State Environmental Quality Review

FINDINGS STATEMENT

Pursuant to Article 8 of the New York State Environmental Conservation Law 6 NYCRR Part 617.1 et seq. (collectively the "State Environmental Quality Review Act" (SEQRA) and the Town of Brighton Town Code, the Brighton Town Board, as Lead Agency, makes the following Findings:

Date: October 22, 2014

Name of Action: **University of Rochester Institutional Planned Development South Campus Rezoning**

Description of Action:

Application by the University of Rochester ("Applicant" or the "University") requests the Town Board to Amend the Town Zoning Map to rezone approximately 180 acres of the South Campus from residential to Institutional Planned Development ("IPD") and to adopt for the IPD a set of regulations for its governance (the "IPD Ordinance"). The application also requests the Town Board to grant incentive zoning approval to increase building density and height.

Incentives

1. Rezoning to IPD;
2. Density; and
3. Building Height

Amenities

1. Donation of a certain parcel, tax map number 148.15-2, south of Crittenden Road (42.55+/- acres);

2. Planting enhancements within the 100 foot buffer zone adjacent to residential areas: to be implemented during the first spring after approval of the IPD or as soon thereafter as possible given planting feasibility, in coordination with the Town;

3. Elimination of any future access to Crittenden Road from the IPD District: to be implemented upon approval of rezoning;

4. Drainage: revise storm sewer connections on the developed portion of the South Campus (in Whipple Park) to redirect drainage away from Furlong Creek and toward the south wetland area;

5. Drainage: construct a berm within the north/south swale that conveys stormwater from the southern wetland to Furlong Creek. The swale is located adjacent to the

Lehigh Valley trail. The berm will significantly reduce the amount of stormwater discharged from the south wetland onto the adjacent properties to the south;

6. Drainage: construct an outlet structure within the south wetland area to control the water surface elevation and the rate at which stormwater is discharged from the south wetland. The outfall structure will discharge to the existing drainage way along the west side of the former Lehigh Valley railroad. As necessary the existing drainage way will be improved to insure that the stormwater discharged from outfall structure flows by gravity to the existing Furlong Creek culvert; and

7. Annual deposit to the Town of Brighton based on $0.45/gsf for new development into one or more trust funds established by the Town of Brighton.

Immediately following completion of the South Campus incentive zoning/rezoning process, application will be made to the NYSDEC and USACE as part of a joint Application for Permit in order to obtain the necessary regulatory approvals needed to construct amenities 4, 5 and 6. Conversations with the DEC have already occurred regarding the proposed drainage amenities for the South Campus, and during that meeting DEC concurred that the best time for said amenities to be constructed would be during the summer months, when the work zone tends to be dryer.

A letter of credit in the full amount of the construction costs of the amenities will be posted with the Town of Brighton.

Location:
University of Rochester South Campus, bounded on the north by the intersection of the former Lehigh Railroad right of way ("ROW") with Interstate Route 390, on the west by the ROW and on the east by West Henrietta Road, Southland Drive, Doncaster Road and Furlong Road,and on the south by Southland Drive and Crittenden Road, and includes the Lilac Park Subdivision located to the south of Crittenden Road and east of the Lehigh Railroad ROW.

Agency Jurisdiction:
The Town of Brighton Town Board is the SEQRA Lead Agency

Date Final Generic EIS Formally Submitted to the Lead Agency: July 14, 2014

Facts and Conclusions Relied Upon to Support Decision:

I. **The Proposed Action:** The rezoning to IPD and incentive zoning will allow the University to develop the South Campus over time. South Campus growth will occur on a building by building basis, which is anticipated over the next 25 years and beyond.

The University Campus Master Plan outlined the future growth for the University by demonstrating the capacity of its land holdings over time, and a land use strategy which

addresses future needs. The Master Plan was used as the basis for the Generic Environmental Impact Statement studies. Though the Final Generic Environmental Impact Statement ("FGEIS") outlines theoretical maximums for potential development of the South Campus, actual buildings will be dictated by actual site conditions and will be subject to Site Plan approval by the Town of Brighton Planning Board.

II. Environmental Review Process

The Applicant has completed extensive technical studies and has prepared a Generic Environmental Impact Statement (GEIS) to support the future development of its South Campus lands north of Crittenden Road. Throughout the lengthy review process, the Applicant modified the future plans to address concerns and review comments received from the Town, its agencies, consultants and the area residents. In addition to the formal review process, several public informational meetings were held to present and discuss the proposed rezoning and future plans for the South Campus.

When the Draft Generic Environmental Impact Statement ("DGEIS") was prepared, the University had not yet undertaken its Campus Master Plan work, and therefore, a series of development and build-out assumptions were made about future uses, densities, locations of potential buildings and the timing of expansion. Since the completion of the DGEIS, the Master Plan was completed, and therefore, more detailed information about potential University expansion within the Town of Brighton South Campus became available. Therefore, the Town Board determined that a Supplemental Draft Environmental Impact Statement (S-DGEIS) was warranted, which was prepared to address changes from the original Application and DGEIS.

Following is a chronology of land use approval and environmental review process to date:

- A DGEIS was prepared based upon the scope adopted by the Town of Brighton Town Board on April 13, 2005, and was deemed complete by the Town Board at their December 2, 2005 meeting.

- Subsequently, a S-DGEIS was completed in January 2014, which includes updates and additional information to the original DGEIS. The S-DGEIS was deemed "Complete" by the Town Board on February 12, 2014.

- Copies of the accepted S-DGEIS were provided to the Town for public review and comment, along with a *Comment and Response Supplement* to the November 2005 DGEIS, which provided responses to comments received on the DGEIS.

- A public information meeting was held on March 19, 2014. A Public Hearing on the S-DGEIS was held on March 26, 2014. The public comment period ended on April 11, 2014

The University prepared a plan titled "University of Rochester South Campus Current Plan", dated July 14, 2014 located in Appendix A of the Final Environmental Impact Statement ("FGEIS"). This plan results from combining features from the alternative plans developed over time in response to comments received, primarily related to enhancing natural buffers and visual mitigation to the area residents, and which incorporates adequate mitigation to minimize or eliminate the potential adverse environmental impacts identified to the maximum extent practicable.

