

By Legislators Hughes-Smith and Bonnick

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

RESOLUTION NO. \_\_\_\_\_ OF 2024

**DESIGNATION TO SERVE AS LEAD AGENCY, CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE HIGHWAY PREVENTIVE MAINTENANCE #10 PROJECT IN TOWNS OF BRIGHTON, HENRIETTA, AND GATES**

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

Section 1. The Monroe County Legislature designates Monroe County as Lead Agency for a coordinated review of Highway Preventive Maintenance #10 Project.

Section 2. The Monroe County Legislature determines that the Highway Preventive Maintenance #10 Project in the Towns of Gates, Brighton, and Henrietta is an Unlisted action.

Section 3. The Monroe County Legislature has reviewed and considered the Short Environmental Assessment Form dated February 9, 2024, and has considered the potential environmental impacts of the acquisition of interests of the Highway Preventive Maintenance #10 Project in the Towns of Gates, Brighton, and Henrietta 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 4. The County Executive, or his designée, 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 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; March 25, 2024 - CV: 7-0  
File No. 24-0101

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

ACTION BY THE COUNTY EXECUTIVE

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

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

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

15.2

## 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>			
Monroe County (Department of Transportation)			
Name of Action or Project: Highway Preventive Maintenance No. 10			
Project Location (describe, and attach a location map): Brighton Henrietta T.L. Rd. (Jefferson Rd. - S. Winton Rd); S. Winton Rd (Brn Hen. T.L. Rd. - Westfall Rd); Elmgrove Rd. (Buff. Rd - Spncpt. Rd.)			
Brief Description of Proposed Action: This project proposes to provide preventative maintenance on Brighton-Henrietta Town Line Road (Jefferson Road to South Winton Road), South Winton Road (Brighton-Henrietta Town Line Road to Westfall Road), and Elmgrove Road (Spencerport Road to Buffalo Road) by performing pavement milling and resurfacing and spot pavement repair. The project will also include curb/ gutter repair, sidewalk ramp ADA compliance, drainage pipe and structure clearing, catch basin, manhole and utility adjustments, traffic loop replacement, and pavement marking installation and signage replacements as needed.  At the request of the Town of Gates, the project also includes installation of new sidewalk on the east side of Elmgrove Road between Lyeil Road and Spencerport Road.			
Name of Applicant or Sponsor: Thomas Frys, PE, Monroe County Director of Transportation		Telephone: (585) 753-7720 E-Mail: TFrys@monroecounty.gov	
Address: City Place Suite 6100, 60 W. Main Street			
City/PO: Rochester	State: NY	Zip Code: 14614	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Gates (for sidewalk installation), NYS DOT (Highway Work Permit)		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		49.9 acres	
b. Total acreage to be physically disturbed?		0.87 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		330.3 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <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 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Allen's Creek at Brighton Henrietta TL Rd - 1/3 mile west of S. Winton Rd Removal of 20 cubic yards (200 SF) of accumulated sediment from the southern end, and less than 100 LF of streambed material removed. Monroe County obtained a NYSDEC Permit for this work under General Permit GP-0-20-002 Permit ID 8-3699-00143/00001			

<b>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</b> <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
<b>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?</b>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<b>16. Is the project site located in the 100-year flood plan?</b>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<b>17. Will the proposed action create storm water discharge, either from point or non-point sources?</b> If Yes, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?  <input type="checkbox"/> </div> <div style="margin-left: 20px;">           b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  <input type="checkbox"/> </div> If Yes, briefly describe: <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">           Each roadway has existing closed drainage systems that will be cleaned but not altered         </div>	NO <input checked="" type="checkbox"/>     	YES <input type="checkbox"/>     
<b>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)?</b> If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<b>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</b> If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<b>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</b> If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  <div style="display: flex; justify-content: space-between;"> <div>           Applicant/sponsor name: <u>David Kublak, P.E.</u>            Signature:  </div> <div>           Date: <u>2/8/2024</u>            Title: <u>Transportation Project Manager</u> </div> </div>		

15.5

**Agency Use Only (If applicable)**

Project:	Highway Preventive Maintenance #10
Date:	2024 02 09

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

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

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<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:		
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"/>

15.6

Agency Use Only (If applicable)	
Project:	Highway Preventive Maintenance
Date:	2024.02.09

### 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.

Please see attached support document data from the approved project Final Design Report relative to the following responses checked 'Yes' in Part 1, and 'No' in Part 2.

Part 1: Lines 13 (wetlands and waterbodies), 15 (threatened and endangered species) and 16 (flood plain)

Part 2: Line 9 (Wetlands)

<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 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	County Executive
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**Monroe County Highway Preventive Maintenance No. 10****Support documentation for Part 3 of the Short Environmental Assessment Form**

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Excerpts from the approved project Final Design Report dated 5/17/2023

**Surface Waters and Wetlands****South Winton Road**

A review of available United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) mapping indicated the presence of several water resources in the South Winton Road Project Area including Allen Creek, the Erie Canal, and four unnamed streams.

