

# **Final Generic Environmental Impact Statement (FGEIS)**

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**Hampton Ridge Center  
4320 West Ridge Road**

**Town of Greece**

**Monroe County**

**New York State**

**December 2009**

**Project Sponsor**

**4320 West Ridge LLC  
1950 Brighton-Henrietta Town Line Road  
Rochester, New York 14623**

**Prepared By**

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200 First Federal Plaza  
28 East Main Street  
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FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

**PROPOSED HAMPTON RIDGE CENTER  
4320 WEST RIDGE ROAD  
MONROE COUNTY  
GREECE, NY  
November 2009**

**LEAD AGENCY:**

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Contact: Gary Tajkowski, Director**

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**Date of Submission: \_\_\_\_ / \_\_\_\_ / \_\_\_\_**

**Date of Acceptance: \_\_\_\_ / \_\_\_\_ / \_\_\_\_**

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## CHAPTER 1: INTRODUCTION

This Final Generic Environmental Impact Statement (FGEIS) is prepared pursuant to the New York State Environmental Quality Review Act (SEQRA), Article 8 of the New York Environmental Conservation Law, and its implementing regulations - 6NYCRR Part 617. It has been prepared on behalf of the Town of Greece Town Board, acting as Lead Agency, for the environmental review of the proposed Hampton Ridge Center located on the north side of West Ridge Road (US Route 104) between North Greece Road and Manitou Road, in the Town of Greece, Monroe County, New York.

4320 West Ridge, LLC (the "Applicant") proposes to rezone 67 acres of real property (the "Premises") from R1-12 (Single-Family Residential) to BG (General Business) on the north side of West Ridge Road. An adjacent property to the east, The Shops at Hampton Ridge, was previously rezoned from residential to general business in 2004.

The Applicant's proposal is for commercial development, with related paved parking, utilities, grading, landscaping/buffering, and other site modifications (the "Project"). More specifically, 4320 West Ridge, LLC proposes to develop approximately 390,000 square feet of retail and other commercial floor space. The proposed Master Plan provided is conceptual in nature but depicts the maximum anticipated development density. There is a potential to subdivide land per individual tenant requirements. The premises currently consist of undeveloped land and vacant houses on residential lots. The Applicant proposes access to the Project via West Ridge Road (US Route 104), a five-lane highway. Existing land uses in the vicinity consist of single/multi-family housing and various commercial uses.

A State Environmental Quality Review Environmental Assessment Form (6 NYCRR Part 617, Appendix A) was prepared by the Applicant and submitted to the Town Board on April 3, 2007 in support of the rezoning application. On May 14, 2007 the Town Board held a public hearing to accept public comment on the application. After the hearing was closed, the Town Board accepting the rezoning application, declared their intent to be the Lead Agency for SEQRA, and distributed the application to SEQRA Involved Agencies. On July 17, 2007, the Town Board made a positive declaration and directed the Applicant to prepare a DGEIS. A scoping document was prepared for the Town's review. The scoping document was circulated and made available for staff and public comment. The Applicant completed the DGEIS for the Project in conformance with the scoping document that was approved by the Town Board.

The Town Board accepted the DGEIS as complete and acceptable for review and issued a Notice of Completion on December 5, 2007. Copies of the DGEIS and the Notice of Completion were provided to the SEQRA Involved and Interested Agencies as required by 6 NYCRR 617.12. A copy of the DGEIS was made available to the public at the Town of Greece, 1 Vince Tofany Boulevard, Greece, NY 14612 and the Greece Public Library, 2

Vince Tofany Boulevard, Greece, NY 14612. The DGEIS was also posted on the Applicant's website: [http://www.dimarcogroup.com/real\\_estate\\_development\\_retail.aspx](http://www.dimarcogroup.com/real_estate_development_retail.aspx). The Notice of Completion was posted in the Environmental Notice Bulletin. The Town Board accepted written comments on the DGEIS until February 4, 2008. The FGEIS addresses the substantive issues raised in on the DGEIS. All comments are contained in Appendices B of this FGEIS.



## CHAPTER 2: DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

The Draft Generic Environmental Impact Statement (DGEIS) for the proposed Hampton Ridge Center was prepared and submitted by the Applicant's consultant, Bergmann Associates, on behalf of 4320 West Ridge, LLC, to the Town of Greece Town Board, as SEQRA Lead Agency, on October 29, 2007. Revisions to the DGEIS were submitted on October 30, 2007. The Town of Greece Town Board accepted the DGEIS as complete and acceptable for review and issued a Notice of Completion on December 5, 2007. A copy of the Town of Greece Town Board's official *SEQRA Notice of Completion of Draft Environmental Impact Statement* sent to all SEQRA Involved and Interested Agencies is contained in Appendix B of the Final Generic Environmental Impact Statement (FGEIS). The DGEIS shall form part of the FGEIS and is incorporated by reference.

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### CHAPTER 3: PROJECT CHANGES SINCE DGEIS PUBLICATION

Since the Town of Greece Town Board accepted the DGEIS as complete and made it available for public review and comment, the Applicant has created an Alternative Concept Site Plan which preserves the existing cobblestone house located at 4350 West Ridge Road. This Alternative Concept Site Plan is included in this FGEIS as Figure 2A.

The Concept Site Plan included as Figure 2 in the DGEIS did not incorporate the existing cobblestone house as part of the overall Site Plan. At the time that the Concept Site Plan contained in the DGEIS was produced, it was the hope of the Applicant that the Town of Greece Historic Preservation Commission, Landmark Society, or other third party would formulate a plan and obtain funding to remove the cobblestone house to a location more suitable for preservation. However, no such plan or funding has been presented by those who have expressed an interest in preserving the house. Therefore, the Applicant has provided an Alternative Concept Plan (Figure 2A) that retains the cobblestone house at its existing location. As shown in Figure 2A, the existing cobblestone house will be left at its existing location at the southwest corner of the Project Site along West Ridge Road. The remainder of the Project Site will be developed similar to what was proposed in the Concept Site Plan included as Figure 2 in the DGEIS. With a similar layout, drainage, building square footage, buffer areas, and setbacks as was proposed in the Concept Site Plan analyzed in the DGEIS, the environmental impacts would be the same for the Alternative Concept Site Plan except that the existing cobblestone house would be retained onsite at its existing location. If funding becomes available from the Town or other sources to remove the cobblestone house from the Project Site or restore it at its existing location the Applicant will allow access. The Applicant will work with the Town of Greece Historic Preservation Commission and other interested parties to address preservation concerns.

No other significant changes have been made to the proposed Project since the DEIS was published. The DEIS contained a detailed analysis of the Project and it is the Applicant's position that the Project's significant environmental impacts have been mitigated to the maximum extent practicable under SEQRA. Prior to obtaining site plan approval, the Applicant may make additional minor adjustments to the Project as a result of comments received from the public, Involved Agencies, Interested Agencies, and the Lead Agency. Any such adjustments would be made to further reduce possible environmental impacts to the greatest extent practicable and, therefore, do not require additional SEQRA review.

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## **CHAPTER 4: RESPONSE TO DGEIS COMMENTS FROM AGENCIES AND THE PUBLIC**

This section of the FGEIS contains written responses to all substantive comments received on the DGEIS during the DGEIS comment period. Each agency or individual who provided comments on the DGEIS has been assigned a number. The substantive comments have been grouped by categories of project issues. The following Master List of DGEIS Commenters (Table 1) can be used as a cross-reference between the comment submitted and the author of such comment. The original copies of all written comments from agencies or individuals are contained in Appendix C.

**TABLE 1: MASTER LIST OF DGEIS COMMENTERS**

Letter	Name of Agency or Individual	Date	Topic	Comment	FGEIS Section
1	James R. Pond, P.E., PTOE, Associate Traffic Engineer Monroe County Department of Transportation	2/4/08	Traffic	1 - 14	4.8
2	Brent H. Penwarden III, P.E., Associate Engineer Monroe County Department of Transportation	7/31/07	Traffic	1 - 9	4.8
3	David C. Goehring, P.E., Regional Traffic Engineer New York State Department of Transportation	2/4/08	Traffic	1	4.8
4	David C. Goehring, P.E., Regional Traffic Engineer New York State Department of Transportation	9/11/07	Traffic	1 - 5	4.8
5	Nancy Herter, Historic Preservation Program Analyst NYS Office of Parks, Recreation, and Historic Preservation	12/7/07	Cultural Resources	1	4.13
6	Robert T. Englert, Historic Preservation Program Analyst NYS Office of Parks, Recreation, and Historic Preservation	11/30/07	Cultural Resources	1	4.13
7	Robert T. Englert, Historic Preservation Program Analyst NYS Office of Parks, Recreation, and Historic Preservation	2/7/08	Cultural Resources	1, 2, 3	4.13
8	Gina M. DiBella, Chairperson Town of Greece Historic Preservation Commission	2/4/08	Cultural Resources	1 - 15	4.13
9	Town of Greece Dept. of Public Works	1/28/08	Zoning	2	4.1
			Wetlands	13	4.4
			Stormwater, Hydrology, Floodplain	6, 7, 10, 14	4.6
			Traffic	3, 5, 8	4.8
			Landscaping	9	4.2
			Soil and Erosion Control	11, 12	4.5
			Cultural Resources	15	4.13
			Utilities	4, 16	4.7
10	Scott Copey, Planning Board Clerk Town of Greece Dept. of Development Services	1/31/08	Commercial Development, Market Conditions, Community Impacts, Rezoning, and Town Master Plan	1, 2, 6	4.1
			Cultural Resources	3	4.13
			Future Growth/Project Phasing	4	4.18
			Cumulative Impacts	5	4.17
11	Ron Sassone, Senior Planner Town of Greece	2/4/08	Commercial Development, Market Conditions, Community Impacts, Rezoning, and Town Master Plan	1, 2	4.1
			Cultural Resources	3	4.13
12	Alan J. Knauf Knauf Shaw LLP	2/4/08	Cumulative Impacts	1, 18, 33, 43, 65	4.17
			Land Use and Zoning	2, 3	4.1
			Alternatives	4, 38 - 42, 56, 57	4.16
			Visual Impacts	5, 6, 21, 48, 49, 50, 53, 54, 58 - 63	4.2
			Wetlands	8, 9, 10, 64	4.4
			Soils and Erosion Control	7, 11, 13, 20	4.5
			Construction Impacts	12, 28, 30, 31, 51	4.15
			Litter	47	4.14
			Stormwater, Hydrology, Floodplain	14, 15, 16, 23, 24, 25, 66, 67	4.6
			Utilities	17	4.7
			Traffic	19	4.8
			Habitat Loss	22, 52	4.3
			Air Quality	26, 32	4.10
			Cultural Resources	27, 37, 38	4.13
			Fiscal Impact	35	4.12
			Noise	45, 46, 68	4.9
			Community Services	29, 34	4.11
			Growth Inducing Impacts	44	4.18
			SEQRA Comments	55, 69	4.20

## SECTION 4.1: LAND USE, ZONING, AND PUBLIC POLICY

### LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)

**Comment 2:** *The site had been rezoned in 2004 for the shops at Hampton Ridge. The current proposal is requesting additional rezoning. Does the developer anticipate additional future requests for more rezoning? If there is, a more complete review could be provided.*

**Response:** The rezoning of this land is for the development of the Hampton Ridge Center. No additional rezoning of land is anticipated by the developer at this time.

### LETTER 10: SCOTT COPEY, PLANNING BOARD CLERK TOWN OF GREECE DEPARTMENT OF DEVELOPMENT SERVICES (1/31/09)

**Comment 1:** *Area to be rezoned and site layout: The proposed rezoning extends roughly 2300' from and perpendicular to the centerline of West Ridge Road. Only Greece Ridge Mall's General Business zoning extends farther from West Ridge Road. Consider the following:*

a. *Where is the transition in land use talked about in the Master Plan?*

**Response:** The Applicant is supportive of the Master Plan's suggestion that the area to the north of the subject property be rezoned to a medium-to-low density residential district which will provide the transition suggested.

b. *What sort of precedent might this set for adjoining vacant land?*

**Response:** The Applicant is following the master plan developed by the Town of Greece. Provided other properties are developed as envisioned by the Town, growth and change will occur as the Town anticipated.

c. *What impacts to adjoining residential properties could be avoided by condensing the development closer to West Ridge Road?*

**Response:** There are presently no adjoining homes abutting the proposed development areas around the Project site. The vast majority of property around the perimeter is undeveloped land or commercially/business zoned properties. Residences along West Ridge Road frontage of the subject property have been demolished. The proposed Project concept plan calls for a natural vegetated buffer to remain on site along the multi-family housing east of the subject property. Property to the north contains documented wetlands that will preclude development plus the applicant proposes stormwater management facilities at the north end of the subject property to buffer adjacent land. The natural geological formation and topography of the site decreases the perceived size and scale of the Project as viewed

from West Ridge Road due to the lower elevation and downward sloping topography of the site.

*d. Large empty areas are being shown between the southern plaza buildings and the Big-Box store at the north end. What is proposed for this area? This must be shown and considered now to avoid segmenting the SEQRA review.*

**Response:** The open space shown on the plan is required to meet the maximum lot coverage requirement within the Town of Greece zoning code. The Applicant is requesting the entire parcel to be rezoned. The concept plan is in accordance with the Town of Greece zoning code for General Business. Future revisions to the concept plan that do not exceed the thresholds of the FGEIS are not considered segmentation.

*e. If the empty areas referred to above are not to be developed than the design is an inefficient use of land and should be condensed closer to West Ridge Road. A more condensed development would necessitate less removal of existing vegetation and wildlife habitat.*

**Response:** The layout shown on the concept plan balances the retail development, open space requirement and buffering objectives presented in the Master Plan. The plan shows a plan that complies with the proposed zoning for the purpose of evaluating SEQRA impacts.

**Comment 2:** Chapter IV, Page 11 of the Town's 2001 Community Master Plan Update recommends rezoning large vacant parcels on West Ridge Road for commercial development. It should be noted that Pages 13 and 20 of Chapter IV indicated that that Greece has a sufficient amount of existing commercial development to meet the needs of Greece residents and "other populations that its commercial facilities serve", with some room for additional population growth.

*The town has the ability to meter commercial development when such development is reliant upon a change in zoning. There are secondary impacts that occur when commercial development out-paces demand. The fallout of commercial vacancy goes beyond the economic impacts to individual business owners, leading to dis-investment and blight in failing commercial areas. The EIS should include a discussion of the current economic and demographic trends in Greece and western Monroe County, and how those trends support a need or demand for additional commercial development at this time and on this scale.*

*The EIS should consider figures presented in the "Balanced Community" build-out scenarios and related fiscal impact model in Chapter IV of the town's Master Plan: Sections II, III, and IV (Growth Management, Population, and Economic Development). This development appears to be ahead of it's time in terms of the Master Plans "Balanced Community" scenario. The Master Plan recommends an additional 2 million square feet of commercial/office floor*



*space to meet the needs of an anticipated population increase of around 29,000 people by the year 2040. This proposal represents about 15% of that square-footage, yet there is no indication of a comparable increase in population based on US Census Bureau estimates going into 2004 (see attached).*

*Please review the EIS to consider the following:*

*a. Timing: Discuss the timing of the proposed rezoning and subsequent project development in light of the Master Plan's "Balanced Community" build-out scenario.*

**Response:** The Master Plan's balanced community build-out scenario in Chapter IV, Section II recommends a reduction in overall density resulting in 11,532 additional dwelling units, instead of the 15,492 dwelling units allowed under current zoning. This would translate to an additional population of 29,141 instead of 39,148. The additional 29,141 persons would necessitate 1,311,000 sq. ft. of commercial building area. Chapter IV, Section III of the Master Plan forecasts the population of the Town of Greece to continue to grow until the year 2040 according to the Monroe County Department of Planning and Development. Chapter IV, Section IV of the Master Plan states that the Rochester Metro Area is forecasted to be one of the top 50 fastest growing regions in the country and recommends sufficient lands for commercial development are reserved to meet future population demands and changing market conditions, as recommended by the balanced community build-out scenario outlined in the Growth Management Element. To bring about the Master Plan's balanced community build out scenario, the timing is right to allow a project such as this to move forward. While this Project is only proposing approximately 390,000 square feet of retail and other commercial floor space, it is anticipated that other retail developers will provide the remaining balance of commercial floor space to complete the build-out scenario as outlined in the Master Plan. Rezoning is only the first step in the process. It is likely that the entire maximum build-out will occur over the course of a decade and that would be completely within the anticipated timeframes of the Master Plan.

*b. Demographics/Consumer Base: Evaluate the existing consumer base and identify any anticipated increases that will support the additional commercial development being proposed. Do population estimates indicate an increase in the consumer base that points to a need or demand for additional retail floor space in the Town of Greece?*

*Even if the proposed development attracts new retailers that are not currently in the area, there are only so many goods and services to provide. What new and different services will be provided to area residents with this development. How will this new volume of retail space (in light of the Master Plan's "Balanced Community" build-out scenario) avoid diluting the customer base of other area retailers? With only so many dollars to be spent, (again, in light of the Master Plan's Balanced Community" build-out scenarios) what will the impact be in existing commercial areas along West Ridge Road? To avoid being speculative, the EIS*

*should reference Chapter IV of the town's Master Plan: Sections II, III, and IV (Growth Management, Population, and Economic Development).*

**Response:** Both the Theoretical and Build-Out scenarios in the Town's Master Plan are based upon a prediction of an increase in residential units and an increase in the consumer base in the Town of Greece. The population and economic activity of the Town is predicted to increase according to the Town's Master Plan as referenced in the response to Comment 1a above. New people are not the only source of additional dollars in the market place. Businesses expand, people are promoted, people receive pay increases and the available dollars expand. The argument that there are only a fixed number of dollars does not square with the growth of the commercial market place in the preceding decades. The proposed rezoning of land is consistent with the market and results in a diverse tax base, as recommended in the "Balanced Community" build-out scenario. The type of businesses and services the Project will attract will depend upon current market conditions. To the extent the Project will have competitive economic impacts on existing businesses in the Town of Greece and impact existing business, such impacts are not relevant considerations under SEQRA. Issues such as economic competition are outside the scope of SEQRA. Spaces available for commercial enterprise are subject to market conditions. As one business expands into a larger space, they vacate a smaller space that is available for another business to expand into or become established. History shows that spaces are recycled for alternative uses. That process is expected to continue.