It is important to note that although the Current Plan may not be the ultimate design that is submitted for site plan review for individual building projects, it exhibits the features that provide the best balance of all factors considered as part of the environmental review in connection with the Application. Therefore, these factors elaborated below and in the FGEIS, should be considered the thresholds under which any future applications by the University of Rochester would be considered consistent with the findings, facts and conclusions.

III. Project Environmental Impacts

1. Topography, Geology & Soils

Description of Impacts

The development of the South Campus will involve the stripping of topsoil and disturbance to the natural soils during the construction of the various buildings, parking lots, roadways and ancillary facilities. Exposed surfaces will be subject to erosion, the migration of sediment and changes to the existing topography. No impacts to geologic resources are anticipated.

Mitigation Measures

1. Areas of disturbance will be minimized. Watercourses, wetlands and wetland buffer areas will be avoided, and pollution prevention efforts/Best Management Practices (BMP's) will be employed during construction and for permanently installed stormwater mitigation features to control sediment and soil erosion;

2. As each future project is proposed, potential impacts will be evaluated on a site-by-site basis as part of the review and approval process by the Town; and

3. At the time of construction, the BMP measures to be installed by the University will conform to the most current NYS Standards and Specifications for Erosion and Sediment Control. The techniques for controlling erosion and sediment control during construction will include the following:

a. Providing sediment control practices located downstream of construction activities. The sediment control practices typically include silt fence, earthen diversion dikes, temporary swales, and sediment basins/traps. The downstream side of each practice will be undisturbed ground.

b. All disturbed areas will be stabilized within 21 days when construction activities have temporarily or permanently ceased.

c. Storm sewer inlet structures will be protected from sediment deposition.

d. Swales and /or channels will include stone check dams to reduce the velocity of stormwater to non-erosive velocities.

e. A Stormwater Pollution Prevention Plan, SWPPP, will be prepared for each proposed project or phase of development. The SWPPP will be prepared in conformance with the latest NYSDEC, Town of Brighton and EPA requirements.

f. A geotechnical analysis will be completed tor each proposed project or phase development. The geotechnical analysis will determine the ultimate design of the stormwater management system.

g. Disturbance greater than 5 acres in size, where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within 7 days from the date the soil disturbance has ceased.

Conclusions

The mitigation measures proposed adequately address the identified impacts to disturbed areas.

2. Water Resources, Stormwater Runoff

Description of Impacts

The management of potential stormwater from future development of the South Campus was a major issue of public discussion and Town staff and Town Board review. Additional development in the South Campus will result in an increase in impervious surfaces within the 180 acre site, which will result in an increase in the rate and volume of stormwater runoff and an increase in associated stormwater pollutant loading.

Mitigation Measures

1. Currently, stormwater runoff from the site discharges to either on-site wetlands or the Erie Canal. The proposed stormwater management plan re-directs runoff from a significant portion of the future developed areas to the Erie Canal. The existing development on the site will continue to direct runoff to the wetlands, with some of the new development area directing drainage to the on-site wetlands;

2. Periodic flooding currently occurs along a low-lying area of a Furlong Creek tributary at the Crittenden Road properties in the southwestern area of the South Campus. To improve periodic flooding situation, the Applicant's proposed stormwater management plan redirects some the current drainage patterns northerly, away from this problem area. In addition, several drainage amenities are proposed to decrease the volume and rate of stormwater runoff that flows into Furlong Creek upstream or east of the Lehigh Valley Trail, as follows:

    - Provide storm sewer connections on the developed portion of the South Campus (in Whipple Park) to redirect drainage away from Furlong Creek and toward the south wetland ;

    - Construct a berm within the north/south swale that conveys stormwater from the southern wetland to Furlong Creek. The swale is located adjacent to the Lehigh Valley trail. The berm will significantly reduce the amount of stormwater discharged from the south wetland onto the adjacent properties to the; and

    - Construct an outlet structure within the south wetland area to control the water surface elevation and the rate at which stormwater is discharged from the South Wetland. The outfall structure will discharge to the existing drainage way along the west side of the former Lehigh Valley railroad. As necessary the existing drainage way will be improved to insure that the stormwater discharged from outfall structure flows by gravity to the existing Furlong Creek culvert ;

3. All stormwater management facilities will be designed and constructed to meet and exceed the requirements of the latest NYS DEC Stormwater Management Design Manual and the Town of Brighton Comprehensive Development Guidelines;

4. A geotechnical analysis will be completed for each future project and/or phase of development in order to determine the ultimate stormwater management improvement design and location;

5. The drainage channel that bisects the project site will be retained along with its corresponding buffer area;

6. With the proposed stormwater mitigation measures in place, stormwater volumes and runoff rates leaving the site and directed to natural receiving water bodies will be reduced to 20% less (minimum) from what they are today;

7. A larger amount of runoff will be directed towards the Erie Canal. Proposed stormwater management facilities will be provided upstream of the Erie Canal to attenuate post development runoff rates to pre-development conditions. Additionally, green infrastructure improvements will provide the required water quality volumes in accordance with the latest NYS DEC Stormwater Design Manual;

8. Water quality measures will be installed to remove runoff pollutants prior to discharge from all developed points on the site;

9. Stormwater detention facilities – ponds and underground storage and conveyance piping - will be installed upstream of each of the Rezone Property stormwater discharge points to attenuate post-development runoff rates and volumes to less than pre-development conditions. The ponds will include 'deep pools' at the inlet and outlet ends to provide settling areas for runoff pollutant removal. Each proposed project will undergo Town review via the site plan approval process;

10. The green practices for the proposed development, to reduce runoff volumes and improve water quality, will include installation of bioretention facilities and installation of vegetated swales. These treatment facilities receive and treat stormwater runoff from paved areas. The swales and bioretention ponds slow or pool the flow and remove contaminants and sedimentation as water is filtered through grass strips, planted soil and other planted materials, then infiltrating into underlying organic soils and sand beds;

11. A meeting was held with NYSDEC on June 26, 2014 to review and discuss potential stormwater and wetland impacts from future development of the South Campus. Meeting highlights and summary items included:

    - NYS DEC noted a preference to install the stormwater amenities in the drier summer months when wetland water levels are lower;
    - NYS DEC stated the need for the University to negotiate with the Town how maintenance of the overflow drainage culvert crossing under the Town trail will be covered. It was suggested that the University be responsible for seasonal cleaning and the Town be able to do major or emergency repairs and charge the University for them, should the need arise;
    - NYS DEC permitting process for installation of the stormwater amenity facilities and the stormwater facilities for the project will require a public notification and comment process; and

- The application for the amenities will need to include documentation of land ownership and easements to verify rights and authorizations to implement the amenities.

