

APPENDIX C

DGEIS Comments from Agencies and the Public



Department of Transportation

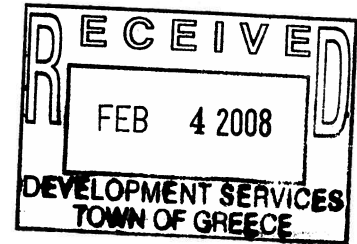
Monroe County, New York

Maggie Brooks
County Executive

Terrence J. Rice, P.E.
Director

February 4, 2008

Mr. Gary Tajkowski
Director of Development Services, Town of Greece
1 Vince Tofany Boulevard
Greece, New York 14612



RE: 4320 W. RIDGE ROAD - HAMPTON RIDGE CENTER, OCTOBER 2007 DGEIS

Dear Mr. ^{Gary}Tajkowski:

We have completed our review of the Draft Generic Environmental Impact Statement for the above referenced project and offer the following comments:

1. We recommend that the developers of Hampton Ridge Center and Southwestern Commons work together to establish the proposed 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.
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.
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.
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.
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.
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.
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

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.
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.

The subsequent comments are not directly affecting County roads, but as operators/maintainers of the traffic signals, we offer the following:

10. *Pg 2-1 paragraph 1* – “US Route 104” should be “NYS Route 104” throughout the document.
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 NYS Route 390”. Larkin Creek is the west limit of the project.
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.
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.
14. *Pg 3.8-11 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.

We would like to review a revised DGEIS with the supplemental information provided. If you have any questions, or require additional information, please contact me at (585) 753-7755.

Sincerely,



James R. Pond, P.E., PTOE
Associate Traffic Engineer

JRP:mlp

xc: T. Rice, MCDOT
B. Penwarden, MCDOT
M. Partelow, MCDOT
L. Sherman, NYSDOT
J. DiMarco, The DiMarco Group
M. Petroski, Bergmann Associates



Department of Transportation
Monroe County, New York

Maggie Brooks
County Executive

Terrence J. Rice, P.E.
Director

July 31, 2007

Mr. Frank L. Dolan, P.E., PTOE
Bergmann Associates
200 First Federal Plaza
28 E. Main St.
Rochester, NY 14614

RE: HAMPTON RIDGE CENTER – TRAFFIC IMPACT STUDY

Dear Mr. Dolan, *FRANK*

We have completed our review of the traffic impact study for the above referenced project and offer the following comments:

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.
2. Table 6 shows that the mitigation proposed appears to be inadequate @ Route 104 & 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.
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.
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.
5. Pg 24 - The statement that the changes at Route 104/Elmgrove/N. Greece Rd. can be made w/pavement markings & signal modifications is incorrect - this intersection has already been reconstructed differently.
6. Traffic signal conduit should be installed from the site driveway to both Manitou Rd. and Elmgrove Road.
7. Recommendations: #2 - The new signal at the site driveway must be coordinated with the adjacent signals to the east at Elmgrove and beyond.

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

We would like to review a revised traffic impact study. If you have any questions, or wish to meet to discuss, please call me at (585) 753-7733.

Sincerely,



Brent H. Penwarden III, P.E.
Associate Engineer

- cc: T. Rice
- G. Tajkowski, Town of Greece
- L. Sherman, NYSDOT, Region 4
- File

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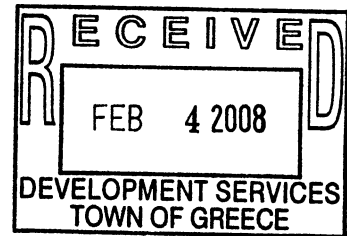
STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FOUR
1530 JEFFERSON ROAD
ROCHESTER, NEW YORK 14622
www.nysdot.gov

*Resent:
included
attachment*

KEVIN B. O'BUCKLEY, P.E.
REGIONAL DIRECTOR

February 4, 2008

Mr. Gary Tajkowski
Director of Development
Town of Greece
1 Vince Tofany Blvd.
Rochester, NY 14616



RE: Hampton Ridge Center
Route 104 between Manitou Road
And Elmgrove Road
Town of Greece, Monroe County

Dear Mr. Tajkowski:

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 Southwest Commons be coordinated to minimize signalized intersections along Route 104.

We would be happy to discuss this further should you or the applicant have any questions. Please contact me at 272-3481 or Robert Duennebacke at 272-3475.