*c. Economic Conditions: The EIS should consider current trends and how they are affecting the local economy, particularly retailers. Do current economic conditions point to a need or demand for additional retail floor space in the Town of Greece?*

**Response:** Current, short-term trends are not a good indication of future long-term predictions of demand for retail in the Town of Greece. We are currently experiencing a severe recession and economic downturn which is negatively impacting the local economy. When the economy recovers there will be an increase in demand for commercial space which will be higher than current levels. How much of an increase in demand will occur for commercial space depends upon future economic predictions which vary widely and are highly speculative. The Applicant currently has interest from potential retailers that are not currently located in Greece or that want to expand their presence in the marketplace without closing existing space. If the Town has a current business that cannot expand at its current location, it is anticipated that the Town would want to keep that business in the Town but allow for relocation to a suitable property where expansion is possible. Or if a lease expires and a tenant chooses to relocate, it is reasonable to do so.

*d. Commercial Vacancy: Analyze existing commercial vacancy rates and discuss this Project's impact in light of current economic conditions. How much vacant/undeveloped commercial land exists in developed areas of town? How will the proposed rezoning affect the potential*

*for in-fill commercial development in these areas? How will the proposed rezoning affect redevelopment, and reinvestment, in other existing commercial areas in town?*

**Response:** The dynamics of the market provide for varied opportunities. New buildings, old buildings. Big buildings, small buildings. Buildings near highways, buildings near residential districts. Expensive space, inexpensive space. All of this variety provides opportunity and allows businesses to choose the size and location that fits. Different businesses demand different environments. The Master Plan stated that this area of Town is most well suited to big-box retail. The Town studied this decision at length and concluded that the proposed zoning being requested by the Applicant is what the Town believes is appropriate. The proposed concept plan allows for small, medium and big spaces to create a mix of opportunity and a self supporting framework that allows all new businesses a chance for success. An economic study of the entire Town of Greece analyzing commercial vacancy rates is otherwise beyond the scope of this Environmental Impact Statement.

*e. Community Character: How does commercial vacancy affect the character of the community? Evaluate the current vacancy rates in plazas at the southeast corner of Rt. 19 and Rt. 31 in Brockport following Wal-Mart's move farther down Route 31.*

**Response:** Commercial vacancies give the perception that a community is in a state of decline and has a shrinking tax base. However, that is not the case at the plazas at the southeast corner of Rt. 19 and Rt. 31 in Brockport where vacancy rates are fairly low. Brockport is a much smaller town surrounded by rural communities making it much more difficult to fill commercial vacancies than if such vacancies occurred in a higher populated inner suburb such as Greece. Vacancies are temporary. Most often, rents are still paid on vacant spaces and/or taxes are paid on vacant spaces while new tenants are sought.

**Comment 6:** *Who will own/maintain the large linear parcel to the east? What is intended for this area?*

**Response:** The linear parcel to the east will be under the control of the Applicant and will provide a natural screen for the adjacent residential use at the eastern perimeter of the Project Site. This strip of land was combined with the Kohl's development at 4110 West Ridge Road to meet the coverage requirements of the Zoning Code. The Applicant proposes to maintain this amount of area as vegetated space to remain in compliance with the zoning code.

#### **LETTER 11: RON SASSONE, SENIOR PLANNER, TOWN OF GREECE (2/4/08)**

**Comment 1:** Master Plan Recommendations:

*The fact that Greece's 2001 Community Master Plan identifies this section of West Ridge Road as being appropriate for big box retail development does not provide sufficient justification,*

*on its own, for granting the rezoning requested for this Project, and should not be viewed in isolation from the Growth Management recommendations contained in the Plan. Of particular relevance to the proposed rezoning are the Plan's "Build-out" recommendations, which reflect the need for less commercial development than the amount permitted under existing zoning. The Plan states that "There is sufficient commercial development to meet the demands of the existing population and some additional population growth." This, plus the significant amount of retail vacancies in Greece and the fact that the area's population has been stagnant since the 2000 Census, are factors that should be taken into consideration by the Town when reviewing any request for a large-scale commercial rezoning. In this regard, the applicant's DEIS does not address the relevant Growth Management issues or provide the empirical data needed by the Town for its review.*

**Response:** The Applicant is requesting rezoning in accordance with the Greece Master Plan. Rezoning this property allows the town to begin the corridor revitalization plan that is recommended within the Master Plan. Rezoning the property is the first step in implementing the tools outlined in The Growth Management recommendations.

**Comment 2: Rezoning:**

*Because a rezoning constitutes a revision of the Town's local law, any change to an existing zoning classification must be based on positive reasons, supported by sufficient information that justify granting the change. And, at the very least, the proposed rezoning must be shown to not negatively impact other parts of the community. Put another way, it is up to the Applicant to justify a requested change in zoning by addressing all relevant issues, as set out in Greece's Community Master Plan. This is especially true for rezonings of the magnitude of the Applicant's proposed development, which taken together with the nearby Southwestern Commons proposal, can be expected to have a profound effect not only on the surrounding area, but Greece's existing retail areas as well. For the most part, the DEIS either ignores pertinent issues such as: balanced growth, fiscal impact, and, retail market conditions, or does not provide the types of up-to-and relevant data and analyses required to justify the statements made regarding the Project's impact.*

**Response:** The DGEIS was prepared in accordance with the approved scoping document and demonstrates the influence on the community as outlined in the scoping document. All potential impacts were studied. The Applicant undertook a combined traffic analysis with the developer of Southwestern Commons to assess the only joint aspect of the two projects that has a cumulative impact. Rezoning is the preliminary action in accomplishing the objectives outlined in the Master Plan. Refer to the responses to Letter 10, Comment 1 and 2 above for additional information on how this rezoning request complies with Greece's Community Master Plan.

**LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)**

**Comment 2:** *The Scope requires that a “narrative and graphical presentation of land uses and zoning districts within a one and one-half (1-1/2) mile radius of the Project Site will be presented. A discussion of the permitted land uses in the proposed zoning districts will be presented and how these uses might be accommodated on the site.” This information has not been included in the DGEIS and must be provided and analyzed as required.*

**Response:** A map depicting existing zoning within a 1 ½ mile radius was included in the DGEIS, Chapter 10, Figure 3. A narrative was included in the DGEIS, Chapter 3.1 Land Use, Zoning and Public Policy. The existing land use within 1 ½ mile radius of the Project includes retail/commercial and residential. This development will comply with the Greece Master Plan, keeping the commercial corridor along West Ridge Road. The proposed use will be consistent with the West Ridge Road corridor which is predominantly zoned BG General Business. Accordingly, Hampton Ridge will complement the surrounding land use. This commercial development will service residents east of North Greece Road along with the continued growth towards the west.

**Comment 3:** *The Scope requires that the Land Use, Zoning and Public Policy “section will also discuss the relationship of the proposed Project and nearby neighbors. Any significant adverse environmental impacts associated with the proposed Project will be identified.” This section provides no thorough analysis on the impact of the Project on the residentially zoned property bordering the Project Site. In particular, there is not an analysis of the Project’s impact to the Creek House Commons Apartments and associated residential development located east of the Project Site.*

**Response:** The DGEIS does provide for a thorough analysis of the Project’s impact to all adjacent properties, including adjacent residential properties. The Project incorporates several measures that will minimize the Project’s impact on adjacent properties, including the development of a “life style center” which will limit the traffic demand by creating uses that share common themes; thereby reducing outside trips and encouraging on-site shopping (DGEIS, 3.1(d)); creating substantial setbacks to residential properties, landscaping and natural screening will serve as a buffer between Hampton Ridge and adjacent properties, including preserving the wooded area to the east (DGEIS, 3.2(d)); constructing light poles nearest residential properties with directional optics to further limit the amount of light spillage onto these properties (DGEIS, 3.2(c)); and mitigating temporary construction impacts by limiting dust, noise, and vibration to the extent practicable (DGEIS 3.9(d), 4.0).

As stated in the DGEIS, the Project is consistent with the current land use patterns along West Ridge Road and also consistent with the Greece Master Plan which defines the West Ridge Corridor as Greece's primary commercial area and recommends vacant large parcels (in the corridor) be zoned for big box retail development. The Project complies with the

recommendations from the Master Plan by incorporating the use of quality materials for the aesthetic enhancements of the site and thereby will not have an adverse influence on the Creek House Commons Apartments. Moreover, the Project will provide a benefit by providing services in closer proximity than existing services in the area. The DGEIS thoroughly discusses Land Use, Zoning, and Public Policy issues as outlined in the DGEIS Scope. No further analysis of these issues is required.



## SECTION 4.2: VISUAL CHARACTER

### LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)

**Comment 9:** *It is stated the Project will use ornamental landscaping with the parking lot. Greater detail is needed on the landscaping proposed for the traffic islands. The landscaping should be greater than what was provided for Kohls. Additionally, has the Greece Tree Council walked this site?*

**Response:** Greater detail of the proposed landscaping of this development will be provided as the Project design progresses. Landscaping will meet the requirements set forth in the Town's "Landscape Guidelines for Development" dated December 2003. The Greece Tree Council has been contacted regarding this Project, but has not walked the site as of yet. The council will be consulted during the site plan process in order to limit and mitigate disturbance to vegetation on site.

### LETTER 10: SCOTT COPEY, PLANNING BOARD CLERK TOWN OF GREECE DEPARTMENT OF DEVELOPMENT SERVICES (1/31/08)

**Introductory Comment:** *The EIS should include the completed Visual EAF Addendum.*

**Response:** The Visual EAF Addendum is included in Appendix A.

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 5:** *For the existing conditions discussion in the Visual Impact section of the DGEIS, the Scope requires "Photographs of the site and its environs will be incorporated into this chapter. Prevalent landforms, vegetative cover, etc. within the Project Site that are visible from public roadways or other public resources, such as parks, will be identified." The DGEIS fails to provide the required information. No photographs of the site or its environs are provided in the DGEIS.*

**Response:** Photographs of the site from the Roadway are shown on Figure 4 in chapter 10 of the DGEIS. Photographs of landforms, vegetative cover, etc. are provided in the Wetland Delineation Report and Endangered Species Survey contained in Appendix A of the DGEIS. Additional photographs of the site are provided in the Hampton Ridge Center Phase II & III Cultural Resource Investigation included in Appendix G of this report.

A SEQR Visual EAF Addendum Form was completed for the Project and is included in Appendix A of this report. The only public road or resource that is visible from the Project Site is NYS Route 104. No parks are located in the vicinity of the Project Site.

**Comment 6:** *Section 2.c of the Scope requires “the use of photographs, cross sections, elevations or sketches” to show “the views into the Project Site from adjacent public roadways or neighborhoods.” No such materials are included in the DGEIS. Without such documents, it is impossible to assess the significant visual impact that this Project will have on the visual environment. The Applicant must provide the information required in the Scope. The Applicant must provide line of sight drawings and visual simulations of the views into the site from adjacent residential properties, which includes the Creek House Commons Apartments, as well as from adjacent roadways The Project has the potential to significantly impact the visual environment of these properties.*

**Response:** The Scope requires “the use of photographs, cross sections, elevations OR sketches...” It does not require all such figures to be included in the DGEIS. Refer to the response to Comment 5 above which lists all the locations where photographs have been included in the DGEIS and FGEIS.

A line of site drawing is included in Figure 5 in Chapter 10 of the DGEIS. No significant adverse visual impacts to the community were identified.

**Comment 21:** *Include, as relevant to the Greece Canal Park and the Creek House Commons Apartments, detailed line of sight simulations, photo simulations and light pollution impacts.*

**Response:** The line of sight figures provided in the DGEIS meet the required items listed within the Scoping Document. Regarding lighting, DGEIS Section 3.2.c provides that the Applicant will construct light poles nearest to Creek House Commons with directional optics to further limit the amount of light spillage onto these properties. Previous attempts to screen Creek House Commons using board on board fence resulted in theft of the fence boards which indicates residents are either more interested in direct access to the commercial property or the lumber is preferred for other than the intended purposes. The Applicant is currently showing a buffer space between commercial development and the Creek House Commons. The Greece Canal Park is not in the vicinity of or visible from the subject property. Studying such lines of sight produces no useful information.

**Comment 48:** *The Visual Impacts section of the DGEIS significantly downplays the Project’s visual impact. In reading this section, one is left with the impression that this is a modest project with a substantial visual mitigation program. However, in reality it would create significant visual impacts that would be largely unmitigated. In fact, the Applicant’s conclusions are not supported by any line-of-sight drawings, photo-simulations, renderings or cross-sections to demonstrate that this Project will not have a significant adverse visual impact, especially on residential neighbors to the east.*

**Response:** The line-of-sight drawing is presented in Figure 5 in Chapter 10 of the DGEIS. A 20 foot setback from the property line has been provided on the east side of the Project to



visually buffer the Creek House Commons Apartments. There are currently no adjacent residential uses north or west of the Project Site. The Visual EAF Addendum in Appendix A supports that there are no visual impacts. Please refer to the Applicant's response to Comments 5, 6, and 21 above.

**Comment 49:** *The sensitivity of viewers of the Project is also downplayed in the Visual Impacts section of the DGEIS. The visual impact assessment should include views from pedestrians and bicyclists.*

**Response:** The line-of-sight drawing presented in Figure 5 in Chapter 10 of the DGEIS is from the standpoint of a pedestrian. The view from a bicyclist is not part of the Scoping Document and would not be significantly different from that of a pedestrian.

**Comment 50:** *How does the Applicant plan to reduce light levels after normal business hours?*

**Response:** The lighting design will follow Dark-Sky Associations design standards which advocate designed lighting levels based on type and intensity of activity. In addition, the photometric design will limit the light trespass on adjacent properties in accordance with the Town of Greece Code.

**Comment 53:** *The DGEIS does not provide any specific analysis regarding how the sky glow or light spillage off-site will be prevented.*

**Response:** As described in Section 3.2 of the DGEIS, the photometric design will limit the light trespass on adjacent properties in accordance with the Town of Greece Code. The primary light fixtures used in the design will be shoe box style, which face downward. However, at locations with close proximity to neighboring residential development, directional optics will be employed to limit light trespass into adjacent properties.

**Comment 54:** *The DGEIS does not provide any measurements regarding any of the proposed lighting; the DGEIS offers only unsubstantiated opinions that the lighting will not be visible.*

**Response:** Section 3.2 of the DGEIS describes the design method that will be used for Project Site lighting. The International Dark-Sky Association (IDA) design goals have been demonstrated to reduce energy waste and the air and water pollution caused by energy waste, reduce harm to human health and wildlife and ecosystems and improve visibility.

**Comment 58:** *What are the heights of the buildings, light posts, and signage? How do these compare to the heights of the neighboring vegetation?*

**Response:** Bulk use regulations are typically reviewed during the site plan approval process. It is anticipated the Project will meet the Town of Greece zoning regulations and variances (if

required) will be addressed during the site plan approval process. No variances are anticipated at this time.

**Comment 59:** *The chosen study area for the visual impacts assessment is not clearly defined.*

**Response:** The selected study area is consistent with the Scoping Document. The Scope required the Applicant to document and discuss views from the adjacent residential neighborhoods and from NYS Route 104. DGEIS Section 3.2 complies with the Scope's requirement and provides a comprehensive analysis of the visual impacts of the project.

**Comment 60:** *Simulations of the proposed Project appearance should be included for comparison purposes.*

**Response:** The Figure 6 of DGEIS included the anticipated materials and Project Site furnishings. Simulations are not part of the required elements listed in the scoping document.

**Comment 61:** *Seasonal changes are ignored. How will views of the Project differ during "leaf-off" conditions?*

**Response:** Seasonal changes will be consistent with the surrounding area. Other than the deciduous vegetation changing color and eventually losing leaves, the Project itself will not significantly change its appearance with the change of season. The majority of the Project Site borders vacant land where there is no one to witness any visual impacts when trees lose their leaves. Where residential development does exist, a substantial buffer is provided.

**Comment 62:** *The report provides that the Project retains a significant natural buffer to adjacent properties. It is unclear from the description/pictures if the existing vegetation is adequate to buffer visual impacts. Will there be any additional vegetation planted in these buffer areas? Please provide details on the existing vegetation (e.g. species, number of trees to remain, etc.) and clarify how the remaining vegetation will meet the current recommended thresholds.*

**Response:** Greater detail of the proposed landscaping of this development will be provided as the Project design progresses. Landscaping will meet the requirements set forth in the Town's "Landscape Guidelines for Development" dated December 2003. The Greece Tree Council has been contacted regarding this Project, but has not walked the site as of yet. The council will be consulted during the design process in order to limit and mitigate disturbance to vegetation on site.

**Comment 63:** *The report concludes that it is not expected that the Project would have any significant adverse effects on the visual character of the surrounding area, no mitigation*

*measures are proposed. The purpose of a visual impact assessment also includes what visual mitigation opportunities exist to enhance positive visual effects. No such argument is made.*

**Response:** The proposed site layout employs several strategies to mitigate potential negative visual impacts to the site. Section 3.2.d of the DGEIS identifies several mitigation measures regarding visual impacts, including natural topography of the site, orientation of the buildings, the lifestyle center-type development, and preservation of the forested portion of the property of the eastern boundary. These are all positive aspects that will mitigate, to the maximum extent practicable, any visual impacts. The buildings will also complement existing development along West Ridge Road, thereby creating visual harmony along the commercial corridor.