Based on the NYSDEC meeting outcome, the University commits to: obtaining all required permits from NYS DEC; installing the drainage amenities in the summer/drier season; providing seasonal maintenance on the overflow drainage culvert to reimburse the Town for major or emergency repairs, should the need arise; and to secure and provide to the Town and NYSDEC the needed easements and authorizations to perform work on adjacent landowners properties. The University will also be required to enter into a Storm Water Maintenance Agreement; and

12. Mitigation techniques available for stormwater could include underground storage and surface treatment, along with on-site storage combined with the off-site capacities as determined by the Town Engineer. Although the Applicant has provided comprehensive analysis and preliminary design details, final calculations and designs for the required mitigation of potential stormwater impacts are premature at this stage. There appears to be adequate land area on the Project site, adequate techniques to properly manage requirements of both the NYSDEC and the Town of Brighton, and adequate oversight by the Town Engineer to assure that the mitigation will be effective to achieve all stormwater management and discharge goals. The final calculations and designs will be submitted with each formal site plan application. It will be thoroughly reviewed and approved by the Planning Board and the Town Engineer to assure compliance with all of the Findings and Conclusions of this environmental review process as well as compliance with all regulations and requirements of the NYSDEC and the Town of Brighton.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential stormwater related impacts resulting from the future growth in South Campus. In addition, the Town Board acknowledges that certain proposed drainage amenities will also mitigate existing flooding and drainage problems.

3. Terrestrial and Aquatic Ecology

Trees and Woodlot EPOD

Description of Impacts

The Applicant completed several tree studies throughout the review process to identify woodlot limits, significant trees and their condition. Old Growth habitat areas were also identified and mapped. Portions of future development in the South Campus will fall within the identified woodlot areas.

Mitigation Measures

1. While the DGEIS included a request for a Woodlot EPOD permit which would have applied to the entire IPD as part of the rezoning approval, the S-DGEIS removed that request which had previously been listed as an incentive. The FGEIS states and clarifies that the request for a Woodlot EPOD permit has been removed from the incentive zoning/site rezoning process, and in lieu of an upfront permit, proposed impacts to the Woodlot EPOD will be subject to Town review and approval pursuant to the Town's Environmental Overlay District Regulations as each specific phase of development is submitted as part of a formal site plan application;

2. The University has identified 'no-build' zones in the Old Growth habitat areas of the Woodlot EPOD. The current plan was revised to avoid potential building and disturbance in those areas. A tree survey will be part of each required Woodlot EPOD application to be conducted per Town standards for any future development phase/project which proposes impacts to the Woodlot EPOD,

3. A detailed tree mitigation plan and Landscape Buffer Planting Plan have been prepared that indicates enhanced buffers adjacent to residential areas. It will be implemented during the first spring after the IPD Rezoning. Spring planting will allow the new plants to get established prior to winter. The proposed Landscape Buffer Planting Plan may be found in Appendix C of the FGEIS;

4. Any development which will impact the Woodlot EPOD will need to follow the regulations outlined in the Town Code. As future buildings or phases of the master plan are submitted to the Town for site plan review, an analysis of the Woodlot EPOD and potential disturbance will be reviewed and analyzed as part of the site plan review process. An appropriate mitigation plan will be developed on a case by case basis as is typical with any site development plan reviewed by the Town that involves disturbance to the Woodlot EPOD;

5. Replanting plans for potential future Woodlot EPOD impacts will be prepared by the Applicant at the time of design for each project on a case by case basis and will be subject to the Town's review and approval process for each proposed project;

6. The Applicant proposes an amenity of planting enhancements within the 100 foot buffer zone adjacent to residential areas, with implementation during the first spring after approval of the IPD, or as soon thereafter as possible given planting feasibility, in coordination with the Town. A plan detailing the amenity and illustrating the proposed buffer planting was included in the FGEIS; and

7. The proposed IPD Ordinance includes a No Build Map dated August 18, 2014 which identifies the location of the utility corridor crossing which will cut across the 100 foot buffer and will serve as the location in which the proposed utility upgrades will be installed. Upon completion of the proposed utility work, the area of disturbance will be restored and replanted, and will subsequently remain undisturbed.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as amenities and mitigation to minimize or eliminate the potential Tree and Woodlot EPOD impacts resulting from this Action.

Wetlands

Description of Impacts

There are wetland areas within the South Campus. Potential building sites are in close proximity to some of the wetlands.

Mitigation Measures

1. Wetland Delineations were updated in 2013 and a Wetland Delineation Report was completed in January 2014. The updated wetland mapping was included in the S-DGEIS and submitted to the NYS DEC and Army Corps of Engineers. Both agencies have reviewed the updated delineations and verified the wetland boundaries. The wetland delineations are valid for five years (a timeline which began in January of 2014 based on agency verification of the delineation). Additional delineations will be performed after the five year expiration, as needed, for future projects which may be proposed in the vicinity of wetlands and their adjacent areas;

2. Wetland areas are located to the immediate southeast of the existing Laboratory for Laser Energetics (LLE), and adjacent to the Lehigh Valley

Trail. These locations include areas of upland habitat which will remain undisturbed and will continue to support amphibian life and a variety of wildlife post full build-out of South Campus. The large tract of wetlands along the southern portion of the South Campus adjacent to the Lehigh Valley Trail will not be impacted, nor will the 100 foot adjacent area pertaining to the NYS DEC regulated wetland. The parcel of land north of East River Road and west of Kendrick Road also contains a federal wetland, and proposed development of this parcel has been removed;

