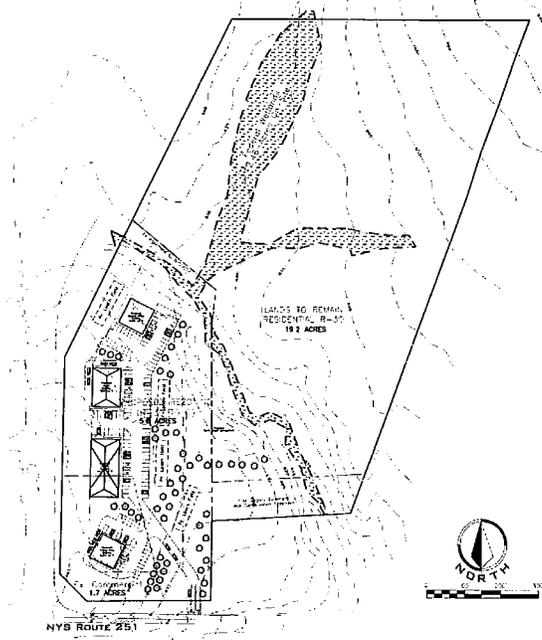


New York State Environmental Quality Review Act
Lead Agency Findings Statement
for the
Rush Associates, LLC Rezoning of
7262 West Henrietta Road

Town of Rush
County of Monroe, New York



Lead Agency:

Town Board of the Town of Rush

Project Sponsor:

Rush Associates, LLC

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August 24, 2016

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TOWN BOARD OF THE TOWN OF RUSH

FINDINGS STATEMENT

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1.0 INTRODUCTION

This document is a Findings Statement prepared pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”) by the Town Board of the Town of Rush (the “Town Board”) as Lead Agency for the proposed rezoning of 5.8 acres of an existing 25± acre parcel (Tax Account No. 202.03-1-64) from residential (R-30) to commercial (C) by Rush Associates, LLC (the “Project”).

This Findings Statement draws upon the matters set forth in the SEQRA record including the environmental impact statement consisting of the Final Scoping Document accepted by the Town Board on September 9, 2015, the Draft Environmental Impact Statement (“DEIS”) accepted by the Town Board on January 13, 2016, the Final Environmental Impact Statement (“FEIS”) accepted by the Town Board on May 11, 2016, an addendum to the Final Environmental Impact Statement (“FEIS Addendum”) accepted by the Town Board on July 27, 2016, as well as the public comments on the DEIS received at the February 24, 2016 public hearing and during the public comment period which was conducted from January 25, 2016 until February 24, 2016. (Collectively, the Final Scoping Document, DEIS, FEIS and FEIS Addendum are referred to as the “EIS”).

The purposes of the EIS is to identify and evaluate the potential significant adverse environmental impacts of the Project, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable while weighing the substantial potential social and economic benefits of the Project.

2.0 DESCRIPTION OF ACTION

The Project consists of rezoning 5.8 acres of an approximately 25± acre parcel located at 7262 West Henrietta Road, Town of Rush (the “Project Site”) from residential to commercial to create a 7.5-acre contiguous commercial parcel. Proposed development of the Project Site includes four commercial buildings. Two of the four commercial buildings will accommodate drive thru service and will be marketed to fast-food restaurants and banks. The remaining buildings will be marketed for retail and medical office space. The remaining 19.2 acres of the parcel will be dedicated to the Town of Rush to be used as parkland and/or passive recreation.

The Project will also involve the construction of associated components including a private roadway, parking lots, connection to public water, private on-site septic systems, and a private stormwater management system, which will be designed in accordance with New York State

Department of Environmental Conservation stormwater management regulations. The Project will also obtain coverage under the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, NYS GP-0-15-002. The Project does not propose the disturbance of any wetlands located on the Project Site.

The Project Site is bound on the west by Interstate 390 and New York State Route 15 and on the south by New York State Route 251. The Project Site is currently split-zoned, with 1.7 acres adjoining New York State Route 251 being zoned commercial (C). The remainder of the Project Site is zoned residential R-30, which is the predominant zoning classification of the surrounding area. The primary existing land use adjoining the Project Site to the south is commercial, consisting of a used car dealership, restaurant, and limousine transportation service. An existing single-family residential home adjoins the Project Site to the east. Additional single-family residential development exists approximately 1,200 feet east and west of the Project Site.

