COMMENT & RESPONSE SUPPLEMENT
TO NOVEMBER 2005 DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

THE UNIVERSITY OF ROCHESTER
INSTITUTIONAL PLANNED DEVELOPMENT
REZONING SOUTH CAMPUS

Town of Brighton
Monroe County, New York

December 2013

Environmental Review Liaison Review Officer:
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618
Contact: Ramsey Boehner

Prepared By:
T.Y. Lin International
(formerly FRA Engineering and Architecture, PC)
255 East Avenue
Rochester, New York 14604
(585) 512-2000

Supplemental Information By:
University of Rochester
Nixon Peabody LLP
UNIVERSITY OF ROCHESTER  
Town of Brighton IPD Rezoning  
Monroe County, New York  
Comments and Responses to Nov 2005 DGEIS

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Those references listed with the Draft Environmental Impact Statement are also noted, where relevant, within the Final Environmental Impact Statement. Additional references included in the FGEIS are as follows:

- Draft Generic Environmental Impact Statement for the University of Rochester Institutional Planned Development Rezoning South Campus – November 8, 2005
**Introduction**

A Draft Generic Environmental Impact Statement (DGEIS) was prepared for this project by T. Y. Lin International (formerly FRA Engineering and Architecture, P.C.) on behalf of the University of Rochester, the Applicant. The DGEIS was based upon the scope adopted by the Town of Brighton Planning Board on April 13, 2005. The DGEIS for the Rezone Property was deemed complete by the Planning Board at their December 2, 2005 meeting, and is hereby included with the FGEIS by reference.

A significant number of copies of the accepted DGEIS were provided to the Town for public review and comment. Copies of the DGEIS were provided to the Town representatives, Town consultants, and State reviewing agencies. A copy of the DGEIS was made available to the public at the Town Hall, the library and on the Town’s website. A public hearing was held on January 11, 2006, which was continued and closed on March 8, 2006.

A supplemental DGEIS (S-DGEIS) was also prepared and submitted, at the request of the Town, to address changes from the original submittal. The S-DGEIS also includes updated information and technical reports.

This document provides written responses to all substantive comments received on the DGEIS. All comments received were documented. Each agency and individual submitting a comment was assigned a representative number for reference purposes. Each agency has the letter “A” in front of the number, and each public person has a “P” in front of a number. As comments were summarized and categorized, the person or agency making the comment was noted. Therefore, an individual wishing to see the responses to their questions simply needs to look through the comment summaries for their assigned number, and read the associated response. All written comments received are included in the Appendix of this document.

The transcript from the public hearing was thoroughly reviewed for substantive comments. These comments, similar to written comments, were often summarized and grouped together with similar comments for purposes of preparing responses. It is the belief of the Applicant that all substantive comments have been identified and responded to in this document. Public hearing transcripts are included in the Appendix.
## Master List of Commenters

The following is the master list of commenters who submitted comments either in writing or at the public hearing (titles/status are described as of the 2006 Public Hearing).

<table>
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<tr>
<th>Agency</th>
<th>Commenter</th>
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<tr>
<td>A1</td>
<td>Rick DiStefano Conservation Board</td>
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<td></td>
<td>Town of Brighton 2300 Elmwood Ave, Rochester, NY 14618</td>
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<td>A2</td>
<td>Scott Jones, Biologist I</td>
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<td></td>
<td>NYSDEC Region 8 Division of Fish, Wildlife &amp; Marine Resources Bureau of Habitat</td>
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<td></td>
<td>6274 East Avon-Lima Road, Avon, NY 14414-9519</td>
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<td>A3</td>
<td>Timothy Frelier, PE Associate Engineer</td>
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<td>DOT Monroe County</td>
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<td>Rochester, NY 14614-1231</td>
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<td>A4</td>
<td>Kevin Quinn, Pure Waters Department of Environmental Services</td>
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<td></td>
<td>444 East Henrietta Road Building 15</td>
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<td>A5</td>
<td>Ramsey Boehner, Planning Board</td>
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<td>A6</td>
<td>William Holthoff, Sr. Associate</td>
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<td></td>
<td>Stantec Consulting Services Inc.</td>
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<td>Rochester, NY 14623-2706</td>
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<td>A7</td>
<td>Councilman Tierney; Town Board Member</td>
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<td>A8</td>
<td>Supervisor Sandra Frankel</td>
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<tr>
<td>Public</td>
<td>Commenter Name</td>
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<tr>
<td>P1</td>
<td>Robert and Patricia Levine</td>
<td>1015 Crittenden Road Rochester, NY 14623</td>
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<tr>
<td>P2</td>
<td>John Paul &amp; Elisa Mlynar</td>
<td>275 Sylvia Street Rochester, NY 14623</td>
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<tr>
<td>P3</td>
<td>James Laughlin</td>
<td>182 Furlong Road Rochester, NY 144623</td>
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<td>P4</td>
<td>Carol Acquilano &amp; Tom Ferrarone</td>
<td>217 Doncaster Road Rochester, NY 14623</td>
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<td>P5</td>
<td>Jim Hooper</td>
<td>191 Bastian Road Rochester, NY 14623</td>
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<tr>
<td>P6</td>
<td>Melaine Warren</td>
<td>844 East River Road Rochester, NY 14623</td>
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<td>P7</td>
<td>Mary Ellen Petri</td>
<td>103 Meadow Drive Rochester, NY 14623</td>
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<td>P8</td>
<td>Lisa &amp; Kenneth Lindsay</td>
<td>221 Bastian Road Rochester, NY 14623</td>
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<tr>
<td>P9</td>
<td>Christine Sevilla</td>
<td>4 Springwood Lane Pittsford, NY 14534</td>
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<td>P10</td>
<td>James Strong</td>
<td>181 Furlong Road Rochester, NY 14623</td>
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<tr>
<td>P11</td>
<td>Sara Rubin</td>
<td>150 Sunset Drive Rochester, NY 14618</td>
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<tr>
<td>P12</td>
<td>Jennifer Ries-Taggart</td>
<td>1400 Crittenden Road Brighton, NY 14623</td>
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<tr>
<td>P13</td>
<td>Roger Cass MD</td>
<td>University of Rochester</td>
</tr>
<tr>
<td>P14</td>
<td>Mitch Kaidy</td>
<td>921 Crittenden Road Brighton, NY 14623</td>
</tr>
<tr>
<td>P15</td>
<td>Howard Novack</td>
<td>38 Southland Drive</td>
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A. HEALTH/SAFETY

Comment
Commenter,  
Number Commenter No. (s)

A1.  P-1

Comment:
The University’s description of drain disposal of chemicals is inadequate in addition to the restrictions imposed upon those chemicals classified directly as hazardous, and those chemicals that are not classified as hazardous but have specific properties that will assign them to a hazardous classification, there should be at least, but not limited to, one other list. The other list, Non Hazardous Chemicals List, is used by Cornell University Joan and Sanford Weill Medical Center. The non-hazardous chemical list embodies the names of chemicals allowed down-the-drain. This list should contain detailed information regarding each chemical on that list and the specific reason each chemical will not harm or produce annoying odors to residences residing in the West Brighton Campus. Moreover, the list with all its details should be easily accessible by the public.

Response:
The United States Environmental Protection Agency or New York State Department of Environmental Conservation does not permit drain disposal of hazardous chemicals. We inform our personnel of this prohibition. We do NOT advocate making lists of chemicals that are permitted to be drain disposed. Such a list could be misread or become obsolete because regulations change. The only chemicals that are drain disposed are those “housekeeping” chemicals used to clean toilets, sinks and floors.

Although the Monroe County Industrial Pretreatment allows for the disposal of some chemicals to the municipal wastewater plant, we try to maintain a higher standard and advocate being stewards of the environment by collecting used chemicals and processing them through our Hazardous Waste Unit, for appropriate disposal.

Comment
Commenter,  
Number Commenter No. (s)

A2.  P-14

Comment:
Everybody will agree that the safety of the immediate neighborhood is paramount. Even today, our homes are located as close as a few feet from the University research labs that have already conducted long-term experiments into highly unknown, highly-dangerous fields, and then discharged some of its waste right in this community—maybe already left some waste behind in this community.
Response:
The University of Rochester is committed to the safety of its students, employees and the neighbors adjacent to the properties they own or lease. The research labs, in addition to all University facilities, are designed to meet or exceed safety regulations for design, building and operating such facilities. University operations are continually monitored for compliance with local, state and federal regulations and they have a positive safety and compliance track record.

Comment

Commenter, Commenter No. (s)
A3. P-1, P-14

Comment:
The University needs to conduct a full study related to air pollution within the West Brighton Campus that takes into account existing air pollution as quantified by the risk scores calculated by the Environmental Protection Agency. This should be done for the following building uses, but not restricted to those uses: radiological emissions; biological emissions; chemical emissions.

Response:
The range of potential emissions for the U of R’s South Campus is undefined, since no building of that nature is proposed at this time. Therefore, completion of an air study for this rezoning process would not produce meaningful results. As actual buildings/projects are proposed for this area, environmental assessments for each project will be required as part of the permitting process. The impact on air will be included as part of that environmental assessment process as deemed necessary by the Town of Brighton. This would be consistent with Town treatment of potential impacts from any research, office and light industrial uses near residential areas in other sections of the Code of Development Regulations. The Code includes performance standards and procedures to assure conformance with standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration.

Comment

Commenter, Commenter No. (s)
A4. P-1

Comment:
The University needs to provide an environmental impact for a catastrophic fire in each building type (radiological, biological and chemical.)

Response:
University buildings are designed as fire resistive buildings and fully comply with the New York State Building Code for snow and wind loads. By meeting these design standards we minimize the risk from an untoward event. In addition, the University installs a fire suppression sprinkler system to control or extinguish any fires that could occur in our laboratory areas. Fire code regulations also require proper storage of hazardous substances.
materials (including chemical and radiological materials) to minimize consequences of fires, earthquakes, flooding, and other mishaps that may occur.

As an extra measure of safety, we require our labs to minimize the quantities of chemicals, especially flammable materials, to well below the limits allowable by the fire code regulations. We inspect our laboratories to ensure chemicals, biological, and radiological materials are used and stored properly in our buildings. By both minimizing the quantity of materials present and inspecting our facilities, we maintain a higher level of safety both inside and outside of our buildings.

The range of potential biological experiments to be conducted in future buildings/projects remains undefined, since no specific projects are proposed at this time. Therefore, completion of an environmental impact report would not produce meaningful results. As additional buildings/projects are proposed for this area, environmental impacts studies for each project will be required as part of the permitting process. The impact of a catastrophic fire on the release of biological agents will be included as part of the environmental assessment if deemed necessary by the Town of Brighton.

Comment

Commenter, Commenter No. (s)

A5. P-1

Comment:
The University, in the Environmental Impact Statement, should describe how the University will prevent catastrophic events in their radiological, biological and chemical structures. As an example of such a catastrophic failure (see Appendix 3) but not limited to the example, a centrifuge failed mechanically and spewed metal throughout the area, and severed a natural-gas line causing an explosion. This could start a fire which will douse homes with radiological, biological and/or chemical material as far as miles away due to wind gusts. That would cause an environmental catastrophe. How would that be prevented?

Response:
See the answers to Comment A4 above. All buildings will be constructed to meet current building codes and will be operated in strict compliance with applicable local, state, and federal regulations. Measures to prevent loss of control during a fire include limiting the amount of hazardous materials (including chemicals and radiological materials) in the buildings and proper storage of these materials. Buildings and laboratories will be inspected on a routine basis to ensure compliance with these codes and regulations.
Comment Commenter,  
Number Commenter No. (s)

A6.  P-1
Comment:  
A large part of the West Brighton area is in a floodplain. There was no analysis with regard to flood waters dispersing radiological, biological and/or chemical waste material throughout the West Brighton area. That would also cause an environmental catastrophe.

Response:  
The Rezone Property is not located within the floodplain, so floodplain analysis is beyond the scope of the University’s GEIS work. Further, any and all future buildings would be located above flood elevations.

Comment Commenter,  
Number Commenter No. (s)

A7.  P-14, P-1, P-12
Comment:  
On Google I easily obtained information that the University of Rochester is conducting Federally-Financed research, receiving millions of dollars, into High-Yield Explosives, as well as anti-anthrax agents. What are these dangerous experiments? These experiments are happening in our neighborhood, and near the 100-year, 300-year, and 500-year floodplains that are outlined and protected in West Brighton by the Federal Government. These types of experiments should be happening in remote locations. Biohazards are a real concern to our neighborhood.

Response:  
The University does not engage in research involving explosives. Anthrax research is limited to the development of and testing of vaccines only; the University does not conduct research with the live pathogenic organism. In addition, as discussed in the answer to Comment A6 above, the Rezone Property is not located on a floodplain.

Comment Commenter,  
Number Commenter No. (s)

A8.  P-14, P-1, P-15
Comment:  
As I understand it, the University of Rochester proposes to sewer a section of West Brighton that now operates with Septic tanks. I put it to the Town Board whether this is a prudent move that would allow highly-toxic sewage to flow perilously close and perhaps overflow in floodplains, which have in the past repeatedly overflowed.
Response:
The DGEIS describes the sanitary sewer system in the vicinity of and on the Rezone Property. The existing sewers on-site are owned and maintained by the Town. The Town system discharges into the Monroe County Pure Waters (MCPW) system on the north side of the Rezone Property. As stated in the DGEIS, the future development will discharge wastewater to the existing sanitary sewer system.

Comment

National Environmental Policy, despite what happened in New Orleans, is not to populate flood zones or even adjacent to flood zones. And here we're going to have a huge major development that is going to bring a lot of people into West Brighton who want to live near this new facility. Well, if we have another flood in West Brighton, take a street like Crittenden Road, if Crittenden Road suddenly is populated by houses and cars at a critical moment during a storm, during a flood, the people at the exposed end will not be able to get out. And that's the reason for not populating floodplains or areas adjacent to floodplains. And during a crisis, evacuation becomes much more difficult. The safety issue is paramount and overriding practically all other considerations.

Response:
The proposed Rezone Property is outside of the floodplain; future development by the University will be outside of the floodplain.

The lands along Crittenden Road are currently zoned residential. As described in the DGEIS, the University has proposed to rezone its lands from residential to IPD, so there would be a resultant reduction of available lands for more housing in the immediate area.
B. ENVIRONMENTAL

Comment: Commenter, Number Commenter No. (s)

B1. P-2

Comment:
Emissions output is a concern.

Response:
Under the Clean Air Act, the United States Environmental Protection Agency sets limits on how much of a pollutant can be in the air anywhere in the United States. This ensures that all Americans have the same basic health and environmental protections. The area proposed for rezoning is within an air quality attainment area, which means it is within a geographic area that meets or does better than the primary standard (National Ambient Air Quality Standard, or NAAQS).

When a proposed project is submitted for review within the IPD, the anticipated impacts to emissions will be reviewed against baseline measurements to ensure the area is still at or below emission allowances.

Comment: Commenter, Number Commenter No. (s)

B2. P-9, P-2, P-8, P-10, P-11, A-1, P-16, P-27

Comment:
This area is wild habitat and plant life for a variety of species, and as such, irreplaceable. The area’s wetland and upland environments are significant to the population of amphibians and birds known to live there. Fragmentation of this habitat will have negative consequences for biodiversity in our area.

Response:
The University Campus Master Plan for the South Campus (refer to Section III) incorporates significant open space area, where wetlands, wooded areas, old growth habitat, brush land, and grass areas will remain without fragmentation. The South Campus plan indicates a higher ratio of housing development in comparison to office, research and associated uses than the plans included in the DGEIS. The buffers proposed under the new campus master plan are much larger than that originally proposed under the conceptual POD scenario in the DGEIS. Even at full build out in 20-50 years, there are large, contiguous open spaces providing habitat corridors surrounding the potential building sites for habitat and plant life to remain, without fragmentation.
Comment Commenter,  
Number Commenter No. (s) 

B3. P-11

Comment:  
The DGEIS is a huge document, vague and even contradictory in parts. For instance the Ecological Assessment states on page 1 that the site could not comprise habitat for threatened species, but on page 3 it states that it could provide habitat for threatened species.

Response: 
On page 3 of the Ecological Assessment, the author notes that “Field review of flora, fauna, and habitats on the site, along with correspondence from the New York Natural Heritage Program and Fish and Wildlife Service, suggests that the occurrence of any threatened or endangered species on the project site is unlikely.” The author does mention that since the site contains open fields, meadows, and some mature forested areas, the site could provide a habitat to some threatened wildlife species, but that observed wildlife on the site was limited to those common to the area.

