

By Legislators Hughes-Smith and Bonnick

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2025

**CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR ACCEPTANCE OF OFFER AND PAYMENT FOR APPROPRIATION BY STATE OF NEW YORK FOR TEMPORARY AND PERMANENT EASEMENTS AT BROOKS AVENUE IN TOWN OF GATES AND CITY OF ROCHESTER**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Monroe County Legislature determines that Acceptance of an Offer and Payment for Appropriation by the State of New York for Temporary and Permanent Easements at Brooks Avenue located in the Town of Gates and the City of Rochester is an Unlisted action.

Section 2. The Monroe County Legislature has reviewed and considered the Short Environmental Assessment Form dated November 26, 2024 and has considered the potential environmental impacts of the Acceptance of an Offer and Payment for Appropriation by the State of New York for Temporary and Permanent Easements at Brooks Avenue located in the Town of Gates and the City of Rochester pursuant to the requirements of State Environmental Quality Review Act and has found that the proposed action will not result in any significant adverse environmental impacts. The Monroe County Legislature hereby issues and adopts the Negative Declaration attached hereto and made a part hereof and determines that an environmental impact statement is not required.

Section 3. The County Executive, or his designee, is hereby authorized to take such actions to comply with the requirements of the State Environmental Quality Review Act, including without limitation, the execution of documents and the filing, distribution, and publication of the documents required under the State Environmental Quality Review Act, and any other actions to implement the intent of this resolution.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; January 28, 2025 - CV: 7-0  
File No. 25-0006

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                      |                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------|-----------------------------------------------|
| <b>Name of Action or Project:</b><br>Acceptance of an Offer and Payment for Appropriation by the State of New York for Temporary and Permanent Easements at Brooks Avenue in the Town of Gates and the City of Rochester                                                                                                                                                                                                                      |  |                                                      |                                               |
| <b>Project Location (describe, and attach a location map):</b><br>Brooks Avenue Improvement Project                                                                                                                                                                                                                                                                                                                                           |  |                                                      |                                               |
| <b>Brief Description of Proposed Action:</b><br>Monroe County will undertake the acceptance of an Offer and Payment for Appropriation by the State of New York for Temporary and Permanent Easements totaling approximately 36,438 square feet at Brooks Avenue in the Town of Gates and the City of Rochester.                                                                                                                               |  |                                                      |                                               |
| <b>Name of Applicant or Sponsor:</b><br><br>Monroe County                                                                                                                                                                                                                                                                                                                                                                                     |  | <b>Telephone:</b> 585 753 1233<br><br><b>E-Mail:</b> |                                               |
| <b>Address:</b><br>39 W Main Street                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                      |                                               |
| <b>City/PO:</b><br>Rochester                                                                                                                                                                                                                                                                                                                                                                                                                  |  | <b>State:</b><br>NY                                  |                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | <b>Zip Code:</b><br>14614                            |                                               |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.                                                                                          |  |                                                      | NO<br><br><input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval:                                                                                                                                                                                                                                                                                    |  |                                                      | YES<br><br><input type="checkbox"/>           |
| 3. a. Total acreage of the site of the proposed action? <span style="float: right;">.84 acres</span><br>b. Total acreage to be physically disturbed? <span style="float: right;">0 acres</span><br>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">.84 acres</span>                                                                        |  |                                                      | YES<br><br><input type="checkbox"/>           |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:                                                                                                                                                                                                                                                                                                                                                              |  |                                                      |                                               |
| 5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Monroe County Airport<br><input type="checkbox"/> Parkland |  |                                                      |                                               |

|                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                                     |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 5. Is the proposed action,                                                                                                                                                                                                                                                                                                                                                           | NO                                  | YES                                 | N/A                                 |
| a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                      | NO                                  | YES                                 |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                     |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |                                     |
| If Yes, identify: _____                                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| b. Are public transportation services available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                     |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                     |
| 9. Does the proposed action meet or exceed the state energy code requirements?                                                                                                                                                                                                                                                                                                       | NO                                  | YES                                 |                                     |
| If the proposed action will exceed requirements, describe design features and technologies:                                                                                                                                                                                                                                                                                          |                                     |                                     |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |                                     |
| 10. Will the proposed action connect to an existing public/private water supply?                                                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |                                     |
| If No, describe method for providing potable water: _____                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |                                     |
| 11. Will the proposed action connect to existing wastewater utilities?                                                                                                                                                                                                                                                                                                               | NO                                  | YES                                 |                                     |
| If No, describe method for providing wastewater treatment: _____                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |                                     |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO                                  | YES                                 |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?                                                                                                                                                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                     |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?                                                                                                                                                                                             | NO                                  | YES                                 |                                     |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                                     |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                                     |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____                                                                                                                                                                                                                                                                                   |                                     |                                     |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |                                     |