3.0 PUBLIC NEED AND BENEFIT

The purpose of the Project is to provide commercial services in the Town of Rush for the benefit of the community. The Project is designed to complement the commercial uses adjoining the Project Site, as well as provide basic commercial services lacking in the Town of Rush. The services proposed by the Project include a coffee shop, sit-down restaurant, retail, bank and medical. Currently, residents of the Town of Rush utilize these commercial services, but need to travel out of the Town to do so. The Project will also contribute to the Town's existing tax base with negligible required services, which will benefit the Town's operating budget.

The Project offers several benefits to the community consistent with the Town's Comprehensive Plan. A goal of the Town's Comprehensive Plan is to provide commercial and use opportunities that are consistent with the residential and agricultural character of the Town (p. 5-4). A policy of the Town's Comprehensive Plan is to encourage commercial land uses that are larger and that would generate more traffic to locate near the interchange for I-390 and Routes 15 and 251 (p. 5-4, 6-5, 6-6). Thus, the Project Site is located in an area of the Town identified for potential commercial development. The Town's Comprehensive Plan also provides that the "I-390 interchange with Route 15 and 251 has an even greater potential to attract future development, because it puts Rush in a special new relationship with other communities" and the "interchange encourages commercial and industrial development that could take advantage of the concentration of traffic and the convenient access that I-390 provides" (p. 4-3). "This development could bring the benefits of a stronger tax base and more opportunities for jobs, shopping and services in the Town" (p. 4-4).

4.0 TOWN BOARD JURISDICTION AND SEQRA PROCESS

The Town Board, as Lead Agency, issued a Positive Declaration on July 23, 2014, requiring the preparation of a DEIS. The Town Board received a Draft Scoping Document and held a public comment period from May 18, 2015 through June 21, 2015. On September 9, 2015, the Town Board adopted the Final Scoping Document which outlined the following topics and analysis of potential environmental impacts of the Project to be addressed in the DEIS:

- Traffic (concern that existing area roadways do not contain sufficient reserve capacity to serve the proposed development).
- Site Lighting (concern that exterior lighting of the Project Site will be a nuisance to area properties, particularly the existing home adjoining the Project Site's east boundary).
- Noise (concern that the noise generated by the development will be a nuisance to area properties, particularly single-family homes east of the Project Site).

The DEIS was accepted as complete on January 13, 2016 and copies of the DEIS were subsequently delivered to involved/interested agencies and individuals, and posted to the Town's website, <http://www.townofrush.com/news-notice/news>.

Opportunities for detailed agency and public review were provided during the DEIS public comment period that was held from January 25, 2016 until February 24, 2016. A public hearing was also conducted by the Lead Agency on February 10, 2016 at the Rush Town Court, 5977 East Henrietta Road, Rush, New York 14543.

The following is a list of the interested and involved agencies that participated in the SEQRA review of the Project:

- The New York State Department of Environmental Conservation ("NYSDEC")
- The New York State Department of Transportation ("NYSDOT")
- Monroe County Department of Public Health
- Monroe County Department of Environmental Services
- Monroe County Department of Planning & Development
- Monroe County Department of Transportation
- Town of Rush Planning Board

The FEIS was accepted by the Town Board on May 11, 2016 and posted to the Town's website. A Notice of Completion of the FEIS was forwarded to the Environmental Notice Bulletin for publication on May 20, 2016. The FEIS Addendum was accepted by the Town Board on August July 27, 2016.

5.0 DATE FINAL ENVIRONMENTAL IMPACT STATEMENT ISSUED

The FEIS was accepted by the Town Board on May 11, 2016. The FEIS Addendum was accepted by the Town Board on August July 27, 2016.

6.0 FACTS AND CONCLUSIONS RELIED ON TO SUPPORT FINDINGS STATEMENT

The conclusions set forth in this Findings Statement consider the relevant environmental impacts, facts and conclusions disclosed in the EIS; weigh and balance relevant environmental impacts with social, economic and other considerations; and provide a rationale for the Town Board's decision regarding the potential significant adverse environmental impacts associated with the Project, and the mitigation measures to be implemented to reduce and/or minimize such impacts to the maximum extent practicable.

This Findings Statement also certifies that the requirements of 6 N.Y.C.R.R. Part 617 have been met, and certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives evaluated, the action chosen is the one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, while at the same time maximizing the social and economic benefits provided by the Project, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions those mitigation measures that were identified as practicable.

The findings contained herein are based on the full record of the proceedings and submissions that were presented to the Town Board and included as part of its administrative record. The potential significant adverse environmental impacts reviewed in the DEIS and FEIS, the analysis conducted related to each potential impact, and the required mitigation and conditions, as applicable, are summarized below.

