animals

The Proposed Action is intended to encourage reuse and redevelopment of vacant and underutilized properties that will benefit natural resources and local ecology by reducing the need for development of current undeveloped properties or “greenfield” sites. Natural resources, including soils, topography, surface waters, such as wetlands and streams, and vegetation in these undeveloped areas could therefore remain intact as natural habitats. Redevelopment could also afford opportunities for significant reductions in impervious surfaces created by large buildings and surface parking, and the re-establishment of natural drainage conditions that can result in improvements in surface stormwater runoff, quality and quantity.

Green infrastructure and other best management environmental practices will be required to be consistent with New York State’s Stormwater Management Design Manual. Disturbance of one acre or more will require a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity and preparation of a Stormwater Pollution Prevention Plan (SWPPP), including an Erosion and Sediment Control Plan. Alternative measures to re-establish natural areas and drainage conditions will be encouraged by the Town as future development projects are reviewed under SEQR, site plan, and special permit procedures.

The potential for adverse impacts on State and federal rare, threatened and endangered flora and fauna (plant and animal) species must also be determined as part of the SEQR process once specific sites and projects are identified. This is particularly important within the Mixed-use Overlays where sensitive environmental resources may exist such as in western portions of the Town south and east of RIT. Evidence of consultation with the appropriate State and federal agencies as needed, such as the New York State Department of Environmental Conservation (NYSDEC); New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP); U.S. Army Corps of Engineers (USACE); and the U.S. Fish and Wildlife Service (USF&WS), must be provided to the Town as documentation for the SEQR record.

Two hypothetical mixed-use redevelopment scenarios were evaluated to compare results to current single-use development (See Draft GEIS Chapter IV, Section 4.2). The results indicate that under a mixed-use scenario considerable reduction in impervious surfaces could result from vertical (multi-story) mixed-use development

and reduced parking by using typical mixed-use parking ratios. The reduction in impervious surfaces would expand the amount of open space available onsite with added benefits for stormwater management and conservation of important natural resources such as wetlands, floodplains and natural habitats. Proposed development standards and site design guidelines are also intended to protect existing natural resources and conservation of open space. These resources are among specific criteria to be considered by the Town Board and Planning Board prior to any special permit and site plan approvals, respectively.

a. Finding

The establishment of the Mixed-use Overlays and other actions under the Proposed Action are not anticipated to result in significant adverse impacts on surface waters, plants and animals, and natural or ecological resources. The Mixed-use Overlays will allow for less environmentally adverse developments than would be expected to occur with more conventional development. As discussed previously, there will be a development percentage limitation for new site plan application as a condition to a special permit. As mixed-use developments, site amenities and preservation of environmentally sensitive resources would be required and encouraged through development standards and design guidelines, respectively, as addressed through zoning district requirements and the proposed Design and Development Guide (See Draft GEIS Appendix F).

The proposed development standards and design guidelines exceed what is currently required or addressed formally within the existing code. Site amenities and preservation of environmentally sensitive resources include protection of natural features and open space, use of native vegetation, design compatibility with site topography, vegetated buffer zones, visual screening, use of green infrastructure for stormwater management, and enhanced landscaping. The result of these changes will benefit the environment and the community by reducing adverse impacts from development and provide enhancement of community character. As a result, mitigation, except as detailed below, is not required.

4. Historic and Archeological Resources

The Proposed Action is not anticipated to result in significant adverse impacts on historic and archeological resources. Chapters III and IV of the Draft GEIS identifies existing cultural resources within the proposed Mixed-use Overlay Districts and elsewhere within the Town and addressed the potential for impacts under the Proposed Action. The establishment of the three Mixed-use Overlay Districts is intended to provide opportunities for mixed-use residential and non-residential development and redevelopment in specific areas of the Town so designated. The Town encourages appropriate adaptive reuse of historic buildings that does not adversely affect historic features that contribute to their importance. These overlay areas would encourage this type of development, so like all development there is potential for adverse impacts upon historic and archeological resources, but that potential will need to be determined once specific development projects are proposed.

The Proposed Action is designed to protect the integrity and historic context of important cultural resources. The Town will utilize the SEQR process to work with developers in consultation with the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP) as the State's Historic Preservation Office (SHPO) and the Town Historic Sites Committee to review and if necessary avoid or adequately mitigate any adverse impacts resulting from proposed developments that occur within or substantially contiguous to any local, State or

National historic resource, district or archeological site. The Town will require project applicants to conduct site-specific SEQR review to assess historic and archaeologic impacts and consult and coordinate with the NYSOPRHP in the Mixed-use Overlay areas, particularly those locations identified as having potential archeological sensitivity or historic resources. This includes the hamlet of East Henrietta within the East Henrietta Road Overlay district. Applicants will also be required to identify any potential historic or archeological resources in areas of disturbance through the Cultural Resource Information System (CRIS) submittal to the NYSOPRHP.

Similarly, the hamlet of West Henrietta, although not located in an overlay should receive a similar level of scrutiny. This coordination is intended to protect historic and archeological resources from adverse impacts by public and private sector development. Adverse impacts to historic resources may be direct (e.g. demolition of a building) or indirect (e.g. incompatible changes to the surrounding context or setting of a historic resource). Projects involving State and/or federal agencies, or if State and/or federal funds are involved, such as funds for highway work projects, may also require SHPO consultation.

a. Finding

The Proposed Action includes development standards and design guidelines intended to protect the integrity and historic context of these resources. The Town will utilize the SEQR process and work with developers in consultation with the NYSOPRHP to adequately review and mitigate any adverse impacts resulting from proposed developments that occur within or substantially contiguous to any local, State or National historic resource or archeological site. The establishment of the mixed-use overlays and associated actions under the Proposed Action (including Code and Map updates) are thus not anticipated to result in significant adverse impacts to historic and archeological resources. As a result, mitigation, except as detailed below, is not required, however, site specific SEQR will still be required for each proposal.

5. Traffic, Transportation and Mobility

Mixed-use is encouraged as a principle of Smart Growth by State and federal agencies because it is a form of development that increases active and alternative forms of transportation and reduces reliance on vehicular travel. Walkable mixed-use neighborhoods are becoming increasingly common in suburban communities, especially as an opportunity for reuse, redevelopment and revitalization of areas.

The Town will require project applicants to coordinate with the Monroe County DOT and NYSDOT, during the SEQR review process of future site- and project-specific actions, particularly within the proposed Mixed-use Overlay Districts and areas in need of transportation improvements as identified by the East River Road Corridor Study and Active Transportation Plan. Development within the overlay districts could adversely affect transportation conditions due to increased traffic generation and because future projects may be located along both State and County high-volume roadways, including NYS Route 15 (West Henrietta Road), NYS Route 15A (East Henrietta Road), Jefferson Road and East River Road. Consultation with the jurisdictional transportation agencies will be required from project applicants to determine if adverse impacts will occur upon the local (Town) and regional transportation systems within Henrietta and adjacent municipalities. If significant impacts are projected, then mitigation and/or alternatives will need to be considered to avoid or reduce impacts.

The effects on vehicular and pedestrian circulation, and public transit will need to be considered as part of any future development projects. Traffic studies will likely be required for all large-scale development projects, for example those projects exceeding SEQR Type I thresholds, such as the construction of 200 residential units that would be anticipated to generate significant amounts of traffic. Traffic studies may also be required by the Town, State or County transportation jurisdictions for SEQR Unlisted actions and small to medium scale projects depending on projected levels of traffic generation and the specific location of proposed development.

The Proposed Action includes implementation of the recommendations of the East River Road Corridor Study and the Active Transportation Plan. Consistent with these recommendations, the Town encourages sidewalks and dedicated bicycle lanes along State and County routes consistent with Complete Street policies and goals, where adequate rights-of-way exist. Sidewalks and bicycle lanes would need to conform to applicable NYSDOT and MCDOT guidelines as well as with the Americans with Disabilities Act (ADA) and Town construction standards. Although no immediate increase in public transportation is anticipated from the Proposed Action, but future mixed-use projects may eventually increase ridership in the overlay areas.

a. Finding

The establishment of the mixed-use overlays and other actions under the Proposed Action are not anticipated to result in significant adverse impacts on traffic, transportation and mobility. To the contrary their establishment is intended to result in benefits to the community by enabling the implementation of the Town's Active Transportation Plan recommendations and other zoning and design-related actions to improve pedestrian and bicycling opportunities. As project and site-specific projects are identified the potential for adverse impacts on traffic, transportation and mobility will be assessed during the Town's site plan, subdivision, special permit, and SEQR review processes and mitigation, if necessary, will be required at that time.

However, adverse impacts are expected to arise out of ongoing development in the East River Road Corridor. As a result, the Town of Henrietta and Monroe County have developed a public/private cost-share funding mechanism to pay for required transportation improvements as a means to mitigate cumulative traffic impacts at several intersections along the East River Road corridor. This is an area undergoing considerable development and further development is anticipated. This area is part of the proposed Mixed-use Employment Center Overlay District south of RIT and so future development could be mixed-use or conventional in design. Regardless, future impacts along the corridor and affected roadways will require mitigation. This issue and the proposed cost-share funding mechanism is addressed later in this Findings Statement under the East River Road Corridor Study.

6. Public Infrastructure and Utilities

The Town is unaware of significant current or projected capacity issues with existing public infrastructure or utilities in areas affected by the Proposed Action. The only exception to this is a transportation-related issue that exists within the East River Road area which is experiencing development. This issue is addressed elsewhere in this Findings Statement under Traffic, Transportation and Mobility, and the section that discusses the East River Road Corridor Study.

a. Finding

Municipalities are required by SEQR to review the potential impacts of proposed development on infrastructure and utilities. For future development projects in Henrietta, SEQR review, site plan review, and special permit processes will require applicants to provide evidence to the Town and other involved agencies that on-site and off-site infrastructure improvements and utilities are adequate to serve the proposed developments without adverse impacts on community resources. This is particularly important for any projects that meet or exceed SEQR Type I thresholds. Applicants will be required to provide evidence of consultation with public and private sector service providers to identify any capacity or access issues or need for upgrading infrastructure and utilities. The Town will also require large-scale project applicants, (e.g. those exceeding Type I thresholds) to identify the cumulative effects of development on public infrastructure and utilities via the SEQR process. Studies may also be required for SEQR Unlisted actions and small to medium scale projects depending on projected levels of demand on infrastructure and utilities and the specific location of proposed development. Significant adverse impacts are not anticipated at this time from the Proposed Action. No mitigation is required.

7. Community Services, Public Health and Safety

The Proposed Action is not anticipated to result in significant adverse impacts on community services, public health and safety. In response to community concerns expressed over the impact of multiple dwellings on school capacity, the Multiple Dwelling Zoning Analysis conducted by the Town in 2017 reviewed data obtained from the Rush-Henrietta Central School District that indicate current capacity issues in the school district do not exist. The Rush-Henrietta Central School District's Instructional Space Committee released a study in 2017 on current student enrollment and projections through 2021. The study reviewed enrollment trends and projections, residential development plans, current school space use, and attendance to determine classroom space for future enrollment. The District's study concluded: "based on analysis of the enrollment projections and space requirements for the next five years, the Instructional Space Committee concludes that the District's long-range space planning continues to be sound, as schools at all levels – elementary, junior high school and high school – are anticipated to have more than adequate space to meet the needs of expected enrollments and future growth." The committee did recommend that the Board of Education "Monitor projected residential growth in the Burger/Vollmer attendance zone over the next three to five years, to determine whether (a) K-3 attendance areas will need adjustment, and/or (b) self-contained class assignments will need to be revised."

As the Town continues to grow, Henrietta has maintained a level of community services that meets the needs of residents. This is not expected to change as a result of the Proposed Action. The provision of community services (e.g. police, fire, emergency, parks, recreation, municipal services, etc.) will keep pace with community needs. Future development will be required to address the potential for adverse impacts on community, services, public health and safety, through project-specific review under SEQR. Adverse impacts will require the consideration of alternatives to a proposed action or mitigation measures to avoid or reduce significant adverse impacts.

It is also important to note that the East River Road Corridor Study and the Town's Active Transportation Plan recommend actions and specific projects to be undertaken in the future that relate to public health and safety.

These documents address traffic, pedestrian and bicycling improvements along the East River Road corridor as well as elsewhere in the Town to promote a healthy community and safer travel. Development standards and design guidelines to be established under the Proposed Action are also intended to promote improved traffic management and pedestrian circulation.

a. Finding

Significant potential adverse impacts on community services and public health and safety are not anticipated to result from the Proposed Action. On the contrary, the various actions proposed by the Town are intended to avoid or reduce future adverse impacts to municipal services and public health and safety. The Town will require future project applicants, (e.g. those exceeding Type I thresholds) to identify the cumulative effects of development on community services, public health and safety via the SEQR process. Significant adverse impacts, if identified at that time, will require the consideration of alternatives to the proposed action and mitigation to avoid or reduce the impacts. No mitigation is required at this time.

8. Growth and Character of the Community

The Proposed Action includes the addition of development standards to the Zoning Ordinance, for example for new multiple dwelling facilities both Town wide and in the Mixed-use Overlay Districts, that are intended to manage growth and enhance community character. In addition to development standards that address the need for consistency in the design of projects with the context of their surroundings, site design guidelines are also proposed to facilitate and guide the project review process. These standards and guidelines are intended to enhance community character by requiring design enhancement opportunities to be addressed by project applicants during the planning and design phases of project development via a required pre-application meeting before approvals from the Town can be secured.

Other issues related to growth and character of Henrietta are addressed by the Proposed Action. For example, actions intended to protect and promote agriculture and farming will have direct and indirect benefits. Maintaining the farming industry in Henrietta will help to retain much of the rural character of southern portions of the Town. Directing growth resulting from the emphasis placed on redevelopment and reuse of areas where development has already occurred and is supported by existing services and infrastructure, will also help respond to anticipated growth in population and benefit community character.

a. Finding

Significant adverse impacts on growth and character of the community are not anticipated from the Proposed Action. Development standards have been incorporated into the zoning ordinance and design guidelines have been incorporated into the Town's proposed Design and Development Guide. These requirements and planning tools will facilitate the review of projects to be compatible with the desired character of the community.

No specific mixed-use projects have been proposed at this time. In the future, as mixed-use projects are proposed, site and project-specific SEQR compliance will be required from applicants – this EIS will not and does not excuse site-specific SEQR review for future developments in Town. SEQR review will also require applicants to address the potential for adverse impacts on community growth and character and mitigation will be required from developers as necessary. This mitigation may include consideration of alternatives to a

proposed project in terms of site layout, scale, density and architectural design of a project if impacts to community character are identified. The Town has also prepared zoning standards and design guidelines to facilitate desirable types of projects and reduce potentially adverse effects from future development on the environment, residential neighborhoods, community services, and the community in general.

E. Agricultural Development and Farmland Protection

1. Introduction

The proposed modifications to the Comprehensive Plan and Zoning Ordinance are consistent with the goals and recommendations of the Town of Henrietta Agricultural Development and Farmland Protection Plan as adopted in 2018 and approved by the New York State Department of Agriculture and Markets. The Town is updating its Future Land Use Map (See Draft GEIS Figure 4.1-1) as part of the 2019 Comprehensive Plan Update to recognize Priority Farmland Areas identified in the Town's Agricultural Development and Farmland Protection Plan. Priority farmland areas are identified in separate clusters of active agriculture, mostly south of the Thruway within Monroe County Agricultural District #6. The Future Land Use Map would facilitate land use and development decisions in and around important farming areas that could impact agriculture such as extension of public water and sewer infrastructure that can accelerate the conversion of farmland to non-agricultural uses.

The proposed modifications to the Zoning Ordinance include the addition, and in some cases the clarification, of agricultural terminology in the Definitions section under Article II. §295-2. Changes also include incorporation of new Purpose and Intent statements under the Residential Zoning Districts that do not have such statements. The Town is also proposing to modify existing criteria for approval of a special permit by the Town Board to include consideration of potentially adverse impacts on agriculture prior to special permit approvals.

Permitted agricultural uses are expanded by adding agricultural support activities, agribusiness and agritourism and other farm-support uses under Article V. §295-10.1 Rural Residential District. These additions to the list of permitted uses would enable farmers to supplement their income to keep agricultural activities economically viable. Agribusiness and agritourism enterprises would be subject to obtaining a special permit from the Town Board and based on the requirement that the use is allowed only as a secondary use of the primary farm operation. The Town is considering implementing a provision that would cause the special permit for these secondary uses to terminate upon the cessation of the farm operation. This would prevent the continuation of secondary uses that were originally intended to benefit an operating farm from setting a precedent by permitting commercial uses in agricultural areas.

Maintaining agriculture and farmland as active or fallow fields can be beneficial as natural habitats. It is expected that farm operations will continue to follow best management practices to avoid or reduce adverse impacts on water resources from soil erosion, manure management and stormwater drainage. To prevent future loss of agriculture and prime farmland the Town may consider placing restrictions on extension of water and/or sewer infrastructure, possibly through sanitary sewer lateral restrictions, where impacts to the State-certified Agricultural District are possible. Consideration may include allowance for connections to proposed water and sanitary sewer within an Agricultural District only for existing structures at the time of construction

of the infrastructure, future agricultural uses, and land and structures that have already been approved for development through subdivision, site plan and special permit, and in the cases where a significant hardship can be demonstrated.

a. Finding

Implementation of the recommendations of the Agricultural Development and Farmland Protection Plan through proposed changes in zoning is not anticipated to result in adverse impacts on land use and agriculture; natural resources; historic and archeological resources; traffic, transportation and mobility; public infrastructure and utilities; community services, public health and safety; and, growth and character of the community. To the contrary, the changes are expected to result in beneficial impacts by recognizing the important contribution that agriculture provides to the community in terms of economic value, products and services, rural character and the visual landscape, natural habitats, and open space resources. The Proposed Action will provide support for agriculture and new opportunities for agribusiness and agritourism. The Town will be considering other recommendations of the Plan including establishment of an agricultural committee and establishing a Transfer of Development Rights program to further the goals and implementation of the Agricultural Development and Farmland Protection Plan.