Sincerely,

David C. Goehring, P.E.
Regional Traffic Engineer

DCG/cg
Attach.

c: J. Pond, Monroe County Department of Transportation

FILE



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FOUR
1530 JEFFERSON ROAD
ROCHESTER, NEW YORK 14623
www.nysdot.gov

KEVIN B. O'BUCKLEY, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

September 11, 2007

Mr. Frank Dolan
Bergmann Associates
28 East Main Street
200 First Federal Plaza
Rochester, NY 14614-1909

Re: Hampton Ridge Center
Route 104, between Route 261 & Route 286
Town of Greece, Monroe County

Dear Mr. ~~Dolan~~ Frank.

We have completed our review of your July 18, 2007 letter responding to our previous comments and have the following comments.

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.

September 11, 2007

Page 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.

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.

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.

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.

If there are any questions regarding our review please contact Mr. Robert Duennebacke at 272-3475.

Sincerely,



David C. Goehring, P.E.,
Regional Transportation Operations Engineer

DCG/RLD/

c: G. Tajkowski, Town of Greece
D. Jindra, Assistant Resident Engineer, Monroe West
J. Frank, Permit Review



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

RECEIVED
NOV 29 2007
BY: *WZ*

Eliot Spitzer
Governor
Carol Ash
Commissioner

30 November 2007

Mr. John L. DiMarco II
The DiMarco Group
1950 Brighton-Henrietta Town Line Rd
Rochester, NY 14623

RE: Cobblestone House
Greece, Monroe Co.

Dear Mr. DiMarco:


Thank you again for the tour of the cobblestone house on West Ridge Road.

As promised, 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.

To discuss the Investment Tax Credit in greater depth, please contact my colleague Marie Sarchiapone of our Technical Services Unit; her e-mail address is Marie.Sarchiapone@oprhp.state.ny.us.

If you have any questions, please do not hesitate to contact me at extension 3268 or by e-mail at Robert.Englert@oprhp.state.ny.us.

Sincerely,


Robert T. Englert
Historic Preservation Program Analyst

cc: G. DiBella
C. Howk
M. Sarchiapone



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peabees Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

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Elliot Spitzer
Governor

Carol Ash
Commissioner

December 7, 2007

John D Marco
The Di Marco Group
1950 Brighton-Henrietta Town Line Road
Kocheser, New York
(faxed this day to 585-272-0720)

Dear Mr. DiMarco:

Re: CORPS, DEC
Hampton Ridge Center Development
Town of Greece, Monroe County
07PR5895

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). The SHPO has reviewed the Phase I Cultural Resources Investigation Report, prepared by Powers & Teremy and dated October 2007, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. Based upon this review, the SHPO is pleased to offer the following comments.

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-Mercer Cobblestone Historic Site (A05505.000263). National Register eligibility is determined separately for archaeological sites and buildings.

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.

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.

The SHPO appreciates the opportunity to comment on this information. Please telephone me at ext. 3200 with any questions you may have. Please also refer to the PR# above in any future correspondence for this project.

Sincerely,

Nancy Herter
Historic Preservation Program Analyst,

cc: Paul Powers, Powers & Teremy (faxed this day to 585-544-3121)



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
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David A. Paterson
Governor

Carol Ash
Commissioner

Office of Parks, Recreation and Historic Preservation (OPRHP) Avoidance Plan for the Protection of Archeological Sites

Short Term Site Avoidance/Protection

- The site(s) boundary (including buffer) will be clearly delineated on the final construction plans and identified as a "Sensitive Area/No Access".
- Each site will be protected with temporary fencing during all construction activities and signage stating "Sensitive Area/No Access".
- A preconstruction meeting with the construction contractor(s) is required to notify those in charge of the requirements to avoid/protect the site(s).
- Existing landscape at the site(s) will be maintained. Any proposed modifications will require consultation with the OPRHP.

Long Term Site Avoidance/Protection

- An archeology covenant will be transferred with each property containing the avoided/protected site(s).
- State and federal regulations that include restrictions associated with this project will include provisions for site(s) avoidance/protection.
- Unauthorized activities within the site boundaries will require notification to the OPRHP at (518) 237-8643, ext 3280.

Gary Tajkowski

From: Gina DiBella [gdibella@rochester.rr.com]
Sent: Thursday, February 07, 2008 4:46 PM
To: Gary Tajkowski; Ron Sassone
Subject: Fw: 4350 W Ridge/ Hampton Ridge 07PR05895

Gary, Ron --

I'm not sure if Bob sent this to you, so I'm forwarding it.