A review of the New York State Department of Environmental Conservation (NYSDEC) state regulated freshwater wetlands mapping indicates there are no state-mapped wetlands within the Project Area. NYSDEC stream classification mapping indicates Allen Creek and the Erie Canal are Class B waterbodies and the four unnamed streams, also identified by the USFWS NWI mapping, are Class C waterbodies. The best usage for Class B waters is swimming and other contact recreation, but not for drinking water. The best uses for Class C waters are fishing and primary and secondary contact recreation. The Erie Canal is also a Section 10 Navigable Water.

**Brighton-Henrietta Town Line Road**

A review of available USFWS NWI mapping indicated the presence of several water resources in the Brighton-Henrietta Town Line Road Project Area including Allen Creek, Red Creek and one unnamed stream.

A review of the New York State Department of Environmental Conservation (NYSDEC) state regulated freshwater wetlands mapping indicates the presence of two state regulated wetland check-zones within the Project Area. NYSDEC stream classification mapping indicates Allen Creek as Class B and Red Creek and the unnamed stream as Class C waterbodies. Best uses for Class B and Class C waterbodies are listed above.

**Elmgrove Road**

A review of available USFWS NWI mapping indicated the presence of several water resources in the Elmgrove Road Project Area including two unmapped streams.

A review of the New York State Department of Environmental Conservation (NYSDEC) state regulated freshwater wetlands mapping indicates the presence of one state regulated wetland check-zones within the Project Area. NYSDEC stream classification mapping indicates both unnamed stream as Class C waterbodies. Best uses for Class C waterbodies are listed above.

EDR environmental scientists conducted a site reconnaissance of the three Project locations on September 20, 2022 and confirmed the presence of the mapped streams and wetlands. In addition, several small, isolated emergent wetlands at all three project sites were observed throughout the Project Area adjacent to the roadside and did not appear to be associated with the recorded streams. The proposed Project activities are limited to milling, paving and minor upgrades within the existing public road ROWs and are therefore not anticipated to impact any adjacent wetlands or streams, nor the Erie Canal. If there is any expansion of the proposed limits of disturbance, a formal wetland delineation may be required as well as additional review under federal and state regulations.

**Floodplains****South Winton Road**

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, two portions of the South Winton Road are located within Special Flood Hazard Areas (SFHAs). The

**Monroe County Highway Preventive Maintenance No. 10****Support documentation for Part 3 of the Short Environmental Assessment Form**

first is where an unnamed stream crosses under South Winton Road, south of Greenwich Lane, and is mapped as a 100-year floodplain, an area inundated by a 1% chance of annual flooding. The second SFHA on South Winton Road is the site where South Winton Road crosses over the Erie Canal and is also mapped as a 100-year floodplain.

**Brighton-Henrietta Town Line Road**

According to FEMA Flood Insurance Rate Maps, portions of Brighton-Henrietta Town Line Road are located within SFHAs. A 100-year floodplain is associated with the site where the Brighton-Henrietta Town Line Road crosses over Allen Creek. Additionally, the western end of the Project Area associated with Brighton Henrietta Town Line Road, from Western Drive to West Jefferson Road, is mapped with both 100-year and 500-year floodplains, an area inundated by a 0.2% annual chance of annual flooding.

**Elmgrove Road**

According to FEMA Flood Insurance Rate Maps, a portion of Brighton-Henrietta Town Line Road are located within SFHAs. Elmgrove Road has one site listed as a 100-year floodplain where Elmford Road intersects with Elmgrove Road.

The proposed Project includes the improvement of existing public infrastructure that is considered a functionally dependent use. The Project is therefore anticipated to be in compliance with Executive Order 11988: Floodplain Management and is not subject to floodplain encroachment requirements.

