

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 8

6274 East-Avon Lima Road, Avon, New York 14414-9519

Phone: (585) 226-5400 • Fax: (585) 226-2830

Website: www.dec.ny.gov



Joe Martens
Commissioner

December 6, 2011

Jason Haremza, AICP
City of Rochester
Neighborhood and Business Development
City Hall Room 12B, 30 Church Street
Rochester, New York 14614-1290

Re: SEQR Lead Agency Response – Brooks Landing Phase II
City of Rochester, Monroe County

Dear Mr. Haremza:

The NYS Department of Environmental Conservation (DEC) has reviewed the SEQR lead agency coordination request for the above-referenced project, which we received on December 1, 2011. According to the information provided, the project involves the construction of student housing, a restaurant, and credit union located within a public plaza on the south side of Brooks Avenue, just west of the Genesee River. In addition, various trail and waterfront improvements are proposed in the Genesee Valley West Park between Elmwood Avenue, Plymouth Avenue South and the Genesee River.

Department Jurisdiction

Based on our review of the circulated documents, it appears that implementation of the project may require the following Department permits:

1. **Article 15 ECL, Protection of Waters Permit** – The Genesee River is located along the eastern boundary of the project site. This river is classified by New York State as a class “B” water body and is considered navigable. Therefore, a Protection of Waters permit is required any disturbance to the bed or banks of the river, and for any excavation or filling below the mean high water line of the river. Based on the plans provided, it appears that there may be construction proposed on the banks of the river that would require a Protection of Waters permit. However, more detailed plans are required to make a conclusive determination. For example, such plans should show the extent of construction activities for waterfront overlooks, bulkhead construction or repair, and any proposed stormwater outfalls.
2. **Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001)** - Compliance with this SPDES General Permit is required for construction projects that disturb one or more acres of land. Because this project is also located within a regulated Municipal Separate Storm Sewer System (“MS4”) area the project is also subject to the requirements of the MS4 SPDES General Permit (GP-0-10-002). In addition to complying with the requirements of the MS4 SPDES General Permit, authorization for coverage under SPDES General Permit GP-0-10-001 must be obtained by filing the necessary Notice of Intent Form with the Albany DEC office. Additional information and forms concerning these SPDES general permits is available on the DEC website at:
(GP-0-10-001) <http://www.dec.ny.gov/chemical/43133.html>
(GP-0-10-002) <http://www.dec.ny.gov/chemical/43150.html>

It is possible that the DEC permit requirements listed above may change based on additional information received or as project modifications occur.

Soil and Groundwater Management Plan

As noted in the SEQR Environmental Assessment Form provided with your correspondence, the area proposed for development at the north end of the project site has previously been the subject of soil and groundwater investigations. Based on prior investigations and coordination with the Department, a "Soil and Groundwater Management Plan" dated August, 2003 was developed to guide future development of the site. It is my understanding that the City is planning its development efforts on this site in accordance with the plan, and in coordination with the New York State Department of Health and Peter Miller of the DEC Region 8 office. Please continue these efforts to ensure that potential impacts related to the disturbance of existing areas of soil and groundwater contamination are minimized to the extent practicable.

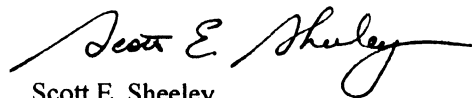
Cultural Resources

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. In addition the cultural resources report provided in Appendix K of the SEQR EAF indicates that the Genesee Valley Park is listed on the National Register of Historic Places. Therefore, the DEC review of DEC permit applications associated with the project will require an evaluation of impacts on cultural resources and the review of the New York State Office of Parks, Recreation and Historic Preservation.

In addition to transmittal of the above comments, this letter also serves to confirm that we have no objection the City of Rochester assuming lead agency status for this project. Enclosed is the signed "Lead Agency Agreement" form provided with your request.

If you have any questions pertaining to the Department's jurisdiction or related matters, you may call me at (585) 226-5382.