Gina

----- Original Message -----

From: Robert.Englert@oprhp.state.ny.us
To: gdibella@rochester.rr.com
Cc: Marie.Sarchiapone@oprhp.state.ny.us ; Nancy.Herter@oprhp.state.ny.us
Sent: Thursday, February 07, 2008 4:20 PM
Subject: 4350 W Ridge/ Hampton Ridge 07PR05895

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 and adverse impact/effect.

We are currently reviewing the project under Section 106 for a Corps permit. <<Westfall Mercier.doc>>

Robert T. Englert

Historic Preservation Program Analyst

HP Field Services Bureau

OPRHP

PO Box 189

Waterford, NY 12188-0189

518-237-8643 ext 3268

Visit our web site by going to www.nysparks.state.ny.us, then clicking on "Historic Preservation" in the list on the left side of the page.

RESOURCE EVALUATION

Date: 3/9/2004 Staff: RTE
Property: WESTFALL-MERCIER Cobblestone MCD: Greece
Cottage
Address: 4350 West Ridge Rd County: MONROE
Project Ref. No.: 04PR01765 USN: 05505.000247

I. Property is individually listed on SR/NR :

Name of listing :

Property is a contributing component of a SR/NR district:

Name of District:

II. Property meets eligibility criteria

Property contributes to a district which appears to meet eligibility criteria.

Pre SRB: Post SRB: SRB Date

Criteria for inclusion in the National Register.

- A **Associated** with events that have made a significant contribution to the broad patterns of our history;
- B **Associated** with the lives of persons significant in our past;
- C Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose component may lack individual distinction;
- D **Have** yielded, or may be likely to yield information important in prehistory or history.

STATEMENT OF SIGNIFICANCE:

Based on available information, the property at 4350 West Ridge Rd appears to meet the criteria for listing in the State and National Registers of Historic Places. The cobblestone cottage is one of four surviving examples of this regional building technology in the town of Greece. An example of late Federal vernacular design, the building retains its original multi-pane sash and features cut stone quoins.

If you have any questions concerning this Determination of Eligibility, please call Robert T. Englert at 518-237-8643. ext 3268



TOWN OF GREECE

HISTORIC PRESERVATION COMMISSION

1 VINCE TOFANY BOULEVARD | ROCHESTER, NEW YORK 14616-5016
TEL. (585) 723-2343 | FAX (585) 723-2360

John T. Auberger
Supervisor

February 4, 2008

Mr. Gary Tajkowski, Director
Department of Development Services
Town of Greece
One Vince Tofany Blvd.
Greece, New York 14612

Dear Mr. Tajkowski;

As chairperson of the Town of Greece Historic Preservation Commission, I am writing in regard to the Cultural Resources section of the Draft Generic Environmental Impact Statement for the proposed Hampton Ridge Center rezoning, dated October 2007.

The Historic Preservation Commission is very concerned about the cobblestone building located at 4350 West Ridge Road, at the west end of the proposed Hampton Ridge Center.

The building is listed on the Town of Greece Architectural and Historical Survey of 101 Selected Sites. In reviewing the survey, Paul Malo, professor emeritus of architecture at Syracuse University and an expert in historic preservation, gave the building a “red” rating, meaning it is of extremely high merit and of the highest importance to the entire town. It should be retained for posterity and not be violated.

The information contained in the survey and Professor Malo’s comments support the fact that it is eligible for local landmark designation. Also, in 2004, the State Historic Preservation Office determined that the building was eligible for listing on the State and National Registers of Historic Places. In addition, it was listed as a local historical site on a Monroe County historical site inventory developed back in 1980.

Within a stone’s throw of this property are two other historic properties, also listed on our survey – 4405 West Ridge Road, a Federal style building (c. 1810s-20s) is across the road and to the west; and 4210 West Ridge Road, a Colonial Revival structure (c. 1872; 1920s-40s) is on the same side of the road just to the east. Even though they are not part of the parcel of land requesting rezoning, they will definitely be impacted by the new development.

While the cobblestone house is small in stature, it is extremely significant both architecturally and historically. Architecturally, it is one of only four remaining cobblestone buildings in the town of Greece. As detailed in the survey, this early 19th century Federal-style cobblestone

farmhouse, built somewhere between 1830 and 1852, “retains a high degree of integrity of design, materials, and craftsmanship.” Historically, it serves as a visual reminder of the agricultural heritage of Greece.