Therefore, no mitigation is required.

F. East River Road Corridor Study

1. Introduction

The East River Road Corridor Study was conducted by Monroe County DOT and the Town of Henrietta, in collaboration with RIT, in response to substantial changes in land use development occurring along the corridor, particularly north of the NYS Thruway (I-90) from Brooks Road northward to RIT. The study's recommended actions are for transportation-related intersection improvements and intended to improve operation and safety conditions for vehicular travel, pedestrians, and bicyclists using the corridor in light of projected development over the next 10 to 15 years. The study is based on current and projected traffic conditions due to development projects approved by the Town, but not yet built, as well as projects that are known or anticipated, as well as those that are unknown or in the early phases of conceptual planning and design. Said study was examined as part of this SEQR review.

Future development along the East River Road corridor and in areas that may impact the corridor in some way will be required to undergo site- and project-specific SEQR review as well as Town Site Plan and as necessary, Special Permit approval processes. SEQR will require the identification of existing environmentally sensitive resources and potential impacts in areas of disturbance. This will occur as part of the coordinated review of projects among involved and interested agencies with jurisdiction or interests in resources potentially affected in adverse ways by project development. Natural and cultural resources along the corridor are discussed in Chapter III and Chapter IV of the Draft GEIS. Adverse impacts on environmental features including wetlands, ecological resources, and cultural resources in the areas of potential affect will be identified and mitigation required as necessary. Involved agencies may include NYS Department of Environmental Conservation

(NYSDEC) and NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP). County agencies may also be involved.

The Town of Henrietta will require project applicants, (e.g. particularly those exceeding Type I thresholds) and other projects that may create adverse impacts, to identify the direct, indirect and cumulative effects of development on transportation within the East River Road study area via the SEQR process. Significant adverse impacts will require mitigation and the consideration of alternatives to avoid or reduce impacts. Mitigation may include, but not limited to roadway widening, sidewalk installation, and intersection modifications. Some projects may require acquisition of new rights-of-way.

The extent, timing and location of specific transportation projects and required mitigation are not known until project proposals are brought to the attention of the Town. The East River Road Corridor Study projected traffic volumes from anticipated development and identified possible intersection improvements that are likely to be needed based on various assumptions about future conditions along the corridor. East River Road is a County roadway and the Monroe County DOT is the jurisdictional agency with responsibility for operation of the roadway. The County may undertake transportation improvement projects directly or be a permitting agency under SEQR. The NYS Department of Transportation (NYSDOT) may also be involved in project reviews and possibly providing improvements where State highways are involved, such as at Jefferson Road.

To mitigate future impacts, the Town is proposing to establish SEQR mitigation fees as a cost-share mechanism to fund transportation improvements affecting several intersections within the corridor. These fees would be imposed on new development that contributes to traffic generation in the East River Road Study Area (see Figure 4.4-1 in Chapter IV of the Draft GEIS). Funds would be contributed by the developer and held in a dedicated account to finance the cost of the future intersection improvements within the corridor, the boundaries of which have been defined by the Town of Henrietta and Monroe County. The Town and Monroe County have developed a public/private cost-share mechanism to pay for required improvements to mitigate cumulative traffic impacts, however additional site-related improvements may also be required based upon individual SEQR review of each specific proposed development.

The formula to fairly and accurately attribute costs to such impacts has been developed as a model. This information is provided in a memo from Stantec in Appendix D of the Final GEIS. Total estimated trips based on hypothetical expected development and resulting trip distributions to the Study Area were developed in coordination with the County. The total number of estimated AM and PM peak hour development trips that are expected to utilize the East River Road corridor is 2,761 trips. Using the estimated \$2,210,000 in total intersection improvement costs established by the Study yields a cost per corridor trip of approximately \$800.

In order to reasonably and accurately account for the actual development and resulting trips that eventually occurs relative to a subject parcel (as opposed to the expected trips per the model), the actual cost charged to each parcel to mitigate traffic impacts will be based upon the actual estimated trips of the particular development then proposed (per a developer funded traffic study), multiplied by \$800.00 per trip.

Thus, the East River Road Traffic Corridor Cumulative Traffic Impact Mitigation Fee Formula is as follows:

Mitigation Fee

= [Estimated AM and PM Peak Hour Corridor Trips in Study Area for Proposed Development] x \$800.00.

A further break down of the formula provides as follows:

Mitigation Fee

= [Estimated AM and PM Peak Hour Corridor Trips in Study Area for Proposed Development] x [Total Construction Costs for Improvements to Mitigate Cumulative Traffic Impacts in Study Area / Total # of AM and PM Trips Expected in Study Area]

a. Finding

It is important to note that the transportation mitigation fee derived from the cost-share formula developed by the East River Road Corridor Study is based on intersection improvement costs estimated at the time of the study as the County DOT so stated in comments provided to the Town on the Draft GEIS (see Final GEIS Chapter I). It is also important to note that a developer's cost for mitigation of transportation impacts may be greater than just the fee derived from the cost-share formula, depending on many factors including the scale of the project, the extent of the area impacted and project-specific impacts that may extend beyond affected intersections.

It is understood that each parcel in the East River Road Corridor Study Area is likely to be developed in a manner that generates slightly more or less trips, or in some cases, significantly more or less trips than estimated since no one can claim to predict the future with 100 percent accuracy. However, the formula represents the best model that the Town and County were able to develop, in consultation with traffic and engineering professionals, in order to calculate most likely cumulative traffic impacts in the Study Area. Thus, it is expected that the total number of trips in the Area is likely to be at or about 2,761 trips, despite the possibility that certain parcels may be developed differently than expected.

Thus, should additional studies be conducted concluding that the Total Construction Costs for improvements or the number of trips generated has changed, the Mitigation Fee amount shall be updated accordingly to reflect the same. To determine peak hour corridor-based trips for a development per the formula above, the applicant must use the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual and Town/County approved trip distributions. It is the applicant's responsibility to provide this information for the Town's review when projects are being reviewed under SEQR. Further mitigation measures beyond the cost-share contribution may be required based on the type and extent of adverse impacts that are not covered under the Mitigation Fee. Further discussion of this mitigation requirement is detailed below.

G. Active Transportation Plan

1. Introduction

Implementation of the recommendations of the Town of Henrietta Active Transportation Plan are not anticipated to result in adverse impacts on the environment. All recommendations for physical improvement projects described in the Active Transportation Plan are "concept level planning and design" and intended as guidance for further consideration and/or development. The Plan states that based on relevant federal and State sources and standards, the Plan's design guidance covers many established and emerging transportation

facility types including sidewalks, curb ramps, bike lanes, shared lane markings, bike boulevards, midblock pedestrian crossings, and shared-use paths.

Although the plan identifies specific needs and active transportation projects to correct current deficiencies, it is anticipated that projects, such as those identified above, will be implemented over time by involved jurisdictions and agencies including the Town, NYSDOT and MCDOT as funding becomes available. The Town also supports active transportation improvements possibly as part of future roadway reconstruction by the jurisdictional agencies with modifications resulting from private sector development.

Recommended actions of the Active Transportation Plan are consistent with mixed-use development, reuse and redevelopment of existing properties and complements the Town's land use goals and objectives, including implementation of Smart Growth principles per the Comprehensive Plan. As such implementation of the study would not adversely impact land use, but rather enhance alternative modes of travel, including public transit, and improve pedestrian and bicycling safety.

a. Finding

The study's recommended actions to improve safety conditions for vehicular travel, pedestrians and bicyclists include the addition of sidewalks, bike lanes, and roadway modifications such as improved shoulders and intersections. The implementation of these improvements would require future SEQR review prior to construction to determine the presence of environmental features such as wetlands, ecological resources and cultural resources in the proposed areas of disturbance. The extent and location of specific projects are not known at this time, but separate project-specific SEQR review of future actions will be required by involved jurisdictions and agencies. The extent of studies would depend on project scale, location and the areas of disturbance.

Prior to project approval, areas of potential disturbance will need to be assessed for potential impacts to wetlands, surface waters and other ecological resources, including potential impacts to threatened and endangered plant and animal species, cultural resources, and transportation. Consultation and coordinated review with the appropriate agencies will be necessary during the SEQR environmental review process. For wetlands, surface waters, and threatened and endangered species this will necessitate involvement by State agencies (such as NYSDEC) and federal agencies (such as USCOE and US Fish and Wildlife Service). Areas of archeological sensitivity are discussed in Chapter III, Section 3.3. Local historic sites are also discussed. If potential adverse impacts are identified in consultation with the NYSOPRHP (SHPO) or the Town's Historic Sites Committee, mitigation measures would need to be considered to avoid or reduce impacts.

The Town of Henrietta will work with the NYSDOT and MCDOT and other involved transportation jurisdictions to implement the recommendations of the Active Transportation Plan. The Town will encourage public/private partnerships between developers and funding agencies to develop specific projects for enhancing active transportation through the Town's site plan, subdivision, special permit and SEQR review processes. These improvements will result in physical changes, thus requiring project-specific SEQR review to identify potential impacts prior to approval and construction. Potentially adverse impacts to traffic flow, motorized and non-motorized transportation, and pedestrian and bicyclist safety conditions may require mitigation at that time.

No mitigation related to transportation is required at this time, except as described above as related to potential impacts from development within the East River Road Corridor Study area.

H. Unavoidable, Short-term, Long-term and Cumulative Impacts

As addressed in Chapter V of the Draft GEIS, unavoidable impacts would be anticipated in the future from any physical actions that involve construction or demolition by either the private or public sector. However, development will continue to occur in Henrietta regardless of whether the zoning changes are implemented, and, as a result, the Proposed Action will result in no greater impacts than existing conditions. In fact, as set forth in the GEIS, the mixed-use option will most likely result in development that is more consistent with preservation and enhancement of community character, neighborhood revitalization and sensitive environmental resources. Unavoidable impacts would be partially offset because of the reuse/redevelopment of properties that are already served by many community services and public infrastructure. For example, in many situations there is likely to be no need for significant excavation and off-site impacts, such as soil erosion or disruption of travel patterns that is often associated with construction of new sanitary sewers or other utilities that already exist in a redevelopment area.

During construction typical unavoidable impacts and mitigation measures would include:

- Generation of fugitive dust, increased air emissions and increased noise from equipment use and truck traffic. Although unavoidable, mitigation measures are available to reduce these impacts such as from dust through on-site erosion and sediment control, stormwater management per State and local requirements, dust abatement including watering down truck routes, and routine clean-up of nearby access roads and work areas. Air emissions and noise can be controlled through best management construction practices including limiting hours of work activity to normal daylight hours, restricting vehicle idling, strategic placement of materials and equipment away from sensitive receptors (e.g. homes, schools), and enforcement of air and noise exhaust systems on equipment.

During post construction, unavoidable impacts would occur despite mitigation measures such as:

- An increase in traffic generation along access roads to the project area, potentially affecting traffic flow and levels-of-service at intersections. Traffic generation is unavoidable however, the degree of impact can be mitigated through required traffic studies and project- or area-specific mitigation that may be required, such as intersection improvements, signalization and timing adjustments, additional travel lanes, and new signage.
- An increase in water use, wastewater generation, electric and natural gas potentially creating the need for system upgrades or capacity improvements by providers.
- An increase in stormwater runoff that would need to be managed through State and local stormwater management requirements. Any disturbance of one acre or more will require the preparation of a Stormwater Management Pollution Prevention Plan.
- An increase in solid waste generation, but solid waste management providers would be expected to adjust schedules and routes to meet additional demand.



- An increase in demand for fire, police and other emergency services, but service providers would be expected to identify staff and equipment deficiencies that could be provided through potential increases in fees or taxes.
- An increase in use of community facilities and services, including, but not limited to school districts, parks and recreation, and municipal services.

Under §8-0109(2) of the Environmental Conservation Law (ECL) and SEQR (6 NYCRR § 617.9 (b)(5)(iii)(a), short-term, long-term, and cumulative impacts must also be considered and are addressed in Chapter V of the Draft GEIS. A cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such actions. Cumulative impacts occur when multiple actions affect the same resource(s). These impacts can result from a single action or from individually minor but collectively significant actions taking place over time. Cumulative impacts may include indirect and secondary impacts. Cumulative impacts must be assessed when actions are proposed, or can be foreseen as likely, to take place simultaneously or sequentially in a way that the combined impacts may be significant. Assessment of cumulative impacts should be limited to consideration of reasonably foreseeable impacts, not speculative ones.

Short-term benefits will be realized from implementation of proposed procedural actions by the Town Board and Planning Board in considering future project proposals and approval processes for special permit requests. New criteria are proposed to provide more relevant, meaningful and effective guidance to the Town in considering and approving special permits.

The 2018 Update to the Town's Comprehensive Plan and the Multiple Dwelling Zoning Analysis provide recommendations for proposed modifications to the zoning ordinance designed to shift development interest away from rural agricultural areas south of the Thruway to northern areas of the Town. Northern areas may accommodate redevelopment of vacant and underutilized properties served by existing infrastructure and services. This is designed to limit further large-scale development and sprawl into undeveloped areas to the south and reduce the need for the extension of infrastructure and services that would be maintained by the Town, thereby reducing costs over the long-term. The Proposed Action would advance the current and amended Comprehensive Plan by, for example, limiting development in rural agricultural areas and protecting the environment in such areas in the long term, as well as helping protect and enhance community character in the Town, thus benefitting the Town over the long term.

Changes in the zoning ordinance regarding permitted uses in the industrial district are anticipated to reduce the construction of large-scale multiple dwellings in unsuitable areas of the Town by using the proposed mixed-use development option. Mixed-use development within the proposed overlay districts will provide short and long-term benefits to the community by providing housing, employment, services, civic space and open space within walkable neighborhoods. This form of development places more emphasis on active and alternative modes of transportation including public transit. As mixed-use development occurs demand for additional transit may increase.

Regarding natural and cultural resources, mixed-use development will be required to protect, maintain, and/or enhance important natural and cultural resources through compliance with proposed development standards and design guidelines, and future development will be subject to site specific SEQR review. This will help in preserving and enhancing community character. Mixed-use development will need to balance the amount of development with useable civic space and open space through proposed percentage requirements for the various components of a mixed-use development as described in Chapter IV. Section 4.2 of the Draft GEIS. Over the long-term it is anticipated that mixed-use development would create long-term benefits to the community and the natural environment.

a. Finding

Specific development projects and locations are not known at this time. Therefore, the Town will require the assessment of potentially adverse short-term, long-term and cumulative impacts upon the environment as part of the site-specific SEQR review process for future development projects especially those at a scale that require an Environmental Impact Statement.

Cumulative impacts are especially important as development continues in one geographic area. Potential cumulative impacts on natural resources, such as wetlands and floodplains, and on community resources, including traffic and municipal services, will need to be investigated by project applicants. These investigations will need to consider other past projects and planned projects in the involved areas to determine the incremental effects of development on various resources. The East River Road corridor is an example where the incremental effects of development over time from multiple projects could have cumulative adverse impacts on the area. This potential is recognized and reflected by the Town in establishing cost-share mitigation fees that can be applied to future development projects along the corridor that generate substantial traffic as discussed in Chapter IV. Section 4.4 of the Draft GEIS.

I. Alternatives

1. No-Action Alternative

As discussed in Chapter VI of the Draft GEIS, the No Action Alternative assumes the Proposed Action would not be undertaken and implementation of the recommendations of the Town's recent planning initiatives with modifications to the Town's Comprehensive Plan and land use regulations would not occur.

Under the No Action Alternative, the Town would not be positioned to mitigate transportation-related impacts along the East River Road Corridor with necessary roadway improvements through a cost-share funding mechanism between the public and private sector. Despite the Proposed Action development along East River Road is projected to continue for years to come. No-action, in this case will result in uncertainty to property owners, developers and the municipalities about how and when transportation-related improvements will be made. The uncertainty created by the lack of planning and funding of projects will preclude addressing the need for transportation improvements in a comprehensive corridor-wide manner. This would be a failure to address the cumulative impacts of future development along the corridor. The result will be a less efficient and less effective transportation facility. Most importantly the lack of improvements in a timely manner as needed would fail to protect the health and safety of pedestrians, bicyclists, and drivers.

If no action is taken development elsewhere within the Town would continue under existing zoning regulations. One of the most important zoning changes proposed by the Town to encourage mixed-use development and redevelopment of vacant and underutilized properties would not be available. Some redevelopment of properties would occur, but perhaps not on a large-scale basis that can be promoted through changes in zoning. These changes send a clear signal to the development community that mixed-use is not only allowed but encouraged. The result of “No Action” would be status quo for continuation of conventional, single-use development and the inability of the Town to achieve many of the community’s expressed land use goals and objectives by following the principles of Smart Growth and sustainability identified in the Comprehensive Plan.

The No Action Alternative would not alter undesirable development patterns in Henrietta. It is anticipated that population growth (currently at about a 4 percent annual rate) would continue, and further development of housing, commercial businesses, and community services would occur in response. As recommended by the Multiple Dwelling Zoning Analysis the Town is proposing to remove multiple dwellings as a permitted use (subject to special permit) within industrial districts. Multiple dwellings could be a residential component of a mixed-use development, subject to special permit. However, if the Action is not undertaken the current trend to construct multiple dwellings as a single use in possibly unsuitable areas of the Town, for example where agriculture is under development pressure.