Comment Commenter,  
Number Commenter No. (s) 


Comment:  
Other observations in the DGEIS indicate that the wetland and upland likely supports every species of frog endemic to this area, including robust populations of the Western Chorus Frog, which is found only in this section of New York State and, "Due to the impervious areas of future development, the amount of groundwater recharge at the Rezone Property would decrease slightly." (Page 53). How would this loss of water affect the wetlands and the larger ecosystem of which it is a part? Could the loss be overcome with pervious surfaces? Pervious surfaces on driveways and parking lots, which would allow water to filter back into the groundwater reservoirs, have not generally been deemed possible in northern climates, however they are now being installed, even in snowy places like Denver, CO and Maryland. Also, will the development of surrounding "upland" adversely impact the terrestrial part of amphibian life cycles? Amphibians live 3/4 of the year on land, so even if the wetlands are preserved, will there be enough "upland" to support them when they leave the water after breeding? When the Sierra Club Wetland Committee members looked at the maps of the wetlands in the rezoning area the consensus was that it would be very important to preserve two particular pieces: the interconnected Wetland G North/Wetland G South and Wetland J., along with sufficient upland to support the wetland inhabitants.

Response:  
The Master Plan proposes an avoidance of Wetland G north, Wetland G south and Wetland J, and larger wetland adjacent buffer areas. Further, as stated in the Wetland
report, the upland areas of Wetlands G and J lack hydrologic indicators and wetland hydrology.

The University has worked directly with both the NYSDEC and the Army Corps of Engineers throughout this process, and will continue to do so.

The University is committed to environmentally responsible or sustainable design and construction, as demonstrated by its ongoing building efforts including the Saunders Research Building project and other building plans on campus. The use of pervious surfaces on driveways and parking lots - aka porous pavement – and bio-retention storm water facilities adjacent to parking areas are two of the many environmentally responsible design items being considered by the University on all current and future building projects.

Comment Commenter, Commenter No. (s)
B5. P-11, P-26, P-27

Comment: The site also comprises prime bird habitat: "The site contains open fields and meadows that could provide habitat for threatened grassland species such as northern harrier..., upland sandpiper..., or Henslows sparrow...and listed special concern species such as vesper sparrow... and grasshopper sparrow.... The amount of mature forest habitat on site suggests that species listed as special concern such as red-shouldered hawk..., sharp-shinned hawk..., Cooper's hawk and blue spotted Jefferson's salamander... may be found there."(Page 3 of Appendix I - Ecological Assessment Report) How will this habitat be impacted by the development? Will habitat of threatened species be destroyed?

Response: Staff Ecologists from Environmental Design & Research, P.C., authors of the Environmental Assessment in the memo quoted above conclude that "The site lacks unique plan communities and/or natural features that may support rare plant species or habitat for threatened or endangered wildlife".

Also refer to the response to B2. above, which describes the proposed reduction to development density and increases to open space lands to remain.
Comment: The DGEIS states there were no state wetlands on the property, but DEC, when asked for an evaluation, found that there are state wetlands present and will schedule a hearing to formally classify them. I think it is essential for the Town Board to hold approval of the DGEIS and consideration of the UoR's rezoning application at least until the DEC has had the opportunity to classify and add these wetlands to their wetland map. The discrepancy needs to be cleared up, and all maps showing wetland boundaries should be updated with revised boundaries.

Response: As noted in B4. above, the University has worked directly with both the NYSDEC and the Army Corps of Engineers throughout this process, and continues to do so.

The University received comments from the NYSDEC after submission of the DGEIS. The letter dated January 17, 2006 identified Wetland G as contiguous to off-site DEC wetlands. The DEC stated their intent to claim jurisdiction over these wetlands. The University’s plan was to avoid this wetland area, regardless of the agency jurisdiction. Additional buffers areas have been added to protect the state-regulated wetland areas. The University’s wetland consultant has walked the site with representatives of both the NYS DEC and the US Army Corps of Engineers to review the wetlands on site. The wetlands areas (state and federal) were reflagged, resurveyed and remapped on more than one occasion – most recently in 2013. The revised wetland maps and corresponding documentation verifying modifications to the wetland mapping were submitted to both agencies and are included in the S-DGEIS Appendices.

Comment: A tree survey in keeping with code requirements should be submitted. Surveying only trees of 30 inches in caliper or greater provides little information in regards to the quality and significance of the woodlot. Allowing for disturbance of 75% of the woodlot EPOD as an incentive should not be allowed; as stated in the document "... there would likely be far less than this disturbed." Each development phase/project should be required to obtain a Woodlot EPOD permit since quality and significance of the woodlot will vary over time. This allows for a more thorough review of disturbance within the woodlot, protecting "quality" trees and determining necessary mitigation. If disturbance of 75% of the woodlot EPOD were permitted the document needs to address:
• a reforestation/tree mitigation plan;
• loss of habitat mitigation plan; and
• a pre-, during; and post protection plan for trees to be saved or moved.
Response:
A Woodlot Quality Assessment which included a tree survey was completed by Urban Forestry, LLC, and submitted as part of the DGEIS (Appendix B). This assessment included sampling woody plants whose diameter was greater than 3 inches in diameter. This was done per the Town Code. In addition, all unique or significant trees, which is defined as a living tree that was 30 inches or greater in diameter at the breast height was individually inventoried. This guideline for a “significant tree” is consistent with the Town of Brighton’s Code. The combination of sampling of smaller woody plants and comprehensive inventory of significant trees is a common practice, and is again, consistent with the requirements of the Town of Brighton Code.

The Woodlot Quality Assessment report was updated in December 2013, to comply with the Town Code for Woodlot EPOD regulations for trees 5-inches and greater in size. Significant trees were also re-surveyed. The updated woodlot tree survey is included in the S-DGEIS Appendices.

The S-DGEIS provides information on the proposed replanting and tree protection plans for the proposed re-zone property. Refer to the responses to Comments B2 and B10 regarding retention and protection of habitat.

Comment Commenter, Number Commenter No. (s)
B8. A-1

Comment:
Areas of the site that currently include significant environmental features should be mapped and offered to be preserved through conservation easements, helping to mitigate site development.

Response:
The DGEIS includes mapping and studies of all features within the Rezone Area, including the potentially significant environmental features. As part of the SEQRA review process, the DGEIS Scoping document adopted by the Town of Brighton town Board, as lead agency, required the applicant to thoroughly examine existing conditions and potentially significant environmental impacts. In addition, the NYSDEC, the state agency that monitors the local and state environmental issues and oversees the SEQRA process, has been an involved agency on this project, reviewing and commenting on the potential impacts from future development on significant environmental features.
Comment Commenter, Number Commenter No. (s)

B9. A-1

Comment:
Figure 15 - Wetland Location Map is difficult to read. A wetland map with a Pod Plan overlay should be submitted.

Response:
Larger scale wetland location maps were included in Appendix G of the DGEIS. The wetland mapping was also updated in 2013; the new wetland location maps are included as in Appendix C of the S-DGEIS.

Comment Commenter, Number Commenter No. (s)

B10. A-1

Comment:
Wildlife habitat mitigation needs to be analyzed further. The blanket statement "There is a significant amount of green space that will remain available even upon full buildout of the Rezone Property, as such there is room for wildlife to find suitable habitat within the Rezone Property," does not adequately address loss of wildlife habitats. Wildlife corridors must be plotted and maintained throughout development providing contiguous and continuous belts of trees and brush to insure the free movement of birds and animals and offer them appropriate shelter area. Not all green space area (e.g. lawn area) is suitable habitat.

Response:
As described in B2, above, the University’s Master Plan for the South Campus provides for contiguous open spaces of grassed areas, wooded areas, wetlands and upland areas throughout the proposed Rezone Property. Since no endangered or threatened species were located on the site, and the site is not believed to have unique plant communities and/or natural features that may support rare plant species, or habitat for threatened or endangered wildlife, the development of this site is not anticipated to cause a significant impact to the wildlife habitat. The Master Plan concept plan for the South Campus has significantly more open space and buffering areas than originally proposed in the DGEIS. The University is sensitive to the surroundings and is proposing large, open space and buffer areas as a result.

Comment Commenter, Number Commenter No. (s)

B11. A-1

Comment:
As recommended in the Phase 1A Historical and Archeological Assessment (Appendix C)
A Phase 1B archaeological field investigation should be completed for the 161 acres of "dry project area" or at a minimum, those areas that may be disturbed by development.

Response:
A Phase 1B has not yet been completed. It is anticipated that when a future project is proposed within the area that the Phase 1A determined was of particular sensitivity, then at that time a Phase 1B would be completed for the site. The Phase 1A report did not recommend completion of a Phase 1B for the entire Rezone Property.

Comment Commenter, Commenter No. (s)
B12. A-2

Comment:
The Department of Environmental Conservation concurs with the boundaries of wetlands J, K & G as delineated on the U of R property but determined that wetlands in several areas extended beyond the property bounds:

- **Wetland G** At its northern end wetland G was found to extend beyond the delineated limits, in a northwesterly direction and off the U of R property, to a point within the electrical transmission ROW. The southern portion of the wetland was found to extend westward onto the Monroe County Genesee Valley Park. It is hydrologically connected via a culvert located near the southern edge of parcel 8.

- Based on our assessment the southern portion of wetland G and the contiguous wetland off-property to the west comprise an approximately 17.8 acre wetland complex that meets the criteria for inclusion on the Freshwater Wetland Map (see attached aerial photo with approximate wetland boundary).

- The northern portion of wetland G, although hydrologically connected with the southern portion by a southerly-flowing ditch, does not appear to meet the criteria for inclusion on the Map. The 2 wetland areas are greater than 50 meters (~165 feet) from each other and the ditch or unclassified intermittent stream is an excavated feature flowing through uplands. The northern portion of wetland G is less than the 12.4 acres necessary to consider it as a separate Freshwater Wetland.

- **Wetlands J &K** These 2 wetlands are also less than 12.4 acres and are greater than 50 meters from other noncontiguous wetlands. They do not meet the criteria for inclusion on the Freshwater Wetland Map.

- **Wetlands A-F, H, L-P** We did not confirm the boundaries of these smaller disjunct wetlands as it was clear from the delineation report that they do not meet the requirements for inclusion on the Freshwater Wetland Map due to their small size and wide separation from other larger wetland areas.
• **Possible Additional Undelineated Wetland Areas** We observed a series of small vernal pool type wet areas within parcel 3 that had not been delineated. These areas appeared to be hydrologically connected via surface flows to the northern portion of wetland G. Environmental Resources concurred that these areas warrant further investigation to determine if they constitute additional jurisdictional wetlands for the US Army Corps of Engineers.

• A portion of the delineated wetlands (the southern half of wetland G) meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the Department's intent to initiate a Freshwater Wetland Map amendment to add this wetland to the Map as BR-18. The approximate limits of BR-18 are shown on the attached GIS-based aerial photo and show the approximate wetlands limits both on and off the University of Rochester South Campus property. For planning and development purposes, Regulated activities as defined in NYS Environmental Conservation Law proposed within either BR-18 or its 100-foot adjacent area will require an Art.24 (Freshwater Wetland) permit from the Department.

• All delineated wetlands as well as the undelineated potential wetland areas on parcel 3 may be jurisdictional for the US Army Corps of Engineers under Sec. 404 (b) of the federal Water Pollution Control Act (Clean Water Act). The delineation report should be submitted to the Corps for a jurisdictional determination.

**Response:**

Per the comments received by both the NYSDEC and the Army Corps of Engineers, the consultants representing the University walked the site again, reviewing the wetlands on site with representatives of both jurisdictional agencies. The wetlands (state and federal) were reflagged, resurveyed and remapped. The revised wetland maps, and corresponding documentation verifying this modification to the wetland mapping are included in the S-DGEIS Appendices. Wetlands were once again re-delineated and remapped in 2013; the updated mapping and supporting documentation was submitted to the NYSDEC and the Army Corps of Engineers for validation.

**Comment:**

*Based on comments received from NYSDEC, a portion of the wetlands (the southern half of wetland G) meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the intent of NYSDEC to initiate a Freshwater Wetland Map amendment to add this wetland to the map as BR-19. All wetland and 100-foot adjacent areas should be shown on the plan. All wetland areas, including 100 foot adjacent areas to be disturbed in the future should be clearly mapped. All undisturbed wetland areas and 100 foot adjacent areas should be placed under a conservation easement. It is important to note that all wetlands, including the undelineated potential wetland areas on parcel 3 may be jurisdictional for the Army Corps of Engineers under Sec. 404 (b) of the federal Water Pollution Control Act (Clean Water Act). The delineation report should be submitted to the Corps for a jurisdictional determination. A revised map should be submitted that shows all federal and state wetlands, including 100 foot adjacent areas.*
Response:
Please see responses to comment B6 and B12.

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Comment: The Democrat and Chronicle came out with a report recently on December 14th, (2005) and it said, “Data saying Monroe has State’s Unhealthiest Air”. And they provided a link to the Environmental Protection Agency where you could type in an address including the Town Hall, and get a score. This tells you what the unhealthy air is at that location with regard to the average across the United States.

Now, Crittenden Road, it turns out, that we have 4.2 times the average of neighborhoods nationwide in this country of unhealthy air, 4.2 times what the average is in this country.

On Bastian Road I think (I have it here) turned out and the associated streets, it turned out to be 5.1. At Southland Drive and their associated streets, it turned out to be 4.9 and at the U of R, around Strong Hospital on Elmwood Avenue, I typed in the address, it turned out to be 6.3. Now, I can’t really state with certainty that the U of R is the epicenter of this problem we have, all these problems with air, but I can’t state that the closer you are to the U of R, the high the level of unhealthy air. These levels are going to just go up if they develop more.

Response:

Please see response to comment B1.

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Comment: Which specific pods, when developed, will disturb the most wood lot areas?

Response: Based on the Master Plan work completed by the University, the pods are not long proposed. An updated concept site plan has been developed and is included in the S-DGEIS. The extent of the woodlots on the site has been defined, and information and limits of woodlot impacts are presented in the S-DGEIS.
C. VISUAL/LANDSCAPING

Comment

Number

C1. P-2

Comment:

Night lighting is a concern especially where there is a consistent accident area at East River Road @ West Henrietta Road.

Response:

The proposed campus Master Plan shows that non-residential uses are proposed for the portion of the site where similar uses exist, and where the property abuts busy streets. The portion of the site closest to existing sensitive receptors (i.e. existing homes) is proposed for residential uses. The proposed buffer between proposed buildings and existing residences is significant and far exceeds the Town requirements. In regard to night lighting and concern over accidents, down lighting is used to reduce glare, and minimize light going beyond the University property. The University has committed to the Town a plan for zero light spillage onto adjacent residential properties. The combination of appropriate down lighting in combination with the large buffer areas proposed will ensure this.

Recently completed and planned improvements to the roadway system will reduce traffic congestion at the E. River Road / W. Henrietta Road intersection, which should also help to reduce the number of accidents.

Comment

Number

C2. P-6

Comment:

Especially with Town of Brighton concentrating on preserving green space particularly with wetlands and the beautiful and historical Genesee Valley Park by Frederick Law Olmstead in our neighborhood we need to preserve the beauty of the space. Will U of R be subletting this property to other companies and will we have any say once papers are signed?

Response:

Each future building proposal will require site plan review and approval by the Town Planning Board and Town staff to ensure compliance with the IPD Rezoning document approved by the Town Board. The Town Board may decide to approve the University’s plan as proposed, it may decide to modify the plan prior to approval, or it may decide to deny it.
Comment: There should be a limit on the number of lumens of brightness that should be emanating from the South Campus as defined by the American National Standards Institute.

Response: Although a lighting plan will not be completed until a project is proposed for the South Campus, any future site lighting will be designed provide a safe environment for the applicant’s users while minimizing light emission beyond the property line. Fixtures will be chosen that have direct lighting downward and will conform to Dark Sky compliant lighting standards.

Also please refer to the response to C1., above.

Comment: The proposed 100’ buffer is insufficient for a 50,000 square foot building. The buffer does not provide enough area for mature trees to muffle noise.

Response: Since the DGEIS was prepared, the University has completed its Master Plan, which includes a revised concept site plan showing buildings farther from the 100 foot buffer line, in most locations. In addition, for areas where the photo simulations completed in the DGEIS identified possible voids in the existing vegetative buffer, the University committed to providing supplemental plantings, upon approval of the rezoning. Based on the field work conducted, the University is confident it can strategically locate evergreen and deciduous trees within proposed buffer areas and within other areas of the re-zone property that will effectively eliminate the visual impacts to the adjacent neighbors and help in muffling any potential noise impacts.
Comment: A landscaping plan should be submitted as per Section 203-138 of the Brighton Comprehensive Development Regulations. Greater specificity should be given to buffering of the Lehigh Valley Trail. Hikers on the Lehigh Valley Trail may see buildings and parked cars. It will impact their experience.

Response: As part of the site plan approval process for any project proposed on the University's South Campus, a landscaping plan would be submitted for review and approval by the Town Planning Board.