Sincerely,



Scott E. Sheeley
Regional Permit Administrator

Enclosure – "Lead Agency Agreement" form

Cc: Peter Miller, DEC Region 8
Deborah McNaughton, NYS Dept. of Health, Rochester



Department of Transportation

Monroe County, New York

Maggie Brooks
County Executive

Terrence J. Rice, P.E.
Director

CITY SITE PLAN / TRAFFIC IMPACT REPORT REVIEW COMMENTS

To: JASON HAREMZA, AICP, SENIOR PLANNER
FROM: BRENT H. PENWARDEN III, P.E., ASSOCIATE ENGINEER
DATE: JANUARY 4, 2012
RE: ***BROOKS LANDING – PHASE 2 - SITE PLAN AND UPDATED TRAFFIC DATA***

WE HAVE COMPLETED OUR REVIEW OF THE ABOVE REFERENCED SITE PLAN AND TRAFFIC DATA AND OFFER THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. THE SITE PLAN SHOWS THE PROPOSED CREDIT UNION ACCESS VERY CLOSE TO GENESEE ST., CAUSING A POTENTIAL QUEUEING CONCERN OUT ONTO GENESEE ST. WE ASSUME THE DRIVE IS ONE WAY NB/EB. OUR PREFERENCE IS TO HAVE THE ACCESS LOCATED IN SUCH A MANNER SO AS TO MINIMIZE THE POTENTIAL FOR QUEUEING OUT ONTO GENESEE ST.
2. THE REVISED REPORT STILL DOES NOT DISCUSS THE QUEUEING LENGTH ON GENESEE ST. FOR NORTHBOUND TRAFFIC. WE REQUESTED THIS BE DISCUSSED IN OUR ORIGINAL COMMENTS DATED 4.12.2010. HOW WILL THIS DEVELOPMENT IMPACT THE EXISTING ACCESS TO THE SITE ON GENESEE ST.?
3. BASED ON THE REVISED PLAN, WE ASSUME THAT THE CITY IS NOW ALLOWING A TWO-WAY ACCESS TO/FROM THE SITE VIA ELMWOOD AVENUE.
4. THE PROPOSED TURN AROUND LOOP OFF "OLD PLYMOUTH AVE." SHOULD BE IDENTIFIED AS ONE WAY AND THE DIRECTIONS SHOWN.
5. WILL THE "OLD PLYMOUTH AVE." ACCESS BE A PRIVATE DRIVE OR A DEDICATED CITY STREET?
6. THE REPORT DISCUSSES THE "RAINBOW PARKING LOT" ON SEVERAL OCCASIONS, YET THERE IS NO PLAN SHOWING IT'S EXACT LOCATION OR ANY ACCESS LOCATIONS. PLEASE PROVIDE A PLAN SHOWING THE PROPOSED LOT AND ALL ACCESS POINTS.
7. THE REPORT DISCUSSES THE "BROOKS LANDING BUSINESS CENTER", HOWEVER, IT IS NOT IDENTIFIED ON THE SITE PLAN. PLEASE IDENTIFY WHERE THE BUSINESS CENTER IS LOCATED.

IF YOU HAVE ANY QUESTIONS, OR REQUIRE ANY ADDITIONAL INFORMATION, PLEASE CALL ME AT (585) 753-7733.

CC: T. RICE
FILE

G:\City Site Plan Comments - Brooks Landing PH 2.doc

6100 CityPlace • 50 West Main Street • Rochester, New York 14614
(585) 753-7720 • fax: (585) 753-7730 • www.monroecounty.gov



To: Jason Haremza, Zoning Division
From: Bill VanDame, Permit Coordinator
Date: January 4, 2012
Subject: Brooks Landing Phase II SEQRA Referral (File SP -014-11-12)

The Department of Environmental Services Engineering Bureau Permit Office has reviewed the above project site plan and offers the following comments:

Permit Office: ☐ Applicant must maintain access to all properties at all times for all emergency services, police, fire, etc. or notify emergency communications services if arrangements need to be made to temporarily close any access drives from City Street right of ways.

Applicant must obtain permits prior to undertaking any work within the street right of way from the Department of Environmental Services Engineering Permit Office Room 121/B. The contact person for the project from Engineering Permits is John Hart(428-6917).