|                                                                                                                                                                                                                                                                                     |                                           |                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:                                                                                                                                                          |                                           |                                            |
| <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban |                                           |                                            |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?                                                                                                              | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 16. Is the project site located in the 100-year flood plan?                                                                                                                                                                                                                         | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,                                                                                                                                                                       | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                         | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:                                                                                                                                                | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                   |
| <hr/> <hr/>                                                                                                                                                                                                                                                                         |                                           |                                            |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?<br>If Yes, explain the purpose and size of the impoundment:                                         | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| <hr/> <hr/>                                                                                                                                                                                                                                                                         |                                           |                                            |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe:                                                                                                                     | NO<br><input checked="" type="checkbox"/> | YES<br><input type="checkbox"/>            |
| <hr/> <hr/>                                                                                                                                                                                                                                                                         |                                           |                                            |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe:                                                                                                                   | NO<br><input type="checkbox"/>            | YES<br><input checked="" type="checkbox"/> |
| <hr/> <hr/>                                                                                                                                                                                                                                                                         |                                           |                                            |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>                                                                                                                                                                               |                                           |                                            |
| Applicant/sponsor/name: _____ Date: <u>11-26-24</u>                                                                                                                                                                                                                                 |                                           |                                            |
| Signature: <u>[Signature]</u> Title: <u>Director</u>                                                                                                                                                                                                                                |                                           |                                            |

33.5

**Agency Use Only [If applicable]**

**Project:** Appropriation by the State of New York

**Date:** 11/25/24

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|                                                                                                                                                                            | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?                                                                | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 2. Will the proposed action result in a change in the use or intensity of use of land?                                                                                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 3. Will the proposed action impair the character or quality of the existing community?                                                                                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 7. Will the proposed action impact existing:<br>a. public / private water supplies?                                                                                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| b. public / private wastewater treatment utilities?                                                                                                                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?                                                            | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?                                                                                   | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |

**PRINT FORM**

33.6

|                                 |                            |
|---------------------------------|----------------------------|
| Agency Use Only (If applicable) |                            |
| Project:                        | Appropriation by the State |
| Date:                           | 11/25/24                   |

### **Short Environmental Assessment Form Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Part 1 of the EAF indicates the sites contain or are near the following: archaeological resources, wetlands and a remediation site.

This project involves the Acceptance of an Offer and Payment for Appropriation by the State of New York for Temporary and Permanent Easements at Brooks Avenue in the Town of Gates and the City of Rochester. No ground disturbance will occur as these are permanent and temporary easements.

No archaeological resources, wetlands or remediation sites will be affected at the project locations. No ground disturbance will occur at the site locations. Mapped archaeology areas are coexistent with the riparian area of the Genesee River.

For the above reasons the Acceptance of an Offer and Payment for Appropriation by the State of New York for Temporary and Permanent Easements at Brooks Avenue in the Town of Gates and the City of Rochester will not result in any significant adverse environmental impacts. Accordingly, the proposed action will not result in any significant adverse environmental impacts.

|                                                                                                                                                                                                                                                                                                       |                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |                                                               |
| <input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.                                                  |                                                               |
| Monroe County                                                                                                                                                                                                                                                                                         |                                                               |
| Name of Lead Agency                                                                                                                                                                                                                                                                                   | Date                                                          |
| Adam J. Bello                                                                                                                                                                                                                                                                                         |                                                               |
| Print or Type Name of Responsible Officer in Lead Agency                                                                                                                                                                                                                                              | County Executive                                              |
|                                                                                                                                                                                                                                                                                                       | Title of Responsible Officer                                  |
| Signature of Responsible Officer in Lead Agency                                                                                                                                                                                                                                                       | Signature of Preparer (if different from Responsible Officer) |
|                                                                                                                                                                                                                                                                                                       | <i>May E. Tharpe</i>                                          |

**PRINT FORM**