Comment: Please discuss the extent of screening, buffering and landscaping needed to effectively reduce visual impacts. While the photo simulations display the effectiveness of the natural buffers and vegetation provided within the setback, please expand the discussion to include the location and how additional screening and buffering options will further reduce visual impacts to the neighbors. Discuss how light spillage onto adjacent properties can be avoided and incorporated into future reviews.

Response: Please see response to comment C3.

Comment: Please provide the locations of where the supplemental planting areas (as referenced on p. 73 of the DGEIS) will be located. Will the buffer areas and supplemental planting areas be placed in a Conservation Easement? If not, how will these areas be protected from future development?

Response: The locations of supplemental plantings will be identified with the Town once rezoning is approved and as the campus master plan moves forward toward specific project proposals. Specific buffering and planting plans will be prepared and submitted to the Town for review and approval.
C8. A-6

Comment:
Provide a table showing the proposed density by buildable area and by parcel. Identify and include recommended performance and development standards needed to reduce/preclude impacts from the proposed uses and development to adjoining property owners.

Response:
The Master Plan, as summarized in the S-DGEIS and shown in the figures section of the S-DGEIS, indicates potential building locations in the South Campus area. The DGEIS and the S-DGEIS include proposed mitigation measures for all potentially adverse environmental impacts. The S-DGEIS summarizes the comparison of the potential environmental impacts of the DGEIS concept plan with the Master Plan concept plan. The Master Plan concept plan for the South Campus includes: building uses, heights, and total square footage per use; and expanded buffers to residential areas, wetlands, old growth habitat and the Town Trail. The completed IPD documents will include specific development standards defined by the Town Board.

C9. P-5

Comment:
Instead of offering to, once this package is advanced to the stage where they are ready to move forward, completed final EIS, their desire to have rezoning, and then, as the report says, then entertain building buffers and barriers, such as trees, for protecting the lines between the town residents and the University, I suggest the University take unilateral action without waiting for that. I don’t think it would be very hard to predict some good place to put trees.

Response:
The University has committed to continue working with the Town to identify proper tree planting locations. The Master Plan also has redefined areas where trees may need to be planted to enhance the existing buffers. Once rezoning has been granted, tree planting can begin.
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**Comment:**

The kind of an indication of the amount of light pollution that would be generated by a change in this rezoning, you know, light from not only buildings, but parking lots, which would put out a lot of light. The buffer that is proposed, I don’t think would prevent that light pollution for hitting Southland Drive, and I’m sure other residential areas, because it is mostly deciduous trees. A lot of the site pictures and site line studies that was in the draft impact statement was done in summer, with leaves on the trees; and, yes, you can’t see a building when you have a nice full deciduous tree; but, in winter, that is not much of a protection. So, I don’t think 100 feet would be, you know, 100 feet of trees without leaves on them isn’t that much of a buffer. And I just wanted to know, if a study could be done or taken into consideration at the minimalist point of site lines, which would be in winter, I think that would be should be taken into consideration. When there are no leaves, would be the time to kind of measure it, not in the mid-summer when you have a little very little you have full coverage.

**Response:**

Please see response to Comment C3. In addition, the buffers proposed in the Campus Master Plan exceed the original 100-foot buffer proposed in the DGEIS in many areas. The proposed tree plantings that the University has committed to would also be a combination of evergreen and deciduous trees to provide the maximum visual buffering during all seasons.
D. TRAFFIC & TRANSPORTATION

Comment: Commenter, Number Commenter No. (s)

D1. P-6, P-17, P-22, P-16

Comment:

There is a proposal to eliminate travel northbound on West Henrietta Road to westbound on East River Road - basically we would not be able to make a left hand turn onto East River Road. So we would not be able to enter our own neighborhood. And what would be the impact to emergency vehicles?

Response:

As part of NYSDOT’s proposed interchange improvements, northbound left turns would continued to be allowed (as it is today) from a single left-turn lane onto East River Road. Congestion and delay for this move at the intersection will be improved because the existing left turn movement onto I-390 northbound will be eliminated. Upon completion of the W. Henrietta Road portion of the NYS DOT project, the I-390 northbound access will be a right turn via a ¼ cloverleaf ramp.

Comment: Commenter, Number Commenter No. (s)

D2. P-6, P-16

Comment:

U of R has plans in the future to close part of Crittenden Boulevard which will mean more traffic on Kendrick to East River. On Crittenden Boulevard 3 pedestrian right of ways were put in and on Elmwood Ave 2 pedestrian right of ways were put in with no input from neighbors. How many students and faculty will be walking to the proposed institutions and will East River Road be transformed for only U of R’s benefit?

Response:

As documented in the Master Plan, the U of R has no plans to close Crittenden Boulevard. Pedestrian crossings are typically installed when pedestrian safety concerns are an issue. Pedestrian improvements in the Town of Brighton are reviewed and are approved by the Town of Brighton, the Monroe County Department of Transportation and/or the New York State Department of Transportation, depending on the jurisdiction of the road.

Proposed mitigation measures to the area roadway network consider future growth conditions regardless of the source of the traffic increases. Mitigation is intended to maintain or improve driver safety and minimize the impacts and delays to vehicular movements. This is the case for the proposed mitigation measures presented in the
DGEIS for East River Road and all other area intersections. Therefore, the proposed mitigation would benefit the community as a whole.

Comment
Number Commenter, Commenter No. (s)

D3. P-6, P-22, P-16

Comment: The corner of East River Road and West Henrietta Road and its high accident rate need to be looked at closely. Also we need to look at the impact of traffic when the Mt. Hope Avenue and East Henrietta Road improvement project begin in a few years, (city project #09191). As this all impacts traffic flow speed, volume of cars, and accidents in our neighborhood and our quality of life.

Response:
See Response to Comment D1., above.

All involved agencies – the NYSDOT, Monroe County DOT, the City and the Town of Brighton, as well as the University’s traffic consultants, have examined the corridor very closely, and will continue to do so throughout this process. Proposed mitigation measures needed to accommodate University growth have been coordinated with all involved agencies.

As described in the DGEIS and as updated in this D-GEIS, the NYS DOT has planned improvements throughout the I-390/East Henrietta Road/West Henrietta Road corridor. The NYSDOT has completed the first phase of improvements (the new I-390 on-ramp from E. River Road and the E. River Road/Kendrick Road roundabout) and the second phase (the Kendrick Road on-ramp) is under construction. The third phase, the proposed ¼-clover leaf on-ramp from northbound W. Henrietta Road, will begin construction in early 2014. Subsequent phases for the I-390/E. Henrietta Road corridor are currently in the final design phase. These roadway improvements will improve the traffic network throughout this corridor. The City has recently completed the construction of the East Henrietta Road and Mt. Hope Avenue improvements. Each of the projects includes public informational meetings, where public comment is encouraged.

Comment
Number Commenter, Commenter No. (s)

D4. P-2, P-9, A-9

Comment: More traffic is a serious concern because it is hard to get access out of driveways now during rush hour. More traffic and changes to our established roadways impacts our safety and quality of life.
Response:

Please refer to the responses to D1 and D3 above.

D5. P-6

Comment: What will be the increase of pedestrians on the busy area roads and their safety?

Response: Specific pedestrian improvements cannot be predicted until specific buildings are proposed. If there is an increase and potential impact associated with a future project, specific measures will need to be proposed and approved as part of the site plan review and approval process by the Town.

D6. P-9, P-16

Comment: What is the cost to building and maintaining the new roadways being proposed to mitigate this traffic?

Response: The roadway mitigation plan is a combination of ongoing roadway improvement planning efforts and additional measures that may be needed to accommodate future growth at the University and other area developments. Portions of the roadway improvements presented in the DGEIS and S-DGEIS are capital improvement projects being completed by the NYS DOT to relieve existing congestion at area intersections. According to information supplied by NYSDOT, the current construction cost estimate is approximately $66.4M for Phases 1 through 4 of the I-390 interchange project. The project includes the following stages: E. River Road - new southbound on-ramp and off ramp upgrades; auxiliary lane improvements at the I-390/I-590 split; Kendrick Road – new on-ramp and bridge reconstruction; W. Henrietta Road – new northbound loop on-ramp and roadway improvements; E. Henrietta Road - new bridge over the canal; and E. Henrietta Road interchange improvements.

The City of Rochester has completed the improvements to Mt. Hope Avenue between I-390 and Elmwood Avenue. The city’s construction cost for that project was approximately $12M. As detailed in the DGEIS and S-DGEIS, most of the intersections that may require mitigation for University growth are included in the above three projects.

Cost estimates for the various roadway projects and additional mitigation measures will continue to be developed as the projects and planning efforts are progressed.
Comment: We suggest viewing proposed development in terms of the number of vehicle trips generated instead of square footage. The exact type of land uses are not yet known and any mitigation will vary due to the type of intensity of the proposed development.

Response: The vehicle trip estimates were made based on anticipated use, as defined in the DGEIS and the S-DGEIS. The use of each building will indeed define trip generation.

In addition to the future expansion to the Laser Lab, near term plans include the construction of a four story, 121,000 square foot building on East River Road for outpatient clinical use. When the University does propose a specific project in the Town or the City, vehicular trip generation will be prepared and compared to the results of the studies completed for this rezoning application. The University would need to make adjustments, if necessary, to the mitigation plan based on potential impacts to the area intersections. The Town and the other transportation reviewing agencies would review and comment, and base their approval decisions accordingly.

This S-DGEIS includes the updated traffic impact study to support the Master plan. The University has committed to updating the traffic impact study every 5 years (starting in 2015) via City of Rochester legislation. In addition, the University will submit a trip generation assessment on each project application for review and submittal by the Town and the DOTs. An assessment or analysis will be made to determine potential impacts to area roadway network.

The site plans, building uses and square footages in the Master Plan are shown for concept purposes only in order to provide significant detail for the environmental review. The scope and composition of the individual permitted uses may change in the future, and it is intended that no future environmental review will be necessary for those uses if alone or in combination they do not exceed the impacts analyzed by the Generic EIS or the thresholds, limitations or criteria set forth in the draft Rezoning Ordinance (included as an Appendix in the S-DGEIS).
In the proposed modifications from I-390 to East River Road - would modifications from East River Road require ROW to be reserved from the University of Rochester? Would this recommendation (Alternative 5) accommodate the full build-out as proposed by the University?

Response:
Please refer to the response to Comment D6 above.

For the roadway modifications in the vicinity of 390 and East River Road, some land owned by the University was granted for ROW purposes for the roadway widening. Portions of E. River Road between Kendrick Road and West Henrietta Road were needed for roadway widening to accommodate additional lanes.

This S-DGEIS includes updated information on the NYS DOT plans for the I-390 corridor projects. The improvements at the I-390/I-590 split and the E. River Road interchange improvement projects are now completed; the needed right-of-way along E. River Road was obtained. The other planned improvements include: a new northbound on-ramp at Kendrick Road (under construction – completion in 2014); a new northbound on-ramp (quarter cloverleaf) on West Henrietta Road (completion planned for 2015); a new East Henrietta Road bridge over the canal; and a new northbound off-ramp (quarter cloverleaf) onto East Henrietta Road. The phased projects are intended to relieve congestion and delays that result from the heavy left-turn movements. Refer to the NYS DOT’s concept plan in the S-DGEIS Appendices.

The schedules for the I-390/E. Henrietta Road remaining phases of the NYS DOT’s I-390 work are dependent on the timing of the state and federal funding for the project. Based on discussions with NYS DOT, completion of all phases is anticipated for 2021. However, if additional grant applications are approved, construction schedules could be accelerated.

Comment Commenter, Number Commenter No. (s)
D9. A-3

Comment: There are too many variables in schedules, timing and effect on the traffic network to confidently predict what mitigation would be appropriate.

Response: See Response to D7 above.

The DGEIS and S-DGEIS state that further traffic review will be completed as each project is proposed by the University. So, the potential traffic impacts and associated mitigation, if needed, will continue to be evaluated over time.
As previously stated in this document, the University has no current plans for major growth at the South Campus in the near or mid-term timeframe; and the University has made a commitment to update the traffic impact study every 5 years.

Comment Commenter, 
Number Commenter No. (s)

D10. A-3

Comment:
We have some concerns about extrapolating current turning movement counts using 1997 data. A comparison should be done using some current counts at key intersections. How accurate are they compared to current turning counts?

Response:
Subsequent to the completion of the South Campus IPD DEIS traffic analysis, there has been significant changes in the Master Plan for the entire University. New turning movement counts have been obtained, and updated data was used in preparation of the updated Traffic Impact Study.

Comment Commenter, 
Number Commenter No. (s)

D11. A-3

Comment:
The trip generation calculations should be completed using the current edition of the ITE manual instead of the 6th edition which was used.

Response:

Comment Commenter, 
Number Commenter No. (s)

D12. A-3

Comment:
The need for the widening of Kendrick Road overpass over 1-390 was not discussed. Clearly, the overpass will need widening at some point. However, potential NYSDOT interchange projects may affect this road as noted above.
Response:

With the modifications to the University Master Plan, the mitigation needs have changed considerably from the analysis presented in the DGEIS. The NYS DOT I-390 corridor project includes a new on-ramp from Kendrick Road, and widening of the Kendrick Road overpass bridge. The project is under construction.

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**Comment:**
The report did not study the intersection of Kendrick Road at Lattimore Road or Westmoreland Road for impacts.

**Response:**
The updated traffic analysis included as an Appendix in the S-DGEIS includes both the intersections of Kendrick Road at Lattimore Road and the Kendrick Road at Westmoreland Road.

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**Comment:**
The report stated that MCDOT will be studying the section of E. Henrietta Road between Crittenden Blvd. and 1-390. This is inaccurate; NYSDOT is currently progressing design plans for E. Henrietta, (Jarley Rd. to 1-390) and also has future concept plans for both E. Henrietta and W. Henrietta Interchanges with 1-390. In addition the City of Rochester has a project in the planning phase for a future year construction, which is reviewing Mt. Hope Avenue from Elmwood Avenue to 1-390 and E. Henrietta Road from Mt. Hope Avenue to South Avenue.

**Response:**
Comments are noted and reflected in the updated Traffic Impact Study.

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**Comment:**
In the Synchro analysis completed for the traffic report, some adjustments and incorrect signal and pedestrian timings were used. When corrected the analysis results may
identify, alter and require additional mitigation measures to address traffic issues. Attached to this memo are detailed comments on the Synchro analysis.

Response:
Comments have been incorporated into the updated traffic analyses

Comment Commenter, Number Commenter No. (s)

D16. A-3

Comment:
We recommend that traffic reports be prepared as individual parts of this project come for approval to look at the overall traffic picture as it changes.

Response:
The submission of a project-level traffic impact study is an appropriate response subsequent to the advancement of specific projects of an Institutional Planned Development (as long as specific traffic impact study thresholds of the local and regional reviewing agencies are met).

Please refer to the responses to Comment D7 and D9., above.

Comment Commenter, Number Commenter No. (s)

D17. P-20

Comment:
A lot of statistics in there, the traffic statistics, were quoted from the southern corridor study that was published in 2001. It stated in there that the data was recorded in 1997. They worked in a 1.5 percent growth rate into these figures. And I was just wondering if there is any way that there may be more updated and current figures, because I really do question whether 1.5 percent growth rate every year is giving us a true and accurate. It doesn’t rally impact the intersections, because they are all near F anyway. They are all failing intersections during rush hour. I was just wondering if there was any way we could get some more current data.

Response:
Refer to the response to D10 above. Projected growth rates have also been updated and are presented in the updated traffic impact study.
Comment
Number
Commenter, Commenter No. (s)

D18. A-3 (from Monroe County Department of Transportation comment letter)

University of Rochester South Campus Institutional Planned Development Rezoning Problems found in the Revised Synchro files - March 3, 2006

**Common To All Runs**

**Comment:**
The intersection of Kendrick Road at Westmoreland Road should be included in all analyses. This would help to determine the number of through lanes needed on Kendrick Road in the various scenarios and any needed mitigation at this intersection.

**Response:**
The intersection of Kendrick Road and Westmoreland Road was included as part of the revised traffic study area.

**Comment:**
Mount Hope Avenue is incorrectly identified in the Synchro model as West Henrietta Road in some sections within the City. The name changes to Mount Hope Avenue at the south City line, yet it is named West Henrietta Road in the Synchro models farther north, so the intersection names are wrong on many of the Synchro reports.

**Response:**
The updated traffic analysis indicates the road names correctly.

**Comment:**
Mt. Hope/Crittenden/East Henrietta has a 7 second delay in the phase startup of the eastbound left turn movement. This delayed phase start must remain for safety reasons. The delay was removed in all scenarios of the analysis, including existing.

**Response:**
In the revised traffic analysis, the 7 second delay in the phase startup of the eastbound left turn movement at the intersection of Mt. Hope/Crittenden/East Henrietta was corrected for all traffic analyses.