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Under the No Action Alternative, the goals of the Agricultural Development and Farmland Protection Plan would also be more difficult to achieve. The Proposed Action is intended to help avoid the adverse implications of growth by directing development, including alternative housing options, from the southern portion of the Town to areas north of the Thruway where redevelopment and reuse can be better accommodated.

a. Finding

The Town is an attractive community with a high quality of life and is expected to continue to grow in population. Development is anticipated to continue as new services, housing, institutional uses, commercial and industrial activity to accommodate the region’s socioeconomic and demographic needs. The No Action Alternative would not provide the significant beneficial changes anticipated from the Proposed Action to alter land use patterns and protect natural resources, rural resources, agriculture, and community character. Encouraging the reuse of already developed areas on a large-scale would also be lost as would opportunities for creating more walkable, pedestrian-friendly neighborhoods.

Redevelopment within the Mixed-use Overlay Districts would also create opportunities to maintain and upgrade public infrastructure to accommodate new uses. Without opportunities for alternative forms of

development encouraged by the Proposed Action, growth would occur over more widely scattered areas, possibly limiting redevelopment in favor of greenfield development patterns, while aging properties and infrastructure of older areas are left to degrade. The extension and maintenance of public infrastructure into undeveloped areas increases local costs to municipalities and therefore, taxpayers.

No Action, therefore, is considered an unreasonable alternative.

2. Other Alternatives Considered

The Town considered establishing a Transportation Development District (TDD) as an alternative to the proposed cost-share transportation mitigation fees under SEQR for new development that occurs in the East River Road corridor. A TDD under State law requires an act of the State Legislature and can become a time-consuming and complex process to administer. The proposed cost-share mitigation fees are considered the more reasonable alternative because it can be implemented in a timely fashion that will help with proposed development occurring within the corridor. The mitigation fee structure allows the Town, in collaboration with Monroe County, to fund improvements in an equitable manner and based on a developer's contribution to transportation improvements required within the corridor.

In designing the intended changes in land use policies and regulations by way of the Proposed Action, the Town considered alternatives that could result in more or fewer modifications to the Zoning Ordinance and Town Code. For example, the Town considered providing some form of non-financial incentives and incentive zoning to encourage redevelopment within the Mixed-use Overlay Districts. Non-financial incentives, such as a reduction in required parking, increased building height, or increased building density could be provided as part of an incentive process in exchange for a community benefit from the developer. This community benefit could be dedicated parkland, trails, historic preservation or other benefits to the residents of Henrietta.

A decision on providing some form of development incentives has not been made at this time. The Town may consider non-financial incentives in the future depending on how well the real estate market responds to the mixed-use development opportunities within the proposed Overlay Districts. No decision will be made until an assessment of the need and effectiveness in encouraging mixed-use development and redevelopment of areas without incentives is conducted. Incentive zoning could be an alternative to further facilitate the reuse of vacant and underutilized properties possibly on a Town wide basis that is not limited just to the overlay districts. If such action on incentives is taken in the future the Town will be required to conduct a SEQR review of the proposed elements of the incentive program being considered. SEQR compliance may be accomplished through a Supplement to this GEIS.

The Town also considered alternative locations and the extent of the boundaries of the Mixed-use Overlays. The locations identified were chosen because they represent areas that are undergoing development or redevelopment in some manner or have the potential to do so. These locations also consist of properties that provide opportunities for revitalization because they may be vacant or underutilized, or undergoing changes in use and ownership. The locations chosen are also served by existing infrastructure including sanitary sewer, public water, near public transit and destinations. They also provide access via State and County roadways. Alternatives were dismissed from consideration that did not meet these conditions or where development or

redevelopment would be introduced that might conflict with residential neighborhoods and other potentially sensitive locations.

As a result of the Multiple Dwelling Zoning Analysis the Town is proposing to remove multiple dwellings as a permitted use (subject to special permit) within industrial districts. Multiple dwellings will continue to be allowed by special permit within the B-1 and B-2 Commercial Districts and the R-2-15 Residential District. The Town considered alternatives to the Proposed Action that would allow for multiple dwellings elsewhere in other zoning districts subject to special permit and decided to allow this use within the Mixed-use Overlay Districts also subject to special permit. The alternative to establish a multiple dwelling zoning district was dismissed because it would not meet present needs or trends where such development is occurring such as in proximity to RIT. It is preferred that multiple dwellings could be a residential component of a mixed-use development. This decision helps meet the current market need and interest in multiple dwellings with the added benefit of developing this use as part of a walkable and pedestrian-friendly neighborhood along with nearby services and destinations. If this action is not undertaken the current trend to construct multiple dwellings as a single use in less suitable areas would likely continue.

The alternative to allow multiple dwellings facilities in residential zoning districts other than the R-2-15 district where they are currently permitted is not considered a reasonable alternative. Permitting multiple dwellings in single-family residential districts, such as the R-1-15 or R-1-20, would not be consistent with the character of existing single-family neighborhoods, even as infill development on vacant parcels, due to differences in building density, scale, height, traffic generation and parking. Multiple dwellings were permitted within the R-1-15 zoning district in the past, but most of those projects occurred between the mid-1960s and mid-1980s when many neighborhoods were being established. Similarly, in the RR-1 and RR-2 Rural Residential district multiple dwellings projects occurred during the early 1970s, well before development in rural areas became the issue it is today over encroachment on agriculture and prime farmland and changes in rural character, particularly south of the Thruway where the Town's Rural Residential District exists.

a. Finding

Alternatives to the Proposed Action as discussed above, while potentially reasonable, are not considered preferable options for the reasons cited above, and in meeting the needs and land use objectives of the community in a timely and effective manner consistent with the Comprehensive Plan. The Proposed Action balances the Town's need for economic development; the objective to build on the Henrietta's core development areas; and need to protect community character, cultural assets and the natural environment. The proposed zoning amendments, and the Town's Design and Development Guide, add standards and guidelines for better design of development sites. Future development of project sites will involve site-specific design, planning, zoning and environmental review under SEQR.

J. Summary of Required Conditions Addressing Mitigative Measures

Below are mitigative measures identified as practicable that are necessary as conditions to these SEQR Findings in order to conclude that consistent with social, economic and other essential considerations from

among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

Traffic:

Cumulative traffic impacts of expected development in the East River Road Corridor were examined extensively via the Environmental Impact Statement and associated studies. As detailed in the EIS and associated studies, cumulative traffic impacts will create adverse environmental effects unless adequately mitigated and addressed. As more fully assessed and described in the EIS, as a result the adverse effect of such cumulative traffic impacts, mitigative measures are required. This section details the conditions which are necessary as mitigative measures, all based upon the facts and studies detailed in the EIS and previously herein. In sum, intersection improvements will be required as a result of such impacts, and the costs to pay for such improvements will need to be paid for by those developing within the Corridor (thus contributing to the impacts).

Based on the amount of impending development and costs required to mitigate the expected cumulative traffic impacts, a SEQR based mitigation fee will be collected to fairly and accurately attribute the cost of mitigative improvements to the developments contributing to the cumulative traffic impacts. In sum, and as described in the EIS, each new development will be required to pay costs for improvements according to each subject development's contribution to the cumulative traffic impacts in the Study Area (the East River Road Corridor). The portion of cumulative traffic impacts in the Area resulting from a particular development will be calculated by determining a proposed development's estimated total combined number of morning (AM) and afternoon/evening (PM) peak hour trips generated in the Study Area. For purposes of this GEIS and modeling, trips attributable to future developed parcels were established using both the Trip Generation Manual, 10th Edition and estimated trip distributions. The Trip Generation manual provides estimates of the number of trips entering and exiting a site which are generated by a specific land use.

A formula to fairly and accurately attribute such impacts and costs has been developed as follows. Total estimated trips based on hypothetical expected development and resulting trip distributions to the Study Area were developed for the Study Area in coordination with the County. The total number of estimated AM and PM peak hour development trips that are expected to utilize the East River Road corridor is **2,761 trips**. Using the \$2,210,000 total intersection improvement costs from Table 4.3-2 in the EIS yields a **cost per corridor trip of approximately \$800**. Table 4.3-2 in the EIS provides the basis of the total number of estimated

corridor trips, all as based upon hypothetical and expected development.

It is understood that each parcel in the Study Area is likely to be developed in a manner that generates slightly more or less trips, or in some cases, significantly more or less trips since no one can claim to predict the future with 100 percent accuracy. However, the above table represents the best model that the Town and County were able to develop, in consultation with traffic and engineering professionals, in order to calculate most likely cumulative traffic impacts in the Study Area, and thus it is expected that the total number of trips in the Area is likely to be at or about 2,761 trips, despite the fact that certain parcels may be developed differently than expected.

In order to reasonably and accurately account for the actual development and resulting trips that eventually occurs relative to a subject parcel (as opposed to the expected trips per the model), the actual cost charged to each parcel to mitigate traffic impacts will be based upon the actual estimated trips of the particular development then proposed (per a developer funded traffic study), multiplied by \$800.00 per trip. Thus, the East River Road Traffic Corridor Cumulative Traffic Impact Mitigation Fee Formula is as follows:

Mitigation Fee

= [Estimated AM and PM Peak Hour Corridor Trips in Study Area for Proposed Development] x \$800.00.

A further break down of the formula provides as follows:

Mitigation Fee = [Estimated AM and PM Peak Hour Corridor Trips in Study Area for Proposed Development] x [Total Construction Costs for Improvements to Mitigate Cumulative Traffic Impacts in Study Area / Total # of AM and PM Trips Expected in Study Area]

Thus, should additional studies be conducted concluding that the Total Construction Costs or # of Trips has changed, the Mitigation Fee amount shall be updated accordingly to reflect the same. To determine peak hour corridor-based trips for a development per the Formula above, the applicant must use the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual and Town/County approved trip distributions. It is the applicant's responsibility to provide this information for the Town's review.

The applicant will contribute the fee, as calculated by the established formula, to the Town of Henrietta. This mitigation fee would be deposited in a fund established specifically for East River Road Intersection Improvements. This fee will be required to be paid prior to issuance of any certificate of occupancy. The Town will consider a phased mitigation plan for payment of said fee, provided ample justification or hardship is shown.

The funds within the East River Road Intersection Improvement Fund will be used to contribute to the funding of intersection improvements identified in the April 2018 Corridor Traffic Review Report. The Town or County, in addition to the available funds then available in this account, could bond the outstanding funds to accelerate the overall project. In this event, the account would then be used to pay down the bonds as they mature.

The Mitigation Fee herein is only expected to address the specific cumulative impacts assessed herein and in the Study. Should any development pose any additional traffic impacts outside of those assessed in the Study (as identified in a project specific traffic study or site specific SEQR or otherwise), it will be required to additionally address the same.

Changes to the Zoning Laws, including implementation of Multiple Dwelling Overlay Districts.

The following additional measures are further conditions required as a result of the adoption of the new amendments to the Henrietta Zoning Codes.

- Minimum Transitional Buffers, in order to buffer the transition between uses which are not fully compatible,
- Unit density Limitations in the Mixed-Use Overlays, in order to limit traffic, noise, character of the neighborhood changes and other issues that may arise out of dense development,
- Mixed-Use Projects will have a limitation on the % of the parcel permitted to be developed, in order to further limited dense development such as to avoid, or reduce where possible, the potential for adverse impacts on environmentally sensitive features, both natural and cultural,
- Permissibility of Multiple Dwellings as part of a Mixed-Use Project in order to continue to provide Multiple Dwelling housing opportunities, despite their removal from the Industrial District,



- New Development shall be compliant with Development Standards in order to protect and enhance site design features that benefit the environment and include larger buffers, protection of environmentally sensitive areas (e.g. wetland and floodplains), and the set aside of open space areas, and
- Site Specific SEQR compliance in order to assess the individual and unique potential adverse environmental impacts to each site, including, for example, potential archeological, historic and traffic impacts.

K. Conclusions

The GEIS, upon which this Statement of Findings is based, is not a substitute for site-specific and project-specific SEQR review of future development projects in Henrietta. All future projects under the proposed modified zoning, including but not limited to multiple dwelling facilities, will need to comply with SEQR whether such projects are or are not mixed-use in origin. All future projects will also need to comply with all applicable federal, state and regional permits and approvals, such as, but not limited to wetlands, endangered species, cultural resources, traffic and transportation, and other environmentally sensitive resources.

Because of the many beneficial aspects of mixed-use and the proposed locations for its development in areas of the Town where it can be accommodated by existing infrastructure and services, the potential for adverse impacts is greatly reduced. As multiple dwelling and mixed-use development projects are proposed however, they will need to be reviewed under site- and project-specific SEQR environmental review processes, as well as through the Town's site plan, subdivision, and special permit procedures. Adverse impacts, if identified, will require applicants to consider alternatives to their proposed actions and as necessary measures to avoid or mitigate any significant adverse impacts.

In developing the proposed modifications to the Town's zoning regulations and zoning map careful consideration was given to avoiding or reducing adverse impacts to the environment. As added safeguards the Town has created a Design and Development Guide that complements the proposed changes in zoning by providing additional direction to developers and property owners for protecting the community's natural and cultural resources. The Design and Development Guide supplements and does not replace the information contained in the Town's existing Rural Development Design Guidelines and reaffirms the Town's commitment to protecting agriculture, natural habitats, neighborhoods, and open space resources.

**State Environmental Quality Review Act
Findings Statement Signature Page
Certification to Approve/Undertake**

Having considered the Draft and Final Generic Environmental Impact Statements for the Proposed Action and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

By the Town Board of the Town of Henrietta,

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

Date

Copies of this Findings Statement have been filed with: Commissioner,
NYSDEC, Albany NY
NYSDEC, Region 8 Office, Avon NY
Involved/Interested Agencies
Parties of Interest

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 FEBRUARY 27, 2019 AT 7:00 P.M.

RESOLUTION #5-104/2019

On Motion of
Councilman Page

Seconded by
Supervisor Schultz

WHEREAS, the Henrietta Town Board has identified the need to update the Henrietta Town Code Laws as a result of growth and change in the Town of Henrietta, including updates as they relate to the topics of multiple dwellings, mixed uses, special permits, etc., and

WHEREAS, a Committee was formed and considered possible updates to the Town Code, and has proposed certain draft amendments to the same, and

WHEREAS, such amendments are subject to SEQR, and the Town has completed the SEQR process by way of Generic Environmental Impact Statement and Findings, and

WHEREAS, the Town Board now has before it a Local Law setting forth proposed amendments to the Zoning Laws for its consideration, which Local Law is on file at the Town Clerk's Office and incorporated herein by reference, and

WHEREAS, notice of Public Hearings on said Local Law was duly advertised in accordance with law, and

WHEREAS, said Public Hearings were duly held at the Henrietta Town Hall on January 9, 2019; January 23, 2019; February 13, 2019; and February 27, 2019, and all parties in attendance were permitted an opportunity to speak in relation to said proposed Local Law, and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, for all the reasons set forth therein and within the 2019 Comprehensive Plan Update.

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Henrietta that the Town Board hereby adopts said Local Law No. 3 of 2019, To Amend The Henrietta Town Code to Address Multiple Dwellings and Related Topics by Instituting a Mixed-Use Overlay District and Amending Other Relevant Provisions, all as set forth in the attached Local Law, which is incorporated herein.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

LOCAL LAW NO. 3 OF 2019 TO AMEND THE HENRIETTA TOWN CODE TO ADDRESS MULTIPLE DWELLINGS AND RELATED TOPICS BY INSTITUTING A MIXED-USE OVERLAY DISTRICT AND AMENDING OTHER RELEVANT PROVISIONS

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section A. Authorization.

This local law is enacted per the authority of New York State Municipal Home Rule Law at Section 10.

Section B. Title and Purpose.

This law shall be known as and may be cited as Local Law No. 3 of 2019 to Amend the Henrietta Town Code to Address Multiple Dwellings and Related Topics by Instituting a Mixed-Use Overlay District and Amending Other Relevant Provisions.

Section C. Legislative Findings.

The Henrietta Town Board has identified the need to update Town Code as a result of growth and change in the Town of Henrietta, particularly in relation to the recent proliferation of new multiple dwellings. After an in-depth study and analysis, all of which culminated in an update to the Comprehensive Plan in 2019, the Town Board finds that the changes herein shall be made to better manage industrial lands, multiple dwellings and to address other related issues, all as set forth in and for the reasons identified in the 2019 update to the Comprehensive Plan, which is incorporated herein for reference.

As it related to Mixed use Overlay Districts in particular, the Town of Henrietta finds that the revitalization of some existing commercial and industrial areas will benefit the general health, safety and welfare of our residents by providing more choices for their housing, employment and transportation needs. Therefore, by this local law the Town designates certain areas as Mixed-Use Overlay Districts as set forth herein to encourage reuse, mixed-use development, and redevelopment of vacant and underutilized properties where practicable to limit sprawl into undeveloped and rural areas of the Town and to encourage development in more appropriate areas.

Mixed-Use is an opportunity for economic development, including commercial and residential development in ways that can help enhance the visual character of the Town by providing for reuse of previously developed areas. Mixed-Use development within these Overlay Districts will allow the combination of compatible uses as an alternative to more conventional single use suburban development that separates uses. Property owners, businesses and developers may choose to develop pursuant to these Mixed-Use Overlay regulations as an alternative to the requirements of the underlying zoning district that remains in effect. If development pursuant to the Mixed-Use Overlay District is pursued, it will be required to comply with this Article.