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BVD:jh

Attachments

Xc:

J. Hart
File



City of Rochester

Inter-Departmental Correspondence



To: John P. Hart, DES/Permits

From: Albert J. Giglio, P.E., DES/Managing Engineer/Street Design

Date: September 30, 2011

Subject: SP-014-11-12: Brooks Landing – Restaurant/Housing Development

Thank you for the opportunity to comment on the conceptual plans for a restaurant/housing development at the Brooks Landing site, which is located at the southeast corner of Genesee Street and S Plymouth Avenue, with plans dated May 4, 2011. The conceptual plans include the construction of a 10 story housing unit with a restaurant and underground boat house, a standalone commercial building, and on-site parking for 53 vehicles.

Our office has no concerns or comments to make at this time in regards to the conceptual plans for the planned development.

Details for any improvements within the public right-of-way are to be included with the plans, and as always, all required improvements within the public right-of-way are to be done to City of Rochester specifications and details, latest edition, and as approved of by the City Engineer. A PDF version of the City's specifications and details can be found on the City of Rochester's website, under "Services – Streets, Sidewalks and Infrastructure – Public Works Construction Documents".

AJG:rks

xc: Jason Haremza, NBD/Planning
Jeffery J. Mroczek, DES/Development
Willard VanDame, DES/Permits
file

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Email from Rochester Fire Department**From:** Ersteniuk, Stephen R.**Sent:** Monday, December 19, 2011 2:19 PM**To:** Haremza, Jason P.**Cc:** Schryver, Christine A.**Subject:** Brooks LAanding Phase II File SP-014-11-12

Hi Jason,

In reviewing the plans for the above project, I see a concern that I need to address. The plans propose to install a 6" granite curb at the back of the second parking lot right at the fire department access road to S.Plymouth ave remnant. This access road was purposefully put in during hotel construction for fire truck exiting because the parking lot could not accommodate a turn-around for our ladder trucks. Any depths of over 150' require a fire truck turn around. And since a turn-around was not feasible, this road was put in to allow our trucks to exit through.

Unless the parking lot can be revamped to accommodate a 45'9" turning radius with a 17'3" travel lane for our ladder trucks, we would still require access to this road.

Please let me know if you have any questions regarding this matter

Thanks
steve

From: Hodge, Frederick W.
Sent: Tuesday, January 17, 2012 12:24 PM
To: Hart, John P.; Haremza, Jason P.
Cc: Maisch, Enrique C.
Subject: RE: Brooks Landing Project - Phase 2 Site Plan and SEQR Referral

Gentlemen,

Enrique Maisch, Managing Engineer of the Water Bureau, has reviewed the site plan.
The review resulted in the following comments:

1. The bank will need a separate service. The bank cannot share a service with the restaurant.
2. A 4" service, designed and installed in 2005, already extends into the property from South Plymouth Avenue. Please refer to the attached map.
3. If the proposed bank parking lot prevents construction of the future restaurant, the owner will be required to reimburse the Water Bureau for abandoning the 4" service.

Please contact me if you have any questions.