3. The Master Plan layout was modified to acknowledge changes which occurred to the wetland boundaries, and the associated 100' buffer around the NYSDEC regulated wetland. The S-DGEIS Appendix C includes the updated wetland documentation and mapping;

4. Currently, stormwater runoff from the site discharges to either wetlands or the Erie Canal. The proposed drainage model will re-direct runoff from a majority of the future developed areas to the Erie Canal. For the most part, existing developed areas on South Campus will continue to direct runoff to the wetlands; some of the new development area will also direct drainage to the wetlands. The runoff rates to the wetland areas will be reduced significantly from existing conditions, allowing more time for infiltration into the soil as runoff passes through vegetated swales and bioretention facilities prior to discharge to wetland areas. More dentition time will be provided along the route and in the ponds, all of which are benefits to water quality. The required stormwater detention times will be provided prior to discharging to the wetlands, but the wetlands will provide extended detention time as a bonus, which will further improves water quality;

5. A meeting was held with NYSDEC on June 26, 2014 to review and discuss potential stormwater and wetland impacts from future development of the South Campus, including the first proposed project, the Imaging Building on East River Road. Meeting highlights regarding wetlands included:

   - DEC understands and agrees that site conditions may change in the future, such as wetland size and shape;
   - DEC application and permitting process will require a public notification and comment process; and
   - Based on the meeting outcome, the University commits to obtaining all required permits from NYSDEC;

6. The University has identified "no-build" zones in the wetland areas. The current plan avoids potential building and disturbance in these areas. As stated in the S-DGEIS and the FGEIS, the University of Rochester will protect and avoid wetlands. When there is no other option but to impact a wetland,

the wetland will be enhanced via a proposed mitigation plan which will be submitted to the NYSDEC and the Town for review, approval and permitting. The approved plan will be part of the final design plan for the project. At the time of site plan application for each new building, final design of grading, stormwater management, landscaping, etc., will incorporate any proposed enhancements to the wetland areas at that time. All plans will be subject to the review and approval of the Planning Board and Town staff; and

7. Regarding the chorus frogs and vernal ponds: the vernal pond/wetland located behind the Laser Lab was constructed as mitigation to the Laser Lab expansion project. Refer to the wetland delineation maps included in the S-DGEIS Appendix C, Drawing W-1, and 'L' Wetland. This wetland is a 0.55+/- acre marsh specifically developed to provide and enhance chorus frog habitat documented in this area. Construction of this wetland was required to mitigate the habitat disturbance resulting from the Lab project. Disturbance of this wetland area will be avoided by future development.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential wetland impacts resulting from this Action.

D. Land Use and Zoning

Description of Impacts

1. The University Campus Master Plan identifies long-term development of their 180-acre South Campus in the Town of Brighton. The existing site is partially developed with institutional use along E. River Road and residential use (Whipple Park) in the southern portion;

2. Portions of the future development of the South Campus have the potential to be in close proximity to adjacent residential neighbors, including homes on Southland Drive, and Doncaster, Furlong and Crittenden Roads;

3. The proposed action will allow development of the South Campus, which will increase building density and height, and potentially change the land use of South Campus. The incentive zoning will allow building height and density greater than allowed by the current code for an Institutional Planned Development (IPD) district;

4. The placement of additional buildings on the South Campus will have the potential for visual impacts, particularly for the adjacent residential neighbors; and

5. A detailed plan, reflecting changes to the physical plan that was included as part of the S-DGEIS, has been completed and serves as the "Current Plan". The current plan containing land use, potential building locations, bulk, density and use regulations is included in Appendix A of the FGEIS.

6. Additional development on the South Campus may require the creation/extension of street lighting, sanitary sewer, and water districts.

Mitigation Measures

1. The University Campus Master Plan reflects a conscious effort to lessen impacts to the adjacent neighborhood through a reduction in the intensity of the proposed development. The South Campus boundary which runs along the north side of the properties fronting Southland Drive has been used as a limit to the zone in which institutional uses will be developed;

2. A 100 foot buffer has been placed along the campus edge adjacent to residential uses, consistent with the current IPD regulations. Preservation of this natural buffer will help to screen future development from existing residences. Additionally, these buffers will be enhanced, where needed, by a landscaped buffer planting plan to increase the effectiveness of the buffer edge screening. The IPD Ordinance will include language to ensure the protection of the buffer. It is anticipated that additional plantings in the buffer are will be added over time as deemed necessary during the site plan review process for future buildings. In addition, a residential buffer zone has been added which limits maximum building heights to 35 feet within 200 feet of residential property line borders. The final width of the proposed buffer and the maximum building heights will be determined by the Town Board as part of the IPD Incentive Zoning/Rezoning process;

3. In addition to the 100 foot buffer, a 3-acre parcel of land at the southern end of the site adjacent to Crittenden Road is planned to be left in its natural state in an effort to have a successive decrease in intensity from the East River Road area, moving south to Crittenden Road;

4. The University will integrate with the adjacent neighborhoods by extending connections to the existing sidewalk system along the south side of East River Road, Murlin Drive, the Lehigh Valley Trail and northerly along Kendrick Road via sidewalks and bike lanes which integrate into and the Riverway Trail along the canal, as well as the multi-use trail system throughout the campus;

5. In response to comments received, the Applicant continuously revised the concept site plan for South Campus over the course of the review process evolution. Proposed institutional use was reduced, and residential use was introduced and then expanded. As compared to the original application, the current plan

includes a maximum of 1.29 million square feet of proposed institutional/non-residential space, which represents a reduction in the planned build out of these types of uses by approximately 682,000 square feet. These building locations are proposed in the northern portion of the South Campus site along the Route 390/ East River Road corridors, north of Whipple Park. The current plan also includes 476,400 square feet of residential space, with buildings all located west and southwest of the adjacent residential neighborhood; the original application did not propose residential land use. The total development (existing and proposed) will not exceed 2,535,812 gross square feet. The maximum square feet of development will be determined by the Town Board during the IPD Incentive Zoning/Rezoning process;

6. The requested density incentive would allow an increase in maximum overall density to approximately 15,850 GSF/acre. However, the proposed clustering of the buildings as shown on the current plan avoids buffers, wetland areas and old growth habitats, which are identified in the FGEIS;

7. The FGEIS intended to establish the potential impacts, and proposed mitigation of those impacts, for the overall project represented as the Current Plan, should it be developed to its maximum allowed density. The incentive zoning and rezoning approvals will allow the current residential zoning of the site to be rezoned to Institutional Planned Development (IPD), and for the site to be developed up to the maximum allowable densities outlined in the Current Plan;

8. Questions and concerns were raised regarding the types of materials, biological agents, etc. that may potentially be present over time within the proposed research building that could potentially be released into the environment.