The primary purposes of the Mixed-Use Overlay Districts include:

- (1) Providing for coordinated, Mixed-Use and multi-use development consisting of residential and nonresidential uses in compatible and attractive development patterns;

- (2) Encourage adaptive reuse and redevelopment of abandoned, vacant or underutilized business and industrial properties, buildings, or structures in disrepair to enhance neighborhood visual quality and character;
- (3) Allow for a mix of new land uses that are appropriate to both the needs of the community and sensitive to the context of surrounding neighborhoods;
- (4) Create mixed-use neighborhoods in well-planned locations at appropriate densities, heights, scale and mixtures of use;
- (5) Encourage creative flexibility in site and building design, restoration, and use.

Mixed-Use Overlay Districts are intended to promote the development, redevelopment, adaptive reuse, rehabilitation and general improvement and reinvestment of properties within specifically designated geographic areas and along transportation corridors of the Town of Henrietta. Each Overlay District is intended to allow Mixed-Uses in different ways that complement each other as a "community" within the Town. For example, in the Employment Center Overlay District, a mix of residential uses may be combined with business and office uses in a neighborhood setting to allow convenient access by residents to nearby employment and services.

Section D. Amendments to the Henrietta Town Code and Zoning Map

1. An Article shall be added to the Town of Henrietta Code at Chapter 295, "Zoning," to be entitled "Mixed-Use Overlay Districts," all as set forth in Attachment A hereto, which Attachment A is incorporated herein and made a part hereof.
2. The Town of Henrietta Code at Chapter 295, "Zoning," Section 295-2, "Word Usage and Definitions," shall be amended by adding to the existing definitions therein the additional definitions set forth in Attachment B hereto, which Attachment B is incorporated herein and made a part hereof.
3. The Town of Henrietta Code at Chapter 295, "Zoning," Section 295-32, "Site Plan Approval," shall be amended by adding an additional subsection "H" to be entitled "Minimum Transitional Buffers," which subsection H shall read as set forth in Attachment C hereto, which Attachment C is incorporated herein and made a part hereof.
4. The Town of Henrietta Code at Chapter 295, "Zoning," Section 295-10.1, "Rural Residential District," shall be amended by replacing the current text of said Section with the text set forth in Attachment D hereto, which Attachment D is incorporated herein and made a part hereof.
5. The Town of Henrietta Code at Chapter 295, "Zoning," Article VIII, "Industrial Districts," shall be amended by replacing the current text of said Section with the text set forth in Attachment E hereto, which Attachment E is incorporated herein and made a part hereof.
6. The Town of Henrietta Code at Chapter 295, "Zoning," Section 295-13, "Multiple Dwellings," shall be amended by replacing the current text of said Section with the text set forth in Attachment F hereto, which Attachment F is incorporated herein and made a part hereof.
7. The Town of Henrietta Code shall additionally be further amended in additional sections thereof as set forth in Attachment G hereto, which Attachment G is incorporated herein and made a part hereof.

8. The Town of Henrietta Code at Chapter 295, "Zoning," Section 295-54, "Granting or Denial of Special Permits," shall be amended by replacing the current text of said Section with the text set forth in Attachment H hereto, which Attachment H is incorporated herein and made a part hereof.

9. Chapter 245, "Subdivision of Land" shall be amended to add an additional subsection "295-8," and all following subsections shall be renumbered accordingly. Said new subsection 295-8 shall read as follows:

D. Cluster Development

The Planning Board may approve cluster development simultaneously with approval of a subdivision all in accordance with Town Law Section 278.

10. The Town of Henrietta Official Zoning Map, on file in the Office of the Town Clerk, and the Town of Henrietta Zoning Code (located at Chapter 295 of the Henrietta Town Code), inasmuch as the Zoning Map is incorporated into the Town of Henrietta Zoning Code, be and hereby is amended by this Local Law so as to rezone parcels in the Town of Henrietta as per the attached Map indicating the parcels to be rezoned, attached at Attachment I hereto, including the implementation of the Mixed-Use Overly Zoning identified thereon, which Attachment I is incorporated herein and made a part hereof.

Section E. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section F. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section G. Effective Date

This Local Law will take effect immediately.

"Attachment A"

Article IXA - Mixed-Use Overlay Districts

Section 1. Purpose, Intent and Locations

A. Purpose and Intent

The following provides a summary of the intended purpose of each of the three Mixed-Use Overlay Districts.

(1) Mixed-Use Redevelopment Area Overlay District ("MURA")

The intent of the Mixed-Use Redevelopment Area Overlay District is to provide opportunities for the redevelopment of existing vacant, underutilized and single-use properties in areas of potential transition from single use commercial and industrial properties into more vibrant Mixed-Use neighborhoods. This Overlay District is intended to encourage medium to large-scale Mixed-Use and multi-use redevelopment at higher densities of residential, office, retail and entertainment uses than would otherwise be allowed by the underlying zoning district(s). These neighborhoods are envisioned as active areas in a pedestrian-oriented, walkable environment. These areas are typically served by public transit which affords residents, business patrons, and visitors the ability to reduce reliance on personal vehicles.

The Mixed-Use Redevelopment Area allows for the integration of residential and non-residential uses with a compatible mix of businesses and multiple dwelling housing opportunities of various styles and densities. Development opportunities shall provide for compatible and complementary retail, office, employment and entertainment uses with residential uses using greater design flexibility than allowed by the underlying zoning districts. The consolidation of small vacant and underutilized parcels into viable Mixed-Use Development is encouraged.

(2) Mixed-Use Redevelopment Corridor Overlay District ("MURC")

The Mixed-Use Redevelopment Corridor Overlay District is intended to provide opportunities for property owners to re-invest, redevelop and upgrade their businesses and properties along well-established, high-volume transportation corridors in a manner that is not allowed by the underlying zoning districts. This Overlay District is intended to encourage a desirable mix of compatible, small to medium neighborhood-scale land uses along highly-traveled transportation corridors where the variety of services and the appearance of properties contribute to the character of adjacent residential neighborhoods. This Overlay District is intended to encourage reinvestment in neighborhood businesses and properties by providing for a more pedestrian-friendly atmosphere including sidewalks, enhanced streetscapes within the public right-of-way, and extensive use of well-designed landscaping of commercial properties.

(3) Mixed-Use Employment Center Overlay District ("MUEC")

The Mixed-Use Employment Center Overlay District is intended to provide a desirable mix of compatible uses that offers a variety of low impact, office/light industrial/high

technology employment opportunities with nearby housing options for people who want to live near their workplace and necessary services. This Overlay District encourages the development and expansion of office and high technology-based businesses, many related to research and development of products and services often associated with institutions of higher education, such as nearby Rochester Institute of Technology (RIT). Commercial services and multiple dwelling housing are intended to support these uses in a well-planned and attractively developed suburban setting where open space and environmentally sensitive resources are preserved as site amenities. Residences are intended to be within reasonable walking distances to local businesses, employment, recreational and civic uses. This mix of uses may be developed over time as master planned mixed-use developments.

B. Overlay Locations and Boundaries

- (1) Mixed-Use Overlay Districts are superimposed over the existing underlying zoning districts and do not replace the underlying zoning districts. Instead, both the Overlay Districts and the underlying zoning districts exist and apply simultaneously to the lands over which they are zoned. A parcel within a Mixed-Use Overlay District may be developed either as a Mixed-Use in accordance with this Article, or otherwise in accordance with the underlying zoning district regulations, but not both.
- (2) The locations and boundaries of the Mixed-Use Overlay Districts shall be as depicted on the Official Zoning Map of the Town of Henrietta, and are described as follows:
 - (a) Mixed-Use Redevelopment Area – This is an area centered around the intersection of Jefferson Road (NYS Route 252) and West Henrietta Road (NYS Route 15) encompassing older, highly developed commercial and industrial areas extending north to the Town boundary with Brighton, west to John Street, south along West Henrietta Road to Bailey Road, and eastward for approximately 0.5 miles. This area includes many medium to large-size business parcels, including shopping plazas and other retail establishments.
 - (b) Mixed-Use Redevelopment Corridor - The East Henrietta Road (NYS Route 15A) corridor, which includes those properties immediately adjacent to the roadway that are currently zoned Commercial (B-1 and B-2). This corridor is an older developed area extending from I-390 (Genesee Expressway) southward to approximately 700 feet south of Lehigh Station Road for a total distance of approximately 1.9 miles. This corridor contains numerous small to medium-size commercial parcels with a variety of service-oriented and professional businesses, and small to medium-size older underutilized or vacant commercial strip style shopping plazas and other retail establishments.
 - (c) Mixed-Use Employment Center – This is an area south of the RIT campus and along East River Road extending from Bailey Road to south of Lehigh Station Road. The area is experiencing substantial new development of multiple dwelling facilities primarily along East River Road on lands zoned for industrial and single-family residential use. This area includes major employers associated with RIT, as well as the RIT Business and Technology Park, Paychex, and University Park of Rochester.

Undeveloped parcels in this area are generally large and most are existing or former agricultural lands. Considerable development interest in these parcels continues. Some of these remaining undeveloped properties contain substantial wetlands, floodplains, and woodlands many of which should be considered valuable open space resources.

- (3) Where definite boundaries and/or distances are not expressly indicated, the following shall define the same:
 - (a) Boundaries shown as approximately following the rights-of-way or center lines of roadways and highways shall be construed to precisely follow such rights-of-way or center lines;
 - (b) Boundaries shown as approximately following platted lot lines shall be construed as precisely following such lot lines;
 - (c) Boundaries shown as approximately following Town limits shall be construed as precisely following Town limits;
 - (d) Boundaries shown as following railroad lines shall be construed to be midway between the main tracks or railroad right-of-way;
 - (e) Boundaries shown as following the center lines of rivers or other surface water features shall be construed as following the center lines of such natural features;
 - (f) Where existing natural or cultural features, such as a stream or road, are different from those shown on the Official Zoning Map, or otherwise in disagreement, the Director of Engineering and Planning shall interpret the Overlay District boundaries. The decision of the Director of Engineering and Planning may be appealed to the Zoning Board of Appeals.
- (4) Where a petition is made by an applicant to rezone additional lands "Mixed-Use," such additional lands must abut an existing Mixed-Use District of the same type.

Section 2. Applicability and General Requirements

- (1) **Pre-Application Meeting.** All Mixed-Use proposals require a pre-application meeting with the Town prior to their formal consideration before any board of the Town.
- (2) **Application.** Applications for proposed Mixed-Use development and redevelopment within the Mixed-Use Overlay Districts shall be submitted to the Director of Engineering and Planning for distribution for review by the appropriate boards.
- (3) **Special Permit Required.** No Mixed-Use shall be constructed or altered until a Special Permit has been granted by the Town Board for such Mixed-Use after a public hearing in accordance with the procedures set forth in this Article and in Article XII of this Chapter. The Special Use Permit shall be approved based upon a Concept Plan. The Mixed-Use shall be developed in accord with and shall not be developed in a manner materially inconsistent with the Concept Plan submitted with the Special Use Permit application. Should the Mixed-Use be proposed to be developed in a manner inconsistent with the Concept Plan, it shall be required to first obtain an amendment to or new approval of its Special Use Permit. Moreover, where a Component Use is indicated as requiring a Special Permit, it, too, shall require a Special Permit distinct from the Mixed-Use Special Permit.
- (4) **Site Plan Review Required.** All Mixed-Uses shall be required to obtain Site Plan approval by the Planning Board pursuant provisions at Section 295-60 of this Chapter and any additional applicable provisions herein, except that Site Plan review shall not be required for alterations or redevelopment that do not require a building permit or do not result in a change in use (but shall

nonetheless be required where there is a change in the Component Use Category of a use or where a building permit is required for such alterations or redevelopment). No Site Plan approval shall be issued until a Special Permit for the Mixed Use is approved. The Site Plan shall be consistent with the Special Permit, including with the Concept Plan submitted as part of the Special Use Permit. If the Site Plan proposed is inconsistent with the Special Permit, including the Concept Plan, the Planning Board shall require the applicant to amend or apply anew for a Mixed-Use Special Permit.

- (5) **Underlying District Applicability.** Mixed-Use Overlay Districts are superimposed over the existing underlying zoning districts and do not replace the underlying zoning districts. Instead, both the Overlay Districts and the underlying zoning districts exist and apply simultaneously to the lands over which they are zoned. A parcel within a Mixed-Use Overlay District may be developed either as a Mixed-Use in accordance with this Article, or otherwise in accordance with the underlying zoning district regulations, but not both.
- (6) **Alterations to Mixed-Uses.** In addition to new construction, the standards herein shall also apply to existing Mixed-Uses upon either construction of a new building a part of an existing Mixed Use or upon alteration or redevelopment of an existing Mixed-Use requiring a building permit or resulting in changes in the Component Use Category or a use.
- (7) **Conversions.** Conversions of existing buildings, such as former hotels, motels, industrial buildings, schools and retail establishments into Mixed-Use buildings shall require full review under this Chapter. Development plans for such conversions shall require certification by a licensed professional engineer that such buildings and utilities are structurally sound, of sufficient size and capacity, and safety and security will not be impaired by conversion. Any such conversions shall require both Site Plan and Special Permit review pursuant to this Article.
- (8) **Multiple Dwelling Requirements.** Where a component of a Mixed-Use includes Multiple Dwellings, such Multiple Dwelling use shall be additionally subject to the Multiple Dwelling requirements a part of this Article, but not subject to Article V requirements relating to Multiple Dwellings. Where a Multiple Dwelling is sought outside of a Mixed-Use project (in an underlying zoning district), it shall be subject to Article V requirements but not the Multiple Dwelling requirements in this Article.
- (9) **Mixed-Use Project & Site Design Guidelines** further articulate the intended design for specific areas of the Town contained within the boundaries of the Mixed-Use Overlay Districts. Such Guidelines shall be assessed and applied by the Planning Board during its Site Plan review, and also by the Town Board during its Special Permit review where relevant, and shall be complied with to the maximum extent feasible.
- (10) **Conflicts.** This Article applies to Mixed-Uses proposed in a Mixed-Use Overlay District. If a proposal is for a non-Mixed-Use in an underlying District, even if a Mixed-Use Overlay is present, the underlying District regulations shall apply. If a conflict still exists between this Article and any other Article or Section of the Henrietta Town Code or this Chapter, the requirement(s) which are more restrictive on development shall take precedence and be applied.
- (11) **Multiple Parcels.** Where multiple parcels are proposed as part of a single Mixed-Use proposal it is preferred that they be combined into a single parcel. Otherwise, multiple parcels a part of a single

Mixed Use shall be treated as a single parcel (referred to as a Composite Mixed-Use Parcel) for purposes of zoning, and together shall be required to obtain a single Special Use Permit for the proposed Mixed-Use, which shall bind all parcels as part of such single Mixed-Use. Even though it comprises distinct parcels, said Composite Mixed-Use Parcel shall be treated as a single parcel for purposes of zoning and specifically for purposes of comprising a Mixed-Use. As such, setbacks and buffers to the internal lot lines of the sub-parcels a part of the Composite Mixed-Use Parcel shall not apply. Cross Easements and other such agreements may be required in the case of Composite Mixed-Use Parcel.

- (12) **Subdivision of a Mixed Use.** A Mixed-Use (whether fully or partially constructed) may only be subdivided where the resulting subdivided parcels are Code compliant and would comprise either i) permissible and Code compliant uses pursuant to the underlying zoning district and/or ii) permissible and Code compliant Mixed-Uses per this Article, and/or iii) in the case of a Composite Mixed Use Parcel, the resulting parcels would together comprise a Code compliant Mixed-Use.
- (13) **Phasing.** The development and construction of a Mixed-Use may be phased, but only pursuant to a phasing plan approved as part of the Special Permit process. The Phasing Plan shall detail the proposed timing and dates of construction of utilities, buildings, each Component Use and infrastructure, and shall also detail site work, stripping, seeding, etc. and protect against removing vegetation and/or leaving land bare for lands that will not be immediately developed. Failure to complete construction consistent with the phasing plan shall be a violation of this Chapter, subject to fines and enforcement, unless the owner/applicant can provide to the Town Board justification for any delay. Upon such justification, the Town Board may approve an extension.
- (14) **Security.** Pursuant to the Town Code at Chapter 245, Subdivision of Land, Section 3(F), a letter of credit or other security acceptable to the Town Engineer shall be provided to secure the construction of all facilities to be dedicated to the Town, including but not limited to sewer, water and roads.
- (15) **Composite Mixed-Use Parcels:** Any material alterations, changes or development to a sub-parcel a part of a Composite Mixed-Use Parcel shall require the consent of all other parcels a part of the Composite Mixed-Use Parcel, particularly if it changes the nature of the Mixed Use or if it changes the percentages of Mixed-Use Components. Sub-parcels a part of a Composite Mixed-Use Parcel may only be altered, changed or developed in a manner such that:
 - a. The Composite Mixed-Use Parcel continues to comprise a Code compliant Mixed-Use, or
 - b. If a change would render the Composite Mixed-Use Parcel no longer a Mixed use, all of the sub-parcels a part of the Composite Mixed-Use Parcel stand on their own as either:
 - i. Code compliant uses pursuant to the underlying Zoning District, or
 - ii. Code compliant Mixed Uses, or
 - iii. A combination of i. and ii.

Section 3. Permitted Uses for Mixed-Use Overlay Districts

- A. **Permitted Uses.** Mixed-Uses shall be permitted in Mixed-Use Overlay Districts so long as they are comprised at least three different Component Uses from at least three different Component Use Categories.
- B. **Component Uses.** Mixed-Uses shall be comprised of those Component Uses identified in the Mixed Use Overlay Component Use Table set forth herein at Appendix A. Only those Component Uses indicated therein as "Allowed" shall be allowed a part of a Mixed-Use, except

those uses indicated as "S = Allowed with Distinct Special Permit" shall also be allowed as part of a Mixed-Use but only where an additional Special Permit.