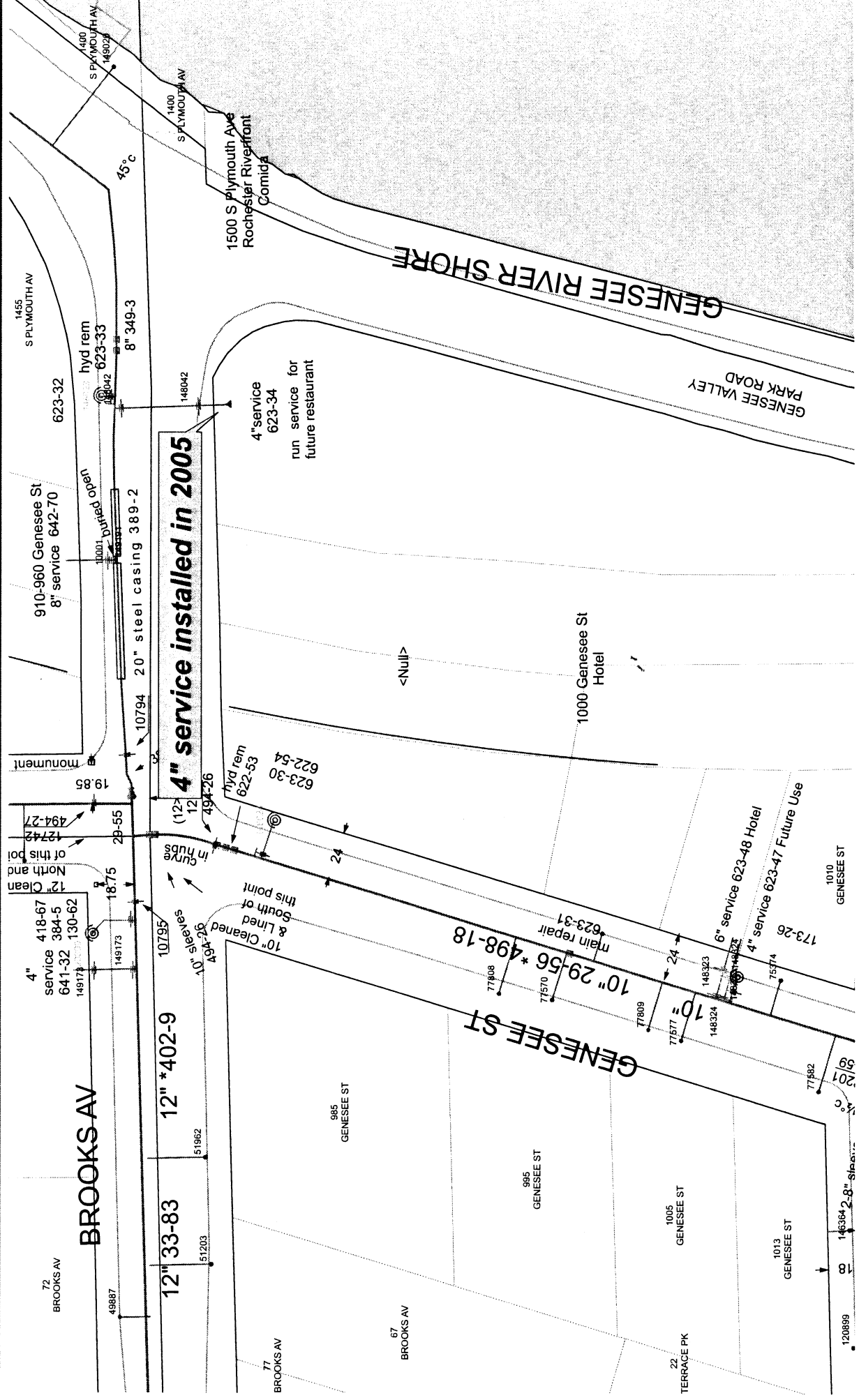
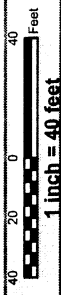
*Frederick W. Hodge
Principal Engineering Technician
Maps & Records
Engineering Division
City of Rochester Water Bureau
Department of Environmental Services
10 Felix Street
Rochester, NY 14608*

*(585) 428-6464
(585) 428-7562
Fax: (585) 428-7880*





City of Rochester Water Bureau Maps & Records 10 Felix St Rochester, NY 14608-1031 (585) 428-7562 January, 2012 not for public use





New York State Office of Parks, Recreation and Historic Preservation

The Governor Nelson A. Rockefeller Empire State Plaza • Agency Building 1, Albany, New York 12238

www.nysparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

February 2, 2012

Ms. Marcia Barry
Director of Planning and Zoning
City of Rochester
City Hall, Room 125B
30 Church Street
Rochester, New York 14614

Dear Ms. Barry,

The Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the Preliminary Site Plan (Attachment B) contained in the Environmental Assessment Form Part 1 and Attachments (undated) for the public and private portions of the Brooks Landing-Phase II project. OPRHP does not object to the concept of the park roadway and trails planned for Genesee Valley Park, and in fact is supportive of the elements that slow traffic on the park road, open vistas and access to the river, and provide additional park resources, such as trails, to park patrons. However, additional materials are requested (see below) in order for the State Historic Preservation Office (SHPO) to complete the review of the private development proposal north of the park.