6.1 Project Alternatives Considered

Section 617.9(b)(5)(v) of the SEQRA regulations requires that an EIS contain a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the Project Sponsor. Although it is not necessary to consider all possible alternatives, those that achieve the same or similar objectives of the Project Sponsor, have relatively the same or reduced environmental impacts, and can be implemented in a timeframe similar to that of the proposed action, should be considered. Section 617.9(b)(5)(v) of the SEQRA regulations further provides that the description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed, but will vary with the circumstances and natures of each alternative.

The following alternatives to the proposed action are described and evaluated: no action; development of alternative sites; development of the Project Site under current zoning; and higher density commercial development. These alternatives offer a potential range and scope of development for comparative analysis and consideration.

The no action alternative assumes that the Project Site would continue to exist in its present state. Currently, there are remnants of a previous commercial development in the southwest corner of the Project Site, with the remainder of the Project Site being comprised of vacant, forested land and federal wetlands. This no action alternative would not affect on-site ambient noise conditions, construction traffic or public road conditions, or exterior lighting conditions. Under this alternative, no infrastructure would be developed on the Project Site. Consequently, none of the environmental impacts associated with the Project would occur. However, no economic benefits would accrue to the community, including contribution to the Town's existing tax base that will benefit the Town's operating budget. Further, the benefits associated with bringing basic commercial services to the Town would not be realized. Given the short-term nature of anticipated construction impacts and the generally minor long-term impacts of Project operation, as compared to the significant economic and community benefits that the Project would generate, the no action alternative is not considered a preferred alternative.

Under 6 NYCRR § 617.9(b)(5)(v)(g), site alternatives addressed in an EIS may be limited to parcels owned by, or under option to, a private project sponsor. The Project Sponsor does not own, lease or have under option, any contiguous parcels in Monroe County other than those that constitute the Project Site. Therefore, there is no requirement to evaluate any alternative project sites.

The third alternative assumes development of the Project Site under current residential zoning (R-30). Although residential development of the Project Site may allow the Project Sponsor to realize a reasonable financial return similar to the Project, a residential development typically requires significantly more area than the current commercial Project. As a result, development of the property under current zoning would not allow dedication of the 19.2 acres to the Town for passive recreation. Instead, the parcel would contain additional roadways, watermains, storm sewers, septic systems and single-family homes. Such a development would also decrease the buffer area of potential development, potentially resulting in increased noise and light spillage closer to existing residential neighborhoods. In addition, development of the Project Site beyond the area proposed by the Project could impact federal wetlands, which bisect the Project Site. Because development of the Project Site under current zoning could result in greater land disturbance, this alternative is not considered a preferred alternative.

Finally, higher density commercial development of the Project Site was also considered as an alternative. Given the lack of sanitary sewers in the vicinity of the Project Site, development of the Project Site requires the use of on-site septic systems. This significantly reduces the scale of potential commercial development that are traditionally served by sanitary sewers. The construction of fewer, but larger buildings or “big box” stores such as Target, Lowes, etc. would also impact the rural character of the Town of Rush, which warrants smaller buildings to provide basic commercial services currently lacking in the area, such as fast-food restaurants, banks, retail and medical office. As with development of the Project Site under current residential zoning, higher density commercial development would also impact the 19.2 acres of land currently proposed for passive recreation. Given the rural character of the Town, existing infrastructure servicing the Project Site and a reduction in potential open space, this alternative is not preferred.

6.2 Traffic and Transportation

6.2.1 Discussion of Potential Impacts

The Project has the potential to result in a change to existing transportation systems, including an increase in traffic that may exceed capacity for the existing road network.

A Traffic Assessment Report was prepared by Stantec Consulting Services, Inc., dated August 22, 2014, which estimates that the Project will generate approximately 295 vehicular trips during the weekday morning peak hour and 329 vehicular trips during the evening peak hour. Not all these trips are new trips to the roadway system. As is typical with bank and coffee shop operations (two of the proposed Project uses), half the trips for such services are already occurring on the adjacent roadway system and will simply stop at the Project Site. Thus, these trips will not cause additional traffic to be added to the system. Background traffic volumes for the year 2018 were estimated using a growth rate of 1% per year, in accordance with the Institute

of Transportation Engineers, Trip Generation, 9th Edition, as well as NYSDOT guidelines. The new and pass-by trips were then added to the background traffic to calculate estimated vehicular trips with full build out of the proposed development.