**Threatened and Endangered Species**

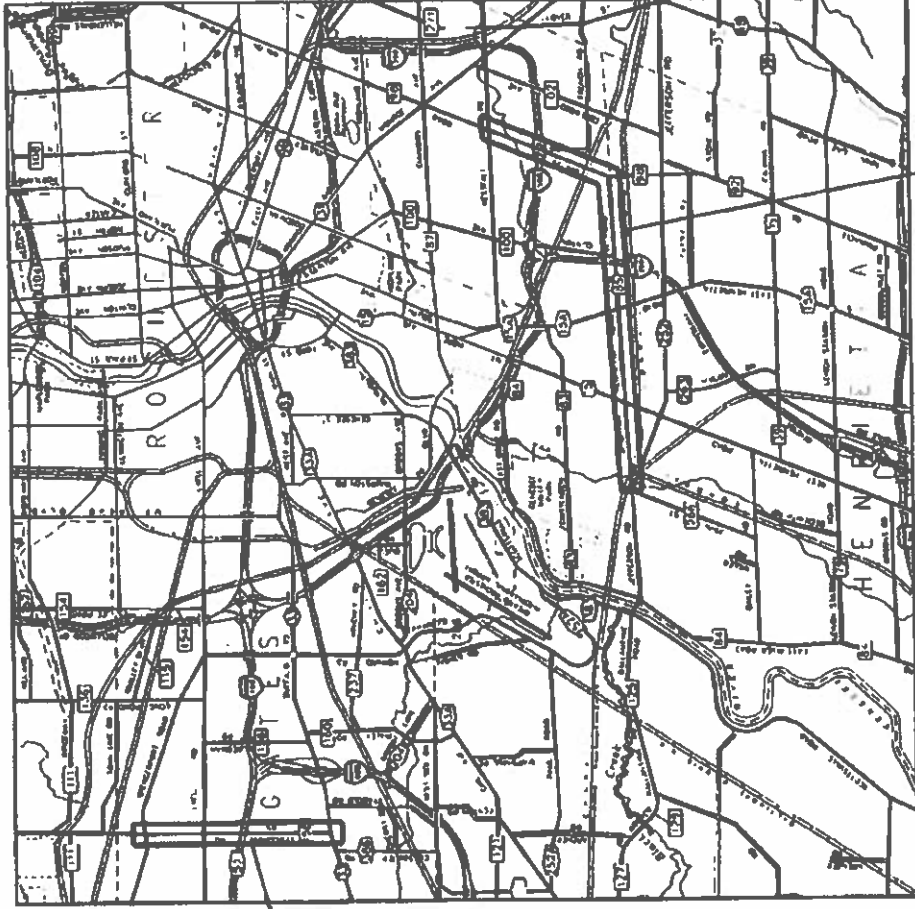
The USFWS Information for Planning and Consultation (IPaC) system was reviewed on September 28, 2022, to identify federally listed threatened and/or endangered species that are potentially present within the Project vicinity. The IPaC identified the monarch butterfly (*Danaus plexippus*) as a candidate species potentially occurring within the vicinity of the Project at all three locations. Under the classification as a candidate species, no further consultation is required. No threatened or endangered species were identified. Based on this result, no impact to federally listed threatened and/or endangered species is anticipated, and no further consultation under the IPaC regulatory review process is required.

The New York Natural Heritage Program (NYNHP) was consulted on September 19, 2022 to identify any state listed threatened or endangered species that are potentially present within the Project vicinity. The NYNHP indicated in a response letter dated September 7, 2021 (received via email on September 9, 2022) that the unlisted, imperiled Lilliput (*Toxolasma parvum*) freshwater mussel species was identified where Allen Creek runs adjacent to South Winton Road and where Red Creek crosses underneath Brighton Henrietta Town Line Road. The NYNHP did not identify the presence of rare or state-listed animals or plants, or significant natural communities at the Project Area associated with Elmgrove Road (Attachment E).

Given the nature of the Project as a highway maintenance project, Project activities will be contained to the road surface and sidewalks. There are no anticipated impacts to Red Creek or Allen Creek or the freshwater mussels resulting from Project activities.



15.9



**Project Limits:**

Brighton-Henrietta Town Line Road (CR 85)  
 Jefferson Road to South Winton Road  
 South Winton Road (CR 98)  
 Brighton-Henrietta Town Line Road to Westfall Road

Elmgrove Road (CR 158)  
 Buffalo Road to Spencerport Road

**Project Length:**  
 7.3 Miles

**Functional Class:**

Brighton-Henrietta Town Line Road - Urban Minor Arterial

South Winton Road - Urban Principal Arterial Other  
 (Brighton-Henrietta Town Line Road to I-590)

South Winton Road - Urban Minor Arterial  
 (I-590 to Westfall Road)

Elmgrove Road - Urban Minor Arterial

**Federal Aid System:**

Brighton-Henrietta Town Line Road - Non NHS

South Winton Road (Brighton Henrietta Town Line Road to I-590) - NHS  
 South Winton Road (I-590 to Westfall Road) - Non NHS

Elmgrove Road - Non NHS

**Existing AADT:**

Brighton-Henrietta Town Line Road: 9,587 - 21,015 (2019)  
 South Winton Road: 10,373 - 21,960 (2019)  
 Elmgrove Road: 11,454 - 20,190 (2019)

**Truck %:**

Brighton-Henrietta Town Line Road: 2% - 3%  
 South Winton Road: 2%  
 Elmgrove Road: 2% - 3%

Preventive Maintenance No. 10

FIGURE 1

**PROJECT LOCATION MAP**  
 Monroe County

**Tylin**

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 Rochester | New York | 14604  
 585-512-2000