**Comment:**
Peak hour factor values of 0.95 are used for many of the intersections. Values of 0.90 are more typical and would represent a more conservative analysis.

**Response:**
Comment noted and reflected in the revised traffic analyses.
Comment:
The PM volumes along Kendrick Road between the Lot 1 south driveway and East River Road are highly imbalanced in all scenarios. Although midblock driveways may explain part of the imbalance, the difference is too great and a volume balancing adjustment is needed. This is likely to increase the forecasted volumes on this road.

Response:
The revised traffic analysis reflects the Kendrick Road area roadway circulation plan and projected volume drops along the corridor.

Comment:
The trip distribution for Kendrick Road has gone from one extreme to the other. Previously, it was forecasted to be used by 32% (AM) and 57% (PM) of the site traffic, which we believed was too high. Now it is forecasted as only 3% for both the AM and PM traffic, yet the same data sources are being cited in the report as were cited before. What process is being used to develop these distribution numbers? If they were so high for Kendrick Road before, how can they be so extremely low now?

Response:
The U of R Master Plan utilizes Kendrick Road as the major gateway corridor into the U of R campus. The revised traffic analysis has re-assessed and presented the distribution of traffic patterns to and from the regional road system to the U of R campus.

Existing Runs

Comment:
East River Road/Kendrick/Murlin has existing pedestrian timings of 7 seconds walk/18 seconds flashing don't walk east/west and 7 seconds walk/14 seconds flashing don't walk north/south. These timings are not correct in the model.

Response:
The timing change was corrected in the revised analysis.

2008 - 250,000 SF

Comment:
East River Road /Kendrick/Murlin needs to have pedestrian service added on the north, west, and south legs of the intersection. This will control the split times. In this and subsequent scenarios, the east/west split time for East River Road tends to be too short to service pedestrians, especially in the scenarios where the northbound and southbound approaches are widened.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised geometry and associated volumes and projections. The revised traffic study and the NYS DOT I-390 improvements include the roundabout at the intersection of
Kendrick Road / E. River Road and Murlin Drive. Modern roundabout design and construction provides safe pedestrian crossing features.

Comment:
East River Road/Kendrick/Murlin shows east/west left turn phases of only 8 seconds in total duration. This would result in a green arrow lasting only 3 seconds long, which is inadequate for motorist reaction and start-up time. The minimum acceptable split is 10 seconds.

Response:
There is no east-west left turn phase proposed for this intersection. The NYS DOT I-390 improvements included the roundabout at the intersection of Kendrick Road / E. River Road and Murlin Drive.

Comment:
As intersections are modified, they must have a reasonable clearance time entered for each phase. In the 2008 mitigation scenario, Mt. Hope/Elmwood has no all-red time entered on all of the protected left turn phases. The all-red times were correct in the existing scenario.

Response:
The revised traffic impact study includes the revised timing.

Comment:
As lanes are added to widen each intersection, the pedestrian clearance times need to be increased to account for the longer crossing distance. This in turn affects the practical split times that can be used. An example is Mount Hope/Elmwood in this scenario. The proposed mitigating measures may not be adequate with the corrected split time requirements.

Response:
The revised traffic analysis indicates mitigation that includes consideration of additional pedestrian clearance times, where appropriate.

Comment:
The intersection of Kendrick/Lattimore fails in this and subsequent scenarios as an unsignalized intersection. Measures must be proposed to mitigate this situation.

Response:
The revised traffic impact study includes appropriate mitigation at this intersection.
Comment:
The report recommends allowing permissive north/south lefts at the intersection of West Henrietta Road (actually Hope Avenue) at Westfall Road/Westmoreland Road as a mitigating measure. These permissive lefts are already allowed.

Response:
Comment noted and included in the revised traffic impact study.

2008 - 1,000,000 SF

Comment:
By the time this size of growth occurs, Kendrick Road's volume would be well in excess of 1000 vehicles per hour per direction. Based on the projected volume, it would need to be widened to two through lanes in each direction. This would require widening the bridge over I-390 as well. This and subsequent analyses should reflect the widened roadway at each affected intersection.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates Kendrick Road as the main gateway to the U of R. Revised volumes were used in the analysis and associated mitigation is proposed.

Comment:
As noted earlier, the intersection of Mt. Hope/Crittenden/East Henrietta is missing its 7 second pedestrian delay in the phase startup of the eastbound left turn movement. This delayed phase start must remain for safety reasons. The intersection would have an unsatisfactory operation as it is shown in the model when this required phase is taken into account. Therefore, additional mitigation must be identified.

Response:
The revised traffic impact study includes the revised timing.

Comment:
The proposed signal at the East River Road/Site Drive #2 intersection reflects a v/c ratio of 1.07 on the eastbound approach during the PM peak, which is unacceptable. The proposed signal timing also does not provide sufficient time for a north/south pedestrian crossing. Additional mitigation must be identified.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised geometry and associated volumes and projections. The revised traffic study and the NYS DOT I-390 improvements included the roundabout at the intersection of Kendrick Road/ E. River Road and Murlin Drive. Modern roundabout design and construction provides safe pedestrian crossing features.
Comment:
The scenario identifies that a second exiting lane is needed on Site Drive #2 at East River Road to separate left turns from rights. As this separation would allow right turns on red, the second exiting lane should be built when the driveway is originally constructed.

Response:
Please refer to response to the previous comment.

2013 -1,000,000 SF

Comment:
East Henrietta/Westfall is shown in this scenario as changed to leading protected left turn phases, allowing for the split times to be directionally adjusted. This is okay, but it is not noted in the report. The east-west pedestrian crossing times need to be restored to their existing timings (17 seconds of pedestrian clearance time is required east/west, but it was reduced to 12 seconds in the model). With the adjusted split times that result, the proposed improvements are insufficient. Additional mitigation must be identified.

Response:
The revised analysis does use the restored pedestrian time. The revised traffic impact study reflects the current Master Plan, which incorporates revised traffic volumes and projections. Associated mitigation is proposed in the revised study.

Comment:
The proposed change to a 110 second cycle at only the Mt. Hope/ Westfall/ Westmoreland intersection would cause this intersection to be out of coordination with all other adjacent intersections. Any change in cycle length would need to be done at all intersections in this area. Since NYSDOT intersections on West Henrietta Road at and near the I-390 interchange currently operate at a 120 second cycle length in the PM peak hour, this would be the logical cycle length to use. In fact, the PM peak cycle length in this area of the City was recently changed to 120 seconds at all intersections to coordinate with the NYSDOT intersections and to reduce congestion.

Response:
The revised traffic impact study reflects the revised 120 second cycle length for the PM peak hour as noted above. However, the cycle lengths are proposed to be 110 second during the AM peak hour and 115 second during the PM peak hour to coordinate with future cycle lengths as proposed by the NYS DOT I-390 Interchange Improvements at Routes 15A and 15 project.
Comment:
At Mt. Hope/Westfall/Westmoreland, the westbound left turn phase is incorrectly shown as lagging in this and other scenarios, which would be an unsafe phasing sequence.

Response:
The revised traffic impact study reflects corrected phasing.

Comment:
At Mt. Hope/Crittenden/E. Henrietta, Mt. Hope/Westfall/Westmoreland, Mt. Hope/Elmwood, and E. Henrietta/Westfall, this and other mitigation scenarios show substantial reductions in the pedestrian clearance times, which then allowed some of the splits to be shortened. This time reduction is unsafe for pedestrians and cannot be allowed. In fact, the pedestrian times need to be increased to account for the longer distance across the added right and left turn lanes (see comment #11). With the corrected splits, some of these intersections will have failing movements at this level of development, and others will fail at lower levels of development than shown in the report. Additional mitigating measures need to be identified for any locations that cannot operate acceptably within the pedestrian timing requirements.

Response:
The revised traffic impact study reflects more appropriate pedestrian clearance times.

2013 - 2,000,000 SF

Comment:
The proposed southbound dual left turn from Mount Hope Avenue onto East Henrietta Road must be operated as a protected only left turn for safety reasons. As this would reduce the projected capacity, the analysis for this scenario must be rerun. It also requires the widening of East Henrietta Road to add a second through lane to receive the dual lefts (there is only one receiving lane now) which must be identified in the report as an accompanying improvement.

Response:
There are no recommendations to add an additional southbound left turn lane.

Comment:
The report lists the addition of a second southbound through lane at the East River/Kendrick/Murlin intersection as an identified improvement for this scenario. The analysis does not reflect this.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised geometry and associated volumes and projections. The revised traffic study and the proposed NYS DOT I-390 improvements included the roundabout at the intersection.
of Kendrick Road/ E. River Road and Murlin Drive. Modern roundabout design and construction provides safe pedestrian crossing features.

Comment:
The report mentions the addition of a third westbound lane at the intersection of East River Road and I-390 SB for this scenario. The analysis shows this third lane as a right turn only lane. The report should describe it accordingly.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised geometry and associated volumes and projections. The revised traffic study and the proposed NYS DOT I-390 improvements includes the addition of an exclusive eastbound right turn lane at the intersection of East River Road and I-390. The analysis has been revised accordingly.

Comment:
The report mentions the addition of a third westbound through lane plus a left and right turn lane at the intersection of East River Road and West Henrietta Road for this scenario. The analysis does not reflect this.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised traffic volumes and projections. Revised analysis and associated mitigation is proposed in the revised study.

Comment:
The E. Henrietta/Westfall intersection will have failing movements at this level of development if the pedestrian time adjustments are made (see comments #18 and #21). Additional mitigating measures need to be identified.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised geometry and associated volumes and projections. The revised traffic study and the improvements proposed by the City Gate development include a northbound right turn lane. The revised traffic impact study incorporated this in the background and future analysis and reflects corrected pedestrian time adjustments.

Comment:
At Mt. Hope/Westfall/Westmoreland, the north/south left turn phases are shown as 10 seconds, which is too short for a lag left turn phase. Also, this intersection will have failing movements at this level of development if the pedestrian time adjustments are made (see comment #21). Additional mitigating measures need to be identified.

Response:
The revised traffic impact study reflects revised phase timing and revised traffic volumes and projections. Associated mitigation is proposed in the revised study.
2023 - 2,000,000 SF

Comment:
The pedestrian split errors mentioned in comments #21, #26, and #27 were also carried over into this scenario. Additional mitigating measures need to be identified for any locations that cannot operate acceptably within the pedestrian timing requirements.

Response:
The revised traffic impact study reflects revisions to the pedestrian timings. Associated mitigation is proposed in the revised study.

Comment:
The report describes dual left and right turn lanes at East River Road and the I-390 SB Ramp, but the analysis does not reflect this lane configuration.

Response:
The revised traffic impact study does not recommend changing the existing lane configuration.

Comment:
The report describes dual northbound left turn lanes at East River Road and West Henrietta Road, but the analysis does not reflect this lane configuration.

Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised geometry and associated volumes and projections. The revised traffic study and the proposed NYS DOT I-390 improvements includes dual northbound and left turn lanes at East River Road and West Henrietta Road. Associated mitigation is proposed in the revised study.

Comment:
The Mt. Hope/Elmwood intersection is proposed to be widened to three eastbound through lanes in this scenario. That would require also adding a third eastbound through lane at other adjacent intersections to provide lane continuity. A more logical Widening to keep the improvement localized would be to go to dual protected westbound left turns instead of a third eastbound through lane.

Response:
Due to geometrical constrains, the revised traffic impact study does not analyze the Elmwood Avenue/ Mt. Hope intersection with additional lanes beyond the scope of the City’s Mt. Hope Avenue Roadway Improvement project.

Comment:
The problems with the proposed southbound dual left turn from Mount Hope Avenue onto East Henrietta Road identified in comment #22 also apply to this scenario.
Response:
The revised traffic impact study reflects the current Master Plan, which incorporates revised traffic volumes and projections. Associated mitigation is proposed in the revised study.

500,000 SF Buildout (Report Page 28)

Comment:
The report lists specific improvements for a potential 500,000 SF build out scenario. There is no analysis data provided to support the listed improvements, and the year is not specified. If the improvements were derived by extrapolating the results for the various scenarios, they are subject to the same problems that were listed above. (A-3)

Response:
Per the current Master Plan, the build years and square footages are identified in the revised traffic impact study.

Comment:
Any benchmarking as to the size allowed (square footage constructed) either prior to NYSDOT improvements, after NYSDOT improvements or with the full development size requested (1.9 million sq. ft.), should be tied to the maximum number of trips allowed to be generated with each of these sizes. The need to tie square footage to the maximum number of trips that can be generated is because allowable uses requested in the rezoning are both high-traffic generators and low-traffic generators. For example, 100,000 sq. ft. of educational uses will generate over 5 times the volume of traffic that this same size development was for storage/services uses.

Response:
The revised traffic impact study identifies the number of trips generated per use and based on employee densities, identifies the higher traffic generator.

Comment:
The University should be responsible for either constructing or seeing that these Highway improvements are constructed, associated with the following highway
Improvements identified in the DGEIS:

- Widening of East River Road to provide additional travel and turn lanes;
- Relocation and widening of Murlin Drive Opposite Kendrick Road;
- Widening of 1-390 eastbound off-ramp to West Henrietta Road to add lane(s), if necessary after NYSDOT currently proposed improvements are constructed;
- Widening Kendrick Road at East River Road to add an additional travel lane;
- Widening West Henrietta Road on its' northbound approach to East River Road to provide a second left turn lane;
- Adding a second right turn lane on the 1-390 southbound off-ramp to East River Road.
- Improvements associated with the developments access points to East River Road.
- Modification to or installation of traffic signal at the developments access point or other intersections for which the applicant is responsible for highway improvements; and
- Constructing a new 1-390 off and on ramp from Kendrick Road or other modifications to the expressways interchanges that might be identified to accommodate the proposed full development of this site under the re-zoning.

Response:
In addition to the mitigation measures discussed in the responses above, the University is continuing to work with the NYS DOT, MC DOT, Genesee Transportation Council, the City of Rochester and the Town of Brighton to determine appropriate roadway mitigation for the entire region as it relates current problem areas, traffic volume increase associated with regional growth, UR growth, and growth associated with other projects in the area. The proposed City and NYS DOT projects include the mitigation measures described in the DGEIS and the S-DGEIS.

Comment

D21. A-6

Comment:
As real development becomes known on the site, a traffic analysis should be prepared using updated traffic counts and a more sophisticated traffic modeling techniques, such as CORSIM, that can more accurately identify the traffic impacts and delays associated with traffic backups and blocking of through traffic. Traffic signal timing should be adjusted to reflect the additional time for pedestrians to cross widened road.

Response:
Please refer to the responses to comments D9 and D16 above. Sound and acceptable traffic analysis and modeling techniques have been used throughout the DGEIS and S-DGEIS process.
D22. A-6

Comment:
Since the DGEIS has demonstrated that the traffic impacts of the proposed development are limited to East River Road and the 1-390 expressway interchanges, the future updated traffic counts and analysis should include the expressway interchanges and the next traffic signal controlled intersection, both north and south of these interchanges, as well as intersections along East River Road and Kendrick Road.

Response:
The revised traffic impact study includes analysis at the expressway interchange and the intersections north and south of the interchange.

D23. A-6

Comment:
The full build-out of the site (as requested in the DGEIS) would be approximately 1.9 million sq. ft. of mixed uses and would generate approximately 2,633 trips during the morning peak travel hour. If benchmarked to this traffic volume, 1.9 million sq. ft. of research or storage/service uses could be developed and not exceed this traffic benchmark. However, 1.5 million sq. ft. of administrative uses or as little as 900,000 sq. ft. of educational uses where developed, this traffic benchmark would be exceeded.

Response:
The Master Plan projects anticipated growth for the South Campus, which has been revised and decreased as compared to the DGEIS. Please refer to the S-DGEIS and the response to comment D19 above.

D24. A-6

Comment:
To address this wide variation in traffic associated with various development sizes and uses, we recommend that the following issues/actions be addressed in the Master Plan as recommended by the Planning Board.
1. Any approval of development sizes should be tied to the maximum number of trips that the entire development or any phase of the development will allow to generated;

2. As each proposed development on this site is submitted for approval, that updated traffic counts and a refined traffic analysis method be used to identify the actual traffic impact for the specific use(s) requested and in comparison to those stated in the DGEIS;

3. It will be the University's responsibility to either make the necessary highway improvements required to allow safe and effective traffic movements along East River Road and Kendrick Road by either making these improvements or finding a sponsor to make these improvements prior to allowing additional development to occur;

4. Any development prior to NYSDOT planned improvements beyond 250,000 sq. ft or total development traffic generation of 350 vehicles per hour during the morning peak travel hour, should not be allowed without prior review by both the NYSDOT and Monroe County DOT.