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## SECTION 4.3: VEGETATION AND WILDLIFE

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 22:** *An on-site field study should be conducted to ensure no sensitive plant habitats will be affected. The study should also include an assessment of habitat suitable for threatened, endangered, rare and species of concern.*

**Response:** The Applicant did perform an on-site investigation and Terrestrial Environmental Specialists, Inc. prepared a report on the ecological community on the property, attached as Appendix A to the DGEIS. Additionally, the Applicant contacted the NYSDEC Natural Heritage Program and the U.S. Fish and Wildlife Service. Notably, there are no state or federal rare, endangered or threatened plants, animals or habitats in the Project area. These results were confirmed by the on-site investigation as well as by correspondence from state and federal agencies. Accordingly, no further investigation is required nor warranted.

**Comment 52:** *The DGEIS should consider the effect of limiting natural habitat for deer and animals in the wooded areas of the site and the impact that the loss of habitat will have on neighboring properties (i.e. potential for these animals to become scavengers on neighboring properties or traffic hazard).*

**Response:** In attempts to mitigate the potential impacts of the proposed development, the Site Plan has been designed to preserve the forested portion of the site along the eastern boundary of the site (refer see DGEIS Section 3.3.d). In addition to maintaining a visual buffer, this will preserve wildlife habitat that exists in this area. It is anticipated that wildlife will likely relocate to the upland and wetland forests that are being preserved along the western and eastern boundary of the site or they may migrate north or west to the adjacent, undeveloped forested lands.

As field verified, the non existence of any federally or state-listed species, will ensure that the proposed development will not impact any endangered, threatened, or rare wildlife species.

The Applicant is required to address “only those potential significant adverse environmental impacts that can be reasonably anticipated and/or have been identified in the scoping process.” 6 NYCRR Section 617.9(b)(2). The Scope did not require the Applicant to address this issue, nor has there been any evidence submitted that the Project would increase the potential for animals to become scavengers and/or traffic hazards. This is not a reasonably anticipated impact. Accordingly, no further investigation is warranted.

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## SECTION 4.4: WETLANDS

### LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)

**Comment 13:** *Discharge of Stormwater through the wetlands (3.6 acres) “which would likely remain undeveloped”. The wetlands should be identified and protected so they required to be left undeveloped. Under 3.4 it states minimize disturbances to wetlands, again this area should be clearly defined. Need to check the details of the stated revised LOMR.*

**Response:** The discharge of storm water will match the existing drainage patterns. The wetlands located north of the property will continue to receive runoff at the rate that meets the Town of Greece Regulations. These offsite wetlands were flagged in the field by others. The on-site grading and filling operations will not impact any jurisdictional wetlands located offsite. The 0.38 acres (Wetland A) of isolated wetland field delineated on-site that has been determined to be an isolated, non-navigable intrastate water and is not regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. This wetland may be filled as part of the Project improvements. Wetland A is shown in Figure 6 Appendix A of the DGEIS. This Project does not impact any mapped flood zones.

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 8:** *The Applicant should provide the results of August 15, 2007 jurisdictional request to the Army Corps of Engineers discussed in Section 3.5 of the DGEIS.*

**Response:** The U.S. Army Corps of Engineers (USACE) Jurisdictional Determination is provided in Appendix D.

**Comment 9:** *Section 3.4,c of the DGEIS provides that “some portions of the wetland may be eliminated.” The Applicant should discuss what portions of the wetland may be eliminated and why. If the wetland is being eliminated for a non-essential reason, such as the inability to access portions of the site, the Project should be redesigned to avoid this impact.*

**Response:** No state regulated wetlands exist on the Project Site. No federal jurisdictional wetlands will be impacted by the Project (refer to Appendix D for a Federal USACE Jurisdictional Determination for the Project Site). The Project avoids all state and federally regulated wetlands and has been designed to avoid impacts to the remaining wetland areas.

**Comment 10:** *If the wetland discussed in Section 3.4.c is federally regulated and mitigation is required, the Applicant should provide a full discussion of that mitigation.*

**Response:** The 0.38 acres of isolated wetland found on-site is not federally regulated according to the U.S. Army Corps of Engineers Jurisdictional Determination provided in

Appendix D.

**Comment 64:** *The DGEIS does not address the long-term preservation of the streams and wetlands. In addition, the proposal does not include any plans to protect the wetland areas from trash and garbage associated with the development of the adjacent land.*

**Response:** The Project will not directly impact wetlands or streams. Refuse from the Project Site improvement area will be contained within an approved container and litter will be controlled by routine maintenance operations.



## SECTION 4.5: TOPOGRAPHY AND SOILS

### LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)

**Comment 11:** *The Project would be subject to the new Town Stormwater Law, which in general makes the requirements of NYSDEC Stormwater management a local law. It should be acknowledged that at least during the construction period, the removal of vegetation and the management of erosion control and Stormwater through temporary facilities would leave the Project exposed to significant impact during storm events.*

**Response:** The Project will be designed to comply with the new Town of Greece Stormwater Law along with the most current NYSDEC General Permit for Construction Activity. As with any construction process impacting more than 1 acre, land will be exposed during the clearing of vegetation. Erosion control measures will be implemented prior to the start of any construction activities to mitigate potential for erosion. The regulations set forth by the NYSDEC, the Stormwater Pollution Prevention Plan (SWPPP) and the Town of Greece are established to minimize impact from sediment and erosion during construction. Site inspections will be performed in accordance with the Town of Greece requirements and the General Permit.

**Comment 12:** *Due to the size of this Project it is likely a NYSDEC waiver to disturb in excess of 5 acres at any time prior to stabilizing the area would be requested. Please indicate the maximum anticipated extent of the area of soil disturbance during the site's construction.*

**Response:** In accordance with the NYSDEC General Permit for Construction Activities, the Developer will provide the necessary phasing plans based on the earthwork /cut fill requirements. The NYSDEC General Permit requires a phasing plan to be prepared as part of the Storm Water Pollution Prevention Plan (SWPPP). The Phasing Plan and SWPPP will require approval from the Town of Greece before earthwork operations begin. At Site Plan Review, the extent of the earthwork operations will be provided to the Town of Greece to review and approve prior to the start of any construction activities.

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 7:** *Section 3.2 notes that part of the site was formerly a construction and demolition ("C&D") debris landfill. A February 15, 2005 letter from the New York State Department of Environmental Conservation (NYSDEC) contained in Appendix F notes that spill no. 0370546 was closed, but the spill was not even discussed in the DGEIS. C&D landfills commonly include petroleum and hazardous waste contamination. The DGEIS fails to evaluate the potential impacts to the environment and site users posed by development on the landfill/spill site. The Applicant should include a discussion of testing conducted at the site, and include any Phase I and II studies that have surely already been prepared, as well as*

*all laboratory data (including data sent to NYSDEC). If there is no data, testing should be conducted. Furthermore, the Applicant should discuss all previous and planned future environmental remediation, including any closure of the landfill under 6 N.Y.C.R.R. Part 360, and all remedial measures consistent with NYSDEC guidance, including NYSDEC, Draft DER-13 Technical Guidance for Site Investigation and Remediation, and explain how the Project is consistent with the closure or remedial measures. This analysis cannot be postponed. Penfield Panorama Area Community, Inc. v. Town of Penfield Planning Bd., 253 A.D.2d 342, 688 N.Y.S.2d 848 (4th Dep't 1999). In addition, particularly in light of the petroleum contamination, the Applicant should analyze the potential for vapor intrusion generally recognized after the 2005 spill closure, in compliance with New York State Department of Health, Guidance for Evaluating Soil Vapor Intrusion in the State of New York (Oct. 2006), and NYSDEC, DER-13 Evaluating the Potential for Vapor Intrusion at Past, Present and Future Sites (Oct. 2006). Finally, the past uses of the site should be discussed, and if there were any historic apple orchards, testing and remediation plans for pesticides (including DDT, arsenic and lead) should be discussed.*

**Response:** The DGEIS, in accordance with the Scope, includes a discussion on the topography and soils. Appendix B of the DGEIS contains a Soils Report of the entire project area. Furthermore, the Applicant received correspondence from the NYSDEC approving the Construction Certification report and noting that Spill No. 0370546 is closed. The DGEIS adequately addresses this issue.

The former LeChase Construction and Demolition Debris (C & D) Landfill was subject to a reclamation program conducted in 2004. Reclamation activities were documented in the Construction Certification Report prepared by EnSol, Inc dated January 2005. The NYSDEC issued an approval letter dated February 15, 2005 approving the certification report. A copy of this letter is provided in Appendix H. The letter states the landfill was reclaimed under the auspices of the NYSDEC Region 8 Division of Solid and Hazardous Materials. No evidence of hazardous waste as determined by NYSDEC or U.S. EPA regulations were ever encountered during investigative or reclamation activities conducted at the closed landfill site. No further testing or monitoring as been required by the NYSDEC since completion and acceptance of the landfill reclamation program. The reclamation program completed in 2004 was to address removal of any petroleum contaminated soil (NYSDEC Spill No. 0370546, addressed with the reclamation program) and to allow for removal of organic wastes that could decompose to produce methane or other landfill gases and to allow proposed commercial development of the site. With the completion of the reclamation program no appreciable amounts of hazardous wastes, petroleum contamination or organic wastes that could produce landfill gas should remain at the site.

The reclamation program was conducted to address evidence of contamination encountered in environmental test pits and soil samples collected in 2003. Results of test pits were summarized in the Bergmann Associates Landfill Waste Characterization Report dated

October 23, 2003. As part of the landfill waste characterization investigation Bergmann Associates excavated 16 test pits in August 2003. Laboratory analysis on samples of material from the C & D landfill indicated evidence of polynuclear aromatic hydrocarbons (PAHS) indicative of diesel fuel or heating oil. On December 23, 2003 the NYSDEC Spill Response and Remediation Group, part of the Division of Environmental Remediation, issued Spill #0370546 due to petroleum contamination encountered in samples from the landfill site. This spill number referenced the landfill footprint as described in the Bergmann Landfill Waste Characterization Report

Spill No. 0370546 event was subsequently closed by the NYSDEC after completion of the landfill reclamation program in 2004. The reference to the spill closure Combined with the extensive testing and disposal documented in EnSol's report is sufficient for the petroleum contamination/spill event at the landfill site.

Based on the NYSDEC approval letter of the Construction Certification Report, no further testing or monitoring should be performed at the landfill. To emphasize this point, note that the last sentence of Section 4.3 of the Certification Report, Spill Closure, states that "TMGI also formally requests that the former LeChase C & Debris landfill be delisted such that closure/post-closure monitoring and maintenance requirements be waived".

The combination of the January 31, 2005 Certification Report, the February 10, 2005 closure of Petroleum Spill Event No. 0370546 and the NYSDEC February 15, 2005 approval letter should be sufficient to adequately address recognized environmental concerns relative to the reclaimed landfill site and to document proper cleanup activities. The certification report documents activities completed to remediate the landfill site to a level acceptable for a commercial-retail development. A copy of the NYSDEC February 15, 2005 letter and NYSDEC Spill Incident record indicating Petroleum Spill Event No. 0370546 has been closed is contained in Appendix H.

**Comment 11:** *With respect to section 3.5.a of the DGEIS, the Applicant did not undertake any test pits in the areas to be disturbed by the Project, but instead relied on a test pit conducted for the prior development of the Kohl's. The Applicant should undertake additional test pits in the areas to be disturbed by the Project and provide a complete discussion of the results of those test pits.*

**Response:** A complete description of the soil characteristics is included in Section 3.5 of the DGEIS. The Applicant included a Soils Report in Appendix B of the DGEIS which performed a soils analysis of the entire property. The Monroe County Soil Survey Data for the Project Site is presented in detail in Appendix B of the DGEIS. The information provided completes the items required in the Scoping Document. Additional test pits are not warranted.

**Comment 13:** *Section 5.c of the Scope requires that "measures for controlling and*

*preventing sediments from migrating off site will be identified and described.” No such discussion is presented in the DGEIS and that information must be provided.*

**Response:** DGEIS Section 3.6.c and 3.6.d provides for erosion control measures, and notes that the Project’s erosion and sediment control plans shall be in accordance with the New York State Standards and Specifications for Sediment and Erosion Control manual. The DGEIS states a State Pollutant Discharge Elimination System (SPDES) Permit will be required before construction operations will begin. Erosion control will be addressed during construction with Best Management Practices that will meet the requirements of the SPDES permit issued from the New York State Department of Environmental Conservation. As part of this permit, the Applicant shall prepare, and make available to the Town, weekly inspection reports to ensure that best management practices for erosion and sediment control are being followed.

**Comment 20:** *The evaluation of impacts of soil erosion should also include a Stormwater Pollution Prevention Plan as required by NYSDEC. This plan would provide sufficient detail to assess the impacts to Smith Creek during construction and operation. Grading and excavation plans should not only be described but should also be shown.*

**Response:** The NYS DEC SPDES Permit requires the Applicant to prepare a Stormwater Pollution Prevention Plan (SWPPP) for construction activities. A rezoning action is not a construction activity. The SWPPP will be completed and a Notice of Intent will be filed with the DEC at site plan review.

## SECTION 4.6: STORMWATER MANAGEMENT

### LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)

**Comment 6:** *The Project is crossed by a creek that has a non-FEMA floodplain. The Town of Greece is concerned with FEMA and non-FEMA floodplains.*

**Response:** There is no creek located within the property limits of the proposed rezoning. Smith Creek is located west of the Project Site. The DGEIS includes an analysis of the Smith Creek floodway during the 100-year storm event. It concludes that it may impact the northwest corner of the property by about 100 feet at the widest section of the Smith Creek floodway. Currently no improvements are proposed along the northwest corner of the site other than the detention pond, which can be adjusted to avoid impacts to the floodway of Smith Creek. The on-site system as analyzed provides more than an 80% reduction in flows to Smith Creek, thus benefiting downstream properties.

**Comment 7:** The Town of Greece generally does not support the filling of floodplains (FEMA or non-FEMA). If filling of a floodplain is to be supported, we would require a plan that mitigated the adverse impact of the filling and provide an additional storage volume located in a manner that would have a net beneficial downstream impact.

**Response:** The Project does not require the filling of any FEMA or non-FEMA flood plains.

**Comment 10:** *The Project is proposed in the upper reaches of the Larkin Creek Basin, a basin with a history of significant flooding. The current Town of Greece standard is for developments to reduce the peak flow rate to 70% of the pre-developed condition, where possible, additional reduction is encouraged for areas contributing to flood prone areas.*

**Response:** The basis of the design of the on-site storm water facility is to meet or exceed the Town's requirement to reduce the peak run-off rate to 70% of the pre-developed condition. The on-site system as analyzed provides more than an 80% reduction in the peak flow, thus benefiting downstream properties.

**Comment 14:** *The Stormwater management states plans for Images Way subdivision made provisions in the computations for this Project to pass through Smith Creek. This should be re-reviewed to see if it still meets the updated requirements and the proposed now known development.*

**Response:** The basis of the design of the on-site storm water facility is to meet or exceed the Town's requirement to reduce the peak run-off rate to 70% of the pre-developed condition. The on-site system as analyzed provides more than an 80% reduction in the peak flow, thus benefiting downstream properties. The Images Way subdivision, at a minimum,

made provisions to pass the existing flow rate from the south through Smith Creek.

**LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)**

**Comment 14:** *Section 3.6.a of the DGEIS relies on a study dated July 1978 for a discussion of “existing conditions” for Smith Creek. That report is almost 30 years old and does not adequately portray the “existing conditions” of Smith Creek. The Applicant should undertake a hydrologic study of Smith Creek and that information must be provided and reviewed. In the 30 years since the study, there has been significant increased development in the Town which most likely results in existing conditions for Smith Creek that are different than those described in the 1978 study used by the Applicant.*

**Response:** A complete analysis of the Smith Creek floodway adjacent to the Project Site is included in Appendix C of the DGEIS. The analysis recommends that the existing channel be improved to help alleviate the flooding during an extreme storm event. The proposed site improvements will decrease the runoff rate to the stream to below 70% of the existing flow rate in accordance with the Town of Greece Standards. This coupled with the channel improvements will improve the overall performance of the Creek.

**Comment 15:** *Section 3.6.c of the DGEIS describes the use of ponds for stormwater detention; the Applicant should discuss the likelihood of an increase in disease carrying insects. i.e mosquitoes and west Nile virus, and provide a discussion of what measures will be utilized to prevent an increase in these insects and an outbreak of west Nile virus.*

**Response:** The Applicant is required to address “only those potential significant adverse environmental impacts that can be reasonably anticipated and/or have been identified in the scoping process.” 6 NYCRR Section 617.9(b)(2). The Scope did not require the Applicant to address this issue, nor has there been any evidence submitted establishing that a pond increases disease carrying insects. Accordingly, this is not a reasonably anticipated impact, and no further analysis is warranted nor required. The ponds are designed with the NYS DEC recommend standards for stormwater ponds and a SPDES Permit will be obtained. A negative determination under SEQRA has been made for all activities covered by the SPDES permit. The NYS DEC has determined that projects that comply with the terms of permit will not have a significant adverse impact to the environment.

**Comment 16:** *SEQRA requires that impacts be evaluated at the earliest possible moment and not delayed for future consideration; section 3 .6.c of the DGEIS mentions that an alternative stormwater design may be considered in the future but provides no substantive discussion of this design and its potential impacts. As required by SEQRA, that alternative must be discussed.*

**Response:** Any changes to the pond or stormwater design will be in accordance with the



SPDES permit. A negative determination under SEQRA has been made for all activities covered by the SPDES permit. The NYS DEC has determined that projects that comply with the terms of permit will not have a significant adverse impact to the environment.