The Traffic Assessment Report also evaluated the Level of Service for stop sign controlled intersections, which is defined in terms of delay (a measure of driver discomfort, frustration, fuel consumption and lost travel time). According to the Traffic Assessment Report, operations at the driveway of the Project Site indicated acceptable operations during the morning peak hour, with entering traffic experiencing little to no delay. During the evening peak hour, most traffic will also experience little to no delay. Exiting left turning vehicles are anticipated to experience longer delays, Level F of 65.4 second of delay per vehicle. NYSDOT similarly concluded that as the Project approaches full development, existing left turn vehicles approaching New York State Route 251 will experience long delays and failing levels of service during the PM peak hour. However, according to the Traffic Assessment Report, delay is for left turns internal to the Project Site and thus would not impact operations external to the Project Site along New York State Route 251.

NYSDOT has noted that traffic operations of the New York State Route 15 and Route 251 intersection, under existing AM and PM peak hour conditions, operates near its capacity. In the AM peak hour, the northbound through and the westbound right turn movements are near capacity with a majority of vehicles destined to Interstate 390 northbound. When the driveway to the Project Site is open, the westbound right turn queues approaching New York State Route 15 will extend through the Project Site driveway along New York State Route 251. Exiting vehicles and entering left turn vehicles will at times depend on courtesy gaps in westbound traffic so that they may enter and exit the Project Site. As the Project Site develops along with the expected growth of the area-wide traffic volumes, the New York State Route 15 and Route 251 intersection will reach and exceeds its capacity during AM and PM peak periods, although traffic signal changes may alleviate some delays and queue lengths.

The Monroe County Department of Transportation has commented that the Project will have no significant impact to the County-maintained highway network.

6.2.2 Minimization and Mitigation Measures

Based on the recommendations of NYSDOT and the Town Engineer, the following mitigation measures should be implemented:

- Prior to construction, the Project Sponsor shall obtain all necessary permits from the Town and/or County highway departments and the NYSDOT for activities within the Town, County and/or State rights-of-way, which includes the proposed driveway and required left turn lane on New York State Route 251.
- The proposed driveway on New York State Route 251 should be located adjacent to the eastern property line in order to maximize the distance between vehicles entering/exiting the Project Site and the existing intersection of New York State Routes 15 and 251. The Project Site access should also be directly opposite the commercial access currently

utilized by the Project Site's southern adjoiner. These design features maximize safety for motorists.

- The proposed driveway should have one 12 foot wide land entering and two 12 foot lanes exiting (one exiting to the east and one exiting to the west) with radii based on the design vehicle entering and existing the Project Site. The dedicated exiting westbound lane improves the Level of Service by making the maneuver independent of the exiting eastbound maneuver, which will have an extended wait time during the peak hours of operation at buildout.
- The Project Site layout should provide approximately 240 feet between the connection to New York State Route 251 and the closest internal curb cut. By providing this extended "throat," motorists are able to complete the Project Site entry/exit maneuver with no interference of other possible internal site maneuvers, thereby improving on-site traffic safety.
- An eastbound left turn lane should be added on New York State Route 251 at the proposed driveway to minimize the likelihood of interruption of eastbound traffic by motorists turning left into the Project Site. The left turn lane should be 12 feet wide with a storage length backup up to the existing westbound left turn lane at New York State Route 15 and taper lengths must conform to the Manual of Uniform Traffic Control Devices (MUTCD) and assume a 50 mph design speed. The turn lane will mirror a westbound left turn lane currently in place and serving the intersection of New York State Routes 251 and 15.

The Project Sponsor will bear the cost for design and construction of roadway improvements. In addition, the Project Sponsor will reassess traffic operations at the New York State Route 15 and Route 251 intersection within two years of the date of these Findings as the Project approaches full development to confirm that its improvements are working in accordance with projections. To the extent the improvements are not functioning as projected, the Project Sponsor, at its own expense, will correct them. The Project Sponsor will guarantee completion of the traffic improvements by depositing a letter of credit with the Town of Rush in an amount to be determined by the Town Engineer and Town Highway Superintendent in a form to be approved by the Attorney for the Town, which letter of credit shall guarantee construction in accordance with the timetable for traffic improvements. The letter of credit will be deposited with the Town prior to issuance of final site plan approval by the Town of Rush Planning Board.

6.2.3 Findings

Potential impacts to traffic and transportation will be avoided, minimized and/or mitigated to the maximum extent practicable with implementation of the requirements set forth in Section 6.6.2 above.