5. The approved development size should be capped at 1.0 million sq. ft. or a maximum of 1,400 trips generated during the morning peak travel hour, until such time that acceptable additional expressway interchange improvements can accommodate traffic volumes beyond this level are identified and programmed;

6. The Right Of Way required for highway improvements to mitigate the impact of this development and under control of the applicant, including any additional improvements to the expressway interchanges, should be identified prior to any approval of development on this site and set aside to allow these improvements to occur when required; and

7. Under no circumstances, no matter what the approved development size, should this site be allowed to generate more than 2,600 vehicle trips during the morning peak travel period, without prior approval of the Town of Brighton, after being reviewed by NYSDOT and Monroe County DOT.

Response:

1. & 2. The updated traffic study identifies appropriate mitigation to complement the Master Plan. The potential impacts of each phase of expansion or future project will be subject to review and approval by the appropriate agencies.

3., 5. & 6. Some of the improvements to the roadway network have already been completed by the City and the NYS DOT; the revised traffic study incorporates those improvements. The University will continue to work with the Town, the City and County and the NYS DOT to identify equitable funding responsibility for needed mitigation to the roadway network.

4. & 7. Projects and development at the University – as well as for any project proposed – are subject to review by the NYSDOT and Monroe County DOT, along with the Town and/or City, depending on the location of the project.
E. PROCESS/ZONING/POLICY

Comment:  
The town needs to know more much more about actual intentions of the University. What do they actually plan to do? A master plan showing what the total building square footage will be (both existing and proposed) at build out, and what will be the use of each building needs to be submitted. The master plan also needs to include setbacks, building locations, construction phasing and building heights/stories and their impacts on neighboring properties (including hours of operation). The plan should show the location and details of the proposed buffer (including a buffer for the park and trail). It is important that all areas to be disturbed are shown on the plan. Areas that will not be disturbed should be clearly identified and mapped. These areas should be determined based on degree of environmental sensitivity and should be placed under conservation easements. The plan should include all proposed permitted and conditionally permitted uses along with performance standards. Any use not included should be deemed to be prohibited.

Response:
The University of Rochester Campus Master Plan (included in the S-DGEIS) indicates the following for the South Campus. Other than the proposed Imaging Building adjacent to the Laser Lab, there are no present plans for major growth at the South Campus in the near or mid-term. If plans were to change within that timeframe, further Town site plan review will occur and, potentially, additional environmental review.

- Residential: addition of 476,400 GSF of new graduate apartment buildings. The new residential units will be energy efficient, and in compliance with the most current building codes. Housing and community development is anticipated to total approximately 815,000 GSF.
- An expanded buffer surrounding all uses from existing residences. The non-residential buildings will be concentrated along the I-390 & E. River Road corridors only.
- Approximately 1.2 million square feet of office/research/clinical care, including an addition to the existing Laser Lab of approximately 118,000 GSF. These buildings are proposed to be 5 stories maximum. The 2-4 story residential buildings will abut the existing residential neighborhoods.
- Approximately 2.4 million gross square feet of building space including all uses existing and proposed.

As compared to the application package, the Master Plan proposes the following changes/reductions to proposed building square footage (in GSF):

<table>
<thead>
<tr>
<th></th>
<th>Previously Proposed</th>
<th>Master Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office/Research</td>
<td>1,972,207</td>
<td>1,209,050</td>
</tr>
<tr>
<td>Housing</td>
<td>0</td>
<td>476,400</td>
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<tr>
<td>TOTAL</td>
<td>1,972,207</td>
<td>1,766,450</td>
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</tbody>
</table>
The Draft Rezoning Ordinance for the South Campus IPD is included in the Appendices of the S-DGEIS. Once finalized and adopted by the Town Board, the ordinance will provide the regulations for growth within the South Campus IPD.

E2.  P-1, P-5

Comment:  
The build-out should be gradual in small lot sizes which will allow their impact on the surrounding residences and environment to be analyzed and optimized for the lowest impact. This would minimize the danger of onerous chronic conditions.

Response:  
Please refer to the response to Comment E1., above.

Each proposed project will be subject to the Town’s review and approval process as outlined in the draft Rezoning Ordinance (in the S-DGEIS Appendix H). Incremental growth is anticipated, which will allow the site to be assessed as developed, and mitigation of each phase to be analyzed.

E3.  P-1, P-5

Comment:  
Consider zoning changes based only on actual need to build not vague and unreal speculation. The build-out should be gradual in small lot sizes which will allow their impact on the surrounding residences and environment to be analyzed and optimized for the lowest impact. This would minimize the danger of onerous chronic conditions.

Response:  
The University has one proposed building project at the South Campus at this time – the Imaging Building - which is in the early stages of planning. The Master Plan projects anticipated needs over the next 20+ year period. When specific projects are identified, the University will provide the Town with a Site Plan application for consideration of approval, in accordance with the Town Board approved IPD.

Also, please see response to Comment E2., above.
Comment Commenter,
Number Commenter No. (s)

E4. P-8

Comment:
The long time span of twenty years, coupled with only general plans for development provide wide latitude for interpretation, once the zoning change is approved. The Town should retain oversight of each development conducted, as it occurs. In coming years the context for these decisions may drive different solutions, different people will be deciding upon the merits of new developments, and conditions will also change.

Response:
The Town does retain oversight over the development of the property. The rezoning does not approve any building on the property. A separate Town staff, Planning Board and environmental review process to assess the merits and impacts of any and all proposed projects would still be conducted as necessary during the site plan approval process as specified in the IPD Regulations (per the proposed Rezoning Ordinance, S-DGEIS Appendix H).

Comment Commenter,
Number Commenter No. (s)

E5. P-16

Comment:
I would like to ask for an explanation of a draft “GEIS” and a general and generic, all those terms don’t mean a whole lot to me. So, I would like something back on that. What happens in between? Who makes the decision? And tell me what information is submitted to the town, U of R and future approvals are handled and things like that.

Response:
The New York State Department of Environmental Conservation generally describes a Generic Environmental Impact Statement (Generic EIS) as follows:

“Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur.”

Because the proposed action is a rezoning, and not a site specific project with an exact use and building proposed, a generic impact statement was prepared that generally covers the range of issues that could be impacted by the proposed action. In this case, rezoning to an IPD does NOT approve any building, project, etc., but instead changes the underlying development regulations. Each specific project (i.e. a building being proposed
for the South Campus) is still subject to potential environmental review under the State Environmental Quality Review Act (SEQRA).

The site plan and square footages in the master plan are shown for concept purposes only in order to provide significant detail for the environmental review. The scope and composition of the individual permitted uses may change in the future, and it is intended that no future environmental review will be necessary for those uses if alone or in combination they do not exceed the impacts analyzed by the Generic EIS or the thresholds, limitations or criteria set forth in the draft Rezoning Ordinance (included in the S-DGEIS Appendix).

In terms of next steps and process for the proposed rezoning, the requested approval by the University is for a rezoning of the Rezone Property by the Town Board to IPD, which is a legislative action. The University has also requested that the Town Board treat this rezoning request under the incentive zoning provisions of the Comprehensive Development Regulations of the Code of the Town. Referral to the Planning Board has been made under both relevant provisions of the Code. Some of the amenities proposed by the University, such as buffering and landscaping, may entail a site plan approval from the Planning Board. Finally, a resubdivision approval from the Planning Board will be required. When and if the proposed rezoning is granted, then the University can propose specific projects for the property under the IPD zoning, which again go through site plan review individually for the specific proposed development.

Comment: Commenter, Commenter No. (s)

E6. A-6, A-7

Comment:
The greater issue pertains to questions over the types of uses allowed under the requested zoning and the numerous unknowns (and subsequent impacts) associated with these allowed uses.

Even if the University submitted a more detailed master plan (i.e. so much administration, so much research, types of research, so much education, etc.) under the (PD zoning, without additional Town review, there is nothing that would prevent the conversion of these buildings to other uses in the future. The research building could be converted to educational uses, which would generate a higher volume of traffic. The administrative building could be converted to research uses that the Town, if known at the outset, may have wanted to be placed further from the residential areas. These changes may only require a simple building permit to modify the interior office space. Thus, the resulting issue/concern is the Town's ability to maintain control over what is or will be developed over time.

Therefore, we recommend that each building and site plan submitted for Town approval be restricted to the use(s) (i.e. semi-zoning) being requested and that any change in use will require subsequent Town approval. The mechanism for these approvals needs to be developed in the Master Plan (i.e. uses, standards, requirements, etc.).

A listing and description of proposed Performance Standards should be provided. Again, an
Identification of the proposed uses and their respective locations is needed in order to review the respective performance standards.

Response:

Please see response to Comment E1., above, for information about proposed uses, square footage, etc. that have been developed as part of the University of Rochester’s Campus Master Plan.

The Town does continue to have input and control over what may be developed on the property, even if the property gets rezoned to IPD. The rezoning to IPD does provide more flexibility but continues to govern how much development, what type of development, and how the overall development looks. In addition and as previously stated, each project proposed by the University for the IPD property would be subject to SEQRA review (potentially), site plan review, etc. and assessed as an individual project.

Comment
Number Commenter, Commenter No. (s)
E7. A-7

Comment:

If the University can only build about 250,000 square feet of buildings until a major NYSDOT project is undertaken, what are their priorities? Are there particular uses that must be acted on quickly?

Response:

The University’s master plan includes the following Medical Center-area projects, which are currently their top priority projects related to expansion. All are in the City of Rochester:

- Saunders Research Building (formerly known as the CTSB) – on Crittenden Boulevard. Project construction has been completed.
- Golisano Children’s Hospital at Strong – on Crittenden Boulevard. This project is currently under construction.
- College Town – a mixed-use building plan for Mt. Hope Avenue between Crittenden Boulevard and Elmwood Avenue in the City is planned for completion within the next 5 years.

In addition to the future expansion to the Laser Lab, near term plans include the construction of a four story, 121,000 square foot Imaging Building on East River Road for outpatient clinical use. However, the University has no current plans for major growth at the South Campus in the near or mid-term. If plans were to change within that timeframe, further Town site plan review will occur and, potentially, additional environmental review.
Comment:  If the area south of Crittenden Road that is currently shown in the plan today as being transferred to the Town of Brighton as part of the incentive zoning was not accepted, how would the University use that property? What would you propose to construct? How does that change the density to the north?

Response:  The University has no plans for the property it owns south of Crittenden Road, other than what was included in the Incentive Zoning Application, i.e., to donate the land to the Town. Those lands are zoned for single family residential use; the University does not build single-family homes.

The University Master Plan has redefined the proposed density and uses for the South Campus. Please refer to the S-DGEIS which describes the proposed changes to the South Campus in detail.
F. SOCIAL / ECONOMIC IMPACTS

Comment

Commenter, Commenter No. (s)

F1. P-3, P-7, P-1, P-10, P-24

Comment:
My major concern is the impact on the growth of a non tax paying organization. This includes property, school, community etc. The larger this organization grows the more taxes we property owners must pay to support it. How much can one Town absorb? It seems to me that there should be a monetary limit, per the population or square miles of a Town, that can come off the tax rolls. When a Town hits that limit, any new proposal for tax-exemption, would have to pay at least 50% of their new/developed assessed value. In the future, when there isn’t any land left to develop, and we’re just another old inner ring suburb, what then?

Response:
The University has presented an Incentive Zoning application to the Town, which is described in detail on page 5 of the DGEIS, and summarized here.

The Incentive Zoning Provisions of the Comprehensive Development Regulations of the Code of the Town are contained in Chapter 209, §§209-1 et seq. §209-3 contains a list of permissible amenities. §209-5, Criteria and Procedure for Approval, sets out the information required of the applicant regarding the amenities and incentives. Accordingly, the University has offered the following:

<table>
<thead>
<tr>
<th>Proposed Amenities (in 2005 $'s)</th>
<th>Dollar Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Donation of Parcel 4 south of Crittenden Road (42.55+/- acres)</td>
<td>$265,000</td>
</tr>
<tr>
<td>2. Additional Landscape buffer</td>
<td>$100,000</td>
</tr>
<tr>
<td>3. Additional 50 ft. (no build) buffer</td>
<td>$  55,500</td>
</tr>
<tr>
<td>4. Elimination of access to Crittenden Road</td>
<td>$  1,000</td>
</tr>
</tbody>
</table>

The benefits provided by the proposed amenities described above go hand-in-hand with the implementation of the Town's Comprehensive Plan, as implemented in part by existing laws and ordinances of the Town.

Also, please refer to the response to Comment F3., below, regarding University contributions to services.

The University provides vast social and economic benefits to the Town, County and State. In addition, the planning document that guides development in the Town of Brighton, the Comprehensive Plan, calls for much of this area to be developed as an IPD, recognizing the growth needs of the University and the desire by the Brighton community for this institution to continue to thrive in the Town.
Comment:  
Our main concern is property value. We fear the proposed building will jeopardize the character of the neighborhood thus lowering the resale value.

Response:  
The South Campus already consists of a mixture of some medical research buildings and higher density residential uses. The continuation of these uses, especially with consideration given to placing the office/lab buildings away from residential areas to the extent possible, is not anticipated to have a negative impact on property value. The housing in the area of the University is known for retaining value as more people look to live in closer proximity to where they work. As jobs continue to grow at the University, the need for housing will do the same.

Comment:  
Even if the University should gain partial approval and fulfill its promise to pay its fair share of services, I would expect that 100% of fire services fees would go directly into the West Brighton Fire District, not general funds of the town.

Response:  
As noted in the DGEIS, the University is committed to meeting its obligations with regard to providing a safe community for its employees, workers, and students. As such, the University has committed to working with the Town and its service providers to determine what resources will be needed to adequately provide these services without detriment to the rest of the Brighton community. One option that has been discussed for meeting these obligations is to establish a program whereby the University would contribute a proportionate amount of resources to meet the minimum emergency response services needed for an institutional development. The University will continue to work with the Town of Brighton to assess what level of financial contribution is needed, and where the funds would go.

As outlined in the S-DGEIS, the University now has 23 full-time Sworn Peace Officers on staff, and another 20-23 officers will be sworn in by March of 2014, which will significantly reduce calls typically directed to the Brighton Police and Fire Departments.
F4. P-10

Comment:
Within these boundaries is a lot of residential land not owned by the University. This land is already developed as Residential Low Density. These properties will see a reduction of their property values if they are rezoned as requested by the University.

Response:
The University is only requesting rezoning of lands it owns and controls. The Master Plan shows that the University primarily proposes residential use abutting the existing residential use with large buffers in between, therefore, reduction in property values is not anticipated.

F5. A-6

Comment:
Where would the initial 250,000 SF of development likely occur given that most of the property cannot be developed until after the NYSDOT roadway improvements are constructed/what uses are anticipated for the initial development?

Response:
Please refer to responses to comments E1 and E2 for information on the Campus Master Plan uses and timing of future development.

F6. A-6

Comment:
If the land south of Crittenden Road that the U of R proposes to donate is not accepted by the Town, how will the land be used? How would the usage of this land affect the overall density of the property?

Response:
The University Master Plan does not plan to utilize the lands south of Crittenden Road because the Town has consistently over the years stated that it does desire this parcel. If the Town ever changed its plan for this land, the University would need to reassess its
intent to donate or sell the land, and amend the Incentive Zoning application accordingly.

The proposed density calculations presented in the DGEIS and S-DGEIS are linked to the land donation. However, the University Master Plan proposes reduced density for the South Campus. Therefore, the proposed amenity to donate the land to the Town would be more valuable - i.e., the corresponding incentives for density and development area requested by the University would be decreased.

The current plan also ‘clusters’ the buildings to protect wetlands and larger habitat areas, and to maximize buffers zones.

Comment Commenter, Number Commenter No. (s)
F7. A-6, P-5, A-8

Comment:
Police/Fire/Ambulance Service - We concur that a P.I.L.O.T. (payment in lieu of taxes) program is a viable option for the U of R to meet its fair share of emergency response services needed for an institutional development. The University should provide the Town with current and historical documentation of the number and types of emergency service calls when they apply for specific development of the site.

Response:
Please refer to the response to Comment F3., above. In addition, please refer to section V, I of the S-DGEIS for historical data on number of calls to emergency services, including the type of emergency being reported. At the time of a proposed specific development, updated numbers can be provided based on availability of information.

Comment Commenter, Number Commenter No. (s)
F8. P-1, P-5, P-20

Comment:
Now, as far as the various services are concerned, Fire Services, Police Services, Ambulance Services, every time they put up a building that increases our risk, I mean, a building isn’t there now; but, once they put up a building, if a fire occurs, and the fire trucks are responding to that fire, and then let’s say my house starts burning, I have been diluted with regard to the services because they built the building.