- C. **Special Use Permits for Component Uses.** Component Uses identified as "S = Allowed with Distinct Special Permit" on the Mixed-Use Overlay Component Use Table shall also be allowed as part of a Mixed-Use but only where an additional Special Permit, distinct from the Mixed-Use Special Permit, is issued by the Town Board.
 - a. No Component Use Special Permit shall be issued unless the proposed Component Use proposal is sufficiently conceptualized such that the Town Board has adequate information to make a Special Permit determination thereon. Indicia of sufficient conceptualization shall include detailed building plans, architectural renderings, parking requirements and details, etc.
 - b. A Mixed-Use Special Permit may nonetheless be issued for a proposal which includes a Component Use that is not sufficiently conceptualized so long as a phasing plan is approved. In this case, the Mixed-Use may be developed per the phasing plan, but the subject Component Use which requires but has not yet received a Special Permit may not be constructed until a Special Permit thereon is issued.
- D. **Component Use Requirements.** A Mixed-Use shall only be permitted so long as it includes as its Component Uses at least: 1) a Residential use, a 2) a Commercial or Industrial use, and 3) a Civic Use, and only so long as the second and third largest Component Use Categories each comprise at least 5% of the Mixed Use at minimum.
- E. **Additional Permitted Uses Meeting Intent.** Uses not identified on the Mixed Use Overlay Component Use Table but which meet the purpose and intent of this Article may be allowed as a Component Use but only subject to a finding by the Town Board as part of the Special Permit process that 1) such proposed use meets the purpose and intent of this Article, 2) such use would be compatible with the Mixed-Use proposed, and 3) such use is not prohibited by the Mixed Use Overlay Component Use Table.
- F. **Prohibited Uses.** Unless otherwise noted elsewhere in the Town Code, uses listed as prohibited on the Mixed-Use Overlay Component Use Table are prohibited as Components Uses of a Mixed-Use.

Section 4. Mixed-Use Overlay District Area and Dimensional Requirements

The following area and dimensional requirements, and not those a part of the underlying district, shall apply to Mixed-Uses in Mixed-Use Overlay Districts.

A. Setbacks

- a. **Internal Setbacks.** Setbacks between buildings and structures a part of the same Mixed-Use shall have no minimum setbacks. However, the Planning Board during its Site Plan review process may require such internal setbacks as part of its Site Plan review, including for purposes of ingress/egress, traffic, safety and otherwise.
- b. **Minimum Front, Side and Rear Setbacks.** Front, Side and Rear Setbacks to lot lines (or the Right-of-Way when measuring to a public roadway) for Mixed Use buildings and structures shall be as follows:

- i. For the **Mixed-Use Redevelopment Area Overlay District (“MURA”)**, front setbacks shall be 80 feet, and side and rear setbacks shall be those required by the underlying zoning district.
 - ii. For the **Mixed-Use Redevelopment Corridor Overlay District (“MURC”)**, front setbacks shall be 20 feet, and side and rear setbacks shall be those required by the underlying zoning district.
 - iii. For the **Mixed-Use Employment Center Overlay District (“MUEC”)**, front setbacks shall be 80 feet, and side and rear setbacks shall be those required by the underlying zoning district.
- c. **Reduced Setback Determination:** Either the Town Board during its Special Permit review or the Planning Board during its Site Plan review may make a finding that certain or all setbacks shall be required to be less set forth herein. Such finding shall be based upon the consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, availability of ingress and egress including vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this Article, and any other factors the Board finds relevant.
- d. **Reduced Setback Relief:** Either the Town Board during its Special Permit review or the Planning Board during its Site Plan review may permit a lesser setback upon request of the applicant. Permission shall be based upon consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, availability of ingress and egress including vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this Article, and any other factors the Board finds relevant.
- e. **Parking Setbacks.** Setbacks for Parking shall be determined by the Planning Board during Site Plan review based upon current setbacks in the area, ingress and egress including vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, and whether the setbacks would be consistent with the intent and purpose of this Article.

B. Minimum Project Area.

- (a) There is a one-acre minimum for projects within the Mixed-Use Redevelopment Area Overlay and the Mixed-Use Employment Center Overlay Districts.
- (b) There is no minimum acreage requirement for the Mixed-Use Redevelopment Corridor Overlay District.
- (c) Parcels across public roadways may be combined in order to meet the one acre minimum requirements.
- (d) Pre-Existing Parcels smaller than one acre and which cannot be consolidated with other parcels to satisfy the minimum requirement because adjacent property is not zoned within the subject Mixed-Use Overlay may apply to the Zoning Board of Appeals for a variance from the one-acre minimum requirement.

C. Mixed-Use Component Use Category Percentages

- (1) **Percentages.** Component Use Categories of a Mixed-Use must comply with the following Minimum and Maximum Percentages. Such percentages shall be measured by total acreage a part of a Mixed Use.
- (2) **Calculation of Percentages.** All areas of a Mixed-Use shall be designated as a particular Component Use. Where an area is shared by multiple uses (i.e., a building with commercial space on first floor and residential on second), the associated acreage shall be apportioned to such uses based upon their proportional share of square footage of building space assigned to each use, and/or the proportion of the acreage assigned to parking or other outdoor areas for each use.
- (3) **Civic Space Composition.** Civic Spaces are to be designed as useable spaces that are physically connected to and integrated as a part of a development. Areas constrained from development and set aside as undeveloped wetlands, floodplains, steep slopes, etc. do not constitute Civic Space.

Mixed-Use Redevelopment Area Component Percentages				
Allowed Uses	Industrial	Commercial	Residential	Civic Space
Minimum	0 %	30 %	30 %	5 %
Maximum	35 %	65 %	65 %	20 %

Mixed-Use Redevelopment Corridor Component Percentages				
Allowed Uses	Industrial	Commercial	Residential	Civic Space
Minimum	0 %	30 %	30 %	5 %
Maximum	35 %	65 %	65 %	20 %

Mixed-Use Employment Center Component Percentages				
Allowed Uses	Industrial	Commercial	Residential	Civic Space
Minimum	30 %	0 %	20 %	10 %
Maximum	70 %	20 %	50 %	30 %

- (4) **Adjustments to Percentages.** As part of its Special Permit process, and upon review and an advisory opinion by the Planning Board, the Town Board shall have the ability to increase or decrease the minimum and maximum percentage requirements stated in this Section. In making such a consideration, the Town Board shall 1) consider the extent to which any such adjustments will comply with the intent and purpose of this Article and 2) consider the impact of such adjustments via the Special Permit factors set forth at Chapter 295, Article XII - Permits. However, in no event shall either of the 2nd and 3rd largest Component Use Categories each comprise less than 5% of the Mixed Use.

D. Additional Dimensional Requirements for Mixed-Use Projects

Maximum building area, building height and maximum density for Multiple Dwellings is provided in the following table:

Additional Mixed-Use Dimensional Requirements	Mixed-Use Redevelopment Area	Mixed-Use Redevelopment Corridor	Mixed-Use Employment Center
Building Height for All Buildings	50 feet	30 feet	40 feet
Maximum Building Area	45% of Parcel	50% of Parcel	35% of Parcel
Maximum Multiple Dwelling Residential Density (Dwelling units/acre)*1	18DUs/acre	14 DUs/acre	8DUs/acre
1. Density shall be calculated based on dwelling units per useable acreage that is not constrained from development by cultural or natural features such as wetlands, steep slopes > 15 %, and floodplains.			

Adjustments to requirements on above Table. As part of its Special Permit process, and upon review and an advisory opinion by the Planning Board, the Town Board shall have the ability to increase or decrease the minimums and maximums stated in the above “Additional Mixed-Use Dimensional Requirements” Table. In making such a consideration, the Town Board shall 1) consider the extent to which any such adjustments will comply with the intent and purpose of this Article and 2) consider the impact of such adjustments via the Special Permit factors set forth at Chapter 295, Article XII - Permits, and, if involving maximum density, 3) require a showing that public infrastructure and community services can handle the increased density.

Section 5 - Additional Site Plan Requirements for Mixed-Uses

The following additional requirements shall apply to Mixed-Uses, and shall be reviewed by the Planning Board during its Site Plan review process. Unless otherwise set forth herein, the Planning Board may waive or adjust any of the below requirements but only upon a finding that such waiver or adjustment is 1) compatible with its Site Plan considerations, and 2) complies with the purpose and intent of this Article.

A. Mixed-Use Site Design and Circulation Standards:

- (1) **Environmentally Sensitive Features** such as, but not limited to wetlands, floodplains, steep slopes (greater than 15 percent), unique topographic or geological landscapes, or important wildlife habitats, shall be preserved to the greatest extent practicable. These features shall be incorporated into site design as green infrastructure, greenway corridors, pedestrian trail networks, or other environmental conservation systems.

- (2) **Street Pattern / Pedestrian Networks.** Site design shall include an integrated street pattern with pedestrian networks consisting of enhanced streetscapes including interconnected sidewalks, crosswalks, street trees, pedestrian lighting, and connections to trails and pathways, buildings, parking areas, and civic spaces, all in accord with the Mixed-Use Site Design Guidelines.
- (3) **Sidewalks.** Public sidewalks shall be established and maintained along all public roads fronting Mixed-Uses and shall provide a direct connection to the Mixed-Use. Sidewalks shall be constructed as approved by the Planning Board upon the advice of the Director of Engineering. Crosswalks may include changes in surface texture, color or materials.
- (4) **Pedestrian Connections.** Pedestrian connections shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway system throughout each Overlay District.
- (5) **Entry drives** (curb cuts) shall be kept to a minimum in Mixed-Use developments and shall be sufficient to provide for efficient flow of traffic and emergency access while preserving traffic operations on primary public roadways. Access to multiple properties shall consider the use of shared driveways, service or loop roads.
- (6) **Snow Removal.** Mixed-Uses shall be designed to accommodate snow removal and storage.

B. Additional Mixed-Use Site Planning Standards

- (1) **Mixed-Use Project & Site Design Guidelines** further articulate the intended design for specific areas of the Town contained within the boundaries of the Mixed-Use Overlay Districts. Such Guidelines shall be assessed and applied by the Planning Board during its Site Plan review, and also by the Town Board during its Special Permit review where relevant and shall be complied with to the maximum extent feasible.
- (2) **Landscaping** shall be detailed in a landscaping plan and shall be installed and maintained along and adjacent to all buildings, along pedestrian walkways, parking areas, service and access roads. Landscape plantings shall be a mix of native canopy and ornamental trees and shrubs consisting of deciduous species and native evergreens planted to provide year-round effect.
- (3) **Transitional Buffers.** Buffers shall be in accordance with "Minimum Transitional Buffer" requirements set forth in this Chapter.
- (4) **Stormwater management** shall utilize green infrastructure practices consistent with the New York State Stormwater Management Design Manual. Reductions in impervious surfaces shall be reviewed, considered and implemented to the maximum extent feasible for all redevelopment sites currently occupied by large structures and paved parking areas.
- (5) **Ponds.** Retention and detention ponds shall be designed in such a way as they also act as a visual amenity that is integrated into the overall appearance and design of the site. These areas may include fountains to maintain water quality and prevent the stagnation of water.

C. Off-street Parking Requirements

- (1) Parking shall be provided per Town Code requirements including Chapter 273 Article III and Chapter 295-44, except as otherwise set forth herein. Any conflicts between Parking Requirements outside of this Article and those parking requirements a part of this Article shall be resolved in favor of those requirements in this Article for Mixed-Uses.
- (2) Land banking of future parking areas is allowed and encouraged, provided that a showing is made that full parking is not required at the time of development and areas set aside for future use remain as open space with permeable surface conditions until such parking need arises.
- (3) As part of its Site Plan application, the applicant may request reductions to minimum parking requirements or alternative methods for meeting the amount of required parking, but must make an objective showing based upon a parking study that lesser parking fully satisfies parking needs. Available parking strategies include, but are not limited to the following:
 - (a) Shared On-Site Parking
 - i. Non-Competing Component Uses. In Mixed-Use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Parking may be reduced if the applicant can demonstrate that the peak demands for two or more uses do not overlap.
 - ii. Competing Component Uses. In Mixed-Use developments, applicants may propose for approval a reduction in parking requirements where peak demands do overlap. Parking requirements may be reduced if the applicant can demonstrate a reason that less parking is required even even though peak demands for two or more uses do overlap.
 - (b) Off-Site Parking

Separate from, or in conjunction with Shared On-Site Parking provisions, an applicant may use off-site parking to satisfy their parking requirements in accordance with the following:

 - i. Off-site parking shall be within 500 feet of the property for which it is being requested.
 - ii. Off-site parking spaces provided by a separate property owner or on a separate property shall require a legally binding agreement that will be presented to the Town as a condition of the Site Plan approval.
 - (c) Parking for Multiple Dwellings

In regard to parking for a Mixed-Use including Multiple Dwellings, the applicant shall provide information showing adequate pedestrian and transit access and estimated use of the same, including any additional private shuttle bus or private

transit service provided on-site, to support a showing that lesser parking is required.

D. Mixed-Use Building Design

Architectural drawings and/or visual renderings shall be provided to show compliance with the below requirements:

- (1) Where existing buildings and structures of historic architectural value are to remain in use, the architectural integrity of these buildings and structures and the features that contribute to their importance shall not be adversely altered through inappropriate use or placement of signage, building materials, windows and doors, or other architectural features.
- (2) All Mixed-Use buildings shall have its principal front façade and main entryway facing a primary public street.
- (3) Long featureless or blank walls adjacent to public streets, alleys or open spaces that exceed 50 feet in length shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of projecting or recessed façade surfaces, or other architectural details, shall be used to break up blank walls.
- (4) New commercial retail buildings shall have features along the front facade at intervals sufficient to provide a sense of visual continuity to pedestrians along public sidewalks through use of awnings, canopies, marquees, arcades, colonnades or similar elements.
- (5) Residential uses in multi-use buildings shall be restricted to the upper second and third (or higher) floors. This restriction may be waived in certain instances, for example, in live-work buildings where residential uses may be located on the first floor if a separate entranceway to the dwelling is provided.
- (6) Building entrances shall include separate doorways to individual shops, businesses, residences and storefronts.
- (7) All commercial floor space on the ground floor shall have a minimum floor-to-ceiling (as measured from the floor to the bottom of the structural elements of the ceiling) height of no less than 11 feet to accommodate retail uses and displays and provide flexibility of vertical space for future uses.

Section 6 - Additional Development Standards for Residential Uses within Mixed-Use Overlay Districts

In addition to the other applicable requirements set forth herein, the following shall additionally apply to Residential Components Use of a Mixed-Use.

- A. Chapter 295-13 Multiple Dwellings requirements shall not apply to Multiple Dwellings a part of a Mixed-Use.
- B. Multiple Dwelling housing may be in the form of townhouses, row houses, apartments, brownstone apartments, or similar configuration of attached units.

- C. Commercial and Residential uses may occupy the same building, provided that:
- (1) Except for legal home occupations, and except as otherwise stated herein, Commercial Use may not be on the same floor as a Residential Use.
 - (2) No floor located directly above a floor used for Residential may be used in whole or in part for Commercial.
 - (3) Where there are non-residential and Residential uses in a common building, the Residential uses shall be provided with separate, private entrances.
 - (4) Non-Residential Uses shall not be permitted as part of a building containing Multiple Dwellings if they would create excessive odor, noise or other nuisances that would not be consistent with Residential uses in the building.
- D. Mixed Uses containing Residential Uses shall contain sufficient open and recreational space to adequately serve the people residing therein.

Section 7 – Application Procedures

A. Pre-Application Meeting

To facilitate review of a proposed Mixed-Use project and requirements for a Special Permit at the pre-application stage, applicants must attend a Pre-Application Meeting to assess feasibility. They shall submit the information below and are encouraged to use readily available GIS information or other mapping resources, such as USGS Quadrangles and aerial photography where available. Information need not be developed at this preliminary stage by a qualified design professional. At a minimum an applicant shall submit the following:

- (1) Site Context Map. This map shall illustrate the parcel in connection to its surrounding neighborhood and adjacent properties. Based upon existing data sources and field inspections, the map or accompanying drawings and photos, shall show various kinds of major natural resources or developed features that cross parcel lines or that are located on adjoining lands.
- (2) Existing Conditions/Site Analysis Map. Based upon existing data sources and field inspections, this map shall locate and describe noteworthy site conditions including existing buildings, roadways, utilities, parking areas, cultural and natural features, such as historic sites, streams or wooded areas.
- (3) Any maps, plans, narratives, etc. detailing the Mixed-Use proposal.

B. Application Requirements

Where the area proposed for the Mixed-Use comprises more than one site or otherwise has multiple owners, the application shall be authorized by all owners.