   As stated in the South Campus IPD Draft Zoning Ordinance (FGEIS Appendix A), provisions are included for design and development laboratories, and "wet laboratories". If these types of laboratories are proposed, the ordinance proposed by the applicant states requirements for not only site plan approval, but also conditional use approval by the Planning Board.It is also proposed by the applicant thatlaboratories of Bio Safety Level 3 and 4 will not be permitted. The proposed ordinance also includes the performance standards set forth in the Town of Brighton Comprehensive Development Regulations § 203-168D. Permitted and conditionally permitted uses to be allowed pursuant to the proposed ordinance will be determined by the Town Board during the IPD Incentive Zoning/Rezoning process;

9. Design guidelines for the South Campus have been developed, and are included in Appendix B of the FGEIS. The current plan for the South Campus includes a variety of programmatic uses which transition in density from high to low, as the

site develops from the East River Road corridor, south into the residential zone. This transition was intentional to be sensitive to adjacent residential neighbors;

10. Each project for future development will be submitted to the Town of Brighton Planning Board for review and final approval on a case by case basis;

11. As depicted on the Current Plan dated July 14, 2014, the Applicant has proposed 100 feet of enhanced natural vegetation to remain and be preserved with no future development of any kind. The applicant also proposes the introduction of the 35-ft. maximum height buildings in the 200 foot "residential zone" to provide proper distance and massing that is consistent with the depth of a single family residential lot on the adjoining residential streets. The final width of the proposed buffer and the maximum building heights will be determined by the Town Board as part of the IPD Incentive Zoning/Rezoning process;

12. The proposed heights of buildings gradually reduce across the site from north to south which was done specifically to alleviate potential visual impacts on the adjacent residential neighborhoods. Visual simulations of existing viewsheds have been completed which depict potential building impacts. Photos of existing viewsheds and simulations depicting potential building massing based on maximum building heights being proposed are found in Appendix D of this FGEIS;

13. Based on feedback received during the review process, building height adjustments were made on the current plan to reduce proposed maximum heights adjacent to residential neighbors, to create a Residential Character Zone. The current plan indicates a maximum height of 35 feet within 200 feet of the property line. The Town Board will determine the maximum building heights that will be allowed during the IPD Incentive Zoning/Rezoning process.

    Maximum building heights on the current plan are as follows:

    - 35 feet (3 stories) maximum within 200 feet of the residential property line;
    - 50 feet (4 stories) maximum in the residential land use area;
    - 75 feet (6 stories) maximum in the Institutional/Non-residential land use area; and
    - 90 feet (7 stories) maximum on the north side of East River Road ; and

14. As part of the amenities outlined in the S-DGEIS and FGEIS, planting enhancements were identified to be added to the 100 foot buffer zone adjacent to residential areas. The enhanced buffering and screening will reduce the impact of proposed buildings for adjacent homeowners.

15. As part of the IPD incentive zoning/rezoning process the Town Board will adopt a set of regulations (IPD Ordinance) for the governance of the rezoned acreage. The IPD Ordinance will address building density, building setback, building height, permitted uses, and conditionally permitted. The ordinance will also address the applicable mitigation measures, including the width of the buffer, identified in the GEIS and this Finding Statement.

16. The University will design each of its facilities to meet the required level of LEED silver with a minimum of LEED certification.

17. To mitigate bird collisions with glass, reflective glass curtain wall systems will not be permitted.

18. Each phase/project will undergo LEED analysis; regional material use and diversion of construction debris will be part of the analysis for each proposed building.

19. As each phase/project goes into site plan design and review by the Town, specific impacts with regard to noise will be analyzed on a case by case basis by the Town of Brighton staff and the Planning Board as part of the site plan approval process.

20. At a minimum, all new developments, renovations and additions shall meet the goals and objectives outlined in the University of Rochester Council on Environmental Sustainability.

21. The applicant will use its best efforts to incorporate the use of LED light fixtures or the latest generation of energy efficient fixtures into each phase/project and all lighting will meet dark sky requirements.

22. All proposed buildings will be reviewed and approved by the Town of Brighton Architectural Review Board.

23. As determined during the Planning Board approval process, the district creation/extension for lighting, sanitary and water will be completed as required.

Conclusions

The mitigation measures proposed adequately address the identified impact to the Town's Comprehensive Plan, impacts to residential neighbors, and properly address the identified impacts to project density and land use.

E. Historical and Archeological Resources

Description of Impacts

Potential disturbance of historic places within or adjacent to the project site have been investigated. When and if a development is proposed for the site, construction will cause a disturbance in some areas, while other areas will remain undisturbed. A Phase 1A Historic and Archeological Assessment was completed.

Mitigation Measures

1. Further assessment of potential impacts on previously undeveloped areas will be completed at the time a specific project is proposed. A Phase 1B Historic and Archeological Assessment will be prepared on a project by project basis as part of the respective SEQRA processes for those Site Plan applications to the Town Planning Board; and

2. As demonstrated by the photo simulations included in the FGEIS, the retention of the natural screening along the IPD boundaries along with the proposed enhanced buffers will likely avoid impacts to potential historic structures on neighboring properties.

Conclusions

Potential historic and archeological impacts and commensurate mitigation will be determined during the respective Site Plan Approval processes.