**Comment 23:** *The proposed Project includes potential significant adverse impacts to Smith Creek. Documentation should be shown regarding the permit application for: disturbance of Waters of the United States Army Corps of Engineers ("USACE") and compliance with NYSDEC Article 15 or other permit requirements. If stormwater management systems may be located within the floodplain, the Project should demonstrate compliance with:*

1. *NYSDEC Phase 2 Stormwater regulations*
2. *The Town of Greece flood management policies and ordinances.*

*In addition, as more impervious surfaces are being added, the impact to downstream flooding from stormwater management ponds needs to be evaluated. Construction within the floodplain and removal of vegetative cover within the floodplain may impact downstream flooding.*

**Response:** A complete analysis of the Smith Creek floodway adjacent to the Project Site is included in Appendix C of the DGEIS. As provided in the Stormwater Management Report, current cross sectional characteristics of Smith Creek were examined during the several field visits. The proposed site improvements will have no impact on the Smith Creek Floodway. The proposed site improvements will decrease the runoff rate to the stream to below 70% of the existing flow rate in accordance with the Town of Greece Standards.

At this time, there are no impacts anticipated or proposed to Smith Creek which would require a USACE Section 404 Permit or a NYSDEC Article 15 Permit. The Applicant has agreed that it will comply with all applicable NYSDEC and Town of Greece regulations regarding stormwater management.

**Comment 24:** *Construction of stormwater management systems within the floodplain should be discussed. This construction and removal of vegetation within the floodplain may impact both upstream and downstream flooding conditions. In particular, the downstream flooding conditions may be significantly altered by the detention and delayed release of floodwaters from the required onsite stormwater management ponds. This potential effect needs to be evaluated.*

**Response:** A complete analysis of the Smith Creek floodway adjacent to the Project Site is included in Appendix C of the DGEIS. The proposed site improvements will have no impact on the Smith Creek Floodway. The proposed site improvements will decrease the runoff rate to the stream to below 70% of the existing flow rate in accordance with the Town of Greece Standards which meets the requirement of the Scoping Document. By complying

with the NYSDEC's and the Town's stormwater guidelines, the Applicant has mitigated the Project's impact to stormwater to the maximum extent practicable.

**Comment 25:** *The effects of the stormwater management system should be evaluated by completing a flood impact study. The results of the study would identify whether a "Map Change" to the Flood Insurance Rate Map is required.*

**Response:** A complete analysis of the Smith Creek floodway adjacent to the Project Site is included in Appendix C of the DGEIS. The proposed site improvements will have no impact on the Smith Creek Floodway. The proposed site improvements will decrease the runoff rate to the stream to below 70% of the existing flow rate in accordance with the Town of Greece Standards. A "Map Change" is not warranted as this area is not a mapped floodway.

**Comment 66:** *What measures are being taken to protect the wetlands and streams from the discharge of thermal pollutants from detention basins and salts (and other soluble contaminants) entering the basins (and eventually wetlands/streams) as a result of deicing procedures used on parking lots?*

**Response:** The stormwater ponds are designed with the NYSDEC recommended standards for stormwater ponds and a SPDES Permit will be obtained. A negative determination under SEQRA has been made for all activities covered by the SPDES permit. The NYSDEC has determined that projects that comply with the terms of permit will have no significant adverse impact to the environment.

**Comment 67:** *The report mentions that wetland and stream hydrology will be maintained through proper management of stormwater. The report states that the stream and wetland hydrology is mostly associated with surface water runoff. However, it does not indicate whether or not groundwater resources play a role in providing water sources for the wetland areas and streams. If groundwater does play a significant role as a source of water, the increase in paved areas could affect wetland and stream hydrology. The water budget for the streams and wetlands needs to be ascertained prior to making an assessment that there will be no adverse impacts. Wetland hydrology is the most important element in maintaining the values and functions of the wetlands. In this regard, a long-term monitoring plan should be developed and implemented to ensure that the development does not cause adverse hydrological impacts. The plan should include measures that will correct any adverse water source deficiencies should they occur.*

**Response:** Groundwater was not identified within the Wetland Delineation Report as a significant contributor to the 0.38 of non-jurisdictional wetland. A complete analysis of the Smith Creek floodway adjacent to the Project Site is included in Appendix C of the DGEIS. Groundwater was not identified as a significant contributor to the creek.



## SECTION 4.7: INFRASTRUCTURE AND UTILITIES

### LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)

**Comment 4:** *What does section 12 Infrastructure and Utilities on page 1-6 mean? "In order to permit inflow and infiltration (I and I) be an amount equivalent to the proposed flows".*

**Response:** In discussions with Monroe County Pure Waters (MCPW), a concern was expressed that the inflow and infiltration (I and I) flows are excessive within the Town of Greece. These additional flows can be traced, in part, to the connection of roof laterals into the sanitary sewer or other sources. This concern was conveyed by the developers engineer to Cindy Ziarko, of the Town's Department of Public Works. Cindy has indicated that the Town and MCPW have started discussions to reduce the I and I flows Town wide.

**Comment 16:** *The existing 15" sanitary sewer is approximately 2,200' to the north. Does the Project have legal access to the sewer? The sanitary sewer should be constructed to the town standards and extended to the limits of the Project (this would provide a sanitary sewer coordination with Southwest Commons). The depth and size should be verified to be able to service properties to Monroe County parklands to the south. Look into providing service to the remaining parcels on the north side West Ridge Road.*

**Response:** The developer does have legal access to the existing sanitary sewer. The sewer will be constructed to the Town's and "Ten State" standards. The proposed sewer shall be a 15 inch main, installed at the minimum allowable slope. The sewer shall be built initially to service the Project.

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 17:** *Section 3.7.d of the DGEIS discusses the development of a 15" sanitary sewer main that will be extended south from the Images Way/Daffodil Trail, through the Project and terminated at the West Ridge Road Right-of-Way. Will Southwestern Commons to the south tie into this main? Additionally, will this main be designed to provide sufficient capacity to handle the Project and Southwestern Commons? As noted above, the DGEIS completely fails to examine the cumulative impacts of the two projects. If this sewer line is planned to be dedicated to the Town, the Applicant should be required to design it such that it provides for a connection to the development across the street to avoid redundant sewer design and impacts related to installing multiple lines to service both projects. The cumulative impacts of constructing a sewer line extension should also be included in this section.*

**Response:** Section 3.7.c and Appendix F of the DGEIS addresses cumulative impacts regarding the proposed sanitary sewer. Appendix F includes documented demand calculations for sewer presented to Monroe County Pure Waters and the Town of Greece

DPW which included the flow to be generated from the proposed Southwestern Commons project. As stated in Section 3.7.c of the DGEIS: “The Town of Greece DPW has otherwise stated that as long as a 15” sanitary sewer is constructed, this will provide adequate capacity for both developments and other undeveloped lands that it would service.” No cumulative impacts regarding sewer capacity will occur as a result of the Project. The sewer will be constructed to the Town of Greece’s requirements and be dedicated to the Town. The sewer will initially be built to service the Project Site.

## SECTION 4.8: TRAFFIC AND TRANSPORTATION

### LETTER 1: JAMES R. POND, P.E., PTOE, ASSOCIATE TRAFFIC ENGINEER MONROE COUNTY DEPARTMENT OF TRANSPORTATION (2/4/08)

**Comment 1:** *We recommend that the developers of Hampton Ridge Center and Southwestern Commons work together to establish the proposal improvements and agree on who will be responsible for each of the identified mitigation measures. In this study, Hampton Ridge Center only mitigated itself. The report should also take into consideration the proposed Southwestern Commons development.*

**Response:** For a time, the January 2008 Addendum 1 traffic impact study submitted with the DGEIS was set aside to prepare a joint analysis of Hampton Ridge Center (HRC) and Southwestern Commons (SWC). Several draft documents were exchanged with the NYSDOT and MCDOT. The documents included a master plan for full build-out of the two projects. The joint analysis, performed by Bergmann Associates and FRA, reached a conclusion. Any further refinements to the plan would depend on actual applications made to the Town of Greece for site plan approval. Therefore, the January 2008 traffic impact study addendum 1 (without Southwestern Commons) was revised and updated in June 2009. The updated report is well within the parameters established for potential full build-out and demonstrates those improvements required for Hampton Ridge. The June 2009 report (referred to as Addendum 2) is located in Appendix F. The recommended mitigation for Hampton Ridge impacts discussed in the June 2009 traffic impact study in Appendix F would be the responsibility of the Applicant. As future site plan applications are submitted, they would be back checked against the full build-out report noted above and then appropriate mitigation for the then current site plan application would be submitted for permit.

**Comment 2:** *Pg 1-4 paragraph 1 — This section of the DGEIS only refers to the NYSDOT submission of the “December 2004 TIS” in December 2004. Also included should be the submission to MCDOT in May of 2007. Furthermore, our comments summarized in a letter dated July 31, 2007 have not been addressed. The DGEIS should be revised to include our previous comments and the supplemental comments provided in this letter.*

**Response:** The comments summarized in the letter dated July 31, 2007 are discussed after the supplemental comments below.

**Comment 3:** *Pg 1-4 bullet 2 — At the proposed Hampton Ridge Center Driveway, a standard westbound right-turn lane analysis should be performed for comparison purposes in addition to the free-flow slip lane analysis provided.*

**Response:** The June 2009 report in Appendix F shows the analysis with a standard westbound right-turn lane analysis. The free-flow slip lane analysis results are provided at the

end of Appendix F. The free-flow slip lane offers greater capacity for the westbound Route 104 approach, helping to reduce delays for right turns into the HRC and reduce vehicle queues in this right turn lane.

**Comment 4:** *Pg 3.1-2 section 3.1d Mitigation — Because the type of development is uncertain, the number of trips is recommended to be the limiting factor instead of the building area.*

**Response:** Comment noted.

**Comment 5:** *Pg 3.8-1, throughout 3.8 Traffic and Transportation — This section and others throughout the document should be updated to reflect current conditions. For example, the estimated 2004 existing traffic volumes were based on 2002 data and should be updated, including possibly recounting, to reflect the year 2007. Furthermore, background developments should be updated, as some are operational, including the Kohl's development.*

**Response:** The June 2009 report in Appendix F is based on recent count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site.

**Comment 6:** *Pg 3.8-1 paragraph 1 — The referenced figures, tables, etc. from the TIS located in Appendix D should be included in the DGEIS sections, as they are hard to find when only located in the Appendices.*

**Response:** Comment noted.

**Comment 7:** *Pg 3.8-1 last paragraph — With this large of a development, any intersection with 100 vehicles or more being added as a result of this development should be reviewed for potential traffic impacts, as stated in our July 31, 2007 comment letter. The vehicle trip distribution should be expanded further out on the roadway network to identify any intersections that meet this threshold, which could include, but are not limited to, the following locations:*

- *Elmgrove Road at St. Andrews/Berkshire, Straub, Ridgeway, and Deming*
- *North Greece Road at Bramhall, Mill, and English*

**Response:** The June 2009 report includes intersections on Elmgrove Road and North Greece Road that are projected to have 100 vehicles or more added during the weekday peak hour as a result of the HRC development. The intersections include: Elmgrove Road at St. Andrews Drive / Berkshire Drive and Elmgrove Road at Straub Road.

**Comment 8:** *Pg 3.8-3 paragraph 1 — We would like to know whether the existing LOS F reported southbound on Manitou Road at Rt. 104 was confirmed by field observations.*

**Response:** The June 2009 report includes an April 2009 count and study of traffic at the Manitou Road intersection with Route 104. Similar to the existing Synchro results shown in Table 1 of the June 2009 report, LOS C was also observed in the field for the approach as a whole. More delay was observed in the shared left/through lane, indicative of left turn vehicles waiting for gaps in northbound through traffic. This is expected to become worse with normal growth of traffic regardless of traffic generated by the proposed HRC development. Background traffic volumes without HRC are expected to degrade the southbound approach to LOS F without mitigation. Suggested mitigation includes reconfiguring the Manitou Road approaches to include exclusive left turn lanes as presented in the June 2009 report to help mitigate existing/no build conditions.

**Comment 9:** *Pg 3.8-4 paragraph 1 — The projected trip generation for the “Shops at Hampton Ridge” should be checked for validity now that the development is partially built.*

**Response:** Since one half of the Shops at Hampton Ridge trips (based on Saturday Mid-day peak hour trip generation) to one third (based on Friday PM peak hour trip generation) are not generated yet, we believe that it is too early to get a true verification of trips. Verification at this stage based on square footage build out is unwarranted because the upcoming tenants are uncertain. An estimate of the full number of trips based on partial build out could provide an incorrect picture of the overall comparison between actual versus estimated full build trips.

**Comment 10:** *Pg 2-1 paragraph 1 — “US Route 104” should be “NYS Route 104” throughout the document.*

**Response:** Comment noted. The June 2009 report in Appendix F includes this correction.

**Comment 11:** *Pg 3.8-1 paragraph 4— “east of the study area to Larkin Creek” should be “east of the study area at Larkin Creek to NY’S Route 390”. Larkin Creek is the west limit of the Project.*

**Response:** Comment noted.

**Comment 12:** *Pg 3.8-1. throughout 3.8 Traffic and Transportation — Improvements for the Rt. 104 project should be treated as in place, since the construction on this section was essentially completed in 2006.*

**Response:** Comment noted. The June 2009 report in Appendix F includes the improvements. The June 2009 report is based on April 2009 count data and accounts for the Kohl’s, First Niagara Bank and office space on the Shops at Hampton Ridge site. The Route 104 improvements were completed before the April 2009 traffic count.

**Comment 13:** *Pg 3.8-9 paragraph 2—Since the existing cycle length in the area was not used (should be 120 sec) and the intersection of Elmgrove/N.Greece Road at Rt. 104 was not taken into account, the location of the site driveway green band analysis may have drawn an incorrect conclusion. This analysis should be revised accordingly.*

**Response:** The June 2009 report uses the existing cycle length of 120 seconds. The intersection at Elmgrove Road and North Greece Road is included in the coordinated traffic signal system in the June 2009 traffic analysis, from the existing conditions through the build conditions including optimum Route 104 progression / green band analysis. Appendix F contains the June 2009 report. The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site.

**Comment 14:** *Pg 3.8-1] last paragraph — MCDOT operates the intersection of Elmgrove/N.Greece Road at Rt. 104, therefore MCDOT needs to be included in the review process of the proposed mitigation to this intersection.*

**Response:** Comment noted. No mitigation is proposed at this intersection per the June 2009 report in Appendix F.

**LETTER 2: BRENT H. PENWARDEN III, P.E., ASSOCIATE ENGINEER  
MONROE COUNTY DEPARTMENT OF TRANSPORTATION (7/31/07)**

**Comment 1:** *Figures 9 & 10 identify that additional intersections should be studied beyond that performed. Any intersections that have 100 or more trips added as a result of this development should at least be reviewed to determine if the additional traffic will have an impact. This means the Mill Rd. & N. Greece Rd. intersection, as well as east of ElmrIDGE Plaza on Route 104 and west of Manitou on Route 104 as well should be studied.*

**Response:** The June 2009 report includes intersections on Elmgrove Road and North Greece Road that are projected to have 100 vehicles or more added during the weekday peak hour as a result of the HRC development. The intersections include: Elmgrove Road at St. Andrews Drive / Berkshire Drive and Elmgrove Road at Straub Road. A cursory review of the additional traffic impacts to the east and west of the area studied on Route 104 revealed little impact to intersections west of Manitou Road and east of the ElmrIDGE Plaza entrance.

**Comment 2:** *Table 6 shows that the mitigation proposed appears to be inadequate @ Route 104 and Manitou Road, as well as at Route 104/N. Greece Rd./Elmgrove Rd. We concur with NYSDOT's comments dated 3.28.2005 regarding these intersections, which are under their jurisdiction.*



**Response:** The June 2009 Traffic Impact Study Addendum 2 shows the small impact projected for these intersections due to the Hampton Ridge Center project, comparing the LOS results in Table 5 of the June 2009 report (Build with Mitigation to existing conditions) to results shown in Table 4 (No Build with Mitigation of existing condition). The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site. The analysis projects a pre-existing issue because of background traffic (without HRC) at the Manitou Road intersection. No mitigation is proposed at the North Greece Road / Elmgrove Road intersection based on the recent study.

Impact of HRC traffic at the Manitou Road intersection with Route 104 is small with an increase to overall delay of less than 4 seconds during the Friday PM peak hour and slightly more than 5 seconds during the Saturday Mid-day peak hour. This change is much less than a whole LOS letter grade, where LOS C range is 15 seconds (20 seconds to 35 seconds). Overall LOS is projected to continue to be C with addition of HRC traffic.

Impact of HRC traffic at the North Greece and Elmgrove roads intersection with Route 104 is small with an increase to overall delay of 4.4 seconds during the Friday PM peak hour and 4.1 seconds during the Saturday Mid-day peak hour. Again, this change is much less than a whole letter grade.

**Comment 3:** *Pg 22; ¶ 3 indicates that pedestrian phases were removed from the Synchro model at the Route 104/Elmgrove/N. Greece Rd. intersection, however, the infrequent pushes of the button is an input that can be accounted for, and modeled. Please modify and re-run the analysis.*

**Response:** The analysis was modified to include pedestrian phases and pedestrian volumes for the June 2009 report. Of note is the very small number of pedestrians observed in the area during field visits and when traveling through the area.

**Comment 4:** *Please identify any impacts to N. Greece Road and to nearby accesses, as a result of any mitigation (widening for left turn lane) etc. that may be required.*

**Response:** No mitigation is proposed at the North Greece Road intersection per the June 2009 report without the SWC. The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site.

**Comment 5:** *Pg 24 – The statement that the changes at Route 104/Elmgrove/N. Greece Rd. can be made w/pavement markings and signal modifications is incorrect – this intersection has already been reconstructed differently.*

**Response:** No mitigation is proposed at the North Greece Road intersection per the June 2009 report without the SWC. The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site.

**Comment 6:** *Traffic signal conduit should be installed from the site driveway to both Manitou Rd. and Elmgrove Road.*

**Response:** Conduit will be installed to interconnect the signals.

**Comment 7:** *Recommendations: #2 – The new signal at the site driveway must be coordinated with the adjacent signals to the east at Elmgrove and beyond.*

**Response:** The new signal at the HRC east driveway will be coordinated with adjacent signals to the east, at Elmgrove Road and beyond.