Applicants for a Special Permit within a Mixed-Use Overlay District shall provide, at a minimum, the information below:

- (1) A completed Special Permit application form.
- (2) A letter of intent, describing the proposal, including describing how it meets the intent and purpose of this Article and how it satisfies the Special Permit factors.
- (3) An Existing Conditions Plan, including:

- (a) The name and address of the owner or owners of record, the applicant, and the design engineer, landscape architect and/or land surveyor that prepared the plan;
 - (b) The names, approximate location, and widths of adjacent streets;
 - (c) The underlying Zoning District(s) and applicable Mixed-Use Overlay;
 - (d) Existing topography at 2-foot contour intervals.
 - (e) All on-site local, state, and federal regulatory resource boundaries and buffer zones, clearly identified, including all mapped wetland locations, if available.
 - (f) The location and results of any test pit investigations for soil profiles, percolation rates, and determination of seasonal high ground water levels.
 - (g) A description of any environmental site assessment activities that have taken place on known contaminated sites and a summary of those activities and finding
 - (h) Identification of buildings and structures to be restored, rehabilitated, or constructed;
 - (i) Identification of buildings and structures to be removed;
- (4) Concept Plan

- (a) A Site Plan application, including a draft/preliminary Site Plan detailing parking, proposed setbacks, and any of the below which may be detailed in map format. The preliminary Site Plan is subject to review, refinement and modifications by the Planning Board. However, should the proposed Mixed-Use and/or final approved Site Plan materially conflict with the Concept Plan and/or preliminary Site Plan submitted with the Special Use Permit application, the applicant shall be required to amend or re-apply for a Special Use Permit for the Mixed-Use.
- (b) Detailing the Proposed uses including the density per acre, scale or intensity of the proposed uses,
- (c) Detailing the Component Uses, Component Use Categories, percentages of the same, etc.
- (d) Detailing plans for Civic Space,
- (e) Proposed internal and external traffic and circulation patterns for both vehicles and pedestrians, including sidewalks;
- (f) Proposed parking, including provisions for shared parking between uses, if applicable;
- (g) Proposed setbacks,
- (h) Proposed location and, where applicable, sizing of utilities including water supply, sewer, electrical and communications service, stormwater management (including green infrastructure), and solid waste containment and disposal;
- (i) Proposed landscaping, exterior lighting and signage features;
- (j) Detailing any requests for proposed waivers, adjustments or variances;
- (k) Architectural elevations for proposed new buildings and structures; and
- (l) Unless the transportation agency with jurisdiction determines otherwise, a traffic analysis showing the impact of the proposed development on the surrounding area shall be provided where more than 15,000 square feet of new development or redevelopment is proposed. The traffic analysis shall include existing and expected volumes at phased and full build-out, the expected directional distribution of

vehicles to and from the site, and existing and expected levels-of-service at all affected intersections located within approximately one-half mile of the development site or as directed by the transportation agency.

(m) Where subdivision is proposed, a Subdivision Map and application.

(5) A completed Consultant Fee Reimbursement Form.

(6) A completed SEQR EAF Part 1 Form.

(7) The applicant shall relay in narrative form consistencies or inconsistency issues with the Town of Henrietta Comprehensive Plan, the Agricultural Development and Farmland Protection Plan, and the Active Transportation Plan.

(8) The required submittals set forth herein shall be in addition to any other requirements of Town Code.

"Attachment B"

Agricultural and Farmland Protection: The preservation, conservation, management or improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production.

Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

Agri-business: Activities conducted on a farm that are dependent upon an agricultural operation including, but not limited to on-farm bed and breakfasts, farm stay programs, u-pick operations, seasonal events, pumpkin patches, farm breweries, farm cideries, farm distilleries and farm wineries and offered to the public, or to invited groups, the sale of agricultural products, education, recreation or active involvement in the farm operation. An agri-business activity may be conducted in an accessory structure where the use and is secondary to the primary farm use on a property. The Alcoholic Beverage Control Law (ABC Law) provides the standards which must be met for farm brewery, cidery, winery and distillery licenses.

Agri-tourism: Activities conducted by a farmer on-farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of agriculture, farming and farm life.

Animal Hospital: An establishment for the medical and surgical care of sick or injured animals.

Buildable Area: The area within a lot eligible to be built upon or occupied by structures and/or land use activities that is bounded and established by the required front, side and/or rear building lines set forth in the zone district requirements or supplemental regulations.

Building Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to a point midway between the highest and lowest point of the roof, except chimneys, spires, towers, elevator penthouses, tanks and similar permitted projections.

Civic Space: Civic space is an area accessible to the public, residents and/or patrons of a Mixed-Use for leisure, entertainment and/or recreational activity, either indoors or outdoors, and may include, but is not limited to public squares, playgrounds, seating and event areas, pocket parks, and public art displays.

Commercial Horse Boarding Operation: An agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production.

Commercial Kennel: A structure used for the harboring of more than four dogs or cats with attendant commercial services that may include boarding, grooming, breeding, raising, and/or veterinary care.

Commercial Parking Facilities: Parking facilities created for the purpose of generating income from paid parking, but not including commuter parking lots owned by a transit operator.

Community Green: An area of smooth turf enabling gatherings for outdoor events and activities, bounded by a concentration of uses including commercial, retail, residential, community and civic.

Component Use: One of a number of allowed uses that together comprise a Mixed-Use. Such uses are detailed on the Mixed-Use Overlay Component Use Table.

Component Use Category: Like kind groups of Component Uses. These groups include Residential, Commercial, Industrial and Civic.

Composting, Mulching or Other Organic Biomass Cropping: The on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials.

Composite Mixed-Use Parcel: A group of parcels that, though are distinct parcels, are treated as a single parcel for purposes of zoning compliance for a single Mixed-Use that spans multiple parcels.

Crops, Livestock and Livestock Products: Shall be defined as defined in Section 301 of the NY Agriculture and Markets Law (AML).

Dwelling Unit: One or more rooms providing complete living facilities, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Farm or Farm Operation: Shall be defined as defined in Section 301 of the NY Agriculture and Markets Law (AML).

Farm Stand or Fruit and Vegetable Stand: An incidental and subordinate activity of a farm, nursery or greenhouse involving seasonal retail sale of primarily locally raised agricultural products and may include activities in which retail customers pick or select their own produce from the fields or growing areas.

Farm Woodland, Forest Farming Operation: The land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.

Greenhouse, Garden Nurseries or Nursery (exterior): A place where trees, shrubs, vines and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated before being offered for

sale and transplanting. (This definition shall not encompass those retail establishments that buy most of their horticulture stock wholesale, not propagating it themselves).

Impervious Surface: Any area covered by a material that substantially reduces or prevents infiltration of stormwater into underlying soil. Impervious surface shall include streets, roofs and buildings, sidewalks, driveways, paved parking lots, and all areas not supporting a significant sod ground cover.

Incentives or Bonuses: Shall mean non-financial adjustments to the permissible population density, area, height, open space, use, or other provisions of a zoning ordinance or local law for a specific purpose authorized by the Town Board.

Infill Development: Infill development may include constructing buildings on vacant lots, reuse of underutilized sites (such as parking lots and former commercial or industrial sites), and rehabilitation or expansion of existing buildings within built-up areas of existing communities where infrastructure is already in place.

Live-Work Building. A building that combines workspace with living quarters. Typically, the business is on the ground level and faces the primary street. The traditional arrangement is living quarters above the business but living space may also be alongside the commercial space or behind it. An artist's loft for example, might be a bedroom over a studio.

Lofts - A loft is an apartment that is generally designed as a large, open space, usually with limited internally walled-in rooms in former commercial or industrial buildings that have been converted into residential apartments. Loft apartments are often characterized by high ceilings; exposed piping and ventilation mechanicals; support beams and poles; wooden or concrete floors; and large, often floor-to-ceiling, windows.

Mixed-Use: A use permitted in the Mixed-Use Overlay District that comprises at least three distinct Component Uses from three distinct Component Use Categories. The Component Uses shall be distinguishable, complementary uses.

Overlay District or Zone. A zoning district superimposed over an underlying zoning district to protect a specific resource or guide development in a specific area. Overlay Districts contain special provisions or requirements that may impose additional or alternative requirements or provisions than that required by the underlying district typically to either limit or expand development opportunities from those allowed in the underlying district. The Overlay District may share common boundaries with the base zoning district or may cut across zoning district boundaries. These Districts are not intended to be substituted for primary, underlying zoning district provisions, but are superimposed over such underlying districts.

Parent Parcel. A parent parcel is a large parcel of land from which smaller parcels have been subdivided. For example, a one-acre parcel that has been subdivided into four one-quarter acre lots or a ten-acre parcel from which a two-acre parcel has been conveyed is considered the parent parcel.

Pedestrian-Friendly Design. The design of communities, neighborhoods, streetscapes, buildings and other uses that promote pedestrian comfort, safety, public access and visual interest.

Plaza: An active civic or social gathering space, predominately hard-surfaced with complementary landscaping, water features, and other site furnishings; framed by vertical building walls or closely planted large trees in lieu of buildings.

Perimeter Landscape Strip: The land adjacent to front, side and rear lot lines, included within the same space for required setbacks but solely designed and used for buffering and transition between lots. Irrespective of allowable structures or uses within such required setbacks, the perimeter strip shall not be used for parking. Driveways and walkways are permitted to transverse a perimeter strip to allow for necessary vehicle and pedestrian movements. It is intended that such perimeter strip be used for planting of trees, shrubs, flowers, and evergreens to provide screening and neighborhood beautification.

Personal Services: An establishment primarily engaged in providing services involving the care of a person or personal apparel, such as a beauty parlor, barber shop, health and fitness center, tailor, or custom cleaning services.

Primary Sign. A sign used for a non-residential or mixed-use building that is the primary notification of the tenant(s) therein and is generally located by the main entrance(s) to the building.

Research and Development: The methodical analysis and application of knowledge or understanding, directed toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements, excluding High Hazard Group H occupancies, per New York State Building Code, Chapter 3, Section 307.

Retail Establishments: Stores and shops where goods are sold primarily at retail. Such sales are made directly to the consumer and include, but are not limited to, goods such as food and beverages; florists; shoes and clothing; hardware, paint and wallpaper; carpeting; hobby and crafts; books; furniture; antiques; art supplies; music; pharmacies; jewelry; photographic supplies; pets; gifts; stationery; sporting goods; fabrics; optical goods; launderette/laundromat, and such appliances; but excluding lumber yards, restaurants, and fast-food restaurants. Outside storage or display of goods is permitted only with Site Plan approval by the Planning Board.

Primary Road or Street: Where the subject property has frontage on two or more roads, this refers to the roadway that is used most intensively (e.g. has the greater volume of vehicular traffic). This usually corresponds to the public road classification and size, assuming county roads receive greater traffic than local roads, and that state highways have greater traffic volumes than county roads. Where the subject property has frontage on two or more roads, the secondary road or street refers to the least intensively used roadway.

Significant Corner: A corner lot location, at the intersection of two streets, providing a distinguishing architectural element, building massing, or a composition of architectural elements to signify the importance of the corner. Architectural elements may include distinguishing materials, textures, colors, fenestrations, cornices, or similar elements designed to highlight a corner.

Stable, Private: An accessory structure in which horses are kept for private use and not for hire, remuneration or sale.

Stable, Public: A building in which any horses are kept for remuneration, hire or sale.

Street Trees: Trees typically planted in the planting strip between the sidewalk and the curb of the street, spaced approximately 30 feet on-center that are intended to enhance the streetscape of the public right-of-way.

Useable Acreage: Useable acres, also referred to as buildable or developable acreage, is land that is not constrained from development by certain natural or cultural features, such as but not limited to steep slopes, wetlands and floodplains.

“Attachment C”

(H) Minimum Transitional Buffers

1. As an additional requirement of Site Plan review, the following Minimum Transitional Buffers shall be provided, as per the Table below. Said Buffer may appropriately be included as a part of and within the minimum setback. The Buffer shall be measured from the lot line to the closest building or paved area.
2. During Site Plan review, the Planning Board may decrease the Minimum Transitional Buffer upon a finding that visual compatibility and/or consistency of character between the proposed and existing uses are sufficient such that a lesser buffer is merited. However, in no case may the Planning Board reduce the buffer beyond the minimum setback required. Any further reduction requires a ZBA Variance,
3. A Minimum Buffer may be comprised of open space, landscaping, vegetation and ponds, but not pavement or buildings.
4. The intent of the Minimum Transitional Buffer is to provide for a visual and, where appropriate, sound buffer between properties. While in some cases simple lawn or open spaces may be appropriate, as part of its Site Plan review the Planning Board may require the applicant to landscape such area and/or plant trees, construct berms, fences or other appropriate barriers to provide for more effective sound and visual buffering.
5. Where significant landscaping and other features requiring maintenance are present, the Planning Board may require the property owner to post with the Town of Henrietta a letter of credit or other security in a form acceptable to the Town in an amount sufficient to insure the maintenance of such features.
6. The maintenance of the Minimum Transitional Buffer shall be the responsibility of the owner of the property, and failure to maintain the buffer zone shall be a violation of this Chapter.
7. For Agricultural Uses, the following shall additionally apply:
 - a. Where a new or expanded Agricultural Use is proposed outside of a County Agricultural District, a 100-foot setback to adjacent properties shall be provided for any part of such Agricultural Use which is materially odorous.
 - b. Where a use is proposed adjacent to an existing Agricultural Use, it shall be the responsibility of the proposed use to provide a sufficient setback against any materially odorous condition that may be a part of the Agricultural Use.
8. For Mixed-Use Redevelopment Corridor “MURC,” buffers shall be half of the listed amount.
9. For all Mixed-Uses, buffers shall apply to the Mixed-Use as a whole, and shall not apply to each Component Use individually.
10. “N/A” Indicates that no “buffers” are required and instead the use is subject only to the required setbacks, if any.

Minimum Buffering Between Different Land Uses								
Proposed Use (with Buffer Responsibility)	Amount of required buffer space inside the proposed property type below when buffering against the type of existing use to the right.	Existing Adjacent Use						
		Residential	Multiple Dwelling	Industrial	Commercial	Agricultural*	Park or School	Mixed Use
	Residential	n/a	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft
	Multiple Dwelling	100 ft	n/a	50 ft	50 ft	100 ft	100 ft	50 ft
	Industrial	100 ft	100 ft	n/a	50 ft	50 ft	150 ft	100 ft
	Commercial	100 ft	100 ft	50 ft	n/a	50 ft	150 ft	50 ft
	Agricultural*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Park or School	50 ft	50 ft	100 ft	100 ft	100 ft	n/a	100 ft
Mixed Use* (MURC is half of listed amount)	100 ft	50 ft	50 ft	50 ft	100 ft	150 ft	n/a	

“Attachment D”

§ 295-10.1 Rural Residential District.

A. Purpose and Intent

(1) The purpose of the Rural Residential (RR) District is to support creative, low-impact development patterns and land uses that conserve natural resources and agricultural lands primarily in the area of Town south of the New York State Thruway, while enhancing the quality of life for residents.

(2) The District is established to:

(a) Maintain the rural quality of life evident in this area;

(b) To provide and maintain large, contiguous areas of land to promote and support ongoing agricultural uses and activities, provide animal habitat and protect important natural resources through site design; and

(c) To allow for development at a medium to low density on a range of lot sizes.

B. Permitted uses.

(1) Uses within the Rural Residential District shall be limited to those uses allowed in R-1 Residential Districts as identified in §295-7, plus the additional uses set forth herein.

(2) Farm and farm operations as defined under the State Agriculture and Markets Law (see Section 295-2 Word Usage and Definitions).

(3) Farm stands and fruit and vegetable stands.

(4) Commercial and private stables.

(5) Farm woodland, forest farming operation.

(6) Agribusiness and agritourism, subject to obtaining a special permit. Such uses are allowed only as a subordinate use to the primary farm operation, and such subordinate use shall terminate upon the cessation of the farm operation.

(7) Senior housing, including assisted living, nursing home and ancillary health-related facilities may be authorized in areas with municipal water and sewer by a special permit granted by the Town Board, provided such uses are proposed and built at a density and design that is responsive to the intent of this District, giving consideration to the community needs for such facilities. The Town Board may impose reasonable conditions and request incentives from the development of such projects, including but not limited to provision of land and/or funds for on- and off-site open space conservation. In grant of such permit for senior housing and related facilities, the Town Board may modify the density and dimensional requirements of this District.

(8) Small-scale solar energy systems, subject to obtaining a special permit.

[Added 6-21-2017 by L.L. No. 4-2017]

(9) Large-scale solar energy systems occupying no more than 25 acres, subject to obtaining a special permit, and other approvals as necessary depending on project scale and the jurisdiction of permitting agencies. Such systems shall consider siting guidelines established by the New York State Department of Agriculture and Markets and siting alternatives to avoid or minimize adverse impacts on agriculture including the avoidance of prime farmland and prime farmland soils to the greatest extent practicable. Projects within the Monroe County Agricultural District shall require County 239 Review and an Agricultural Data Statement.