OPRHP views this as an opportunity for the City to fully comply with stipulations in the 2005 Memorandum of Agreement Regarding the Alienation/Conversion of a Portion of Genesee Valley Park West (MOA) that have not to date been fully satisfied. In order to support the development of the park as presented in the proposed design, we respectfully require that the City implement the following:

- Allow one-way traffic only from the hotel parking lot into the park, becoming a two-way at the turn around loop.
- Ensure enhancements to the park road meet industry MINIMUM standards for limited use.
- Ensure that park road speed limit signs will be installed and maintained, and raised pedestrian crosswalk(s) will be designed and constructed to slow traffic.
- Install a height restriction bar to prohibit commercial traffic from using the park road, but allow emergency vehicles to drive through.

- Install "No Through Traffic" signs at each end of the park road and signage indicating that commercial traffic is prohibited.
- Plant trees in the roadside planting strip on the south side of South Plymouth Avenue.
- Increase the vegetation (e.g. trees in lawn, layered mass plantings, etc.) and minimize pavement at the public plaza.
- Remove volunteer plant growth and install new layered (over and understory) mass plantings, not hedge rows, on the east and west borders of the hotel lot.
- Install layered plantings along the perimeter of the proposed credit union parking lot.
- Increase the size of the perimeter beds around the proposed student housing and layer mass plantings particularly adjacent to the public plaza area.
- Install substantial new layered mass plantings, not hedge rows, at the southern end of the developed site to buffer the park and ensure the parking lot is not readily visible from the park trails.
- Limit lighting (if any) along the road.
- Ensure gateway features complement historic counterparts or are stylistically neutral.
- Ensure no pole mounted lights, lit scoreboards, permanent dugouts, concession stands or similar structures are erected at the playing fields.

In order for OPRHP to formally approve the private development north of the park as depicted on the Preliminary Site Plan, the City must submit to SHPO plans, specifications and a planting schedule for the items listed above. In addition, in keeping with the MOA, SHPO will need to review and approve the proposed design, materials and colors of the structures proposed on the alienation/conversion parcel in order to ensure compatibility. Please submit those materials to SHPO, as well.

We reserve the opportunity to review and provide further comment on Part 2 of the Environmental Assessment form containing the environmental impacts and issues that will be developed. We are particularly interested in impacts from the private development on the historic park, visual impacts to the park and the community, traffic impacts on the park from the anticipated increase in vehicle traffic.

Ms. Marcia Barry
February 2, 2012
Page 3

We will continue to coordinate our efforts with NYS Departments of State and Transportation to facilitate the various grants and their requirements. We appreciate your partnership and cooperation in ensuring that the spirit and letter of the MOA is adhered to in order to preserve the community and the State's interests in these important historic park resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Scott", with a long horizontal flourish extending to the right.

Melinda Scott
Chief of Grants

cc: Jeffrey Meyers
Richard Parker
Ruth Pierpont



New York State Office of Parks, Recreation and Historic Preservation

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February 17, 2012

Ms. Marcia Barry
Director of Planning and Zoning
City of Rochester
City Hall, Room 125B
30 Church Street
Rochester, New York 14614

Dear Ms. Barry,

In follow up to my letter dated February 2, 2012, you had asked for more information regarding the State's requirement that the park road in Genesee Valley Park be one-way in direction.

As you know, Genesee Valley Park is protected under section 6(f) of the Federal Land and Water Conservation Fund (LWCF), to be used only for outdoor recreation purposes. If the park or facilities (including the road) within the park are used for activities other than outdoor recreation, this is a conversion of parkland under the Federal Act. Per the MOA between the City of Rochester and the State of New York, no additional conversions are allowed at Genesee Valley Park.

The use of parkland by a municipality for a non-park purpose even though the use may be public in nature has been litigated and found to be an alienation of parkland and thus for LWCF-protected parks also a conversion.

The requirement to keep the road one-way in direction is to ensure that the road segment in the Park continues to function as a park road. Our preference would be to allow no access from the north end where the park meets the hotel parking lot to prevent the road from being a cut through. However, to accommodate the community's need for access to the Park, which you have indicated to us was impacted by the development at Brooks Landing, we can defend the continuation of the primary use of the road to be park access as long as the road does not have two-way flow.

If you have additional questions, do not hesitate to ask.

Sincerely,

Melinda Scott
Chief of Grants