F. Traffic

Description of Impacts

Development of the South Campus over time will result in an increase to traffic volumes at various times of the day and evening. The University Campus Master Plan is a long range plan that will likely occur over decades. As the Master Plan is built out in phases, additional traffic improvements may be required, such as the addition of traffic signals and/or road widening, and will be determined ahead of the construction for each phase in order to avoid adverse impacts to congestion and driver delay.

The traffic study area included the following intersections:

- West Henrietta Road at I-390 North Bound Ramp
- West Henrietta Road at East River Road
- West Henrietta Road at Brighton-Henrietta Road
- West Henrietta Road at Crittenden Road
- West Henrietta Road at Doncaster Road/Sunnyside Road
- West Henrietta Road at Southland Drive
- East Henrietta Road at I-390 North Bound Ramp

- East Henrietta Road at I-390 South Bound Ramp
- East Henrietta Road) at Crittenden Road/MCC
- East River Road at Crittenden Road
- East River Road at Kendrick Road/Murlin Drive
- East River Road at I-390 SB On-Ramp & Off-Ramp
- East River Road at Site Drive

1. A comprehensive analysis of the surrounding street network was performed to determine what impacts the proposed incentive zoning/rezoning, and resulting potential future development would have on the street network. The intensity of uses associated with the proposed IPD zoning designation is much greater than that of a residential zoning designation. Accordingly, there would be an increase in impacts to the adjacent street network, over those likely to be experienced if the property were used for residential development purposes;

2. Two build-out scenarios for the South Campus, from 130,000 square feet to 1,766,450 square feet, have been analyzed up to the year 2027 to show effects of the future development at different stages. The future analysis periods examined the roadway geometry with the currently planned NYSDOT improvements. There are several ongoing and programmed improvement projects for the transportation network in the vicinity of the South Campus that will have a dramatic and positive impact on the current roadway network;

3. The analysis concluded that the adjacent roadway network will accommodate the full build scenario once the first three phases of the ongoing NYS DOT improvements are in place. Those three phases will be completed by 2019. The results also indicated that the study area has the capacity at this time to handle traffic generated by approximately 130,000 square feet of the development, without the need for a traffic signal on East River Road just east of the Lazer Lab. The traffic signal will be paid for by the applicant.; and

4. A majority of the traffic generated to and from the South Campus area is anticipated to use the expressway system. As a result the local roadways will have insignificant delays associated with the 130,000 square feet and the potential for 1.7 million square feet of future development. Portions of the four studied I-390 interchange intersections currently operate under heavy traffic conditions and are anticipated to continue to operate under heavy volumes during the morning and/or evening peak hours.

Mitigation Measures

There is existing traffic congestion within the area in its current condition and sought to ensure that any such congestion would not be further compounded by future growth in the South Campus. However, recently completed and ongoing highway interchange improvements in the area of the University are improving traffic flow; two new interchanges to I-390 (at East River Road and Kendrick Road) will be completed by the end of 2014 and a third in 2015 (at West Henrietta Road). Through the review process, the Town Board utilized a multi-agency approach to identify where problems existed, where additional issues may be forthcoming with the future growth, and what mitigation is available to minimize or eliminate those issues. The Town Board appreciates the time and attention given to this matter by Town Staff, the Monroe County Department of Transportation, the New York State Department of Transportation, the City of Rochester, the Board's consultant, Stantec, and the Applicant and its consultants. This coordination provided the Town Board with a comprehensive understanding of important issues and available mitigation techniques.

Due to the different types of land use anticipated as part of the future South Campus growth, projected traffic volumes will vary. To determine the best way to develop agreeable monitoring measures, the University representatives held several meetings with all local transportation agencies and Town representatives to discuss the potential traffic impacts, and how the University plans to monitor the impacts incrementally over time. The purpose of the discussions was to determine reasonable and acceptable transportation system monitoring procedures as the University grows over time. The following traffic monitoring and mitigation plan has been identified:

1. Based on completion of comprehensive reviews by the Town and the transportation agencies and the discussions at the group meetings, it was determined that the best approach is to continue to update the regional Traffic Impact Study (TIS) every five years to monitor potential traffic impacts and identify commensurate traffic mitigation starting in 2015. The Town review fees will be paid for by the University;

2. In addition, the Town can request as part of the SEQRA process for any individual project, an updated traffic analysis, depending upon the size and nature of the proposed project. The Town review fees will be paid for by the University. The next TIS update will be completed in the fall of 2015. Monroe County Department of Transportation's letter is included in Appendix E;

3. An Active Transportation Plan will be prepared which provides pedestrian and bicycle connectivity throughout the South Campus site, and South Campus connections to the Lehigh Valley Trail at East River Road and to the north (via improvements on the Kendrick Road Bridge) to the U of R Medical Campus, and the River Campus. RG&E owns a 40 foot strip of land which runs along

the entire western property boundary of the South Campus site, parallel to the Lehigh Valley Trail. This strip of land contains overhead transmission power lines strung from steel towers. Given RG&E's ownership of the power corridor running parallel to the trail, connections to the Lehigh Valley Trail which would need to cross the RG&E owned transmission corridor. The University will seek to obtain an additional access easement from RG&E that will provide pedestrian access to the Lehigh Valley Trail from the South Campus. The Active Transportation Plan is referenced in Appendix E of the FGEIS;

4. RTS bus stops and University Shuttle service: The University of Rochester South Campus is currently served by the Rochester Transit Service (RTS) as part of RGRTA's overall network The University and RGRTA meet regularly to discuss ridership, the need for additional or modified stops throughout the campus, enhanced bus stops and shelters for interconnection of RGRTA stops with University shuttle stops, and express service to various areas of the community. Similar to the ongoing plans and development of College Town, it is likely that RTS bus stops will be added to the South Campus site as it becomes further developed. The demand for future stops will continue to be coordinated with RGRTA as public ridership and transportation links continue to increase throughout the campus, and the University commits to working with RGRTA to maintain and increase transit access to the South Campus; and

5. The 2015 TIS, will review the need for a traffic signal at the East River Road/Laser Lab driveway intersection. If the 2015 TIS determines that a signal is not necessary, such need will be reviewed again in future TIS. If or when a traffic signal is required, the U of R will be responsible for installing a traffic signal and any other highway, signalizing or signage improvements that may be required by the permitting agency.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as mitigation along with plans for further study over time to monitor growth, with the goal to minimize or eliminate the potential traffic impacts resulting from this Action.