- C. Preexisting buildings on lots. Buildings on lots lawfully occupied and used as of July 1, 2005, may continue as preexisting uses pursuant to this Zoning Law, and the yard and setback provisions for the previous zoning classifications as of July 1, 2005, shall apply to these buildings.
- D. Preexisting (undeveloped) tax parcels that were approved building lots but would now be substandard in the RR District are subject to the zoning standards that were in effect for those lots prior to July 1, 2005.
[Amended 2-18-2015 by L.L. No. 1-2015]
- E. General requirements of the Rural Residential District. All proposed development for subdivision within the Rural Residential District shall be required to provide a site analysis in the sketch plan phase of the subdivision approval process. Site analysis will help to identify significant conservation areas or natural resources that should be protected and conserved. Please see Rural Development Design Guidelines.^[1]
[1] *Editor's Note: The Rural Development Design Guidelines are on file in the Town offices.*
- F. Area, width and setbacks.
 - (1) The following shall apply to lots served by both municipal water and sewer, and that are not within a State-certified County-adopted Agricultural District:
 - (a) Minimum lot area: two acres (may be smaller with open space incentive).
 - (b) Minimum lot width shall be 80 feet.
 - (c) Minimum front yard setbacks shall be 30 feet if located on a Town or private road or 50 feet if located on a county or state road.
 - (d) Minimum side yard setbacks shall be 10 feet on one side, 15 feet on the other side.
 - (e) Minimum rear yard setbacks shall be 30 feet.
 - (f) Each lot shall contain a minimum of 10,000 square feet of contiguous area for building and yard area free of wetlands, surface water or slopes over 15%.
 - (2) The following shall apply to lots that are not served by both municipal water and sewer, or are within a State-certified County-adopted Agricultural District:
 - (a) Minimum lot area: five acres (may be smaller with open space incentive).
 - (b) Minimum lot width shall be 100 feet.
 - (c) Minimum front yard setbacks shall be 40 feet if located on a Town or private road or 60 feet if located on a county or state road.
 - (d) Minimum side yard setbacks shall be 10 feet on one side, 20 feet on the other side.
 - (e) Minimum rear yard setbacks shall be 40 feet.
 - (f) Each lot shall contain a minimum of 20,000 square feet of contiguous area for building and yard area free of wetlands, surface water or slopes over 15%.
- G. Building site area. Each lot or development site created or proposed for use shall provide sufficient area to accommodate the proposed structure(s) and other site improvements. An application for site plan and/or subdivision approval shall include data sufficient for the Planning Board to make a determination that adequate water supply, stormwater management, and wastewater disposal facilities can be accommodated on each proposed lot.
- H. Permissible dwelling units. The maximum number of permissible dwelling units for any project shall be the number of dwelling units able to be built as determined through the dimensional

requirements set forth in this chapter and through site analysis. The actual number of permissible dwelling units may be fewer than the maximum number of potential dwelling units.

I. Buffers.

i. Minimum Transitional Buffers shall be provided in compliance with the Section 295-32 herein.

ii. For new farm operations or expansion of an existing farm operation outside of a County Agricultural District, a 100-foot setback shall be provided to any use which is materially odorous, such as manure piles, pig pens, buildings for livestock, etc.

iii. As part of its Site Plan review, the Planning Board may require expanded buffers for any new residential subdivision proposed to be located adjacent to an existing farm or farm operation.

"Attachment E"

Article VIII. I Industrial Districts

§ 295-24.1. Purpose and Intent

The purpose of the Industrial Districts is to provide locations intended to remain primarily industrial in nature and conserve industrial zoned land for future industrial uses while allowing for limited non-industrial activities that are accessory or complementary to existing and future industrial uses within the district. The industrial district is intended primarily for low impact industrial uses. These uses typically require ready access to transportation routes and may require special attention to provide adequate fire and emergency services, water and wastewater treatment. The activities in these districts are typically conducted indoors and any impacts are generally confined within buildings and to the property. As such, these industrial uses can often be located adjacent to compatible non-industrial uses, with appropriate buffers as necessary. These districts may include ancillary industrial support businesses and services including, but not limited to, offices and some degree of commercial sales and services.

§ 295-25. Permitted uses.

A. Except as provided in § 295-26, the following uses are permitted in I Industrial Districts: **[Amended 2-18-2015 by L.L. No. 1-2015]**

- (1) Light manufacturing, assembly and repair of scientific, electronic, optical, medical, surgical, dental, photographic, and similar precision instruments, components, and devices.
- (2) Light manufacturing and assembly of industrial monitoring equipment, components and recording devices such as temperature gauges, air quality monitoring, optics, lighting and noise control.
- (3) Light manufacturing, assembly, repair and sale of plumbing, electrical, and communications equipment and supplies.
- (4) Value-added processing, fabrication, assembly, packaging and distribution of previously manufactured materials.
- (5) Advanced engineering research, design and development.
- (6) Data management, call centers and computer operations.
- (7) Biotechnology, laboratory and materials testing, and robotics.
- (8) Corporate and administrative offices.
- (9) Software development, software as a service, computer-assisted design, 3-D imaging and printing, and other computer related industries.
- (10) Food processing, bottling, storage, packaging and distribution.
- (11) Light industrial machine shops, wood and metal working, printing, lithographing and engraving, plating and toolmaking.
- (12) Warehousing, storage and distribution
- (13) Farm equipment sales and service, nurseries and greenhouses

- (14) Self-storage facility
- (15) Any other industrial uses not prohibited by §295-26 may be permitted upon the granting of a special permit by the Town Board after a public hearing on notice as hereinafter provided in accordance with the procedures set forth in Article XII of this chapter.
- (16) Any uses permitted in a commercial district and not prohibited by §295-26, subject to all the conditions applicable to such uses in commercial districts and further subject to the granting of a special permit by as provided in Article XII.
- (17) Small-scale and rooftop solar energy systems, subject to obtaining a special permit.
[Added 6-21-2017 by L.L. No. 4-2017]
- (18) Large-Scale solar energy system, subject to obtaining a special; permit.
- (19) Public garages, gasoline filling stations or motor vehicle service and supply stations, which shall be permitted only upon the granting of a special permit by the Town Board after a public hearing in accordance with the procedures set forth in Article XII of this chapter, and further upon the requirements set forth in § 295-48 of this chapter for gasoline filling stations and motor vehicle service and supply stations.

§ 295-26. Prohibited uses.

The following uses are prohibited in industrial districts:

- A. Single-family dwellings, two-family dwellings, multiple dwellings and apartments, boardinghouses and nursing homes.
- B. All uses of land, buildings and structures that may be noxious, offensive or injurious by reason of production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions.
- C. All uses prohibited in commercial districts by § 295-15 are prohibited in industrial districts unless expressly permitted herein.
- D. Unless permitted by way of Special Permit per Subsections (15) and (16) above, any use not otherwise specified herein as permitted in an I District is prohibited.

§ 295-27. Building height limits.

No building or structure shall be erected to a height in excess of 40 feet, except by a special permit granted by the Town Board after a public hearing in accordance with the procedures as set forth in Article XII of this chapter.

§ 295-28. Yard requirements.

- A. There shall be a front yard depth of 125 feet, except that in the event that existing buildings within 200 feet on either side thereof extend nearer than 125 feet to a street line, such minimum front yard depth shall be the average setback of such existing buildings, but in no case less than 80 feet from a street line. The front yard depth of lots located on the inside

part of a curve shall be measured from the nearest point of the cord connecting the arc establishing the front line of the lot to the main building line. This provision is for the purpose of establishing suitable front yards.

- B. Side yard width shall be five feet. Buildings, the exterior walls of which are constructed of noncombustible material, may be erected on lot lines where the adjoining property is classified as industrial or commercial district and a means of ingress to and egress from the rear parking and loading areas is provided. On corner lots, no buildings shall be nearer than 50 feet to the side line of the lot abutting the side street.
- C. Rear yard depth shall be 60 feet. This provision is for the purpose of establishing suitable loading and unloading areas and of providing suitable off-street parking areas. Rear yards may be reduced, by Planning Board approval, to 30 feet if no loading or unloading occurs in this area. **[Amended 2-18-2015 by L.L. No. 1-2015]**
- D. Minimum Transitional Buffers shall be required as per Section 295-32.
- E. Before any building permit may be issued for new buildings or structures in any industrial district, the applicant shall submit to the Planning Board, and obtain the approval of such Board on, plans with reference to shrubbery and landscaping and plans showing construction materials and lighting to be used so as to provide suitable construction materials and architectural designs in harmony with the character of the neighborhood. The applicant shall also submit to the Planning Board and obtain approval of all plans for parking of vehicles. Employee parking shall be generally in rear yards; customer parking only shall be normally permitted in front yards; and no docks or unloading platforms or facilities shall be placed in the front of any building.
- F. The applicant, in its submission to the Planning Board, shall provide the Planning Board and the Engineering Department of the Town of Henrietta with such plans as are necessary to show the natural and established flow of surface water and the anticipated flow of water after construction and, where necessary, shall provide for, at the applicant's cost, the installation of swales, catch basins, storm drains, detention or retention ponds and such other methods of controlling the surface water as deemed necessary by the Planning Board and the Engineering Department.

"Attachment F"

§ 295-13. Multiple Dwellings.

Purpose and Intent

It is the purpose of districts allowing multiple dwelling development to provide alternative housing opportunities of a greater density than those of the other Residential Districts, in the form of multiple dwelling development such as apartments and townhouses. Multiple dwellings are intended to meet the varied housing needs of current and future residents. It is intended that multiple dwellings be established only where public infrastructure and community services are available to accommodate such uses and consistent with applicable design guidelines.

- A. No multiple dwelling or group of multiple dwellings shall be erected or altered until a special permit has been granted by the Town Board, after a public hearing in accordance with the procedures set forth in Article XII of this chapter. Where a Multiple Dwelling is constructed or altered such that it is not in compliance with an applicable special permit, then the Special Permit may be revoked and the Certificate of Occupancy may be also thereby be revoked.
- B. Multiple Dwelling facilities shall only be allowed upon the issuance of a special permit by the Town Board, and only within the following Zoning Districts:
 - 1) R-2-15 Residential District,
 - 2) B-2 Commercial Districts,
 - 3) Mixed-Use Overlay Districts, but only as a Component Use a part of a Mixed-Use. In this case, the Multiple Dwelling, the additional requirements herein shall not apply (instead, those requirements in Article IXA shall apply), but a Special Permit for the Multiple Dwelling will still be required, and
 - 4) As Senior Housing only (no other types of Multiple Dwellings) in the Rural Residential District.
- C. Multiple Dwellings in commercial Districts shall be limited to 50 feet in height. In residential districts, Multiple Dwellings shall be limited to 35 feet in height. Where more than one multiple dwelling is constructed or exists on a single site or plot so as to form a group of apartment dwellings, each separate building shall conform to the requirements for a single multiple dwelling and to such additional requirements as are hereinafter stated. Townhouses, whether for sale or rent, are permitted as multiple dwellings.
- D. Additional Requirements
 - (1) Density and Green Space: Multiple Dwelling structures in residential and commercial zones shall occupy no more than 35% of the square footage of the parcel on which they are constructed.

Additionally, the maximum density per acre for Multiple Dwellings shall be no greater than 6 Dwelling Units per acre in the Rural Residential District (for Senior Housing) and 12 Dwelling Units in R-2-15 and Commercial B-2. A greater density shall only be permitted upon approval by the Town Board as part of its Special Permit review.

At Least 35% of a parcel containing a Multiple Dwelling shall be set aside as green space.

- (2) Size of unit. No multiple dwelling as defined in this chapter shall be erected or existing structure altered or reconstructed to become such, unless each unit thereof shall contain the following minimum habitable area, exclusive of additional building area required for common use of the tenants, such as lobbies, corridors, stairways, elevator shafts and storage space, or for other common building areas essential and incidental to the overall primary purpose:
 - (a) Efficiency or studio dwelling units. An "efficiency" or "studio dwelling unit" is defined as one which has no separate sleeping area and consists of one room combining both living and sleeping space and a kitchenette or kitchen and a bathroom. The area shall be not less than 500 square feet. In residential zones not more than 25% of the dwelling units in any multiple-dwelling building shall be of the efficiency or studio type, and in commercial zones the proportion shall not be over 50%.
 - (b) A one-bedroom dwelling unit shall have an area of not less than 600 square feet.
 - (c) A two-bedroom dwelling unit shall have an area of not less than 800 square feet.
 - (d) A three-bedroom dwelling unit shall have an area of not less than 950 square feet.
- (3) Content of unit. All dwelling units must contain at least one habitable room and also a kitchenette or kitchen and bathroom with complete bathroom facilities.
- (4) Setbacks. The front, side and rear setbacks from all property lines to all multiple-dwelling buildings, parking areas and driveways shall be not less than 60 feet, except that when adjoining property is commercial, the setback may be not less than 30 feet.
- (5) Parking. All premises occupied by multiple dwellings shall have thereon at the site of the structure and completely off the limits of any street or highway improved and usable parking areas in compliance with § 295-44.
- (6) Distance between buildings in a dwelling group. No part of the main foundation wall of any multiple dwelling in a group of multiple dwellings occupying the same lot or site shall be closer than 40 feet to the main foundation wall of any other apartment building in such group.
- (7) Preliminary hearing. Fourteen preliminary building and site development plans, the latter showing locations of proposed buildings, drives, parking facilities and type of screening as may be required, shall be presented to the Fire Marshal/Building Inspector for staff review and distribution with the application for multiple dwelling or dwelling group development. There may be a preliminary hearing before the Town Board, and the Town Board may require such additional provisions and conditions as appear essential to the promotion of the public health, safety and general welfare. **[Amended 2-15-2006 by L.L. No. 1-2006]**
- (8) Garbage and trash.

- (a) Adequate provisions must be made on the premises for such safe and convenient storage and removal of garbage as will best promote the public health, safety and general welfare.
 - (b) Areas for the storage of garbage shall be readily accessible for removal and clearing, suitably protected from rodent infestation and visually shielded and shall meet all requirements of the Monroe County Department of Health.
- (9) All multiple dwelling applications shall be subject to an initial Pre-application meeting for purposes of undergoing a preliminary concept plan review with the Director of Engineering and Planning and appropriate reviewing board members and staff to discuss overall project feasibility.
 - (10) All multiple dwelling facilities shall be adequately served by municipal public water and sewer.
 - (11) All utilities shall be placed underground including, but not limited to sewer, water, electric and communication lines.
 - (12) All multiple dwellings shall provide safe and convenient pedestrian amenities including sidewalks for internal site circulation and connections to public sidewalks where available or planned to be available.
 - (13) All off-site mitigation and improvements necessitated by the proposed development shall be the responsibility of the developer and shall be completed prior to the issuance of a Certificate of Occupancy (unless a phasing plan approved as part of the Special Use Permit provides otherwise).
 - (14) The scale, massing, and height of multiple dwelling buildings shall be consistent with the existing or planned character of the adjacent neighborhood and not dominate local views or visual character.
 - (15) The architectural theme of buildings, use of building materials, and extensive use of site landscaping shall be in harmony with the residential character of the neighborhood. Existing site features which add value to the development or to the Town, such as mature trees, watercourses, wetlands, topography, historic assets, or similar irreplaceable open space resources shall be preserved to the maximum extent feasible through the design and layout of buildings, driveways, walkways, and parking that is sensitive to the context of surrounding views and uses.
 - (16) Recreational open space sufficient to serve the residents at the property shall be provided in all newly constructed multiple dwelling developments. No less than 50 percent of the undeveloped open space required to be set aside shall be dedicated as recreational space for use by residents of the dwelling units. Such recreational areas shall be useable and accessible and shall not include wetlands, steep slopes (exceeding 15 percent grade), or acreage used for other development purposes, such as utilities, sewer and water, stormwater management, or other purposes.

- (17) No accessory structures shall be visually dominant over the view of the principal use building from a primary public roadway or constructed within 50 feet of any access road or 10 feet from any parking area.
- (18) Special permit approval requires evidence that traffic generation has been sufficiently analyzed and that all adverse impacts will be properly mitigated to the satisfaction of the transportation agency with jurisdiction.

"Attachment G"

Article V, "R Residential Districts," shall be amended by adding the following as the first Section thereof, and then renumbering the remaining Sections therein accordingly.

Section 295-7 Purpose and Intent.

It is the principal purpose and intent of the Residential Districts in this Article to provide opportunities for residential development patterns of varying lot sizes and density, to accommodate different suburban and rural residential lifestyles to meet the housing needs of current and future residents. The R-1 districts are intended for primarily single-family development, with varying lot sizes. The R-2 districts are intended for primarily single family and multiple-family development and is the primary zone where traditional multiple-dwelling developments can occur. The RR district is intended primarily for agricultural and low-density rural residential lifestyles that encourage the maintenance and preservation of farmland, open spaces, natural resources, and rural character. Agricultural uses are permitted in all residential districts (as indicated herein) although the RR district is specifically designed to better accommodate agriculture and is the predominant zone south of the NYS Thruway in what has traditionally been the agricultural/rural portion of Town.

Section 295-8 (or as renumbered), "Building Height Limits," shall be amended to read as follows:

§ 295-8 Building Height Limits.

No structure in a residential district shall exceed two stories of any kind above the basement, and no residential building shall exceed 21 feet in height from the top of the first floor of the first story to the ceiling of the second story. In the case of churches, schools and institutions of higher education, public hospitals, public libraries, municipal and special district buildings and Apartment houses, no such structure, with the exception of barns and silos associated with a farm operation in a County Agricultural District, shall exceed 35 feet in height, except by special permit granted by the Town Board, after a public hearing in accordance with the procedures set forth in Article XII of this chapter.

Article VI, "B Commercial Districts," shall be amended by adding the following as the first Section thereof, and then renumbering in the remaining Sections therein accordingly.

Section 295-14 Purpose and Intent

It is the principal purpose of the B-1 and B-2 Commercial Districts to provide for businesses that meet the local day-to-day shopping and service needs of residents and visitors that draw from neighborhood and regional populations, in a manner that is compatible with surrounding uses and supports the desired visual character of the Town. These districts are appropriately located along major transportation corridors and within areas served by public infrastructure and that can be adequately buffered from adjacent residential neighborhoods.

Article VI, "B Commercial Districts," Subsection 295-20[B](2)(g) shall be amended to read as follows:

(g) Private Heliports.

Article VII, "ILCD Industrial/Limited Commercial Districts," Subsection 295-21(I) shall be amended to read as follows:

Those uses listed as "Permitted Uses" in the Industrial District.

Article XIV, "Planning Board and Zoning Board of Appeals," Subsection 295-60 shall be amended to add an additional subsection "D," which shall read as follows.

D. Cluster Development

The Planning Board may approve cluster development simultaneously with approval of a subdivision all in accordance with Town Law Section 278.