**Comment 8:** *Recommendations: #6 – The signal at Route 104/Elmgrove/N. Greece Rd. must be coordinated with the adjacent signals. It is coordinated now, and runs well @ 120 second cycle length.*

**Response:** The signal at Elmgrove Road and North Greece Road intersection will be coordinated with adjacent signals.

**Comment 9:** *Recommendations: #7 – Continue to operate the signal @ Route 104 & Elmgrove Plaza in coordination with those to the east and west.*

**Response:** This signal will be coordinated with adjacent signals to the east and west.

**LETTER 3: DAVID C. GOEHRING, P.E., REGIONAL TRAFFIC ENGINEER  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION (2/4/08)**

**Comment 1:** *Please find attached a copy of our September 11, 2007 letter to Frank Dolan of Bergmann Associates. The letter provides our comments on the development's impact to the state highway system. Please note, that to date, we have not received word of how our concerns will be addressed. The comments identified in the letter are still relevant. It is imperative that access to this development and to the Southwestern Commons be coordinated to minimize signalized intersections along Route 104.*

**Response:** Concerns from the September 11, 2007 letter are discussed below. The Applicant worked with the Southwestern Commons (SWC) developer, MCDOT and your office to address your concerns. Full build-out mitigation plan was prepared as a reference for future site plan applications. That cooperative effort has concluded. Further refinement



depends on actual applications within the corridor. All applications for development should refer back to the master plan and full build-out reports to verify that thresholds were not exceeded and that permitted work takes into account future needs. There has been no further information provided to Bergmann Associates by the developer of SWC since November 2008. An updated HRC Traffic Impact Study Addendum report, without SWC, (Addendum 2) is contained in Appendix F. This June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site.

**LETTER 4: DAVID C. GOEHRING, P.E., REGIONAL TRAFFIC ENGINEER  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION (9/11/07)**

**Comment 1:** *In regards to the Route 104 and Manitou Road intersection, it is our policy that when a lowering in the level of service (LOS) during a peak hour occurs, traffic mitigation is required to offset this impact. The LOS is expected to be lowered significantly during peak hours. Contrary to your statement, there is no indication that this would be limited to one peak hour. It is more reasonable to assume that there will be significant impacts during afternoon and weekend periods when commercial activity is high. In this case improvements at the intersection appear impractical due to right-of-way and physical constraints. It was suggested that these improvements could be done when the New York State Department of Transportation reconstructs Route 104 in this area and can obtain right-of-way. Presently we do not have a project planned in this area and thus do not foresee the necessary traffic improvements occurring for at least ten years. If traffic mitigation is not feasible with full development of Hampton Ridge Center, consideration needs to be given to the scope of this Project in relation to the transportation infrastructure available.*

**Response:** The June 2009 Traffic Impact Study Addendum 2 shows the small impact projected for this intersection due to the full build-out Hampton Ridge Center project, comparing the LOS results in Table 5 of the June 2009 report (Build with Mitigation to existing conditions) to results shown in Table 4 (No Build with Mitigation of existing condition). The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site. The analysis projects a pre-existing issue because of background traffic (without HRC) at the Manitou Road intersection.

Impact of HRC traffic at the Manitou Road intersection with Route 104 is very small with an increase to overall delay of less than 4 seconds during the Friday PM peak hour and slightly more than 5 seconds during the Saturday Mid-day peak hour. This change is much less than a whole LOS letter grade, where LOS C range is 15 seconds (20 seconds to 35 seconds). Overall LOS is projected to continue to be C as shown in Table 5 with addition of HRC traffic and mitigation of pre-existing conditions.

**Comment 2:** *We have reviewed the proposed modifications at the Route 104 and Elmgrove Road/North Greece Road intersection. The installation of dual left turn lanes on Elmgrove Road and North Greece Road has inherent drawbacks but appears feasible. As stated in our previous comments, the proposed layout may require a higher cycle length and may negatively impact the progression of traffic on Route 104. We also have concerns with the inefficiency of split phasing the northbound and southbound directions during off peak hours. Before split-phasing Elmgrove Road and North Greece Road an updated intersection analysis with actual traffic volumes as Hampton Ridge approaches full development will be necessary. A comparison of existing and proposed geometry is necessary to determine which alternative is better. This analysis should compare impacts to capacity, safety and the progression of Route 104 traffic.*

**Response:** No mitigation is proposed at this intersection per the June 2009 report without the SWC. The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site. The progression of the SWC project is uncertain.

**Comment 3:** *Another drawback is the unconventional way that large vehicles (buses and trucks) needing to turn onto North Greece Road must be accommodated. Permanently detouring large vehicles to use the Old North Greece Road truck U-turn does not fully mitigate for the impact the dual left counter-measure will have on large vehicles. The impact that remains is an unquantifiable operational deficiency. Detailed design will reveal additional modifications to striping and lane tapers that may be necessary to eliminate trap lanes and provide for better lane alignment.*

**Response:** No mitigation is proposed at this intersection per the June 2009 report without the SWC. The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site. The progression of the SWC project is uncertain.

**Comment 4:** *As stated in your letter, we are in agreement with traffic mitigation at the site driveway on Route 104. The location of this driveway and all traffic mitigation must be coordinated with the future development of property on the south side of Route 104. Efforts to minimize signalized intersections are critical to maintain good traffic flow.*

**Response:** Comment noted.

**Comment 5:** *A Highway Work Permit is required for all work within State right-of-way. However significant issues still exist that require further conceptual work. We look forward to the results of your continued planning efforts for this commercial development.*

**Response:** Comment noted.

**LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)**

**Comment 3:** *The DGEIS spoke of pedestrian traffic. There should be a sidewalk crossing the entire West Ridge Road right-of-way and both sides of the entrance continuing to the sidewalk at the building. Internal traffic patterns should make sure pedestrians have a safe route.*

**Response:** Sidewalks will be provided along the NYS Route 104 frontage of the proposed plaza; a sidewalk will run down one side of the entry drive and join into the proposed sidewalk network. As part of the site design, a priority has been placed on safe pedestrian accessibility between retailers.

**Comment 5:** *Sidewalks shall be seven feet (7') wide and adjacent to curbs. Sidewalk should be across the entire West Ridge Road frontage and both sides of all dedicated Right-of-Way. Public sidewalk shall connect into the site with private sidewalk that connect to building(s). The sidewalk area should have a "clear zone" with no appurtenances, such as mailboxes, light poles etc., between the curb and the back-side of the walk.*

**Response:** Sidewalks will be provided along the north side of West Ridge Road, within the frontage of the Project. The design of this sidewalk will comply with the New York State Department of Transportation and the Town of Greece requirements. The connection of the public sidewalk will tie into the plaza pedestrian network.

**Comment 8:** *Traffic analysis should be coordinated between this Project and Southwest Commons. It is stated in 1-4 and 1-5 that the level of service is poor at the Manitou Road and West Ridge Road. The ability to reconstruct and modify the roadways is impractical without adequate right-of-way and there are significant impediments that affect available options. This analysis is in contrast to what was stated in the Southwest Commons analysis that the level of service can be improved. Signals along West Ridge Road should be inter-connected. All work should be coordinated with NYSDOT. Is there a copy of the Bergmann Associated traffic report of 2004 available for review?*

**Response:** The January 2008 traffic impact study Addendum 1 (without Southwestern Commons) was revised and updated in June 2009. The June 2009 report (Addendum 2) is located in Appendix F. The January 2008 Addendum 1 was temporarily suspended by efforts on a cumulative analysis of Hampton Ridge Center (HRC) and a proposed Southwestern Commons (SWC) to be located opposite HRC on the south side of Route 104. The analysis was performed jointly by Bergmann Associates and FRA. The cumulative analysis was completed as far as it could go under this rezoning action. The June 2009 report without SWC is provided herein to show the mitigation required for the Hampton Ridge project. The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site.

Impact of HRC traffic at the Manitou Road intersection with Route 104 is very small with an increase to overall delay of less than 4 seconds during the Friday PM peak hour and slightly more than 5 seconds during the Saturday Mid-day peak hour. This change is much less than a whole LOS letter grade, where LOS C range is 15 seconds (20 seconds to 35 seconds). Overall LOS is projected to continue to be C as shown in Table 5 with addition of HRC traffic and mitigation of pre-existing conditions.

**LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)**

**Comment 19:** *There is no mention of any accident studies. At a minimum, documentation of Priority Investigation Locations (P.I.L.) on Route 104 (West Ridge Road) should be included. We are particularly concerned that while the study focuses on traffic volumes, it does not evaluate safety for vehicles, pedestrians, and bicyclists, particularly in light of the visibility issues posed by the grade change between the site and West Ridge Road. The traffic study utilized by the Applicant is dated, having been completed in 2004. The New York State Department of Transportation (NYSDOT) states, in a September 11, 2007 letter, that an updated analysis is required. The traffic study should be updated to reflect changes over the past four years, including new developments and the changes to Ridge Road.*

**Response:** This segment of West Ridge Road was recently under construction, so accident data is dated and would not reflect existing conditions. Adequate sight distances including vehicle stopping and intersection sight distances shall be met for safe travel of vehicles, pedestrians and bicyclists. Design requirements for traffic safety will be addressed during the design of highway improvements and site driveways. The revised report of June 2009 includes April 2009 count data and current conditions on West Ridge Road and in the surrounding area.

## SECTION 4.9: NOISE

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 45:** *With respect to noise, what are the impacts of (a) noise from increased traffic throughout the entire Ridge Road corridor, (b) one time noise levels such as dumpsters being emptied, (c) sound of delivery trucks idling during deliveries and the sound in many cases of their refrigeration units, (d) snowplows operating through the night for four to five months a year, and (e) sounds and frequency of car alarms?*

**Response:** Section 3.9 of the DGEIS provides a thorough review of potential noise impacts, both during construction and Project build out, as required by the Scope. The Scope requires the Applicant to examine “potential post-development noise impacts to the surrounding neighborhood, if any.” Table 3.9.2 in DGEIS Section 3.9.d lists stationary equipment noise emission data for an idling tractor trailer, idling garbage truck, rooftop AHU and refrigeration units. The DGEIS explains that post-development noise will consist mainly from vehicle traffic, refrigeration and HVAC units, and will have similar sound levels to the adjacent commercial property. The site plan has been designed to reduce noise from snowplows and car alarms by providing parking lots in the interior of the site with manmade buildings on the exterior of the site. With the projected 3db of increase in noise, coupled with the 100 foot buffer strip to the residential properties to the east, south, and west, the project will not create any significant post-development impacts. Since there are no significant operational noise impacts from the proposed development, no further noise analysis is warranted.

**Comment 46:** *The DGEIS does not address other noise sources that will emanate from the other operational functions of the Project that will produce sporadic related noise impacts, including but not limited to delivery vehicles, trash removal, snow plowing, etc. The FGEIS should identify, assess and determine commensurate mitigation (if warranted) for these potential noise impacts before the lead agency can conclude that the development will produce no noise impact upon surrounding residents. Berms or other types of noise barriers, increased setbacks, enclosed dumpsters, restricted snowplowing and delivery schedules, prohibiting back-up beepers on delivery vehicles and snowplows are all potential mitigation measures that need to be reconsidered and evaluated for these sporadic noise impacts.*

**Response:** Please see the Applicant’s response to Comment 45 above. The Project will not result in any significant adverse noise impacts.

**Comment 68:** *Traffic volumes are expected to increase by 50% and include the accompanying noise from commercial activities. How does the fact that this change occurs over time alter the fact that the level of noise from traffic will increase and the introduction of noise from commercial activities will be introduced?*

**Response:** Please see the Applicant's response to Comment 45 above. The noise generated with the Project is consistent with the existing commercial development, which includes a car dealership to the immediate west and the Shops of Hampton Ridge to the east. The Town's 2001 Master Plan notes this area as prime for additional commercial expansion. Accordingly, the noise generated from the site is consistent with the type of noise that the Town intends there to be in this area.

## SECTION 4.10: AIR QUALITY

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 26:** *The air section of the DGEIS is insufficient. Given the increased number of commercial grade delivery vehicles expected to frequent the area as a result of the Project, in particular, and including the idling of trucks carrying refrigerated goods, the air quality study should include a baseline analysis and potential increase of:*

- Hydrocarbons;
- Nitrogen oxides;
- Particulate matter less than 2.5 micrometers;
- Particulate matter less than 10 micrometers;
- Sulfur dioxide; and
- Volatile organic compounds.

**Response:** Air Quality of the NYSDOT Environmental Procedures Manual (EPM) prepared by the NYSDOT Environmental Analysis Bureau (EAB) was used to determine if a microscale air quality study is required. Microscale analyses are performed to predict concentrations of carbon monoxide (CO) and PM<sub>2.5/10</sub> on a localized or microscale basis. During the screening process, it was determined that the Level of Service (LOS) will not be worse than LOS D for either the Build or No Build Alternative for any intersection within the study area during the Estimated Time of Completion (ETC) peak hour volumes. An air quality analysis is not required since the Project will not increase traffic volumes, reduce source-receptor distances, or change other existing conditions to such a degree as to jeopardize attainment of the National Ambient Air Quality Standards (NAAQS).

Upon completion of the development, it is expected that all of the intersections impacted by the development will be functioning at satisfactory Levels of Service. This means that there is minimal time in which vehicles will be idling and the potential increase of pollutants is minimized.

There will, however, be temporary impacts to air quality during the construction of the Project. The Applicant will adhere to the requirements set forth by the NYSDEC, and has proposed several mitigation measures, including applying water to limit air borne dust particles. Additionally, all construction vehicles will comply with state and federal vehicle emission standards. Accordingly, no further investigation is required or warranted.

**Comment 32:** *The Scope requires that existing ambient air quality conditions within the study areas be obtained from NYSDEC and described. This information is not included in Chapter 3.10 of the DGEIS. Additionally, the Scope requires that this data must be analyzed and compared to the National Ambient Air Quality Standards in order to characterize the*



*existing air quality at the site. This has not been done.*

**Response:** The closest monitoring station to the Town of Greece is Rochester New York. Comparison to these values offers no practical information. Moreover, an air quality analysis is not required since the Project will not increase traffic volumes, reduce source-receptor distances, or change other existing conditions to such a degree as to jeopardize attainment of the National Ambient Air Quality Standards (NAAQS). The Applicant has provided the relevant information regarding air quality in Chapter 3.10 of the DGEIS as required by the Scope. Accordingly, no further analysis is required.



## SECTION 4.11: COMMUNITY FACILITIES

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 29:** *This DGEIS should include a functional and fiscal analysis of other known or discussed development activities within the vicinity of the Project which would result in the need for additional Town infrastructure and service improvements and the commitment of additional Town resources.*

**Response:** The Applicant has no plans to develop other areas within the vicinity of the Project and, therefore, in accordance with the scoping document, is under no obligation to speculate about other possible projects in the area. The Applicant worked cooperatively with Southwestern Commons Development in terms of cumulative traffic impacts.

The DGEIS does address potential growth inducing aspects (See Chapter 6) as required by the scoping document. This Project, in and of itself, does not cause growth in its vicinity. The Town, in its 2001 Community Master Plan, noted that this area is suitable for commercial development. Accordingly, any subsequent development will be unrelated to Hampton Ridge and based on the recognition that the West Ridge Road Corridor is the appropriate area for development and commercial growth. Any subsequent, unrelated projects will undergo their own independent review by the Town.

**Comment 34:** *Section 3.11.c of the DGEIS does not provide an analysis of the potential impacts to community services as required by the Scope. In fact, with respect to police, fire, emergency services and hospital the DGEIS states "See Gary T." This response is insufficient. While we are guessing this means to call you, it is not clear. And while you may possess information related to these issues, the DGEIS is supposed to provide information to the lead agency, involved agencies and the public, simply referring to "Gary T." does not meet that requirement. The DGEIS must address the impact to community services, especially fire, police and ambulance, and provide mitigation if necessary.*

**Response:** "See Gary T." was a note to the author to insert the results of a discussion with the Department of Development Services Director, Gary Tajkowski. The Applicant was advised that the Town could adequately service the site with fire, police and ambulance services.

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## SECTION 4.12: FISCAL IMPACTS

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 35:** *The fiscal impact analysis for this Project is significantly lacking. The analysis does NOT comply with the requirements of the Scope. The Scope requires the Applicant to “discuss whether the development will displace existing business,” no such discussion is provided. The Scope requires an “estimate of the total construction costs, estimate of the total number of direct (onsite) and indirect (off-site) jobs and tax revenues generated during construction activity.” No such discussion is provided. The Scope requires a discussion of “the benefits of the proposed Project during the operating period in terms of economic activity, direct and indirect employment.” No such discussion is provided. The Scope requires a discussion of the cost to the Town as a result of the Project. No such discussion is provided.*

**Response:** Discussions on these fiscal impacts were provided in Section 3.12.c and Section 3.12.d of the DGEIS:

“It is the goal of this commercial retail development to provide opportunities to new tenants, not already located in the Town of Greece. However, some existing businesses in the Town of Greece may seek additional business locations that can be accommodated at this site. In this case, business growth is accomplished through multiple locations. Also, some businesses, who are unable to grow their businesses or expand at their existing location, may seek opportunities at this site that are not available at their existing location.

It is understood that the Town of Greece does not seek to regulate free enterprise, rather to encourage practices that maintain full occupancy and use of existing buildings. It is not unreasonable to expect that some buildings can be vacated as tenants move to more appropriate facilities and that some time may elapse before new tenants are identified. Re-tenanting is a logical process in the marketplace which continually fits the needs of the user with the available supply of buildings.”

The Scoping document does not require the estimated construction costs to be included in the DGEIS however; it does require the estimated number of jobs generated by the construction activity. This information was provided in Section 3.12.c of the DGEIS:

“In addition to the economic benefits of the proposed retail development from the generation of sales and real property tax revenue, the investments will generate approximately 200 jobs during the construction and approximately 500 to 600 jobs at full build-out. “

Section 3.12.c and 3.12.d of the DGEIS provides a lengthy discussion on the cost to the Town as a result of the Project and concluded the following:

“The proposed commercial/retail development will greatly improve the finances of jurisdictional taxing authorities for the County, Town, fire and local school district. The anticipated difference in assessed value is approximately \$17,997,720, based on a rough per square foot assessment. This Project will result in a positive fiscal impact on the Town of Greece in that the additional tax revenue will far exceed the need for municipal services.”