Cobblestone buildings are very unique to Western New York. In fact 90 percent of all cobblestone buildings in North America can be found within a 75-mile radius of Rochester. During the period of cobblestone construction (1825-1865) it is estimated that about 1000 to 1200 cobblestone structures were built in the United States and Canada. Only four remain in Greece. For all these reasons, it is extremely important that this building be saved and preserved.

Ideally, the Historic Preservation Commission would like to see the cobblestone house remain where it is, incorporated into the overall plan for the property. Instead of standing in the way of development, it could very well serve as a unique feature, a drawing point to the plaza, as a shop, restaurant, or offices. Remaining where it is would have the least adverse effects on the building itself and in terms of rehabilitation and adaptive reuse, would probably be the least expensive.

Another possibility would be to move it somewhere else on the site. Moving the building would be an additional cost, but it's not impossible. A few years ago the town of Irondequoit moved a small cobblestone structure up Culver Road from south of Ridge Road to the Seabreeze area. Today it serves as a visitor's information center.

Another option would be to move the building off the site to a different location – maybe along side the canal or in the canal park as a visitor's center. Because taking this building “on the road” can be risky and quite expensive, the Historic Preservation Commission does not recommend this option.

Several local examples of moving historic buildings exist. Last spring a trolley depot that was moved alongside the canal in Spencerport opened as a Trolley Museum and Visitor Center. Another cobblestone building in Irondequoit on East Ridge Road will be moved to the town hall campus sometime in the near future. In Greece, the Haller-Beattie-Larkin-Howe House was moved in the late 1980s from Long Pond and Latta Roads to its current location near the town hall. It is now home to the Greece Historical Society and Museum. Several years ago (late 1960s), the brick Italianate Colby-Shearman-Smith House was moved from the path of I-390 on West Ridge Road to its current location on Latona Road where it now serves as an office building.

Something else to keep in mind is that because this cobblestone building is eligible for listing on the State and National Registers, the developer may be able to take advantage of the Federal Historic Preservation Tax Credit and the New York State Preservation Tax Credit. These credits could total 26 percent of the costs to rehab the building. In order to qualify for these tax credits, the owner must apply and receive listing on the National Register.

With historic preservation and tax credits in mind, on November 29, 2007, the Historic Preservation Commission facilitated a meeting and site visit between John DiMarco II, developer of Hampton Ridge Center, Robert Englert, historic preservation program analyst, New York State Historic Preservation Office (SHPO), and Cynthia Howk, architectural research

coordinator, Landmark Society of Western New York. Commissioner Gloria Latragna and I were also present.

Mr. Englert and Ms. Howk were very impressed with the cobblestone building. They continually commented that the quality of workmanship and detail for a building of that size was unusual. Mr. Englert said that it was “an advanced house for its location and size.” He thought the building could qualify for tax credits if certain criteria were met. As a result of the meeting, he sent Mr. DiMarco information on the tax credits and National Register listing.

Taking the above details into consideration, I would now like to respond to comments made in the Draft Generic Environmental Impact Statement and Appendix E, minutes from a meeting held on September 19, 2007 with the developer, town staff, and members of the Historic Preservation Commission. I have indicated direct quotes from these documents in **boldface**.

Section 3.13.b No Build Conditions ...

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.

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.

... 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.

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 funding 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.

3.13.d Mitigation

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.

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.

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.

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.

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.

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

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.

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 3.13.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 window jambs, 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.

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.

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.

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?

Summary

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.

If you have any questions regarding my comments, feel free to contact me at gdibella@rochester.rr.com or (585) 723-6432.

Sincerely,

Gina M. DiBella
Chairperson
Town of Greece
Historic Preservation Commission

Copies to:
Ron Sassone, Town of Greece
Robert Englert, NY State Historic Preservation Office
Cynthia Howk, Landmark Society of Western New York
Town of Greece Historic Preservation Commission

DPW Review of Hampton Ridge 01 28 08

General Concerns

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.

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.

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.

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".

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.

Floodplain

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.

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.

1/28/08



Traffic

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?

1-28-08

Landscaping

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?

Stormwater Management

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.

This 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.

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.

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.

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 know development.

1/28/08

Cultural Resources.

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?

Utility

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.