Section 295-18, "Building Height Limits" shall be amended to read as follows:

No building or structure shall be erected to a height in excess of 30 feet except by a special permit by the Town Board after a public hearing in accordance with the procedures set forth in Article XII of this chapter, except that Multiple Dwellings may be constructed to 50 feet in the B2 district.

Section 295-7, "Permitted Uses," Subsection B(4) shall be amended to read as follows:

(4) Multiple Dwellings, upon issuance of a Special Permit, all in accordance with Section 295-13.

Section 295-15, "Prohibited Uses in B-1 Districts," shall be amended to add an additional subsection (N), to read as follows:

(N). Multiple Dwellings.

Section 295-16, "B-2 Districts," Subsection A shall be amended to add an additional subsection (11), to read as follows:

(11) Multiple Dwellings, upon issuance of a Special Permit, all in accordance with Section 295-13.

Section 295-22, "Prohibited Uses," Subsection "C" shall be amended to read as follows:

All uses prohibited in commercial districts by § 295-15 are prohibited in ILCD districts unless expressly permitted herein.

Section 295-21, "Permitted Uses," shall be amended to add the additional use which follows:

Public garages, gasoline filling stations or motor vehicle service and supply stations, which shall be permitted only upon the granting of a special permit by the Town Board after a public hearing in accordance with the procedures set forth in Article XII of this chapter, and further upon the requirements set forth in § 295-48 of this chapter for gasoline filling stations and motor vehicle service and supply stations.

Section 295-14(C) shall be amended to read as follows:

Minimum Transitional Buffers shall be required as per Section 295-32 herein.

Section 295-14 shall be amended to add the following subsection "D," to read as follows:

The applicant, in its submission to the Planning Board, shall provide the Planning Board and the Engineering Department of the Town of Henrietta with such plans as are necessary to show the natural and established flow of surface water and the anticipated flow of water after construction and, where necessary, shall provide for, at the applicant's cost, the installation of swales, catch basins, storm drains, detention or retention ponds and such other methods of controlling the surface water as deemed necessary by the Planning Board and the Engineering Department.

Section 295-16(D) shall be amended to read as follows:

Minimum Transitional Buffers shall be required as per Section 295-32 herein.

Section 295-16 shall be amended to add the following subsection "E," to read as follows:

The applicant, in its submission to the Planning Board, shall provide the Planning Board and the Engineering Department of the Town of Henrietta with such plans as are necessary to show the natural and established flow of surface water and the anticipated flow of water after construction and, where necessary, shall provide for, at the applicant's cost, the installation of swales, catch basins, storm drains, detention or retention ponds and such other methods of controlling the surface water as deemed necessary by the Planning Board and the Engineering Department.

Section 295-20(B)(4)(g) shall be amended to read as follows:

Minimum Transitional Buffers shall be required as per Section 295-23[A](5) herein.

Section 295-20(B)(4) shall be amended to add the following subsection "(h)," to read as follows:

The applicant, in its submission to the Planning Board, shall provide the Planning Board and the Engineering Department of the Town of Henrietta with such plans as are necessary to show the

natural and established flow of surface water and the anticipated flow of water after construction and, where necessary, shall provide for, at the applicant's cost, the installation of swales, catch basins, storm drains, detention or retention ponds and such other methods of controlling the surface water as deemed necessary by the Planning Board and the Engineering Department.

Section 295-24(D) shall be amended to read as follows:

Minimum Transitional Buffers shall be required as per Section 295-23[A](5) herein.

Section 295-24 shall be amended to add the following subsection "F," to read as follows:

The applicant, in its submission to the Planning Board, shall provide the Planning Board and the Engineering Department of the Town of Henrietta with such plans as are necessary to show the natural and established flow of surface water and the anticipated flow of water after construction and, where necessary, shall provide for, at the applicant's cost, the installation of swales, catch basins, storm drains, detention or retention ponds and such other methods of controlling the surface water as deemed necessary by the Planning Board and the Engineering Department.

Section 295-14 shall be amended such that Subsection 6 therein shall be removed, and the following uses shall be added, and the subsections shall be renumbered accordingly:

1. Public parks, playgrounds and similar recreational areas and structures not operated for gain.
2. Churches, schools and institutions of higher education, public hospitals, public libraries and municipal and special district buildings, provided that no such building shall be located within 50 feet of any adjoining lot line, and off-street parking shall be provided as set forth in § 295-44.
3. Customary home occupations as defined in § 295-2 and provided that the office or studio is located in the dwelling in which the practitioner resides and does not occupy more than 30% of the total floor area of the residence. Not more than one employee may be used. No other offices shall be located on the premises, nor shall any other profession be practiced or conducted on the premises. Any instruction given or professional services or care rendered shall be to one student, patient, client or customer at a time. Adequate off-street parking must be provided and maintained on the premises. The area of the building, exclusive of the portion used for such office, shall conform to the minimum requirements as provided in this chapter. There shall be no display of goods or advertising other than an accessory sign as provided in Chapter 224, Signs.
4. Child-care centers, day-care centers, nursery schools, preschool nurseries and family day-care homes shall be permitted under the following conditions.
 - a. Child-care centers, day-care centers, nursery schools and preschool nurseries shall be permitted when housed in an established church facility which shall be duly licensed by the New York State Department of Social Services and the building facilities of which

shall be annually inspected by the Fire Marshal/Building Inspector for compliance with all building and fire codes. The Fire Marshal/Building Inspector shall issue a new certificate of occupancy as evidence that the facility is in compliance with the codes. The cost for such inspection and certificate of occupancy shall be included in a child-care center registration fee established by the Town Board.

- b. Child-care centers, day-care centers, preschool nurseries and nursery schools, when not housed in an established church facility, shall apply to the Town Board for a special permit as per the requirements of Article **XII** of this chapter. If such permit is granted, the licensing and inspection requirements at Subsection 5(a) above shall apply.
 - c. A family day-care home shall be housed in a single-family dwelling and shall be an accessory use to the principal use of the structure. The operation shall be licensed by the New York State Department of Social Services or certified by the Monroe County Department of Social Services. Such license and certification shall be available for inspection during normal daytime hours. A family day-care home shall provide child care for not more than six children based on the age formulas established in Part 458 of the regulations of the State Department of Social Services (Family Day-Care Homes). The building facilities shall be annually inspected by the Fire Marshal/Building Inspector. The licensing and inspection requirements at Subsection 5(a) above shall apply.
5. Nursing Homes and Comfort Care Homes, upon obtaining a special permit from the Town Board in accordance with procedures as set forth in Article **XII** of this chapter.

Section 295-16 shall be amended such that Subsection 2 therein shall be removed, and the following uses shall be added, and the subsections shall be renumbered accordingly:

1. Public parks, playgrounds and similar recreational areas and structures not operated for gain.
2. Churches, schools and institutions of higher education, public hospitals, public libraries and municipal and special district buildings, provided that no such building shall be located within 50 feet of any adjoining lot line, and off-street parking shall be provided as set forth in § **295-44**.
3. Customary home occupations as defined in § **295-2** and provided that the office or studio is located in the dwelling in which the practitioner resides and does not occupy more than 30% of the total floor area of the residence. Not more than one employee may be used. No other offices shall be located on the premises, nor shall any other profession be practiced or conducted on the premises. Any instruction given or professional services or care rendered shall be to one student, patient, client or customer at a time. Adequate off-street parking must be provided and maintained on the premises. The area of the building, exclusive of the portion used for such office, shall conform to the minimum requirements as provided in this chapter. There shall be no display of goods or advertising other than an accessory sign as provided in Chapter **224**, Signs.

4. Child-care centers, day-care centers, nursery schools, preschool nurseries and family day-care homes shall be permitted under the following conditions.
 - a. Child-care centers, day-care centers, nursery schools and preschool nurseries shall be permitted when housed in an established church facility which shall be duly licensed by the New York State Department of Social Services and the building facilities of which shall be annually inspected by the Fire Marshal/Building Inspector for compliance with all building and fire codes. The Fire Marshal/Building Inspector shall issue a new certificate of occupancy as evidence that the facility is in compliance with the codes. The cost for such inspection and certificate of occupancy shall be included in a child-care center registration fee established by the Town Board.
 - b. Child-care centers, day-care centers, preschool nurseries and nursery schools, when not housed in an established church facility, shall apply to the Town Board for a special permit as per the requirements of Article **XII** of this chapter. If such permit is granted, the licensing and inspection requirements at Subsection 5(a) above shall apply.
 - c. A family day-care home shall be housed in a single-family dwelling and shall be an accessory use to the principal use of the structure. The operation shall be licensed by the New York State Department of Social Services or certified by the Monroe County Department of Social Services. Such license and certification shall be available for inspection during normal daytime hours. A family day-care home shall provide child care for not more than six children based on the age formulas established in Part 458 of the regulations of the State Department of Social Services (Family Day-Care Homes). The building facilities shall be annually inspected by the Fire Marshal/Building Inspector. The licensing and inspection requirements at Subsection 5(a) above shall apply.
5. Nursing Homes and Comfort Care Homes, upon obtaining a special permit from the Town Board in accordance with procedures as set forth in Article **XII** of this chapter.

"Attachment H"

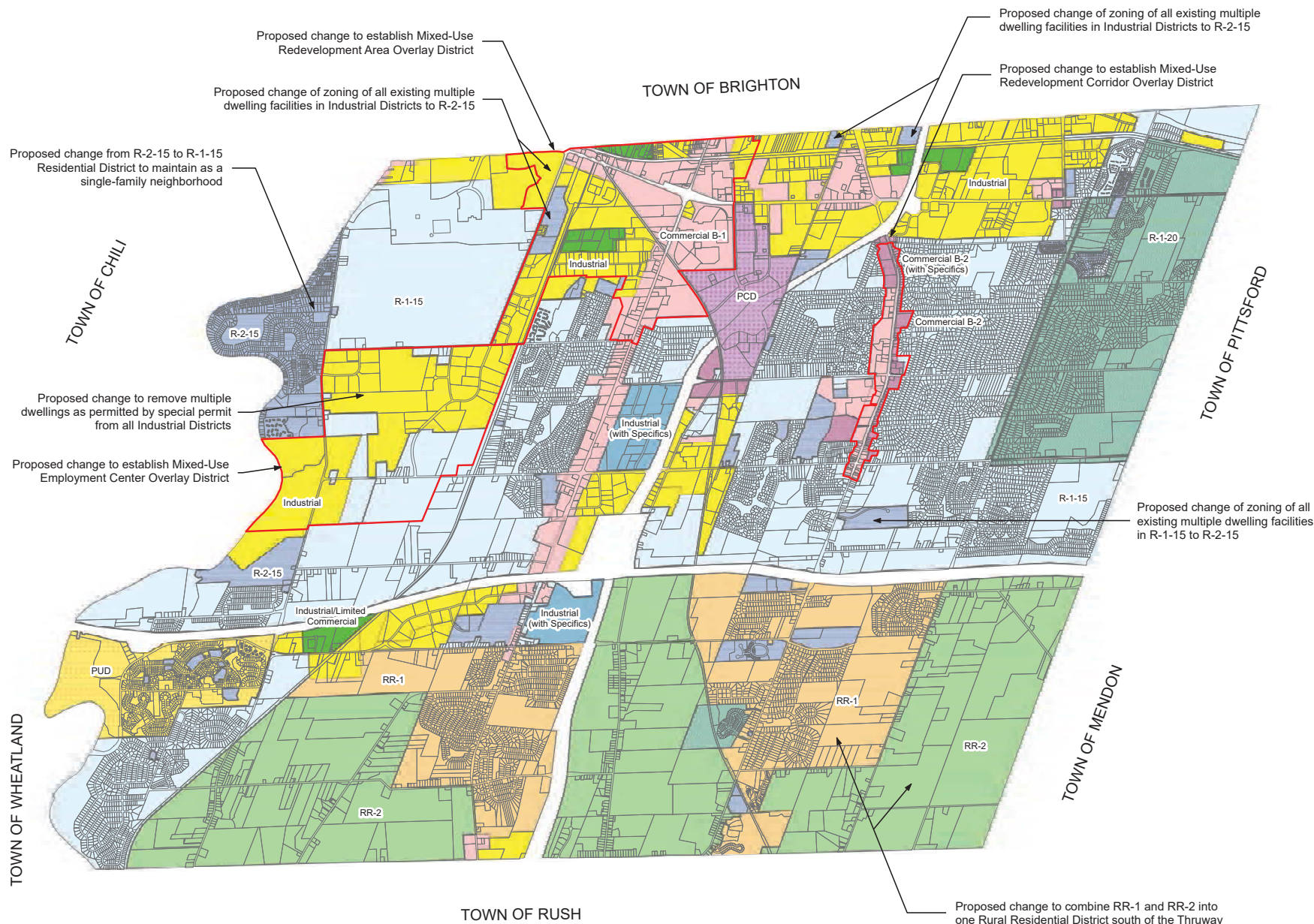
§295-54. Granting or denial of special permits.

In considering an application for a Special 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.
- 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.
- 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.
- 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 contaminate waters.
- 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.
- 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).
- 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.
- H. Whether there is 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.
- I. Whether the proposed use will provide, maintain, or enhance as necessary, safe and efficient vehicular traffic patterns, non-motorized travel, and pedestrian circulation as well as, where feasible, access to public spaces, parks, recreation, and open space resources.

Map 3: Proposed Zoning Modifications

Town of Henrietta, Monroe County, New York



- Proposed Mixed Use Overlay Boundaries
- Parcel
- Existing Zoning Districts
 - Commercial B-1
 - Commercial B-2
 - Commercial B-2 (with Specifics)
 - Industrial Limited Commercial
 - Industrial
 - Industrial (with Specifics)
 - Planned Commercial Development
 - Planned Unit Development
 - Residential R-1-15
 - Residential R-1-20
 - Residential R-2-15
 - Rural Residential RR-1
 - Rural Residential RR-2

Notes:
 1. DISCLAIMER: This map is for planning purposes only.
 2. This map was generated in ArcMap on February 25, 2019.
 3. This is a color graphic. Reproduction in grayscale may misrepresent the data.



Recreation facility indoor	S	S	S					P						
Restaurant eat-in	A	A	S		P	S		P						
Restaurants fast food/drive through	S	S	S		P	S								
Retail department stores	X	S	X					P						
Retail stores and shops	S	S	S			P								
Roadside stands	X	X	X			S	X	S						
Shopping centers	X	X	X					P						
Theaters (indoor)	S	S	S			P		P						
Theaters (outdoor and drive-in)	X	X	X			S	X	S						
Trucking companies	X	X	X		P									
Used car lots	X	X	X	X	X	X	X							
Veterinarian medicine practices	S	X	X		P									
Warehouse/cold storage	X	X	X		P	P								
Wholesale house	X	X	X			P								
Agribusiness and agritourism	X	X	S									P	P	
Farms and customary agricultural operations	X	X	A			P	P		P	P	P	P	P	
Farm Stands	X	X	X									P	P	
Greenhouses	X	X	X	P	P	P	P		P	P	P	P	P	
Plant nurseries	X	X	X	P	P	P	P		P	P	P	P	P	
Industrial (See Chapter 295 Articles VII and VIII for specific information)														
Advanced engineering research, design and development	S	S	S	P	P									
Airports	X	X	X	X	X	X	X							
Automobile dismantling or junkyards	X	X	X	X	X	X	X							
Biotechnology, laboratory and materials testing, robotics	S	S	S	P	P									
Corporate and administrative offices	S	S	S	P	P									
Data management, call centers and computer operations	S	S	S	P	P									
Farm equipment sales and service	X	X	X	P	P									
Food processing, bottling, storage, packaging and distribution	X	X	X	P	P									
Garbage, rubbish, refuse dumps (other than town-owned)	X	X	X	X	X	X	X							
Junk, scrap metal, paper, rags, cloth clippings, sorting or bailing	X	X	X	X	X	X	X							
Light machine shops, wood and metal working	X	X	X	P	P									
Light manufacturing, assembly and repair	S	S	S	P	P									
Plating and toolmaking	X	X	X	P	P									
Printing, lithographing and engraving	X	X	X	P	P									
Self-storage facility	X	X	X	P	P			P						
Software development, computer assisted design and 3-D printing	S	A	A	P	P									
Solar energy systems - Residential rooftop	A	A	A	P	P	P	P	P	P	P	P	P	P	
Solar energy systems - Small-scale	X	X	S	P	P	S	P					S	S	
Solar energy systems - Large-scale	X	X	X	P	P		P							
Value-added processing, fabrication, assembly, packaging and distribution	X	X	X	P	P									
Warehousing, storage and distribution	X	X	X	P	P									
Civic / Institutional (See Chapter 295 Articles V, VII and VIII for specific information)														
Cemeteries	X	X	X	X	X	X	X		S	S	S	S	S	
Churches and places of worship	A	A	A			P	P		P	P	P	P	P	
Community centers	S	S	S					P						
Hospital public	X	X	X			P	P		P	P	P	P	P	

Institutions of higher education	X	X	X			P	P		P	P	P	P	P	
Libraries public	S	A	X			P	P		P	P	P	P	P	
Municipal buildings	A	A	X			P	P		P	P	P	P	P	
Museums	S	A	X											
Open space	A	A	A			P	P		P	P	P	P	P	
Public Parks	A	A	A			P	P		P	P	P	P	P	
Public Playgrounds	A	A	A			P	P		P	P	P	P	P	
Religious institutions	S	S	S					P						
Schools	X	X	A			P	P		P	P	P	P	P	
Special District buildings	A	A	A			P	P		P	P	P	P	P	
P* Subject to provisions - see corresponding Zoning Ordinance Articles and Sections of Chapter 295 of Town Code for specific information														