Response:
Community services are assessed during the SEQRA process to ensure that capacity exists, or that services can be expanded to mitigate any potential impacts from a proposed project. In the case of the proposed rezoning, there is no direct impact to services since the action does not approve any new development. Each and every
The project proposed for the south campus would go through the site plan approval process, which if deemed necessary, would include a reassessment of the impact to community services and the need for the project sponsor to mitigate those impacts.

Comment
Number  Commenter, Commenter No. (s)
F9. P-16, P-5

Comment:
More students would have children attending the Rush-Henrietta School, such as Whipple Park. And I am wondering if Rush-Henrietta School District has been formally notified of this possible change, because this is a non-Brighton issue.

Response:
The University’s proposal to rezone its land from residential to IPD would result in a lesser demand on the school district. Refer to DGEIS p. 94 which details the greater impacts to the school systems if the lands were developed per current zoning.
G. STORMWATER/DRAINAGE/UTILITIES

Comment: Concerned over the failure of storm water management on existing properties already developed by the University which causes chronic uncontrolled flooding directly impacting downstream properties occupied by ordinary town residents.

Response: Refer to the Drainage Report in Appendix A of the S-DGEIS for information on how the University proposes to reduce existing flooding concerns in this watershed.

The University does not believe there are any failures of existing stormwater management practices on University property.

Comment: The University offers little or no recognition of substantial storm water problems impacting residents. The University asserts that adverse impact on downstream properties is minimal or negligible. The University reductionist contribution to runoff is lesser and that flooding is only occasional flatly contradicts citizen testimony & photographs. In short, scientific findings by University fail to square with long term documented experiences by residents.

Response: The University recognizes the stormwater problems directly affecting the residents on Crittenden in the Furlong Creek watershed. The area of flooding is a naturally low area that lies at the downstream end of a large watershed area. Most of the stormwater runoff flowing to this area is not coming from University owned property. The University has, however, worked with the Town to complete additional drainage studies and solutions to the problems. The University-completed studies and analysis has identified and proposed some mitigation measures in the potential development area to help decrease stormwater flows from University property. Refer to section VI B of S-DGEIS and the Drainage Report in the S-DGEIS Appendix A.

The potential future development on University property will help existing drainage problems while meeting stormwater requirements for the future development. There will be stormwater management facilities proposed to not only collect and treat stormwater runoff from the developed area, but also from all areas tributary to the development and
stormwater management facility. This includes areas that would otherwise discharge off the property untreated. Refer to the Drainage Report included in Appendix A of the S-DGEIS for additional information on future stormwater management within developed areas.

Comment Commenter, Number Commenter No. (s)

Comment:
We need a detailed drainage plan from the University that deals with existing drainage problems (and water quality) of the entire watershed, and plans, with associated costs, to mitigate future impacts from the proposed development.

Response:
Refer to the response to G2., above.

Comment Commenter, Number Commenter No. (s)
G4. P-9, P-19

Comment:
Wetlands in the area are important to controlling flooding. People living adjacent to this property commented at the March 8, 2006 hearing that increasing development has caused flooding on their properties.

Response:
Refer to the response to G2. above.

Comment Commenter, Number Commenter No. (s)
G5. P-10, A-10

Comment:
What is the cost for building and maintaining sanitary sewers? And what is the capacity of the current sanitary sewer treatment facilities?

Response:
Refer to the Sanitary Sewer Report included in Appendix F of the DGEIS. There are no new sanitary sewers proposed. Minor sanitary sewer/lateral extensions may be required, which will be identified in detail when specific projects are proposed at a future time. The cost for construction would be borne by the University; the cost of maintenance, which
would be nominal for a minor sewer extension, would likely be covered by the Town’s existing sewer maintenance plan.

The Master Plan for the South Campus, included in Section III, outlines a slightly more detailed potential plan for development that will likely not require any sanitary sewer extensions.

Comment Commenter, Number Commenter No. (s)
G6. A-4

Comment:
In conjunction with the flow monitoring study of the Town’s sanitary sewers, the RPWD will require the University to include the monitoring of the RPWD sanitary sewer flows downstream of the Brighton No. 5 force main to determine available capacity in the RPWD sanitary sewer.

Response:
The University will include monitoring of the RPWD sanitary sewer flows downstream of the Brighton No.5 force main in conjunction with the Town’s sanitary sewers upstream of the Brighton No.5 pump station.

Comment Commenter, Number Commenter No. (s)
G7. A-5, P-18

Comment:
The proposed development has the ability to significantly impact the sanitary sewer capacity. Is there adequate capacity to handle the increased flow from the proposed project and for the future connection of the surrounding residential areas currently served by septic systems?

Response:
The capacity of the sewer system is adequate, as documented in the Sanitary Sewer Report included in Appendix F of the DGEIS.

Comment Commenter, Number Commenter No. (s)
G8. A-6

Comment:
On page 16 and Figure 9 – References to parcels, properties and pods are confusing, making it difficult to reference the text to the respective figure. And Figure 13: Ponds 2 and 3 need to be labeled.
Response:
The S-DGEIS includes the University’s updated concept site and revised stormwater management plan, so Figures 9, 13 and 14 of the DGEIS are now obsolete. The S-DGEIS include new figures and the updated Drainage Report that detail the proposed stormwater facilities.

Comment:
Regarding Appendix E - Water Supply Report

1. Label property #12 on FW-2.
2. In pod #9 on FW-2, shift the building area off of the existing watermain or show the watermain to be relocated.
3. On page 4, section 4a, Pods 1 & 2: a 6-inch diameter pipe is referenced in the text while an 8-inch diameter pipe is shown on the figures. Which is correct?
4. Pod 3: Show the existing 8” watermain along West Henrietta Road on figure FW-1.
5. Pod #9: Reference is making to properties 9 and 11. Is “properties” the same as “Pods” and where is number 11?
6. Under the impact of Rezoning calculations: For the Rezoning scenario, only one building was included in the fire demand calculation, yet fires in 2 to 3 locations were assumed under the Current Zoning and Town Comprehensive plan scenarios. A more accurate comparison would have the same number of fires in each scenario and hydrant flow should also be included in institutional demand.

Response:
1. The figures from Appendix E of the DGEIS were updated to include the label on Property #12.
2. The building locations are shown for schematic purposes to show a possible development plan based on the rezoning, only. There will be no buildings proposed for construction over existing water supply mains. As each building is proposed, the water system will be analyzed as part of the site plan review process to coordinate existing and proposed water line locations.
3. The reference to 6-inch diameter water supply main in the text is correct. The figures in Appendix E of the DGEIS have been updated to show the correct diameter. The revised figures are included in Appendix F.
4. The water line figures and maps in Appendix E have been updated to include the 8-inch water supply main along West Henrietta Road.
5. Pods and properties are not the same: the Pods were shown as potential building areas in the various areas of the Rezone Property. The pods are no longer proposed; please refer to the S-DGEIS for the current concept plan.
6. Under the current zoning scenario, residential zoning is included both north and south of Crittenden Road. A fire demand was determined for each of the development areas and combined for the total demand under the current zoning scenario.
Under the Town Comprehensive Plan 2000, residential zoning was shown south of Crittenden Road and a combination of residential and institutional development was shown north of Crittenden Road, was also included north of Crittenden Road. A fire demand was determined for each development and combined for the total demand under that zoning scenario.

Under the proposed zoning, only institutional development north of Crittenden Road is proposed; and there is no development proposed south of Crittenden Road.

“Fires” were not considered at different locations; demands were determined for each residential development location based on MCWA design requirements of fire demand at the most remote hydrant with a coincident domestic demand from all residents. That demand is used to check the effects of those residential developments on the existing system.

Demands for the institutional developments were based on fire suppression system demand, consistent with MCWA design standards, which is the highest demand considered for an institutional building and the demand determined to check the effects the proposed building would have on the system. The fire suppression demand also includes a demand for fire hose. Actual development for the University (buildings and their locations) is not known at this time. As such, actual demands will need to be determined when the specific projects are proposed in the future. Because there will not be water supply distribution systems required to serve any of the proposed development within the rezone property, the fire demand will likely not be as high as what would have been required under previous zoning scenarios for residential development.

Comment

Commenter, Commenter No. (s)

G10. A-6

Comment: Regarding Appendix F – Sanitary Sewer Report - On drawing FS-1, show the MCPW property boundaries for the Brighton No. 5 Pump Station. Adjust Pod#2 development area so that no impact to the Pump Station property is indicated.

Response: The pod/building locations were shown for schematic purposes to show a possible development based on the rezoning, only. There will be no development proposed or impact to the MCPW property.
G11. P-18

Comment:
The report quotes, and I have seen this in other drainage reports, the error gets repeated, that there is a 30-by-36-inch culvert here. I measured it. It’s 28 inches wide. The difference between 30 and 28 inches is a percentage that is obviously going to reduce flow. It is 38 inches high. However, during the event where you see me standing in waist-high water, that culvert isn’t overtopping yet. There is still height to that culvert. So, if we use that whole culvert, that water is probably definitely in my house. After this culvert, there is another culvert that it must pass that’s even smaller. It’s only 22 inches by 29 inches. During this particular event, it was overtaken by this. My questions are, are these calculation correct on quoting the wrong type of culvert? Or do they really agree with the reality?

Response:
There were no calculations performed on the capacity of the culverts. It is evident by reported flooding events that these culverts are undersized for the stormwater flows that are now directed towards them currently, as opposed to when they were installed. There is no dispute that flooding has occurred.

The University has worked with the Town to propose mitigation measures on the re-zone property that can help alleviate some of the flooding. However, there are still significant areas, exclusive of the University-owned lands - which direct stormwater runoff to these culverts. Refer to the Drainage Report in the S-DGEIS Appendix A.
APPENDIX A

Written Comments on the DGEIS
March 6, 2006

Mr. Ramsey Boehner, Town Planner
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Re: University of Rochester IPD Rezoning DGEIS – Town of Brighton

Dear Mr. Boehner:

We have reviewed the DGEIS as well as the traffic impact study prepared by FRA Engineering for the University of Rochester IPD rezoning and have the following comments.

In general, the DGEIS discusses the amount of square footage of development that could occur and the possible mitigation that would be required for various scenarios. As discussed at the 2/15/06 workshop with the Town Board, we suggest viewing proposed development in terms of the number of vehicle trips generated instead of square footage. The exact type of land uses are not yet known and any mitigation will vary due to the type and intensity of the proposed development.

The report identifies and discusses future improvement projects in the area which will be implemented over the next 10+ years by NYSDOT. If possible, the report should identify more specifically the State plans which are currently known, and the construction schedules updated accordingly. In addition to the unknown scope of the NYSDOT projects is the reality that the traffic related improvements from these future NYSDOT projects will not be known until the projects have been completed. In summary, there are too many variables in schedules, timing and effect on the traffic network to confidently predict what mitigation would be appropriate.

The following are some specific items to address in the report.

- We have some concerns about extrapolating current turning movement counts using 1997 data. A comparison should be done using some current counts at key intersections. How accurate are they compared to current turning counts?
- The trip generation calculations should be completed using the current 7th edition of the ITE manual instead of the 6th edition which was used.
- The need for the widening of Kendrick Road overpass over I-390 was not discussed. Clearly, the overpass will need widening at some point. However, potential NYSDOT interchange projects may effect this road as noted above.

The report did not study the intersection of Kendrick Road at Lattimore Road or Westmoreland Road for impacts.
March 6, 2006
Ramsey Boehner
Page 2

- The report stated that MCDOT will be studying the section of E. Henrietta Road between Crittenden Blvd. and I-390. This is inaccurate; NYSDOT is currently progressing design plans for E. Henrietta (Jarley Rd. to I-390) and also has future concept plans for both E. Henrietta and W. Henrietta Interchanges with I-390. In addition the City of Rochester has a project in the planning phase for a future year construction, which is reviewing Mt. Hope Avenue from Elmwood Avenue to I-390 and E. Henrietta Road from Mt. Hope Avenue to South Avenue.

In the Synchro analysis completed for the traffic report, some adjustments and incorrect signal and pedestrian timings were used. When corrected the analysis results may identify, alter and require additional mitigation measures to address traffic issues. Attached to this memo are detailed comments on the Synchro analysis.

In summary, we agree that the traffic impacts for this rezoning can be mitigated with the listed mitigation opportunities. However, there are too many assumptions made to conclude which are reasonable as development occurs in the future. The timing and completion of the NYSDOT projects in the area has a significant impact on proposed mitigation in any of the development scenarios. Since the timeframe for the implementation of this development is over many years, and the specific plans and schedules are unclear for the entire report timeframe, communication with all involved agencies will be necessary throughout the development of specific project proposals to continuously stay updated on schedules of improvements. Therefore, we recommend that traffic reports be prepared as individual parts of this project come for approval to look at the overall traffic picture as it changes. The County requests to be included in the review of future site plans and traffic reports associated with this project.

If you have any questions, or require additional information, please call Henry Herdzik or me.

Sincerely,

[Signature]

Timothy P. Frelier, P.E.
Associate Engineer

ATTACHMENT

TPF/hh

c: 
T. Rice
J. Pond
T. Goodwin, MC Planning
D. Goehring, NYSDOT
G. Stam, City of Rochester
D. Kennelly, FRA Engineering
Common To All Runs

1. The intersection of Kendrick Road at Westmoreland Road should be included in all analyses. This would help to determine the number of through lanes needed on Kendrick Road in the various scenarios and any needed mitigation at this intersection.

2. Mount Hope Avenue is incorrectly identified in the Synchro model as West Henrietta Road in some sections within the City. The name changes to Mount Hope Avenue at the south City line, yet it is named West Henrietta Road in the Synchro models farther north, so the intersection names are wrong on many of the Synchro reports.

3. Mt. Hope/Crittenden/East Henrietta has a 7 second delay in the phase startup of the eastbound left turn movement. This delayed phase start must remain for safety reasons. The delay was removed in all scenarios of the analysis, including existing.

4. Peak hour factor values of 0.95 are used for many of the intersections. Values of 0.90 are more typical and would represent a more conservative analysis.

5. The PM volumes along Kendrick Road between the Lot 1 south driveway and East River Road are highly imbalanced in all scenarios. Although midblock driveways may explain part of the imbalance, the difference is too great and a volume balancing adjustment is needed. This is likely to increase the forecasted volumes on this road.

6. The trip distribution for Kendrick Road has gone from one extreme to the other. Previously, it was forecasted to be used by 32% (AM) and 57% (PM) of the site traffic, which we believed was too high. Now it is forecasted as only 3% for both the AM and PM traffic, yet the same data sources are being cited in the report as were cited before. What process is being used to develop these distribution numbers? If they were so high for Kendrick Road before, how can they be so extremely low now?

Existing Runs

7. East River Road/Kendrick/Murlin has existing pedestrian timings of 7 seconds walk/18 seconds flashing don’t walk east/west and 7 seconds walk/14 seconds flashing don’t walk north/south. These timings are not correct in the model.

2008 – 250,000 SF

8. East River Road/Kendrick/Murlin needs to have pedestrian service added on the north, west, and south legs of the intersection. This will control the split times. In this and subsequent scenarios, the east/west split time for East River Road tends to be too short to service pedestrians, especially in the scenarios where the northbound and southbound approaches are widened.
9. East River Road/Kendrick/Murlin shows east/west left turn phases of only 8 seconds in total duration. This would result in a green arrow lasting only 3 seconds long, which is inadequate for motorist reaction and start-up time. The minimum acceptable split is 10 seconds.

10. As intersections are modified, they must have a reasonable clearance time entered for each phase. In the 2008 mitigation scenario, Mt. Hope/Elmwood has no all-red time entered on all of the protected left turn phases. The all-red times were correct in the existing scenario.

11. As lanes are added to widen each intersection, the pedestrian clearance times need to be increased to account for the longer crossing distance. This in turn affects the practical split times that can be used. An example is Mount Hope/Elmwood in this scenario. The proposed mitigating measures may not be adequate with the corrected split time requirements.

12. The intersection of Kendrick/Lattimore fails in this and subsequent scenarios as an unsignalized intersection. Measures must be proposed to mitigate this situation.

13. The report recommends allowing permissive north/south lefts at the intersection of West Henrietta Road (actually Mt. Hope Avenue) at Westfall Road/Westmoreland Road as a mitigating measure. These permissive lefts are already allowed.

2008 – 1,000,000 SF

14. By the time this size of growth occurs, Kendrick Road’s volume would be well in excess of 1000 vehicles per hour per direction. Based on the projected volume, it would need to be widened to two through lanes in each direction. This would require widening the bridge over I-390 as well. This and subsequent analyses should reflect the widened roadway at each affected intersection.

15. As noted earlier, the intersection of Mt. Hope/Crittenden/East Henrietta is missing its 7 second pedestrian delay in the phase startup of the eastbound left turn movement. This delayed phase start must remain for safety reasons. The intersection would have an unsatisfactory operation as it is shown in the model when this required phase is taken into account. Therefore, additional mitigation must be identified.