G. Utilities/Energy

Existing utilities will be extended to the site, including electrical, sanitary sewers, public water and drainage piping. Following completion of an RG&E substation on the north side of East River Road, and east of Kendrick Road, there will be adequate capacities to accommodate the future development of the South Campus, with some improvements to

be made by the Applicant. A summary of the impacts, mitigation measures and conclusions for each utility service follows:

Water Supply

Description of Impacts

Additional development on the South Campus will require additional water supply for domestic use and fire protection. The Water Supply Analysis Report provided in the S-DGEIS analyzed a portion of the study area for the anticipated first phase of South Campus development along East River Road.

Based on comments received from the Town, a revised water supply system analysis was completed for proposed South Campus development. Several meetings were held to discuss the analysis methodology to address the Town's concerns, including meetings with the Town Engineer and the Town's consultants, and with Monroe County Water Authority (MCWA).

MCWA completed additional flow tests on June 4, 2014 to support the water supply system analysis model work completed. MCWA ran its system wide model with the newly collected data to check the future flow conditions for the first phase of development in the South Campus. Its findings confirm that there is enough existing capacity to serve the first phase of development (Imaging Building) with a new 8" water main connection off Southland Drive. The University will complete that connection.

Future development after the Imaging Building will require improvements to the distribution system including but not limited to a 12" water main connection from Crittenden Road at the Lehigh Valley Trail to Murlin Drive, and an 8" connection from West Henrietta Road just south of East River Road with a 6" Pressure Sustaining Valve.

Mitigation Measures

1. In a letter dated July 8, 2014, MCWA provided a "Letter of Intent to provide Water Service to the University of Rochester South Campus". The letter from MCWA is included in Appendix F of the FGEIS. The MCWA stated that any future development will require MCWA approval and improvements to the distribution system including but not limited to the installation of the following:

    - A 12" watermain from Crittenden Road at the Lehigh Valley Trail to Murlin Drive; and

    - An 8" connection from West Henrietta Road just south of East River Road, with a 6" Pressure Sustaining valve (PSV) on the private side.

    The U of R will continue to work with the MCWA to develop a schedule regarding the implementation of these improvements to the water system; and

2. As each building in the South Campus is proposed, the water demand and pressure will be calculated and potential impacts to the supply system will be re-examined to ensure there is adequate supply (flow and pressure) without impacting flow and pressure to the adjacent neighborhoods. A complete water system evaluation report (suitable to the Town of Brighton) will be completed during the site plan application process and prior to any further development and as requested by the Town.

Conclusions

A hydraulic analysis will be conducted for each subsequent project located within the IPD District, as the results of the hydraulic analysis in the FGEIS only considered construction of the Imaging Building. If additional water supply system mitigation measures are needed in the future, it will be the University's responsibility to obtain approvals from the Town and MCWA and to implement the improvements.

Sanitary Sewer

Description of Impacts

1. Portions of the South Campus site are not located within a sanitary sewer district. The existing district must be extended or a new district formed before these areas can be served by sanitary sewers.

2. Based on the Preliminary Grading Plans and the depths of the existing sewer system, the existing sanitary sewer system layout is well positioned for future growth. In the southernmost portion of the site where the grades are the lowest, it may be determined that a sanitary pump station would be needed to provide service to the nearest existing private sewer lateral.

Mitigation Measures

1. The University will pursue a new sanitary sewer district or extensions to the existing sanitary sewer district upon approval of the South Campus property rezoning in order to ensure that the entire South Campus property is part of a sanitary sewer district.

2. Site Utility Analysis will be conducted during the site plan review process for each proposed development phase/project.

3. If it is determined that a sanitary pump station is needed, a private pump station will be installed, owned, maintained and operated by the University of Rochester.

Emergency Access/Easements

Description of Impacts

Emergency access to the rezoned property from the Lehigh Valley Trail is needed and has been identified. The proposed emergency access must cross lands owned and by RG&E.

Mitigation Measures

1. The emergency access will be designed to be consistent with NYS Fire Code requirements;

2. The timing of the emergency access road will be installed prior to any residential development within the South Campus property or as required by the Town Board as part of the IPD process. The specific timing will be part of the Site Plan review process for future phases which focus on development of the southern half of the South Campus Site, and include any residential components;

3. Coordination with RG&E regarding the necessary cross access easement is being handled currently in an effort to ensure that the easement is in place prior to the triggers which will necessitate the construction of the emergency access drive; and

Conclusions

The mitigation measures proposed for the emergency access easement adequately address the impacts.

Electricity, Natural Gas, Telecommunications

Given that no adverse environmental impacts have been identified for electrical, natural gas or telecommunication services, no mitigation is required.

H. Community & Neighborhood Character

Description of Impacts

The Concept Plan for the South Campus portion of the Master Plan was re-drafted to increase the residential component and decrease the potential areas of the institutional building component.

1. The original concept plan in the DGEIS did not include proposed residential square footage. The Master Plan added approximately 476,400 square feet of residential buildings, which will increase the housing area in the south campus from 338,600 to 815,000 square feet; and

2. As compared to the concept plan in the DGEIS, the Master Plan proposes a reduction in the planned build out of these types of uses by approximately 682,000

square feet. These building locations are proposed along the Rte. 390/E. River Road corridors, away from the residential neighbors and streets. Anticipated building heights are 4-5 stories high maximum.