Further, to the extent the comment seeks a general discussion on additional economic impacts, the NYSDEC provides that such impacts are not a relevant or appropriate area of review for an EIS. See NYSDEC’s website, SEQRA Handbook, last view June 15, 2009, <http://www.dec.ny.gov/permits/47716.html>.

## SECTION 4.13: CULTURAL RESOURCES

**LETTER 5: NANCY HERTER, HISTORIC PRESERVATION PROGRAM ANALYST  
NYS OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION  
(12/7/07)**

**Comment 1:** *The SHPO concurs that the Historic Scatter I Site (A05505.000264) and Historic Scatter II Site (A05505.000265) are not National Register eligible and recommends a Phase II Site Examination or avoidance for the Westfall-Mercier Cobblestone Historic Site (A05505.000263). National Register eligibility is determined separately for archaeological sites and buildings.*

**Response:** A Phase II/III Site Examination was performed. The results are contained in the *Phase II and III Cultural Resource Investigations Report* dated July 28, 2008 included in Appendix G.

**Comment 2:** *The SHPO recommends that the Phase II Site Examination include a 7.5 m (25 ft) shovel test grid offset from the Phase I shovel test grid test unit excavation and deed and census record research. If avoidance is chosen, a short-term and long-term avoidance plan will be necessary. Please refer to the attachment for suggested avoidance measures.*

**Response:** See response to #2 and Appendix G. Based upon the results of the investigation, the report concluded that the construction of the Hampton Ridge Center Development Project will not have an adverse effect on any subsurface cultural resources surrounding the Westfall-Mercier Cobblestone Site (A05505.000263) structure. The Applicant currently proposes to leave the principal cobblestone structure in tact with no plans to renovate or reuse the space. A minimum 25 feet buffer will be maintained around the structure. Any future change to that distance will be reviewed with the Town of Greece Planning Department. Since the option to relocate the principal structure is still an option and to keep other potential options open, the Applicant chooses not to list the structure on the National Register at this time.

**Comment 3:** *Additionally, the SHPO requests an updated Phase I project map that includes map documented structure (MDS) locations and the location of the six acre Raymond LeChase Construction and Demolition Debris Landfill reclamation area.*

**Response:** Appendix I of the Phase II/III report in DEIS Appendix G contains a Project Map of the testing conducted and differentiates unique areas on site. The area shown in brown is the Phase II/III study area. The tan area is the location of the C&D Debris Landfill.

**LETTER 6: ROBERT T. ENGLERT, HISTORIC PRESERVATION PROGRAM ANALYST  
NYS OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION  
(11/30/07)**

**Comment 1:** *I have enclosed copies of our information/application packets for the Investment Tax Credit program and the National Register program; again, listing in the National Register is a prerequisite for participating in the ITC program. Additional information on both these programs can be found on our website, [www.nysparks.com/shpo](http://www.nysparks.com/shpo).*

**Response:** The comment is noted.

**LETTER 7: ROBERT T. ENGLERT, HISTORIC PRESERVATION PROGRAM ANALYST  
NYS OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION  
(2/7/08)**

**Comment 1:** *Attached is a copy of the eligibility statement we issued in 2004 for the cobblestone, if you don't already have it. Beyond that, for purposes of the state and federal preservation laws, the demolition of the building would automatically constitute an adverse impact/effect. We are currently reviewing the Project under Section 106 for a Corps permit.*

**Response:** The Applicant requested a jurisdictional determination which identified that potential wetlands on the site are isolated and therefore not regulated by any State or Federal agency. And due to the fact that the Project is not sponsored or funded by Federal or State sources, Section 106 (Federal) and Section 1409 (State) regulations do not apply. As such, the NYS Office of Parks, Recreation, and Historic Preservation has no permit or approval authority. The Town of Greece, as lead agency under SEQRA, will be the agency that determines what, if any, cultural impact/effect will occur as a result of the Project.

**LETTER 8: GINA M. DIBELLA, CHAIRPERSON  
TOWN OF GREECE HISTORIC PRESERVATION COMMISSION (2/4/08)**

This letter responds to comments made in Section 3.13.b, Section 3.13d, and Appendix E of the Draft Generic Environmental Impact Statement (DGEIS). The comments are organized into each of these categories with direct quotes from the DGEIS given in quotation marks.

**DGEIS Section 3.13.b No Build Conditions Comments**

**Comment 1:** *The cobblestone house "is eligible for listing as a historic property but has not been submitted."*

*This comment needs to be clarified. The property has not been submitted because even though anyone can submit a property for listing either as a locally designated landmark or as a*

*State or National Register listing, the property owner must approve this designation or listing. The Historic Preservation Commission would welcome and assist the owner in the process of local landmark designation and National Register listing.*

**Response:** The Applicant appreciates the support of the local community, particularly those persons passionate about cultural resources. At this time it is the intent of the Applicant to leave the cobblestone structure as it is. This will allow options/funding to develop for relocation or other opportunities which aren't immediately known at this time. Until the status of the structure is determined, no designations will be pursued. .

**Comment 2:** *"The floor joists are currently rotting and are beyond repair. The roof structure appears to be sagging and is not known how long it will retain any integrity. The interior of the home is not in livable condition. "*

*During my two visits to the house on October 31 and November 29, 2007, the floor joists and roof conditions were not apparent to me, or to preservation experts Cynthia Howk and Robert Englert. As far as not being in livable condition, the current owner has taken no measures to protect the house. The two side entry doors were wide open, exposing the interior to the weather. (After my first visit, the town was made aware of the open doors and the property owner was asked to board them up. They were still wide open on my second visit a month later.) Most of the "unlivable conditions" were cosmetic and easily solved — peeling paint, disconnected electric, worn carpeting, broken doors, and so forth.*

*The Historic Preservation Commission is concerned that the property may develop into a case of "demolition-by-neglect." We therefore request (again) that the current owner take measures to protect the house, such as reinstalling, locking, and/or boarding up the doors.*

**Response:** The Applicant has attempted to secure the home but has had issues with vandals. The faster some form of development occupies the site, the sooner there will be an opportunity to routinely supervise the structure. Although the building is boarded up, there are no other resources to maintain the property. The floor joists are easily visible in the basement area and are considerably rotted. The roof is sagging in the center which is visible from the outside. The condition of the property simply is what it is. Until the larger property is developed, the structure is a liability. The Applicant has already pursued parties interested in relocating the cobblestone structure to an offsite location but the SHPO wouldn't agree to the proposal. The Applicant is pleased to work with interested parties who may wish to restore/or move the home.

**Comment 3:** *"... as stated by the Landmark Society, the cobblestone house is currently regarded as particularly vulnerable due to the size of its lot and proximity to the commercial corridor of West Ridge Road. This suggests that the current location is not ideal for preservation as is."*

*The actual statement comes from the Historic Sites Survey, which was conducted by the Landmark Society in 1994, in response to the item "Other Notable Features of Building and Site." It is the last of six paragraphs for that item.*

*The entire paragraph states:*

*"The large 9.2-acre lot is comprised of a wide, front lawn to the south. To the rear of the house is unmaintained, open land with overgrown, scrub vegetation and deciduous trees. The house is on a particularly vulnerable site, due to the size of its lot and its proximity to the expanding commercial development in the neighborhood."*

*By no means does this statement suggest that it is not ideal for preservation as is. It merely states that because of the size of the property and because commercial development is expanding into the neighborhood, there is the potential for a developer to come along and threaten (demolish?) it. Note that at the time the survey was conducted the property was still owned by a private individual.*

**Response:** The property is still privately owned. Because of the increasing liability and safety concerns associated with the decay of the structure, the Applicant would like to demolish the structure. However, as stated in the Response to Comment #1 above, the current plan is to leave it as is. If resources become available to renovate or improve the facility, then the Applicant will work with those involved.

**Comment 4:** *"The Applicant is willing to assist in relocating the cobblestone at any time that grant funding can finance the process."*

*While the Historic Preservation Commission is willing to look into possible grant and/or other finding opportunities, we do not believe the fate of the house should be decided on whether or not someone other than the developer can find funding for rehabilitation and/or relocation. We believe it is the developer's responsibility to fund the rehabilitation of this building. It should be considered part of the cost to develop the site.*

**Response:** The owner understands the Historical Preservation Commissions feelings about the home but does not share the opinion that funding should be the sole responsibility of the owner. The owner will work with and provide as much assistance as feasible to any interested party who may want to restore or relocate the home.

#### **DGEIS Section 3.13.d Mitigation Comments**

**Comment 5:** *"It was also determined that the house has been nominated and is eligible for listing on the State and Federal Historic Registry."*



*This statement is not completely correct ... the house has not been nominated for listing, but it has been determined by SHPO to be eligible for listing. Again, the Historic Preservation Commission will gladly assist the owner if he wishes to pursue National Register listing and/or local landmark designation.*

**Response:** See Response to Comment #1 above.

**Comment 6:** *"It is not economically feasible to invest in restoration, make the property accessible to the public and then lease it at a suitable rate to cover the expenses involved. The floor space is not large enough to accommodate public rest rooms and leave enough space for business operations."*

*Regarding the issue of space, in our discussions with Mr. Englert and Ms. Howk on November 29, 2007, they told Mr. DiMarco that he had the option of putting an architecturally sensitive addition onto the building to increase its square footage. It's important to note that adapting this property for reuse would be a rehabilitation, not a restoration. Mr. DiMarco would not need to restore/reconstruct the interior to its former use as a home. The whole idea behind adaptive reuse is to find appropriate 21st century uses for historic properties without compromising the integrity of the building.*

*With an addition, the building could serve as a restaurant, an office building, a retail store or shops. Without an addition it could still work as a smaller coffee shop, office, or plaza welcome center. Look at what the Park Ridge Foundation did with the stone house on the Unity Hospital Campus on Long Pond Road. The developer and his architects and engineers need to think "beyond the box" and not just see an old run-down building, but instead see the potential the building has to bring a unique feature to what is currently just another strip plaza.*

**Response:** Regardless of terminology, the building structure is in a state of serious decay. Considerable resources would be required to make it safe for occupancy regardless of the use. It has not been determined to what extent that includes environmental issues. The structure contains some 800 square feet and this is insufficient for most any commercial use of the types described, particularly in its current location. Adding space to it, although seemingly simple, is difficult because the structure is a split level with the first floor about 5 feet above grade making ADA accessibility an expensive design challenge. There may be some use for the building and some future tenant willing to invest in it. Please refer all interested parties to the Applicant. To date, no parties have expressed interest other than the party wishing to relocate the structure off site.

**Comment 7:** *"If a suitable alternate location cannot be found and relocation efforts funded, one option is for the house to be demolished."*

*Of course, this is a totally unacceptable option from the point-of-view of the Historic*

*Preservation Commission.*

**Response:** The Applicant sympathizes with Historic Preservation Commission. As stated with Section 3.13 and Appendix E of the DGEIS, the owner would be pleased to work with interested parties who may wish to restore the cobblestone structure in-place or relocate it.

**Comment 8:** *"At present, however, there is time to search for funds to avoid this alternative. The developer has no desire to demolish the building if funds to preserve the house are made available or if someone expresses the commitment to relocate the house to an offsite location."*

*Again, it is the opinion of the Historic Preservation Commission that the cost to save this building, whether leaving it in place, or moving it elsewhere on the current site, should be considered part of the cost to redevelop the site.*

**Response:** See Response to Comment #4.

**Comment 9:** *"An alternative to eliminating the house from the site would be to relocate it to a location on site ... this would be a very difficult and costly building to move."*

*Cost is relative. Building a new plaza can be costly. The Historic Preservation Commission would like to know what the estimated cost is. Difficult to move ... not if the developer hires a company experienced in moving such buildings. The company mentioned, Matthews Housing Movers, Inc., comes highly recommended by the Landmark Society of Western New York. It moved the cobblestone in Irondequoit and is contracted to move Irondequoit's cobblestone blacksmith shop later this year. From what I've been told, one of the biggest factors in expense has to deal with utility lines. If this building has to be moved, and it's moved on-site, there currently aren't any utility lines.*

**Response:** Matthews Housing Movers, Inc has estimated the cost to move the home to be up to \$100,000. This does not include the costs to supply the needed utilities and foundations in its relocated position. The developer is willing to provide as much assistance as feasible to any interested party who may want to move the home.

**DGEIS Appendix E Comments: Minutes from September 19, 2007 Meeting with John DiMarco, Mark Petroski, Gary Tajkowski, Ronald Sassone, Gloria Latragna and Gina DiBella**

**Comment 10:** *"The Preservation Commission representatives ... asked how cobblestone concept would integrate into the architecture of the plaza."*

*The Historic Preservation Commission feels this is a very important point. In order to allow the*

*cobblestone building to blend in with the new development, we suggested that the developer's architects incorporate the cobblestone concept into the design of the plaza. This does not mean that the buildings need to be constructed of, or sided with, cobblestones, but that they co-exist from a design point-of-view with the historic cobblestone building. This could mean incorporating color and type of materials used, perhaps adding architectural features like quoin work to the corners of buildings, or lintels over windows, and using gabled (or the appearance of gabled), instead of flat, roof lines.*

**Response:** The developer will consider this option as an architectural feature of the plaza.

**Comment 11:** *"Physical constraints on the building include lack of first floor handicap access, small space, subsequent loss of space to public requirements (restrooms) if used to conduct business, poor interior condition (very little remains of historical significance) that needs reconstruction to be of use, and no currently available infrastructure such as parking."*

*The issue of space available was addressed above (under 3.1 3.d Mitigation).*

*The statement indicating that another physical restraint is that the building is in "poor interior condition (very little remains of historical significance)" is incorrect. In fact, several interior architectural details remain intact, especially around the windows, including shoulder moldings, deep reveals in the windowjamb, and decorative wood panels under each of the windows. The beauty of the interior of a cobblestone building is visible in the thick walls, as seen in exterior doorways and windows. Even the 1950s addition has left the former cobblestone exterior walls intact.*

*As far as not having a parking lot in place, that constraint is not difficult to remedy.*

**Response:** Extensive reconstruction will be required to bring the building up to the current NYS Building and Fire Code.

**Comment 12:** *"Economically, the cobblestone is in a prime location on the site which would demand high rental/lease rates. Despite efforts to identify tenants that would be willing to occupy a historical building and pay competitive rates for the location, no one has been willing to step forward."*

*The Historic Preservation Commission's questions regarding this statement are ... What efforts were made? What potential tenants did the developer contact? We know of no such efforts.*

**Response:** The DiMarco Group manages over 1million square feet of retail and commercial property. The process of seeking and securing tenants is on the going. It's' the policy of the DiMarco group to keep specific tenants confidential until leases are established.

**Comment 13:** *"It appeared that all at the meeting agreed that it is not economically feasible to retain the building in its current location."*

*While the Historic Preservation Commission understands the developer's argument about economic feasibility and that the cobblestone house sits in the "high rent district" of the plaza, it does not agree with the statement, especially taking into consideration the suggestion of a possible addition for more space and to accommodate handicap accessibility and restrooms. This would open it up to a larger pool of potential occupants.*

**Response:** The developer is open to reviewing any plan that shows the economic benefit of retaining the building at the current location. To date, such a plan has not been produced.

**Comment 14:** *"The DiMarco Group previously entertained interest from entities interested in relocating the Cobblestone House but nothing has since come of that communication... The fate of the building was explored with the Greece Chamber of Commerce and at one point the building was offered up for free to anyone who would take it. No further interest has been expressed."*

*The Historic Preservation Commission is not aware of the developer making any strong efforts to find entities interested in the property. Our questions would be ... Who were these entities? How many did the developer contact? When did the developer meet with the Greece Chamber of Commerce? And when was it ever offered up for free?*

**Response:** The fact remains that the Applicant has spoken with an individual in the past year who wanted to relocate the structure and the SHPO was contacted with regards to that initiative. It didn't work out. The Applicant is a broker and a businessman in the community and is in constant contact with other business people and potential tenants and is confident that the word was appropriately distributed that the building was available to anyone who was interested. At present, it is proposed to leave the house where it is. Should that change in the future, the discussion of economics and public advertising will be reviewed with the Historic Preservation Commission.

### **Summary Comments**

**Comment 15:** *The cobblestone house located at 4350 West Ridge Road is architecturally and historically significant to the town of Greece. Every effort should be taken by the town to protect it from demolition, whether by neglect or by construction equipment. The cost to save and rehab this building should be incorporated into the overall cost of the development of the site.*

*Counting on an outside source to provide funds to rehab the building should not be a consideration of its remaining intact. The Historic Preservation Commission is willing to assist*

*the developer in gathering information about possible preservation funding for the building (whether it be grants or tax credits), but it is ultimately the responsibility of the developer to secure these funds.*

*The Historic Preservation Commission recommends that one of the condition's of the rezoning of this property would be to obtain legal assurances from the developer that the cobblestone building will be preserved. In addition, we highly recommend that the developer apply for local landmark designation and National Register listing. This would insure that the property would be protected if any questions arise in the future and it would assist the current owner in gaining State and Federal tax credits.*

*The Historic Preservation Commission would also like to request that the suggestions for saving the property included in these comments be addressed by the Applicant in the final Environmental Impact Statement.*

**Response:** The above responses address the suggestions offered. The owner understands the Historical Preservation Commissions feelings about the home and will work with and provide as much assistance as feasible to any interested party who may want to restore/relocate the building.

#### **LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)**

**Comment 15:** *It is stated the cobblestone house will be moved if grant funding is secured. What if grant funding is not secured? Does the Town of Greece want to make sure there is a stronger commitment?*

**Response:** The developer has no plans or funds available to move the house. The house will remain where it is for the foreseeable future. If the Town of Greece or any other business or person wants to move the house, the developer will allow access.