16. The proposed signal at the East River Road/Site Drive #2 intersection reflects a v/c ratio of 1.07 on the eastbound approach during the PM peak, which is unacceptable. The proposed signal timing also does not provide sufficient time for a north/south pedestrian crossing. Additional mitigation must be identified.

17. The scenario identifies that a second exiting lane is needed on Site Drive #2 at East River Road to separate left turns from rights. As this separation would allow right turns on red, the second exiting lane should be built when the driveway is originally constructed.
18. East Henrietta/Westfall is shown in this scenario as changed to leading protected left turn phases, allowing for the split times to be directionally adjusted. This is okay, but it is not noted in the report. The east-west pedestrian crossing times need to be restored to their existing timings (17 seconds of pedestrian clearance time is required east/west, but it was reduced to 12 seconds in the model). With the adjusted split times that result, the proposed improvements are insufficient. Additional mitigation must be identified.

19. The proposed change to a 110 second cycle at only the Mt. Hope/Westfall/Westmoreland intersection would cause this intersection to be out of coordination with all other adjacent intersections. Any change in cycle length would need to be done at all intersections in this area. Since NYSDOT intersections on West Henrietta Road at and near the I-390 interchange currently operate at a 120 second cycle length in the PM peak hour, this would be the logical cycle length to use. In fact, the PM peak cycle length in this area of the City was recently changed to 120 seconds at all intersections to coordinate with the NYSDOT intersections and to reduce congestion.

20. At Mt. Hope/Westfall/Westmoreland, the westbound left turn phase is incorrectly shown as lagging in this and other scenarios, which would be an unsafe phasing sequence.

21. At Mt. Hope/Crittenden/E. Henrietta, Mt. Hope/Westfall/Westmoreland, Mt. Hope/Elmwood, and E. Henrietta/Westfall, this and other mitigation scenarios show substantial reductions in the pedestrian clearance times, which then allowed some of the splits to be shortened. This time reduction is unsafe for pedestrians and cannot be allowed. In fact, the pedestrian times need to be increased to account for the longer distance across the added right and left turn lanes (see comment #11). With the corrected splits, some of these intersections will have failing movements at this level of development, and others will fail at lower levels of development than shown in the report. Additional mitigating measures need to be identified for any locations that cannot operate acceptably within the pedestrian timing requirements.

22. The proposed southbound dual left turn from Mount Hope Avenue onto East Henrietta Road must be operated as a protected only left turn for safety reasons. As this would reduce the projected capacity, the analysis for this scenario must be rerun. It also requires the widening of East Henrietta Road to add a second through lane to receive the dual lefts (there is only one receiving lane now) which must be identified in the report as an accompanying improvement.

23. The report lists the addition of a second southbound through lane at the East River/Kendrick/Murlin intersection as an identified improvement for this scenario. The analysis does not reflect this.
24. The report mentions the addition of a third westbound lane at the intersection of East River Road and I-390 SB for this scenario. The analysis shows this third lane as a right turn only lane. The report should describe it accordingly.

25. The report mentions the addition of a third westbound through lane plus a left and right turn lane at the intersection of East River Road and West Henrietta Road for this scenario. The analysis does not reflect this.

26. The E. Henrietta/Westfall intersection will have failing movements at this level of development if the pedestrian time adjustments are made (see comments #18 and #21). Additional mitigating measures need to be identified.

27. At Mt. Hope/Westfall/Westmoreland, the north/south left turn phases are shown as 10 seconds, which is too short for a lag left turn phase. Also, this intersection will have failing movements at this level of development if the pedestrian time adjustments are made (see comment #21). Additional mitigating measures need to be identified.

2023 – 2,000,000 SF

28. The pedestrian split errors mentioned in comments #21, #26, and #27 were also carried over into this scenario. Additional mitigating measures need to be identified for any locations that cannot operate acceptably within the pedestrian timing requirements.

29. The report describes dual left and right turn lanes at East River Road and the I-390 SB Ramp, but the analysis does not reflect this lane configuration.

30. The report describes dual northbound left turn lanes at East River Road and West Henrietta Road, but the analysis does not reflect this lane configuration.

31. The Mt. Hope/Elmwood intersection is proposed to be widened to three eastbound through lanes in this scenario. That would require also adding a third eastbound through lane at other adjacent intersections to provide lane continuity. A more logical widening to keep the improvement localized would be to go to dual protected westbound left turns instead of a third eastbound through lane.

32. The problems with the proposed southbound dual left turn from Mount Hope Avenue onto East Henrietta Road identified in comment #22 also apply to this scenario.

500,000 SF Buildout (Report Page 28)

33. The report lists specific improvements for a potential 500,000 SF buildout scenario. There is no analysis data provided to support the listed improvements, and the year is not specified. If the improvements were derived by extrapolating the results for the various scenarios, they are subject to the same problems that were listed above.
Patricia and Robert Levine
1015 Crittenden Road
Brighton, New York 14623

March 10, 2006

UNIVERSITY OF ROCHESTER ENVIRONMENTAL IMPACT STATEMENT

1- The university should not obtain a blanket rezoning that would allow them to place any structure -- at their discretion -- on the West Brighton campus. The build-out should be gradual in small lot sizes which will allow their impact on the surrounding residences and environment to be analyzed and optimized for the lowest impact. This would minimize the danger of onerous chronic conditions.

2- The university’s impact statement should not be accepted for the following reasons.

a- It needs to conduct a full study related to air pollution within the West Brighton campus that takes into account existing air pollution as quantified by the risk scores calculated by the Environmental Protection Agency (see appendix 1.) This should be done for the following building uses, but not restricted to those uses: radiological emissions; biological emissions; chemical emissions.

b- It needs to provide an environmental impact for a catastrophic fire in each building type (radiological, biological and chemical.)

c- The university’s description of drain disposal of chemicals is inadequate. In addition to the restrictions imposed upon those chemicals classified directly as hazardous, and those chemicals that are not classified as hazardous but have specific properties that will assign them to a hazardous classification, there should be at least, but not limited to, one other list. The other list, Non Hazardous Chemicals List, is used by Cornell University Joan and Sanford Weill Medical Center (see Appendix 2, Chemical Selection Criteria.) The non-hazardous chemical list embodies the names of chemicals allowed down-the-drain. This list should contain detailed information regarding each chemical on that list and the specific reason each chemical will not harm or produce annoying odors to residences residing in the West Brighton Campus. Moreover, the list with all its details should be easily accessible by the public.

d- The University, in the Environmental Impact Statement, should describe how they will prevent catastrophic events in their radiological, biological and chemical structures. As an example of such a catastrophic failure (see Appendix 3,) but not limited to the example, a centrifuge failed mechanically and spewed metal throughout the area, and severed a natural-gas line causing an explosion. This could start a fire which will douse homes with radiological, biological and/or chemical material as far as miles away due to wind gusts. That would cause an environmental catastrophe. How would that be prevented? This was not discussed or analyzed and should be.
c- A large part of the West Brighton area is in a floodplain. There was no (zero) analysis with regard to flood waters dispersing radiological, biological and/or chemical waste material throughout the West Brighton area. That would also cause an environmental catastrophe.

3- The West Brighton community is sparsely populated per unit area and therefore can't continue to bear the onerous cost from educational institutional structures that require services such as Police, Ambulance and Fire. Since Monroe County already benefits economically from these institutions and will continue to benefit from their expansion, both Monroe County and the educational institutions must bear their fair share of the cost immediately. There should be no approval by the Town of Brighton unless all those parties agree.

4- In conclusion: Since there are so many complex variables that were not considered in the University's Environmental Impact report, and these complexities will require years to adequately digest and debate, I recommend a significant increase in time for the milestones assigned to this project, and only a Phased Implementation be considered. Secondly, Monroe County and the institutions should be required to contribute or nothing should proceed.
APPENDIX 1

AIR QUALITY
Data say Monroe has state's unhealthiest air

Areas near Kodak Park rate high for risk

Misty Edgecomb
Staff writer

(December 14, 2005) — When school lets out in western Irondequoit, crossing guards walk children along the tree-lined streets to their snug brick houses. With Christmas lights twinkling at dusk, it looks like the perfect place to raise a family. But an analysis of federal air pollution data finds these streets harbor some of the state's unhealthiest air.

Sometimes there's a chemical odor, and on other days it's hard to breathe, said Jenny Elahi, who was jogging toward her Long Acre Road home Tuesday afternoon.

"I'm just getting finished with my run and, already (I have a) sore throat," she said.

Elahi's street marks the southern boundary of a neighborhood — across the river from Eastman Kodak's stacks — that has the highest health risk from industrial air pollution in the state, says an Associated Press analysis of federal data. Nationally, the area was the 33rd riskiest, out of the 65,443 census tracts, used by the U.S. Census Bureau to define neighborhoods.

During the Clinton administration, the Environmental Protection Agency began tracking the health risks of long-term exposure to industrial pollution by considering the companies' own reports of what was coming out of their stacks, the prevailing wind patterns, the levels of danger posed by exposure to various chemicals and the ages and genders of local residents.

The AP matched the agency's 2000 rankings to the census maps to predict the portions of the country with the highest risk of health problems from air pollution. Monroe County had the unhealthiest air in New York and was at No. 70 nationally, out of more than 3,000 U.S. counties.

More than 6,000 of every 10,000 county residents could expect to become ill as a result of exposure to industrial air pollution, the analysis said. However, an EPA spokeswoman said Tuesday that the data was designed to be used for comparison purposes, not to predict whether any one person might become ill. People often work in different communities than where they live and move many times, making the individual risks difficult to predict.

The alleged high health risk in the Rochester area didn't come as a surprise to Dr. Peter Iwanowicz of the American Lung Ast New York.

"Air pollution is known to make people sick and cut lives short," he said. "Several thousand New Yorkers die every year as a result of pollution. Tens of thousands of heart attacks can be linked to dirty air."

In New York, 63 of the 107 neighborhoods with the highest health risk ratings were in Monroe County, according to AP's data mapped, the neighborhoods form a bulls-eye around Kodak Park, Eastman Kodak's sprawling industrial facility.

In fact, Kodak Park was one of the three factories across the nation that created potential health risks for nearby residents in accordance to AP's analysis. (The others were Eramet Marietta Inc. in Marietta, Ohio, and Titan Wheel Corp., in Walcott, Iowa, http://www.democratandchronicle.com/apps/pbcs.dll/article?AID=/20051214/NEWS01/5... 12/14/2005
But pollution from Kodak Park has declined significantly in recent years, said Kodak spokesman Chris Veronda. Total air emissions fell 85 percent since 1987. Meanwhile, releases of methylene chloride, a chemical used in film production, a possible carcinogen, have fallen from 8.7 million pounds in 1987 to about 600,000 pounds this year, Veronda said.

"There are two sides to every coin — Kodak has done a lot of good things as far as jobs and being supportive of the community have polluted our area terribly. Is it worth it?" said Carol Messina-Provost of Greece, who lived near Kodak Park until last year.

A series of local health studies have been done but none has proven a "significantly higher" rate of illness from Kodak, said C.J. Doniger, Monroe County's health director.

Still, local environmentalists can't help but suspect a link between Kodak emissions and illness when "neighbor after neighbor" reported health problems, Sue Mihalyi of the Rochester-based Kandid Coalition, told the AP. "It's so easy to introduce doubt, to say 'it's the weather' or 'it's your genetics' when, in fact, it may have a lot to do with what you're breathing in."

No study has looked specifically at the incidence of respiratory problems in Rochester, but whenever local surveys are done in New York, rates are high, Iwanowicz said.

Elahi taught at a nursery school near her Irondequoit home and saw many children with asthma, including her own 10-year-old whose illness she blames on the air quality around their home.

Particulate matter — microscopic pollution — irritates lung tissue and is viewed as a potential cause of asthma. In southern California, where the nation's dirtiest air, according to other EPA data, ozone pollution was shown to trigger the disease. And increases in air pollution in the past decade believe that the tiniest particles — each about the size of a virus — may trigger cardiac problems, said Dr. Mark Utell, director of the pulmonary unit at the University of Rochester Medical Center.

Residents across the United States are facing these same risks, though at very different rates, the AP analysis indicated. A list of the 10 highest-risk counties included nine states.

Monroe and other areas singled out as the state's unhealthiest are primarily white and middle-class and that's unusual. The AP analysis indicated that black Americans are 79 percent more likely to live in neighborhoods where industrial pollutants present health risk.

"There is no level playing field," said Robert Bullard, director of the Environmental Justice Resource Center in Atlanta.

Includes reporting by Ben Dobbin and David Pace of The Associated Press.
APPENDIX 2

CHEMICAL DRAIN DISPOSAL
Drain and Trash Disposal of Chemicals

Overview
The disposal of chemicals via a sink drain and/or normal trash is highly-regulated and subject to public concern and scrutiny. Federal, state, and city government agencies have established rules and regulations which strictly limit chemical disposal to the sewer and trash. These rules and regulations have been established to protect human health and the environment from an exposure to hazardous substances, as well as to prevent damage to the City's water treatment facilities.

In addition, all of the College's refuse waste is collected, handled, and processed by numerous persons prior to its ultimate disposal. During this period, the potential for containers to break and expose person(s) to an "unknown" chemical could be significant. Furthermore, with the increased public alarm and concern about chemical and biological agents being released to the public, it has been determined that it is in the College's and public's best interests to not allow the disposal of containers of chemicals via the normal trash.

This Update shall provide instruction to determine if a chemical is acceptable for drain or trash disposal.

Applicability
All persons employed by or working on behalf of the College that intend to dispose of chemicals via the drain or trash must strictly adhere to the procedures identified in this Update. These procedures shall identify the proper means for determining if a chemical is suitable for drain or trash disposal. Only non-hazardous chemicals, as determined by Environmental Health and Safety (EHS), may be suitable for drain or trash disposal.

Please note that this Update does not apply to the following categories of chemicals. Please refer to their respective EHS Update for pertinent disposal procedures and information. Furthermore, EHS reserves the right to approve the discharge and/or disposal of certain wastes on a case-by-case basis.

- Disinfectants
- Medical Specimen Waste
- Perfusion Wastes
-
Responsibilities

Generators ensure that chemicals and empty containers are properly discharged, disposed, recycled, and/or otherwise processed in accordance with this procedure and the College's Waste Disposal Procedures. Generators obtain current copies of the Non-Hazardous Chemical List and Acutely Toxic Chemical List from Environmental Health and Safety prior to disposing of a chemicals and/or empty containers in accordance with this procedure.

Environmental Health and Safety (EHS) ensures that the information provided to the generators is concurrent with the laws and regulations governing the specific means of disposal. EHS reviews and updates the Non-Hazardous Chemical list on an as needed basis.

Chemical Selection Criteria

Only the chemicals identified on the Non-Hazardous Chemicals list (Attachment B) are considered suitable for drain and trash disposal when following the procedures listed below. A chemical was determined to be acceptable for drain or trash disposal if it did not exhibit the following characteristics:

- toxic substance which may adversely affect human health or the environment (e.g., have an oral-rat LD50 toxicity value less than 500 mg/kg or identified as a toxic/priority pollutant by the EPA);
- carcinogenic substance according to the National Institute of Occupational Safety and Health (NIOSH) 1979 Registry of Toxic Effects of Chemical Substances;
- hazardous waste as defined in 6 NYCRR Part 371-Identification and Listing of Hazardous Waste;
- flammable (i.e., has flashpoint less than or equal to 140°F) or explosive liquids, solids, or gases;
- noxious or malodorous gas or substance (e.g., mercaptans);
- chemicals or substances containing any of the following metals:
  - Arsenic
  - Barium
  - Cadmium
  - Chromium
  - Copper
  - Lead
  - Mercury
  - Nickel
  - Selenium
  - Silver
  - Zinc
- biological hazard; and/or
- radioactivity.

Procedure

Attachment A is available to assist in determining the proper means for disposing your chemicals. In addition, all chemicals can be managed and disposed as hazardous wastes in accordance with the College's Waste Disposal Procedure.
Procedures.

**Liquids:** Liquid chemicals to be disposed via a drain must:

(1) meet the following characteristics:

- contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes;
- contains no biological hazards;
- chemical constituents listed on the Non-Hazardous Chemicals list (Attachment B);
- liquid not exceeding 5 gallons (19 liters);
- contains less than 10% solids or viscous substances which are insoluble in water;
- contains less than 50 mg/L (ppm) oils and greases; and
- have a pH greater than 5.0 and less than 11.0 or not have any other corrosive property likely to cause damage to structures or equipment of the sewerage system.

(2) discharge to the sewer via a laboratory sink drain only;

(3) flush with copious amounts of water (15-20 times the original volume); and

(4) allow the previous chemical to be completely flushed prior to discharging the next chemical waste.