6.3 Noise

6.3.1 Discussion of Potential Impacts

To evaluate potential sound impacts from the Project, a Noise Impact Analysis was undertaken by F-E-S Associates, dated March 19, 2015.

Of particular concern for noise is the coffee shop (such as a Dunkin Donuts) proposed as part of the Project, since it will include a drive thru component with an order board and speaker. In addition, this proposed use will operate over early morning and evening hours, which are more sensitive times for noise disturbances to residential properties. There are single-family homes located approximately 430 feet east of the Project Site along New York State Route 251, a second home approximately 730 feet further to the east, and a row of homes located approximately 1,500 feet east of the Project Site along Farmcrest Drive. These areas were designated as receptors for purposes of analysis in accordance with the procedures and guidelines specified by NYSDEC for assessing and mitigating noise impacts.

Because the Project Site is located at the intersection of two major highways (New York State Routes 15 and 251), and in proximity to another (Interstate 390), existing noise sources for the area are dominated by traffic noise. The existing traffic noise was estimated through the use of Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model. Additional noise generated by the Project will consist of vehicular noise for those accessing the Project Site, incidental parking lot noise, and noise due to the operation of the order board for the proposed coffee shop, including traffic entering and existing the drive thru. For purposes of the Noise Impact Analysis, existing noise levels were estimated based exclusively on the traffic flow of existing primary roads, ignoring all other sources of existing noise, and then compared to projected noise from the Project at full operation.

The results of the calculations for the sound levels at the three locations identified in the Noise Impact Analysis (pre- and post-development) are as follows:

Receptor	Existing Noise dBA		Post Development Noise dBA		Chance in Noise Level dBA	
	Peak Hr	Off-Peak Hr	Peak Hr	Off-Peak Hr	Peak Hr	Off-Peak Hr
1	68.5	58.5	68.5	58.5	.0017	.017
2	67.0	57.0	67.0	57.0	.00036	.0079
3	62.1	52.1	62.1	52.1	.00056	.0054

F-E-S Associates noted that these changes due to the development were “so small as to be imperceptible and, in fact, unmeasurable” such that a person would be unable to hear the noise from the new development at any of the receptors, since the noise levels at these location will continue to be dominated by the local roadway traffic and other more localized sources. On this basis, the Noise Impact Analysis concluded that the Project will not result in any significant noise impacts to nearby properties and residents.

6.3.2 Minimization and Mitigation Measures

Although impacts related to noise were found not to result in any significant impact, noise mitigation was determined to be accomplished through maximizing the distance between residential homes located east of the Project Site and the proposed drive thru restaurant. Drive thru services are also to be placed on the west side of respective building in order to utilize the building as a buffer between the noise generated by the order board and existing residential homes. A vegetative buffer will also be provided as part of the Project to minimize impacts to the neighboring properties, including the property located at 1426 Rush Scottsville Road.

6.3.3 Findings

Potential impacts concerning noise will be avoided, minimized and/or mitigated to the maximum extent practicable with implementation of the requirements set forth in Section 6.3.2 above.

6.4 Lighting

6.4.1 Discussion of Potential Impacts

The Project will require site lighting for safety and to minimize the risk of theft and vandalism. Proposed site lighting is a potential significant impact to the neighborhood, particularly area residential neighborhoods.

Lighting of the Project Site is governed by Article IV of the Zoning Law of the Town of Rush, the purpose of which is to provide the regulatory framework to ensure the installation of safe and attractive outdoor lighting needed to protect the health, safety, and welfare of the residents and visitors to the community while protecting the rural character of the Town. Guidelines for lighting of outdoor areas under site plan review provides for levels of illuminance, which are consistent with the proposed use of the properties under consideration, safety requirements and neighborhood appearances. These guidelines will further ensure that installations with similar levels of activity will be designed to the same illuminance levels. The guidelines are based on standards and practices recommended in the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.

A total of 12 pole mounted lights is proposed along the private roadway and the perimeter of each parking lot. Each of the poles will be 20 feet in height and fitted with a Philips Lumec MetroScape 135W80LED4KES fixture (or approved equivalent). A total of 17 building mounted lighting fixtures will be provided (Philips Gardco 120 Line LED 121-4-50LS, or approved equivalent) and installed approximately 10 feet above finished grade. Additional lighting will be provided for a monument sign installed near the New York State Route 251 access. Pole mounted lighting will be operational each day from dusk until 1 hour after the close of business, while building lighting will remain on until dawn each day.