Unavoidable Adverse Impacts

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

1-28-08



**Town of Greece
Department
of
Development Services**

Memo

To: Gary Tajkowski, Director of Development Services, Ron Sassone, Senior Planner

From: Scott Copey, Planning Board Clerk

Cc: Linda Lamb, Planning Board Secretary

Date: January 31, 2008

Re: Hampton Ridge Center – rezoning proposal

Gary,

Please consider the following comments on the Environmental Impact Statement prepared for the above noted project. The EIS should include the completed Visual EAF Addendum.

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?
 - b. What sort of precedent might this set for adjoining vacant land?
 - c. What impacts to adjoining residential properties could be avoided by condensing the development closer to West Ridge Road?
 - 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.
 - 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.
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 indicate 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 scenario 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 if it’s time in terms of the Master Plan’s “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 revise 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.
- 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 scenario) 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).

- 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?
- 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?
 - a. 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.

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 relocating 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.
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?
5. The EIS does not address cumulative impacts that include the Benderson project.
6. Who will own/maintain the large linear parcel to the east? What is intended for this area?



TOWN OF GREECE

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www.greecenyny.gov

John T. Auberger
Supervisor

February 4, 2008



TO: Gary Tajkowski, Director of Development Services
FROM: Ron Sassone, Senior Planner 
SUBJECT: Hampton Ridge Center DEIS

Following are my review comments for the Draft Environmental Impact Statement that was prepared for the Hampton Ridge Center proposal:

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.

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.

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.

RRS:s

xc: Scott Copey, Junior Planner
Alvin Fisher, Chairman, Greece Planning Board



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2008 FEB -4 PM 3:47
TOWN OF GREECE
DEVELOPMENT SERVICES

February 4, 2008

Mr. Gary Tajkowski
Director of Development Services
Town of Greece
One Vince Tofany Boulevard
Rochester, New York 14612-5016

Re: *Proposed Hampton Ridge Center*
Comments on the Draft Environmental Impact Statement

Dear Mr. Tajkowski:

We have reviewed the Draft Generic Environmental Impact Statement ("DGEIS") prepared by the developer for the proposed Hampton Ridge Center located at 4320 West Ridge Road (the "Project") on behalf of a neighboring property owner. Not only is the DGEIS significantly deficient, but the Project would result in unmitigated significant environmental impacts that are unacceptable. In many aspects, the DGEIS makes conclusions that are unsupported by any factual data or research, and fails to comply with the Scoping Document dated August 2, 2007 adopted by the Town Board (the "Scope"). In connection with the DGEIS, we provide the following comments:

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.

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



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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

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.

Comment 4: Section 3.1d 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.

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.

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.

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



K N A U F

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Mr. Gary Tajkowski

February 4, 2008

Page 3

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-10 *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.

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.

Comment 9: Section 3.4.c of the DGIES 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.

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.

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.

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.

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.



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Mr. Gary Tajkowski

February 4, 2008

Page 4

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.

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.

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.

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.

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.

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



K N A U F

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Mr. Gary Tajkowski

February 4, 2008

Page 5

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.

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.

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.

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.

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.

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.

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.

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:



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Mr. Gary Tajkowski

February 4, 2008

Page 6

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

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.

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.

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.

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

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.

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.

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.

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



K N A U F

S H A W

L L P

Mr. Gary Tajkowski

February 4, 2008

Page 7

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.

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.

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. §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,



K N A U F

S H A W

L L P

688 N.Y.S.2d 848 (4th 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).

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 Starbucks. 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. §617.11(d)(5), nor can this Project be approved until the applicant properly addresses the impact to the historic cobblestone house.

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.

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:



K N A U F

S H A W

L L P

- 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.

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.

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.

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

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,



K N A U F

S H A W

L L P

Mr. Gary Tajkowski

February 4, 2008

Page 10

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.

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 effect the local economy in terms of potential new off-site development.” No such discussion is included in Chapter 6.

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?

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.

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.

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.

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.

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



K N A U F

S H A W

L L P

Mr. Gary Tajkowski

February 4, 2008

Page 11

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.

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).

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

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.

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.

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.

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

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

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

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

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



K N A U F

S H A W

L L P

Mr. Gary Tajkowski

February 4, 2008

Page 12

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.

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.

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.

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.

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?

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.

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



K N A U F

S H A W

L L P

Mr. Gary Tajkowski

February 4, 2008

Page 13

fact that the level of noise from traffic will increase and the introduction of noise from commercial activities will be introduced?

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).

Thank you.

Very truly yours,

KNAUF SHAW LLP

ALAN J. KNAUF

AJK/cmb