#### **LETTER 10: SCOTT COPEY, PLANNING BOARD CLERK TOWN OF GREECE DEPARTMENT OF DEVELOPMENT SERVICES (1/31/08)**

**Comment 3:** *Historic Cobblestone House: The DGEIS discusses pending studies and pending cost estimates for relocation of the historic structure on site, but cites no decisive plan for preservation and/or re-use of the structure. The DGEIS also cites the cost feasibility of relocation and re-using the structure as being prohibitive. Assumptions on the cost feasibility in the DGEIS seem to be based on a limited financial scope centered on monetary return from the structure by itself, rather than the Project as a whole, and no actual figures have been referenced. The EIS should provide an actual cost feasibility analysis for relocation and re-use of the structure on site, with the entire Project investment/return used as the baseline.*

**Response:** Mathews Housing Movers, Inc has estimated the cost to move the home to be up to \$100,000. This does not include the costs to supply the needed utilities and foundations at a new location.

The cost to re-use the site varies considerably depending upon what re-use is proposed. Since no re-use is proposed at this time, it is not possible to further evaluate the economics of rehabilitation and re-use.

**LETTER 11: RON SASSONE, SENIOR PLANNER, TOWN OF GREECE (2/4/08)**

**Comment 3:** Cultural Resources:

*The Cultural Resources section of the DEIS, which deals with the cobblestone house located on the site of the Applicant's proposed development, appears to be an attempt by the Applicant to distance himself from any responsibility for preservation of this historically and architecturally significant structure. To begin with, the Applicant should be challenged on his claim that the structure's preservation will depend upon the availability of grant funds, presumably obtained by some outside entity. This sets the bar for success very high and almost guarantees failure. What should be made absolutely clear is that finding a way to preserve the structure is the Applicant's responsibility, and his alone. Further, as part of the EIS, the Applicant should be made to address each of the alternatives for the cobblestone house's preservation, which were provided to the Applicant by Cynthia Howk of the Landmark Society and Bob Englert of SHPO during their visit to the site. These alternatives seem to have been forgotten when this section of the DEIS was written.*

**Response:** The rezoning of the land does not determine the fate of the cobblestone building. The Applicant is willing to work with any viable plan to preserve the structure. To date a viable alternative to preserve or move the home has not been presented to the Applicant.

**LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)**

**Comment 27:** *Given the fact that a historic structure is located on the property, potential impacts must be identified and assessed in consultation with the NYSHPO. Mitigation options cannot be evaluated without formal consultation and recommendations from the NYSHPO.*

**Response:** The structure is not listed as designated landmark or as a State or National Register listing with NYSHPO. The NYSHPO has been consulted. Refer to letters 5, 6, and 7 above.

**Comment 36:** *To avoid circumstances in which structures potentially eligible for listing on the National Register of Historic Properties are demolished in anticipation of permit application, the NHPA was amended in 1992 to prohibit federal agencies, such as (USACE),*



*from issuing permits under circumstances of “anticipatory demolition.” Section 110 of the NHPA, 16 U.S.C. Section 470h-2(k) states, with regard to anticipatory demolition, that:*

*Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 470(f) of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

*Under a USACE Memorandum dated April 25, 2005, which provides interim guidance for implementing 36 C.F.R. Part 800, permit applications in which anticipatory demolition was undertaken require consultation with the Advisory Council on Historic Preservation (“ACHP”). This would be true even if the Project could proceed under a Nationwide Permit. The cobblestone house located on the Project Site is potentially eligible for listing on the National Register of Historic Properties. If the applicant demolishes the house, it will be in violation of this law.*

*The applicant admits that Phase II and III Cultural Resource Investigations have not been completed on the cobblestone house. These studies must be completed, and incorporated as part of the DGEIS. It is illegal to defer these studies until after conclusion of the SEQRA process. Penfield Panorama Area Community, Inc. v. Town of Penfield Planning Bd, 253 A.D.2d 342, 688 N.Y.S.2d 848 (4<sup>th</sup> Dep’t 1999); Kahn v. Pasnik, 90 N.Y.2d 569, 664 N.Y.S.2d 584 (1997); Town of Red Hook v. Dutchess County Resource Recovery Agency, 146 Misc.2d 723, 552 N.Y.S.2d 191 (Sup. Ct. Dutchess Co. 1990). Nor can these studies just be deferred until the FGEIS, but rather they must be included in the DGEIS. Webster Associates v. Town of Webster, 59 N.Y.2d 220, 228, 464 N.Y.S.2d 431 (1983).*

**Response:** A copy of the USACE Jurisdictional Determination for federally regulated wetlands at the Project Site is contained in Appendix H. This Application will not impact any federal wetlands regulated or under the jurisdiction of the USACE as identified in the USACE Jurisdictional Determination in Appendix H. As a result, the Application will not require a permit from the USACE thereby eliminating any possibility of the USACE issuing a permit under circumstances of “anticipatory demolition.” The Application can move forward without being in violation of any law.

Phase II and III Cultural Resource Investigations have been completed for the Project and are included in Appendix G. Notably, the cobblestone house is not listed on the National Register of Historic Properties. Additionally, the Scope required the Applicant to discuss the options regarding the disposition of the Cobblestone house “including demolition, purchase and relocation off site, relocation and reuse on site, or use on site in present location.” The

DGEIS complies with the Scope and provides this analysis. See DGEIS Section 3.13. Accordingly, no further analysis or review is required.

**Comment 37:** *The applicant has provided no meaningful mitigation to address the significant adverse impact that will result from the demolition of historic cobblestone house located on the property. Instead of offering mitigation, the applicant places the burden on others to address this impact within the developer's time frame. See DGEIS p. 3.13-3. Without any explanation or financial analysis, the applicant offers the conclusory statement that "it is not economically feasible to invest in restoration" as part of its \$18 million development. This failure to seriously analyze mitigation alternatives violates SEQRA.*

*The applicant must present a mitigation plan to address these impacts. The applicant should examine whether the development can be re-configured so as to permit the cobblestone house to remain in its current location and provide a concept plan of this alternative. We note that in Victor, a cobblestone house on a similar highway (Route 96) was recently preserved, as part of the High Point development, by conversion to a Starbuck's. This alternative is not seriously discussed. In addition, the applicant should examine, at its own cost, whether the house can be relocated to another location (on or off-site) and preserved. While the applicant summarily concludes that it is not "economically feasible" to invest in the restoration of the house, they provide NO support for this conclusion. The applicant must describe the "various alternatives [that] have been determined for the future of the house, and [that] are under consideration by the developer." No findings can be made by the Town Board that "the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable," 6 N.Y.C.R.R. Section 617.11(d)(5), nor can this Project be approved until the applicant properly addresses the impact to the historic cobblestone house.*

**Response:** There are potential impacts created by displacing or demolishing the Cobblestone house and its surrounding artifacts. Notably, the current master plan does not accommodate the cobblestone house at its current location but the developer. However, DGEIS Section 3.13 states: "The developer is not interested in merely demolishing the house and its associated artifacts." The developer has analyzed and explained three alternative efforts in DGEIS Section 3.13 to resolve the status regarding the historic cobblestone house:

**(1) No Build** – In a "no build" scenario it is likely that the portion of the property where the historic resources are located would become overgrown with vegetation. The cobblestone house will continue to remain on private property unavailable to the public and likely further deteriorate over time.

**(2) Restoration** - It was determined that it was not economically feasible to invest in restoration, make the property accessible to the public and then lease it at a suitable rate to cover expenses involved. The floor space is not large enough to accommodate most modern business operations. In addition, the floor joists are currently rotting and are beyond repair. The roof structure appears to be sagging and it is not known how long it will retain any



integrity. However, if a business can be found that is willing to utilize the existing building at its current location and otherwise overcome the economic deficit such re-development would entail, then the developer will try to preserve the current location for such a use.

**(3) Relocation** – An alternative to eliminating the house from the site would be to relocate it to a location on site. The developer has contacted Matthews Housing Movers, Inc. to get a quote for an on-site relocation. While meeting with Matthews Housing Movers, Inc. to discuss the feasibility of moving the structure, it was expressed that this would be a very difficult and costly building to move. Matthews Housing Movers, Inc. has estimated the cost to move the home to be up to \$100,000. This does not include the costs to supply the needed utilities and foundations. Some parts of the existing basement would be left in place and cannot be moved. Whether it can then be turned into a viable commercial enterprise is an economic decision and one the developer will not discard if the right tenant is willing and able to utilize the structure.

At present, no possible tenant or public or private entity has expressed an interest in financing the restoration or relocation the cobblestone house. The Applicant is willing to work with and provide as much assistance as feasible to any interested party who is willing to pay the cost of restoring or removing the cobblestone house. However, the Applicant does not share the opinion that funding to rehabilitate or relocate the cobblestone house should be the sole responsibility of the owner. The Applicant is open to reviewing any plan that shows the economic benefit of retaining, restoring, or relocating the cobblestone house. To date, such a plan has not been obtainable.

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## SECTION 4.14: SOLID WASTE MANAGEMENT

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 47:** *There does not appear to be any mechanism in place for removing litter from the site, before it blows onto adjacent properties, to ensure compliance with anti-littering laws, or for preventing litter generation the first place.*

**Response:** The Scope does not require the Applicant to address this issue, nor is it otherwise listed as a potentially significant adverse environmental impact. Notwithstanding, Section 8.0 of the DGEIS addresses potential litter and solid waste management. Litter containers will be placed at strategic locations along the proposed front sidewalk for convenience of shoppers to dispose of refuse to prevent litter. Dumpsters will be placed in visually screened areas along the rear of buildings. The Project will retain maintenance crews to deal with any on-site trash removal. Private refuse collectors will transport all solid waste to the Mill Seat Landfill in Riga, New York. The Applicant has developed several commercial shopping centers similar to the Project, and has not had a problem with controlling or otherwise handling trash and debris.

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## SECTION 4.15: CONSTRUCTION IMPACTS

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 12:** *Section 3.5.c discusses the fact that blasting will be required for the Project, but provides for no assessment of the impact associated with that blasting to the adjacent residences or on the historic building on site.*

**Response:** If blasting is necessary it will be performed in a manner that will assure compliance with the Town of Greece construction permitting process. Depending upon the soundness of bedrock encountered, the contractor will elect to either excavate it with a ram and backhoe or to blast with explosives and then remove the debris. All NFPA and OSHA requirements will be followed, including the formulation of a blasting plan, pre-blast surveys, and general public information. The contractor will be required to abide by the rock excavation specifications contained in Appendix I. The contractor shall notify all adjacent properties within ¼ mile of the blasting site at least one week before the blasting is scheduled to take place. Any use of blasting or explosives must comply with all applicable New York State laws. Construction specifications will have strict requirements to comply with all governing regulations and also to perform a pre-blast survey (by a registered Professional Engineer or specialized consultant licensed in the State of New York and specializing in conducting pre-blast surveys) of all structures in the vicinity of the blasting work to be used as a benchmark for comparison in the event that any offsite structural damage is reported. Where damage is caused, the Applicant or its contractor will be responsible for appropriate corrective actions or damages.

**Comment 28:** *The DGEIS should address how any and all hazardous waste materials generated during construction will be handled and disposed, i.e asbestos from the demolition of existing buildings.*

**Response:** The DGEIS addressed the items identified within the Scoping Document (Chapter IV Construction Impacts). At the request of the Town, all existing buildings other than the cobblestone house have been demolished and all associated debris removed from the site.

**Comment 30:** *Section 3.9.c of the DGEIS does not discuss the potential noise impacts associated with blasting as required by the Scope.*

**Response:** Blasting, if required, will be performed in a manner that will assure compliance with the Town of Greece construction permitting process. Prior to blasting, the contractor shall notify all adjacent properties at least one week before the blasting is scheduled to take place. Any use of blasting or explosive will comply with all applicable State and local laws. The contractor will be required to abide by the rock excavation specifications contained in

Appendix I.

**Comment 31:** *Section 3.0.c of the DGEIS does not address impacts related to construction noise as required by the Scope. The DGEIS should provide a thorough analysis of the impacts related to construction noise and describe the mitigation necessary to address this significant adverse impact.*

**Response:** Refer to Section 3.9d of the DGEIS. Mitigation of short term construction noise impacts from equipment may be achieved through several means. These include the use of construction equipment with properly maintained mufflers, the use of newer equipment having lower noise levels, the selection of equipment having lower operating noise levels and limiting the hours of operation of construction equipment. In addition, a developer's representative will be available during construction to address any noise related complaints, and to make minor adjustments to construction procedures or equipment to reduce noise levels.

**Comment 51:** *The DGEIS should evaluate placing visual buffers, visual screening and noise buffers along the edge of the Project property line prior to beginning any construction to properly mitigate construction impacts. The DGEIS should evaluate several alternative methods for providing of screening and buffers. In addition, the DGEIS should explain dust mitigation efforts.*

**Response:** DGEIS Section 4.0 provides for several mitigation measures that the Applicant will employ that shall serve to mitigate, to the extent practicable, any temporary impacts caused by construction activities. Additionally, DGEIS Section 4.0 explains the dust mitigation measures that may be employed during the construction of the Project, including the use of dust palliatives such as calcium chloride and other dust control measures as indicated in the NYSDOT Standard Specifications for Construction Materials. Further, the Applicant will comply with the dust control measures as part of its SPDES permit and SWPPP.

## SECTION 4.16: ALTERNATIVES

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 4:** *Section 3.1 d of the DGEIS states that as potential mitigation for the impacts of the Project that the Applicant is “considering attracting tenants into a ‘Life Style Center” and “also being considered is a Town Square component.” While the Applicant proposes these types of development as potential mitigation, the Applicant provides no significant analysis of what those developments would consist of or what impacts they would mitigate. The Applicant should provide concept plans of the developments proposed above and discuss the benefits and impacts related to those alternatives. With respect to the “Life Style Center” alternative, the Applicant should provide a full analysis of that alternative, paying particular attention to impacts such as traffic, parking, visual impacts, and noise impacts on adjacent residential neighbors, such as the Creek House Commons Apartments.*

**Response:** The Life Style Center is an option the Applicant may incorporate into the final site plan. This option may be proposed if it is economically viable to the Applicant. The Project, regardless of whether a Life Style Center component will be incorporated into the final design, will comply with bulk requirements of the BG District so that no variances are anticipated at this time. Uses on site are predominantly expected to be retail uses. There may be some office as allowed under the BP2 list of permitted uses and some services as listed under the BR list of permitted uses. Accessory uses may include outdoor storage and display in accordance with section 211-25 of the code. Outdoor display areas, if desired, will be designated on a site plan. Special Permit uses, subject to Town Board approval, that are likely or may potentially be requested include: Restaurants, Building Supply Centers, and Commercial Recreation (indoor theater). The Life Style Center concept fits well with the BG District requirements, which is why it may be considered when seeking zoning or permit approvals from the Town. However, it is not anticipated that a Life Style Center option would change the Project to the degree where additional environmental impacts would be created or mitigated. The Life Style Center should be seen as a possible option under the existing site plan included in the DGEIS rather than an alternative requiring a full analysis.

**Comment 38:** *The alternative discussion in the DGEIS (Chapter 5.0) is only two pages, and is clearly inadequate. The SEQRA regulations require “the description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed.” 6 N.Y.C.R.R. §617.9(b)(5)(v). The alternatives discussion presented in the DGEIS allows for no such comparison. For each alternative in the DGEIS, a discussion should be provided, which covers all the relevant areas reviewed for the Project, this should include discussion for each of the following: (1) land use, zoning and public policy; (2) visual character; (3) vegetation and wildlife; (4) wetlands; (5) topography and soils; (6) storm water management; (7) infrastructure and utilities; (8) traffic and transportation; (9) noise; (10) air quality; (11) community facilities; (12) fiscal impacts; and (13) cultural resources.*

**Response:** Various concept plans have been developed by the client to meet the needs of potential tenants, yet balance the economic considerations of the development. All concept plans, similar to the current master plan, net a 15% building coverage with associated parking fields. Regardless of the ultimate plan chosen, the magnitude of the Project environmental impact is the same. The DGEIS adequately addresses the above listed items (1-13) for the range of reasonable alternatives.

**Comment 39:** *With respect to alternatives, the DGEIS does not comply with the Scope because there is absolutely no discussion with respect to alternative layouts. At a minimum, the following alternative layouts should be considered:*

- *An alternative layout that maintains the cobblestone house in its current location,*
- *An alternative layout which relocates the cobblestone house to another area on the site and preserves it;*
- *An alternative layout in which all entrances/exits are lined up with the entrances and exits proposed by Southwestern Commons located directly to the south; and*
- *An alternative layout that provides for significantly increased buffers from adjacent residential properties, such as the Creek House Commons Apartments.*

*For each of these alternative layouts, concept plans should be provided and the Applicant should provide a discussion for each of the following: (1) land use, zoning and public policy; (2) visual character; (3) vegetation and wildlife; (4) wetlands; (5) topography and soils; (6) storm water management; (7) infrastructure and utilities; (8) traffic and transportation; (9) noise; (10) air quality; (11) community facilities; (12) fiscal impacts; and (13) cultural resources.*

**Response:** Figure 2A contains an alternative concept site plan that preserves and maintains the cobblestone house at its current location on the southwest corner of Project Site. In this alternative, the cobblestone house could be kept as a historic structure or turned into a retail building and marketed to potential tenants. The ultimate use of the building would be dictated by preservation funding and the ability to find a retail business willing to locate their business to an old, dilapidated structure. Significant renovations, additions, and upgrades would most likely be needed to convince any tenant to locate within the structure. Modernizing and complying with current building codes would require considerable expense and potentially impact the historic aspects of the structure.

The location of the driveway will ultimately depend on the NYSDOT. At this time the future of the Southwest Commons project is not known.