6.4.2 Minimization and Mitigation Measures

To mitigate potential impacts to neighboring properties, the Project Sponsor is to provide dark-sky compliance lighting fixtures in accordance with the requirements of Article IV of the Zoning Law of the Town of Rush. In addition, all illuminated entrance signage and light pole fixtures are to be shielded in accordance with the requirements of Article IV of the Zoning Law of the Town of Rush. Lighting fixtures will be oriented and shielded to prevent any light spill off-site. The Project Sponsor will also incorporate an evergreen landscape buffer between the development and the east boundary to provide a shield from the single-family home located east of the Project Site. The planted buffer will augment the existing mature trees not removed by construction. A final lighting plan is to be submitted for review and approval by the Town Engineer and Town Planning Board as part of site plan approval prior to any proposed development on the Project Site.

6.4.3 Findings

Potential impacts from lighting will be avoided, minimized and/or mitigated to the maximum extent practicable with implementation of the requirements set forth in Section 6.4.2 above.

7.0 MITIGATION MEASURES

This section summarizes the various mitigation measures set forth above that shall be implemented by the Project Sponsor in order to minimize, avoid and/or mitigate potential adverse impacts associated with the Project. This summary is not intended to supplant any of the mitigation measures set forth above, but merely to provide a summary of some of the measures that are being required for the Project.

Compliance with the various federal, state and local regulations governing the development, design, construction and operation of the Project shall serve to minimize potential adverse impacts. Construction activities and Project engineering shall comply with all applicable state and local building codes and federal OSHA guidelines to protect the safety of workers and the public. Federal and state permitting required by NYSDEC shall serve to protect water and biological resources, including on-site streams, along with implementation of a State Pollutant Discharge Elimination System (SPDES) permit (GP-0-15-002), including protection of archeologically sensitive areas, if any, as required by NYSDEC and/or any other applicable State agency, Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention Control and Countermeasures (SPCC) Plan. Highway permitting at the local, county and state level shall assure that safety, congestion and damage to highways in the area is avoided or minimized.

The Project's siting criteria, guidelines and design standards that serve to avoid or minimize adverse environmental impacts include the following:

- Minimizing and/or avoiding stream and wetland crossings.
- Designing all buried electrical lines in a manner that denies any possibility of stray voltage.

- Designing, engineering and constructing the Project in compliance with various codes and industry standards to assure safety and reliability, including the applicable version of the Uniform Fire Prevention and Building Code (Uniform Code) and State Energy Conservation Construction Code (Energy Code).
- Following construction procedures in accordance with Best Management Practices for sediment and erosion control.

7.1 Specific Mitigation Measures

Project development and operation shall also adhere to specific mitigation measures including the following:

- Developing and implementing plans to minimize and/or avoid adverse impacts to air, soil and water resources, including a NYSDEC-approved SPDES permit, SPCC and SWPPP, dust control plan and soil erosion and sedimentation control plan.
- Completion of a post-construction avian fatality monitoring plan consistent with the applicable NYSDEC guidelines.
- Implementation of a Fire Protection and Emergency Response Plan in compliance with local requirements.
- The proposed driveway on New York State Route 251 should be located adjacent to the eastern property line.
- The proposed driveway should have one 12 foot wide land entering and two 12 foot lanes exiting (one exiting to the east and one exiting to the west) with radii based on the design vehicle entering and existing the Project Site.
- An eastbound left turn lane should be added on New York State Route 251 at the proposed driveway.
- Drive thru services are also to be placed on the west side of respective buildings in order to utilize the building as a buffer between the noise generated by the order board and existing residential homes.
- The Project Sponsor is to provide dark-sky compliance lighting fixtures, and all illuminated entrance signage and light pole fixtures are to be shielded, in accordance with the requires of Article IV of the Zoning Law of the Town of Rush.
- The Project Sponsor will also incorporate an evergreen landscape buffer between the development and the east boundary of the Project Site.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Findings Statement for the Rush Associates, LLC Project, and having considered the preceding relevant environmental impacts, facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. § 617.11, and having weighed and balanced the relevant impacts with social, economic and other considerations, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met; and

2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Town Board of the Town of Rush

Name of Agency

Signature of Responsible Official

Cathleen Frank

Name of Responsible Official

Supervisor

Title of Responsible Official

August 24, 2016

Date

Rush Town Hall, 5977 East Henrietta Road, Rush, New York 14543

Address of Agency