Mitigation Measures

1. The University Campus Master Plan reflects a conscious effort to lessen impacts to the adjacent neighborhood through a reduction in the intensity of the proposed development. The South Campus boundary which runs along the north side of the properties fronting Southland Drive has been used as a limit to the zone in which institutional uses will be developed;

2. A 100 foot buffer has been placed along the campus edge adjacent to residential uses, consistent with the current IPD regulations. Preservation of this natural buffer will help to screen future development from existing residences. Additionally, these buffers will be enhanced, where needed, by a landscaped buffer planting plan to increase the effectiveness of the buffer edge screening. The IPD Ordinance will include language to ensure the protection of the buffer. It is anticipated that additional plantings in the buffer are will be added over time as deemed necessary during the site plan review process for future buildings. In addition, a residential buffer zone has been added which limits maximum building heights to 35 feet within 200 feet of residential property line borders;

3. The University will work with the Town Board to fashion an appropriate amenity that will serve to reduce fiscal impacts to the Town's budget and impact on Town services caused by the build out of the South Campus;

4. The Master Plan will integrate with the adjacent neighborhood by connection to the existing sidewalk system along the south side of East River Road, and the Lehigh Valley Trail. Following reconstruction of the Kendrick Road Bridge, the South Campus site will have improved accommodations for pedestrians and bicyclists to the vast off-road trail network found throughout the area.

Conclusions

The mitigation measures proposed adequately address the community and neighborhood character impacts identified to date.

I. Police, Fire and Ambulance

Description of Impacts

The development of the South Campus over time will increase the need for and demand on police, fire and ambulance service providers, especially with the proposed increase in residential use.

Mitigation Measures

1. The University's 40+ sworn Peace Officers help to reduce the number of calls that require Town services (fire, police). At the Public Hearing on March 26, 2014, Town of Brighton Police Chief Henderson addressed a comment about the cooperative agreement between the Town and the University. Chief Henderson stated that he was part of the original committee that met with the University president that talked about changing from security staff to a police officer status. He noted that there is a memorandum of understanding in place between the Brighton Police Department and the University. He said there is very good communication, and great interagency cooperation. The two forces train together. He also said there are not a lot of calls in this part of the University, and not a lot compared to Brighton overall, West Brighton specifically; and

2. To account for impacts on police, fire, ambulance, and other municipal services, the University of Rochester has offered an amenity under incentive zoning to offset the tax-exemption impact. The framework offered for the proposed amenity would be an annual deposit based on $.45/gsf for new development into one or more trust funds set up by the Town.

Conclusions

The amenity proposed adequately addresses the identified impacts to police, fire, ambulance and other municipal services.

J. Schools

Description of Impacts

During the review process, the potential impact to the Rush Henrietta School District was raised, regarding whether there would be an increase in the number of school-aged children.

Mitigation Measures

The proposed occupancy for future residential units is student dormitories, life-long learning (for retired faculty and alumni), and short term housing for hospital and clinic patients and visitors (like Ronald McDonald and Hope Lodge programs). Therefore, no increase to school-aged children is anticipated. In the event that the plan for residential development changes in a manner that will increase the number of school-aged children, the University will agree to negotiate an agreement with the Rush Henrietta School District to mitigate the increased cost to the School District of additional students.

Conclusions

The mitigation proposed adequately addresses the identified impact to schools.

K. Recreational Opportunities

Description of Impacts

The Master Plan concept site plan has been updated to incorporate preservation of old growth habitats. Avoidance of future growth in those areas, and maintaining the woodlots and adjacent wetland areas provides further long term preservation of significant natural resources and habitat. Residential development will potentially impact the recreational services provided by the Town of Brighton. Mitigation Measures

1. Formalized trails are not being proposed through the woodlot areas in order to protect wetland areas, the areas of old growth habitat, and considerable areas of woodlot will be preserved to maintain natural habitat for the benefit and enjoyment of those living and working on the South Campus site;

2. A connection to the Lehigh Valley Trail will be available at East River Road, which will allow direct access to the surrounding trail network; and

3. As buildings along Murlin Drive are constructed, a sidewalk and/or shared use trail will also be developed to ensure that the South Campus development fully accommodates pedestrians and bicyclists.

4. Impacts from residential development on the Town's recreational services will be mitigated by the Parkland Trust fee to be paid prior to obtaining a permit for construction.

Conclusions

The mitigation measures proposed adequately addresses the identified impacts to recreational opportunities.

L. Growth Inducement Aspects

Description of Impacts

No spin-off development is anticipated from the facility improvements and further development of the South Campus. The adjacent areas in the vicinity of the South Campus are already served by public water and sanitary services, and upgrades to the utility services needed to fully develop the Master Plan are relatively minimal. Much of the area adjacent to the site is already developed or designated parkland. Therefore, the development of the South Campus is not expected to trigger additional growth in the area.

Mitigation Measures

Given that no adverse growth inducement aspects have been identified, no mitigation is required.

Conclusions

The development of the South Campus is not expected to trigger additional growth in the area.

Public Input Process

The Town Board, as Lead Agency, hosted public hearings. The Town Board has determined that all required legal notices and mailings were given, and that the public was properly informed of the opportunities to provide input. The Applicant also hosted a number of neighborhood meetings and Public Informational meetings throughout the lengthy review process. Accordingly, there were many opportunities for the public to hear about the Applicant's intentions and have a dialogue with the Applicant and Town officials, outside of the required public hearing process. The Town Board has determined that all appropriate and legal requirements regarding public input have been met or met and exceeded.

SEQRA Procedure

The Town Board, upon review and reflection, has determined that it has complied with the letter, spirit and intent of the SEQRA regulations.

As documented throughout the FGEIS, key potential impact elements will continue to be monitored incrementally over time as growth in the South Campus continues. Those elements include but are not limited to:

- Tree Planting in the residential buffer areas;
- Management of Stormwater Drainage;
- Traffic impacts and mitigation to the roadway network;
- Water Supply System; and
- Sanitary Sewer System.
- Active Transportation

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft, Supplemental Draft and Final Generic EIS and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;

2. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids potential adverse environmental effects to the maximum extent practicable; including the effects disclosed in the generic environmental impact statement; and

3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, potential adverse environmental effects revealed in the generic environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

Town of Brighton Town Board
Name of Agency

Ramsey A. Boehner, Environmental Review Liaison Officer

Name and Title of Responsible Official

Signature of Responsible Official 10/22/14 Date

2300 Elmwood Avenue, Brighton, NY 14618
Address of Agency