For each of these alternative site layouts the impacts to land use, visual character, vegetation, wetlands, topography and soils, stormwater management, infrastructure and utilities, noise,



air quality, and other impacts would be essentially the same as the impacts discussed for the Site Plan included as Figure 2 in the DGEIS. The cultural impacts would be reduced under Figure 2A if maintaining the cobblestone house at its existing location is preferable to relocating or demolishing the cobblestone house. The proposed buffers for each alternative layout are the same and are in accordance with existing zoning regulations. Any reasonable alternative site layout considered would be designed to reduce or eliminate potential impacts. The DGEIS adequately addresses the above listed items (1-13) for the range of reasonable alternatives.

**Comment 40:** *The Applicant concludes, without any data to support the conclusion, that “regardless of the ultimate plan chosen the magnitude of the Project environmental impact is the same.” Such is not the case. Different alternative layouts have different impacts on areas such as visual impact, noise, impacts to historic structures, to name a few. While there is no tenant interest at the time, the Applicant is in the business of developing shopping centers and understands what the tenant needs are. The Applicant should provide and analyze the alternative site plans being considered. If minor changes to those site plans are necessary in the future, then they would not require new SEQRA review. However, if significant changes are necessary, which, for example, would change buffers or bring commercial development closer to residential neighbors, a supplemental environmental impact statement would be necessary.*

**Response:** The DGEIS adequately addresses the range of reasonable alternatives that are feasible considering the objectives and capabilities of the Applicant. The Applicant does not anticipate substantial changes to the Project. If changes were proposed resulting in significant impacts a supplemental environmental impact statement would be necessary. No such changes are proposed.

**Comment 41:** *The Applicant only spends one paragraph (section 5.2) discussing the as-of-right development under R1 -12 zoning, and merely assumes that residential development is not feasible. There is no analysis of environmental impacts of this option. The Applicant must provide a layout for residential development, and a detailed analysis to justify (if possible) its conclusion. Also, it must compare the environmental impacts of residential development to its Project.*

**Response:** Contrary to the assertions in the comment above, the Applicant is not required to provide a layout of residential development. Rather, the Scope provides that the Applicant must describe and evaluate this alternative in a sufficient level of detail. The DGEIS presents sufficient detail to evaluate the current zoning (R1-12, Single-Family Residential 12,000 sf) as the impact relates to the objectives and capabilities of the Applicant, as well as, the anticipated impacts to the environment and community. Understanding that the Town’s 2001 Community Master Plan recognized this area as prime for commercial development, and the fact that, since 2001, this area has become a vibrant

commercial corridor, a residential housing project is not feasible. Accordingly, no further analysis is required nor warranted.

**Comment 42:** *The Applicant should consider an alternative that provides for a mix of retail and residential.*

**Response:** The DGEIS presents the Project that is supported by a viable development from an environmental, community and economic perspective. Providing additional alternatives beyond the alternatives required in the Scoping Document is not required.

**Comment 56:** *In the No Action Alternative, it is concluded that the No Action Alternative would avoid those adverse impacts identified for the proposed Project, but it would also avoid the substantial and economic benefits of the Project. The DGEIS does not make a compelling case that the Project will provide substantial and economic benefits. This assessment is reinforced by a statement made in the Growth Inducing Impacts Section of the DGEIS, which concluded that the proposed Project is not expected to induce any significant growth in the area. The rationale for rejecting the No-Action Alternative needs to be strengthened and clarified.*

**Response:** Section 3.12 of the DGEIS provides a detailed analysis of the economic benefits of the project. Based on the anticipated assessment of the property post-development, the Project will generate \$782,540.87 in additional revenue for the Town, County and School District. The School District alone is anticipated to receive an additional \$432,970.00 in revenue, without any increase in the student population. Despite the assertion made in the above comment, the economic benefits of the Project are substantial.

Section 6.0 of the DGEIS (Potential Growth Inducing Impacts) does not conclude, “the proposed Project is not expected to induce any significant growth in the area.” Section 6.0 of the DGEIS concludes: “It is the Applicant’s proposal that this Project be the premier location for new commercial development to take place allowing growth in the tax base of the Town to occur within the area of this development proposal.” Moreover, the Town, in its Master Plan, has recognized this area as ideal for additional commercial growth. The Project itself does not have any growth inducing impacts; rather, the Project is in accord with the Town’s vision for growth in this area.

To the extent the Project may induce growth, such growth is a positive impact. As explained by the NYSDEC, “[i]f the growth induced by a project is consistent with the applicable zoning and the community’s comprehensive plan, it may be viewed as a positive impact that has been planned for and beneficial to the community.” See NYSDEC’s website, SEQRA Handbook, last viewed June 15, 2009, <http://www.dec.ny.gov/permits/47716.html>. Here, any subsequent growth that may occur in the area will be consistent with the Town’s Master Plan, which recognizes this area as ideal for additional commercial development.

**Comment 57:** *A discussion of alternatives and their respective impacts were not addressed with respect to visual character.*

**Response:** Section 5.0 of the DGEIS adequately addresses the Alternatives in accordance with the Scoping Document. Viable Alternatives will not significantly differ from the visual effects shown on the Concept Master Plan.

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## SECTION 4.17: CUMULATIVE IMPACTS

### LETTER 10: SCOTT COPEY, PLANNING BOARD CLERK

TOWN OF GREECE DEPARTMENT OF DEVELOPMENT SERVICES (1/31/08)

**Comment 5:** *The EIS does not address cumulative impacts that include the Benderson project.*

**Response:** Cumulative impacts that include the Benderson project are discussed in the responses to Letter 12 in Section 4.17 of this FGEIS (see below).

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 1:** *The DGEIS fails to address the cumulative impacts of the Project and the Southwestern Commons project ("Southwest Commons") located directly to the south. The SEQRA regulations require that a DGEIS evaluate potential significant adverse environmental impacts including "reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts." 6 N.Y.C.R.R. § 617.9(b)(5)(iii)(a). Instead of addressing the cumulative impacts of the two projects, the DGEIS, for the most part, ignores Southwestern Commons. Ample information is available regarding Southwest Commons, including a DGEIS, which includes a current traffic study. The DGEIS must address the cumulative impacts of both projects, which include, but are not limited to:*

- *Cumulative traffic impacts, including impacts on the levels of service, accident rates, and necessary mitigation that will result from the development of both Projects;*
- *Cumulative impacts on community character and the impact on existing retail development in the Ridge Road corridor;*
- *Cumulative impacts to infrastructure, including water and sewer.*

**Response:**

- Cumulative traffic impacts are discussed in the response to Comment 18 of this letter (see response to Comment 18 below).
- With proposed mitigations in place, the Project will not have an adverse impact upon community character. Impacts on community character were discussed throughout the DGEIS. DGEIS Section 3.1c discusses how the Project is consistent with the current land use patterns along West Ridge Road and also consistent with the Greece Master Plan. DGEIS Section 3.2c and 3.2d discusses potential visual impacts to the community and proposed mitigation strategies consisting of preserving green space, creating buffers, and limiting light trespass into adjacent properties. DGEIS Sections 3.12c and 3.12d discuss the projected job creation and positive fiscal impact the project will have on the community. DGEIS Section 3.11b concludes the Project will not cause adverse impacts to emergency services, parks, schools, and other

- community impacts. If the Project is not creating an adverse impact to community character there can be no cumulative impact on community character to address.
- DGEIS Section 3.7c discusses the cumulative impacts to infrastructure. Appendix F of the DGEIS includes documented demand calculations for water and sewer presented to Monroe County Water Authority and Monroe County Pure Waters. The request to Pure Waters included the flow to be generated from the proposed Southwestern Commons project on the south side of W. Ridge Road opposite the Project. It was determined that sufficient water supply is available at sufficient pressures and the proposed 15" sanitary sewer will provide adequate capacity for both developments and other undeveloped lands that it would service. As currently proposed, the Project will not create adverse impacts to infrastructure. If the Project is not creating an adverse impact to infrastructure there is no cumulative impact to infrastructure to address.

It should be noted that SEQRA does not require an applicant to assess the impacts of an unrelated development. See, e.g. *Long Island Pine Barrens Society Inc. V. Planning Board for the Town of Brookhaven*, 80 N.Y.2d 500; 591 N.Y.S.2d 982 (1992). The fact that another project is proposed in the same geographic location is not enough to make it a subject of mandatory cumulative impact review. See *North Fork Environmental Council, Inc. v. Janoski*, 196 A.D.2d 590; 601 N.Y.S.2d 178 (2d Dep't 1993).

The Court of Appeals has established a test of "relatedness" between projects to determine whether cumulative impact review is necessary. Relatedness does not mean geographic proximity between developments, but rather relatedness is shown when the municipality has established "a sufficiently cohesive framework for mandatory cumulative impact review." *Lon Island Pine Barrens Society*, 80 N.Y.2d at 514, 591 N.Y.S.2d at 988. As stated by the Court of Appeals, it is "the existence of a 'larger plan' for development not the proposed projects' common geographical base or the existence of a generally stated governmental policy to protect the region from unbridled development" that provides for the relatedness between two projects. *Id.* Further, "the existence of a broadly conceived policy regarding land use in a particular locale is simply not a sufficiently unifying ground for tying otherwise unrelated projects together". *Lon Island Pine Barrens Society*, 80 N.Y.2d at 513, 591 N.Y.S.2d at 987.

Here, the Town does not have a larger plan of development or a cohesive framework that would satisfy the threshold showing for relatedness between Hampton Ridge and Southwest Commons. The only common element between the two projects is geographic location, which is insufficient to require further cumulative impact review. Accordingly any additional cumulative impact review of Southwest Commons is neither required nor warranted.

**Comment 18:** *Section 3.8 of the DGEIS provides a discussion of traffic, but does not consider the cumulative impacts to traffic of the Project and Southwestern Commons. What is*

*the result on NYS Rt. 104 and the other roads studied as a result of both projects, especially with respect to the number of trips, levels of service and accidents. What mitigation is necessary and who will be responsible for it if both Projects are developed.*

**Response:** The Applicant has worked with the Southwestern Commons (SWC) developer to address these concerns and developed a joint master plan for full build-out. The SWC developer has not moved forward with advancing their project since November 2008. An updated June 2009 HRC Traffic Impact Study Addendum report without SWC (Addendum 2) is contained in Appendix F. The June 2009 report is based on April 2009 count data and accounts for the Kohl's, First Niagara Bank and office space on the Shops at Hampton Ridge site.

Staged mitigation should be built as needed as the two projects evolve for these reasons: 1) the uncertainty of the SWC project and the timing of the various types of land uses involved in both projects, and 2) sharing of mitigation costs based on number of trips generated by location/ intersection and overall trip impact by location/intersection. If the SWC project does not proceed, the June 2009 "HRC only" Traffic Impact Study contained in Appendix F is the pertinent study to determine mitigation decisions. If the SWC project begins to move forward again, their new plan can be used to back check against the cumulative analysis and master plan prepared jointly by Bergmann and FRA. This step will verify that the incremental growth of development within the corridor falls within the mitigation parameters of the master plan.

The June 2009 Traffic Impact Study Addendum 2 shows the small impact projected for these intersections due to the Hampton Ridge Center project, comparing the LOS results in Table 5 of the June 2009 report (Build with Mitigation to existing conditions) to results shown in Table 4 (No Build with Mitigation of existing condition). The analysis projects a pre-existing issue because of background traffic (without HRC) at the Manitou Road intersection. No mitigation is proposed at the North Greece Road / Elmgrove Road intersection.

Impact of HRC traffic at the Manitou Road intersection with Route 104 is very small with an increase to overall delay of less than 4 seconds during the Friday PM peak hour and slightly more than 5 seconds during the Saturday Mid-day peak hour. This change is much less than a whole LOS letter grade, where LOS C range is 15 seconds (20 seconds to 35 seconds). Overall LOS is projected to continue to be C with addition of HRC traffic.

Impact of HRC traffic at the North Greece and Elmgrove roads intersection with Route 104 is small with an increase to overall delay of 4.4 seconds during the Friday PM peak hour and 4.1 seconds during the Saturday Mid-day peak hour. Again, this change is much less than a whole letter grade.

**Comment 33:** *Chapter 3.10 of the DGEIS summarily concludes that there will be no air*



*impacts due to the fact that adequate LOS are maintained at all intersections, this does not take into effect the cumulative impacts of this Project and the Southwestern Commons Project. The Applicant must analyze and offer mitigation to address the cumulative impact of both Projects.*

**Response:** The cumulative impact of both projects is not anticipated to cause any new violations of air quality standards in accordance with The New York State Implementation Plan (SIP). The information regarding air quality as required by the Scope has been submitted. Further, the Southwest Commons project is an unrelated development. SEQRA does not provide that a subsequent, unrelated project can require another development to perform its SEQRA obligations. The Southwest Commons project must undergo its own SEQRA review.

**Comment 43:** *What additional traffic mitigation is necessary if both this Project and Southwestern Commons are approved? The Southwestern Commons application was filed with the Town Board first, and the hearing was held first. As the first Project in the door, Southwestern Commons is only required to mitigate for the traffic impacts related to that project. The Applicant for this Project must identify and undertake the additional mitigation measures necessary for its Project. There is no discussion in the DGEIS of this significant issue. Instead, the Applicant treats its application as if it was the only project on the table, and proposes mitigation that would be ineffective if both projects were approved.*

**Response:** The Southwestern Commons project must address additional traffic mitigation regardless of project timing. If there is a known cumulative traffic impact associated with that project, then they must address it in their environmental assessment conducted under SEQRA. On May 21, 2007 MCDOT wrote a letter to the Town of Greece responding to their request for comments on the scope for the Southwestern Commons DGEIS. The letter states: "Since the Hampton Ridge Center proposed development (north side of West Ridge Road) will need to analyze many of the same intersections, and since each of these two proposed projects will need to consider impacts from the other, we recommend that both parties work together to create one traffic impact report for both projects." A copy of this letter is provided in Appendix E.

Cumulative traffic impacts resulting from the proposed Southwestern Commons project are discussed in Section 4.8 and Section 4.17 of this FGEIS.

**Comment 65:** *Several pages indicate that impacts occur on species that are common throughout New York State and that this reduces the importance of the impact. However, loss of habitat throughout the State has cumulative impacts, including habitat fragmentation, and this loss should be evaluated. The wildlife section also states that displacement of wildlife from the work area will not have significant effects due to the availability of suitable habitat for immigration. However, impacts will be more significant if the adjacent habitats are already at*



*or near carrying capacity. This should be addressed in the FGEIS.*

**Response:** The DGEIS concludes that there are no significant natural communities, or other significant habitats, on or in the immediate vicinity of the Project. The adjacent habitat has ample capacity to support any animals or plants that may be disrupted by the Project. If adjacent habitats are at or near carrying capacity there is an abundance of similar habitat within the Town of Greece and throughout Monroe County where local populations of wildlife can disperse to without causing significant impacts.

It should also be noted that the Project will preserve the forested portion of the property along the eastern boundary as stated in DGEIS Section 3.3(d). In addition to maintaining a visual buffer, this will preserve wildlife habitat that exists in this area.

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## SECTION 4.18: GROWTH-INDUCING ASPECTS

### LETTER 10: SCOTT COPEY, PLANNING BOARD CLERK

TOWN OF GREECE DEPARTMENT OF DEVELOPMENT SERVICES (1/31/08)

**Comment 4:** *Project phasing should be shown on the plans and discussed in more detail in the report. How will this Project be phased with the yet undeveloped portion of the Kohl's plaza?*

**Response:** The Project will be developed as shown on the Site Plan (Figure 2) in Chapter 10 of the DGEIS. The Project includes developing the Kohl's plaza as shown on the Site Plan. The construction time table will depend on tenant interest. Full build-out is anticipated to occur over a ten year time frame.

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 44:** *The chapter addressing potential growth-inducing aspects does not comply with the Scope. The Scope requires "the analysis of potential growth-inducing aspects of the proposed Project will estimate how new expenditures might affect the local economy in terms of potential new off-site development." No such discussion is included in Chapter 6.*

**Response:** Chapter 6 of the DGEIS addresses the items for potential growth referenced in the Scoping Document. The Applicant anticipates that this Project will be the means of new commercial development that will encourage commercial growth and substantially increase the tax base of the Town. However, the Project itself does not cause any growth beyond its proposal. There may be subsequent, unrelated projects that are proposed in the future, however, such projects are the result of this area being recognized as ideal for increased commercial development. The DGEIS explains that the construction of a sanitary sewer along West Ridge Road may cause additional growth. However, such sanitary sewer construction is not necessary for the development of the Project.

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## SECTION 4.19: UNAVOIDABLE ADVERSE IMPACTS

### LETTER 9: TOWN OF GREECE DEPARTMENT OF PUBLIC WORKS (1/28/08)

**Comment 1:** *The development of this property would tend to have substantial impacts to adjacent properties and extend a significant distance. Mitigation of the various adverse impacts would be challenging.*

**Response:** Mitigation for various impacts will be addressed to the satisfaction of the governing agency during the approval process.

**Comment 17:** *Please add water quality decline both short and long-term to the list of unavoidable adverse impacts.*

**Response:** The Project will meet or exceed the most current requirements of the Town of Greece and the NYSDEC for maintaining water quality. An adverse impact on water quality either short or long-term is not anticipated nor should be expected during or after the Project is constructed in accordance with the regulations.

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## SECTION 4.20: SEQR COMMENTS

### LETTER 12: ALAN J. KNAUF, KNAUF SHAW LLP (2/4/08)

**Comment 55:** *The DGEIS does not provide any criteria or thresholds to allow the Town to make a determination as to when a supplemental environmental impact statement will be required.*

**Response:** It is the intent that the proposed master plan establishes the maximum development potential, and therefore provides the requisite thresholds.

**Comment 69:** *Since this is a generic EIS, it must “set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance.” 6 N.Y.C.R.R. §617.10(c).*

**Response:** The DGIES meets the objectives outlined in the scoping document. Any future actions will be subject to the requirements and regulations of SEQR.