Note: Other chemicals may be suitable for disposal via this procedure. However, the discharge of chemicals not specifically listed as a Non-Hazardous Chemical is strictly prohibited. Generators may submit requests for chemicals to be reviewed by contacting EHS. An EHS representative will review the request to determine if the chemical should be added to the list.

**Solids:** Though containers of chemicals are not approved for disposal via normal trash, standard laboratory articles (e.g., gloves, pads, etc.) contaminated with non-hazardous chemicals may be disposed via the trash. In order to dispose of contaminated laboratory debris via the trash, it must:

(1) meet the following characteristics:

- contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive materials;
- contains no biological hazards;
- chemical constituents listed on the and
- free of excess or free-flowing powders.

(2) if plausible, be consolidated into a bag or other container to minimize potential releases; and

(3) be placed in a normal trash receptacle for Housekeeping to collect.

Note: It is important to be conscious of the potential harm and alarm which may result from the disposal of contaminated laboratory debris with excess or free-flowing powders. If a contaminated item contains excess powders which may result in the
forming of "dust clouds" during its handling, then these items should be managed and disposed as a hazardous waste in accordance with the College's Waste Disposal Procedures.

**Empty Containers:** A container is considered "empty" if it contains less than or equal to 3 percent by weight of its total capacity. In order to dispose of "empty" containers via the trash, it must:

(1) meet the following characteristics:

- contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes;
- contains no biological hazards;
- contains less than or equal to 3 percent by weight of its total capacity; and
- originally did not contain an acutely toxic chemical. The list of acutely toxic chemicals is available via the EHS website. Acutely toxic chemical containers must be managed and disposed as a hazardous waste in accordance with the College's Waste Disposal Procedures.

(2) attempt to recover, collect, or use all of the container's contents (e.g., no contents should be able to immediately spill from the open container if held upside-down);

(3) triple rinse with water and discharge the water down a laboratory sink drain;

(4) remove or deface labels; and

(5) discard in an appropriate refuse container with lids removed for Housekeeping to collect.

- Glass in a rigid cardboard/glass collection box.
- All others in a clear plastic garbage bag (double-bagged).

**References**

NYSDEC 6 NYCRR Part 371 – Identification and Listing of Hazardous Waste

NYCDEP Chapter 19 – Use of the Public Sewers

NIOSH 1979 Registry of Toxic Effects of Chemical Substances

USEPA 40 CFR 401.15 – Toxic Pollutants

http://www.med.cornell.edu/ehs/updates/drain_trash.htm

2/6/2006
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November 2003
APPENDIX 3

LABORATORY ACCIDENTS
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http://www2.umdnj.edu/cohssweb/aiha/accidents/centrifugephoto1.htm

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Centrifuge Explosions

High Speed Centrifuge Incident

Unapproved Rotor Explosion

A laboratory was seriously damaged when the rotor of an ultracentrifuge failed while in use. Flying metal fragments damaged walls, the ceiling and other equipment. The shock wave blew out the laboratory's windows and shook down shelves.

Description of the Accident

Milk samples were running in a Beckman L2-65B ultracentrifuge using a large aluminum rotor (a rotor is a large metal object that holds the individual sample tubes and is connected to the spin drive of the centrifuge). The rotor had been used for this procedure many times before. Approximately one hour into the operation, the rotor failed due to excessive mechanical stress caused by the "G" forces of the high rotation speed.

The subsequent explosion completely destroyed the centrifuge (picture 1)(picture 2). The safety shielding in the unit did not contain all the metal fragments. The half-inch thick sliding steel door on top of the unit buckled allowing fragments, including the steel rotor top, to escape (picture 3). Fragments ruined a nearby refrigerator and an ultra-cold freezer in addition to making holes in the walls and ceiling. The unit itself was propelled sideways and damaged cabinets and shelving that contained over a hundred containers of chemicals (picture 4). Fortunately, sliding cabinet doors prevented the containers from falling to the floor and breaking. A shock wave from the accident shattered all four windows in the room. The shock wave also destroyed the control system for an incubator and shook an interior wall causing shelving on the wall to collapse (picture 5). Fortunately the room was not occupied at the time and there were no personal injuries.

The cause of the accident is believed to be the use of a model of rotor that was not approved by Beckman for use in a model L2-65B ultracentrifuge.

Preventing Centrifuge Accidents

Rotors on high-speed centrifuge and ultracentrifuge units are subjects to powerful mechanical stress that can result in rotor failure. In addition, improper loading and balancing of rotors can cause the rotors to break loose while spinning. Everyone using this type of equipment needs to know the proper operating procedures for the specific unit being operated, including how to select, load, balance and clean the rotor. These procedures are explained in the unit's operating manual.

It is also necessary to "de-rate" some rotors (limiting the maximum speed at which the rotor is used to some level below the maximum speed listed for the rotor
when new) based on the amount of use the rotor has received. This requires that operators maintain a comprehensive use log for each rotor. These procedures are explained in the operating manual.

Laboratory supervisors must see to it that operators of this type of equipment are properly trained in the selection, care and use of rotors. In the event a trained and experienced operator is not available to train new operators, contact the service representative for the unit and arrange an orientation program. Check the contact list below for details. If you are unable to reach the manufacturer, please contact EHS.

**Special Warning for Older Equipment**

Older equipment does not have all the safety features built into new units. They are more likely to experience rotor failures and they are more likely to cause injuries when they fail. It is critical that all safety and maintenance procedures specified by the manufacturer are followed. Based on the investigation of this incident, EH&S learned that Beckman L2 and L3 series ultracentrifuges have special operating procedures and restrictions to reduce the risk of damage and injuries. This includes an orange decal on the sliding door that specifies the rotor models that are safe to use in a particular unit (picture 8).

If you have this type of unit and prefer to take it permanently out of service, please disconnect the units from the electric outlet then cut the power cord from the unit.

**Beckman Instruments Urgent Corrective Action Notice**, (Adobe Acrobat format) dated June 22, 1984, many years before this incident, describes two similar centrifuge accidents. The letter goes on to explain that operators of Beckman centrifuges must use only the specific types of rotors that are approved by Beckman for each specific model of centrifuge. The letter provides the complete list of approved rotors for all model L, L2, L3 and L4 centrifuges. **Note:** While this letter was sent to owners of Beckman centrifuges in 1984, the information is still appropriate for these models. It is very important that operators of these units follow these guidelines.

**Centrifuge Safety Resources**
The Howard Hughes Medical Institute has produced an excellent 10 minute videotape on centrifuge safety. Tapes can be ordered free of charge from their website: http://www.hhmi.org/research/labsafe/training/videos.html

Additional centrifuge safety information, including the Beckman/Coulter Rotor Safety Guide and the Sorvall Rotor Care Guide, (a large pdf file posted by Purdue University) are available at the AIHA Laboratory Health and Safety Committee, Laboratory Equipment page.

**Fisher 16 Microfuge Explosion** (top)

A rotor on a Fisher Micro 16 microfuge exploded. No one was hurt. The outer shell of the centrifuge did not contain the explosion and fragments of the rotor sprayed all over the area. The entire front of the centrifuge was blown off. It passed from one bay in the lab to the adjacent bay, smashing bottles as it went. The front narrowly missed hitting a technician’s head.

Another technician who had her back turned to the centrifuge, felt fragments of the rotor spraying her back.

The centrifuge was purchased in October 1996. Fisher takes this event very seriously and has issued a recall notice for Micro 16, Micro 14 and Micro 13 units. The centrifuges involved are several years older and the serial number must begin with the letter M.

The manufacturer of the centrifuge, Denver Instruments stopped making these units years ago. There have been several recalls of the centrifuge in the past, including one to ensure that the cover of the spin chamber clamps shut securely. The centrifuge that blew had the recall repairs.

Rotors must be periodically inspected for wear and damage. See recommendations in the incident described above.
Chemical Waste Explosions

Researcher Burned in Chemical Explosion Due to Improper Disposal of Chemicals

Key Instruction Points:

1. Segregate and dispose of hazardous waste properly through EHS.

2. Use appropriate personal protective equipment.

EHS was notified of a chemical spill in a laboratory at the ____ Building. At that time, EHS was also told that a technician was sent to the Emergency Room because of skin, eye and respiratory irritation. EHS responded and found yellow liquid splattered on the walls, ceiling and floor. Many bottles of chemicals were placed in a red bag medical trash can, of which several were broken. In addition, there were many more bottles on the countertop and floor.

EHS was told that two technicians were cleaning out old chemicals from their lab. They had put the bottles of chemicals into the red bag waste bin, when it appeared that one of the bottles containing ferric chloride broke. An acid mist was created, possibly by water or other broken bottles of chemicals also being present in the bin. The technician stepped closer and peered into the waste bin when an explosion occurred. The yellow liquid splashed all over him.

He immediately took off his lab coat and shirt and showered under the emergency shower and then went to the emergency room. He suffered corneal abrasions and primary and secondary burns to his face.

The resulting damage cost in excess of $2,500. Investigation revealed the following: the lab had been inspected by EHS less than a year ago and was advised to dispose of any old or unwanted chemicals through EHS. At no point was EHS ever informed that the lab needed to dispose of chemicals.

Over the summer, in a similar incident, EHS was anonymously alerted that another laboratory was performing a laboratory cleanout and was disposing of...
chemicals in their housekeeping trashcan. EHS conducted an investigation and located the dumpster where the trash was disposed. In it were benzene, hydrochloric acid, hydrogen peroxide, mannite, pyroxilin and sodium hydrosulfite. All of the illegally disposed chemicals were taken out of the dumpster by EHS and were properly labeled and stored in our waste facility. Fortunately there were no serious repercussions.

What are the lessons from these two incidents? First, all employees must be trained to do their jobs. All lab personnel must be up to date in Lab Safety Training, which includes Chemical Waste Handling. Also, all hazardous waste must be disposed of by contacting EHS. As stated in the Chemical Hygiene Plan, laboratories wishing to dispose of chemicals should schedule a chemical pickup through EHS.

Lab workers should wear personal protective equipment and should take care to ensure that incompatible wastes are not mixed. And finally, all laboratory guidelines described in the Chemical Hygiene Plan should be followed to protect the health and safety of the housekeeping staff and co-workers.

**Waste Solvent Explosion and Fire**

Key Instruction Points:

1. List all contents on hazardous waste labels.

2. Do not mix incompatible chemicals.

At the University of X, in the hazardous waste facility, a 55 gallon drum containing 30 gallons of mixed organic solvents exploded, launching upward into the ceiling. A significant fire ensued. Luckily no one was hurt.

The mixed organic solvents in the drum had been consolidated from solvent waste containers from laboratories throughout the campus. A similar consolidation process is used at many institutions. Solvents are consolidated because there is a significant cost savings in disposing of one large drum compared to disposing of many small containers. This incident demonstrates why it is so important for each lab to fully list the contents on the container's
hazardous waste label.

Chemistry Explosions

Lithium Aluminum Hydride/Tetrahydrofuran Explosion

A researcher at X was seriously injured last December when reducing a substrate using lithium aluminum hydride (LAH) in tetrahydrofuran (THF). Within the last year, at least two other accidents involving procedures using LAH and THF have been documented. Due to the inherent hazards of LAH and THF, researchers must thoroughly plan out experimental protocols and incorporate safety measures to mitigate the hazards of this procedure. We have consulted with an outside expert in these issues, and he has made a number of important safety recommendations for this procedure.

Experimental Review

Figure 1 shows a typical equipment configuration for reducing a substrate with LiAlH₄ (LAH) dissolved in tetrahydrofuran (THF).

Figure 1
Following a typical protocol, an experimenter would:

* heat and flush a 3-neck, glass flask with nitrogen to drive off all moisture.
* remove heat source and cool the flask, but continue to flush with nitrogen.
* add a stir bar, THF (freshly distilled), and LAH
* flush with nitrogen for the rest of the procedure surround the flask with an ice bath.
* turn on the stirrer.
* start water running through the closed loop of the condenser.
* start drop-wise addition of the substrate (which is dissolved in freshly distilled THF)

However, this 'typical' setup is not necessarily the best setup.

**Experimental Recommendations**
Listed below are several recommendations pertaining to this procedure:

1. Use enough solvent to dissolve all LAH. Adding substrate to a slurry of undissolved LAH and solvent is almost as dangerous as adding it to dry LAH. The solubility of LAH in THF is 13g LAH/100g THF at 25°C, and in diethyl ether, 35g LAH/100g diethyl ether. Aldrich does not make solutions more concentrated than 1M (38g/liter). It is recommended to make solutions no more concentrated than 1M.

2. Add LAH to THF rather than adding THF to LAH when preparing solutions. Dissolving LAH in THF is very exothermic! If THF is added to dry LAH, the LAH can easily overheat and decompose exothermically, especially on larger-scale reactions.

3. Keep the ratio of LAH to substrate low. If the reaction goes awry, it's safer to have only a 2-fold excess LAH rather than a 10-fold excess to deal with.

4. Ensure that the stopcock on the substrate dropping funnel works smoothly. If the stopcock sticks, too much substrate may be delivered, creating excess heat in the reaction flask.

5. Ensure that the reaction flask is under a nitrogen blanket. Double check that the nitrogen inlet tube is securely fastened and all air is excluded from the reaction vessel.

6. Prepare the substrate carefully to exclude any residual solvents that might react with LAH. This way, you won't have to use as much excess LAH.

7. Ensure that the substrate/THF solution is free of peroxides. Any added THF should be freshly distilled.

8. Use chilled silicone oil instead of ice and water as a cooling medium. This is now current industrial practice for large-scale reactions. If the flask breaks for any reason, LAH will not react with silicone like it does with water.

9. Use an explosion shield when working with large-scale reactions. Lowering the fume hood sash and wearing protective eyewear is adequate with smaller scale reactions.
10. Quench the reaction mixture, by addition of water or other quenching agents, using extreme caution. Add the quenching agents slowly.

If you have any questions, call your safety office.

Explosive Decomposition of an Organic Azide (top)

Key Instruction Points:

1. Review risk assessment when scaling up reactions

2. Use engineering safeguards for containment and remote handling when using reactive materials.

Incident Description: A chemistry graduate student was isolating an organic azide (benzyltriethylammonium azide) as an intermediate in a process to synthesize a complex organic molecule to be used in a cancer treatment. (She was trying to prepare a 5-deoxy-5-azido nucleoside by azide displacement of the 5-tosyloxy derivative). Several days earlier she had isolated a small amount of this organic azide intermediate by using a rotary evaporator to drive of the reaction solvent. Approximately 0.5 grams of material were initially isolated and used to run analytical tests to demonstrate the purity of the isolated intermediate. Now that she had demonstrated that the initial steps in her synthesis process were successful she scaled up the process 20 fold in order to isolate enough organic azide to continue her synthesis.

At approximately 9:00 on a Sunday night, while working in the lab with two other graduate students, she completed the isolation of approximately 7-8 grams of organic azide in the rotary evaporator. The rotary evaporator was set upon the open bench in the middle of the laboratory.

After isolating the organic azide from a 1:1 solution of acetone and methylene chloride in the Buchi rotary evaporator, she lifted the 250 ml round bottom flask containing the organic azide from a water bath, with the handle provided for this purpose, using her left hand, while her right reached out for the flask.
The flask exploded in her hand, shattering all of the glass associated with the rotary evaporator and glass containers close by on the lab bench. Parts of the condenser were found in a hallway approximately 15 feet away.

Her recollection of the incident and the nature of her injuries, indicate that she did not have the opportunity to break the vacuum on the system or stop the rotation of the flask. It is believed that the raising of the flask alone from the warm water bath initiated the decomposition of the shock sensitive organic azide, perhaps by creating a movement in a contaminated ground glass joint. However, the graduate student does not feel that solvent "bumping" occurred in this case. This could have caused the azide compound to contaminate the glass joints.

**Injuries and property damage caused by the incident:** The glass fragments from the exploding flask severely lacerated the graduate student's right hand and cut her cheek and forehead. The force of the explosion blew her to the floor where she lay stunned and bleeding. The safety glasses she was wearing protected her eyes from glass fragments; otherwise she may have been blinded. The two students with her immediately came to her aid and called an ambulance that transported her to the hospital five minutes away. That night a four-hour surgical operation removed the glass from her face and hand and subsequent surgery restored most, but not all, of the functionality of her hand. She lost the ability to move her thumb. She also underwent multiple plastic surgery operations to improved her appearance.

**Resources spent responding to the incident:** The local fire department responded, and because the incident involved an explosion, the State Fire Marshall's office was also called in. Three University EHS employees took part in the six hour investigation with the three state inspectors and two representatives of the local fire department. The building was closed until the investigation was complete. Upon completion of the State Fire Marshall's investigation, EHS employees cleaned up the spilled materials and blood.

**Cause of the incident:** The explosion was caused by the rapid decomposition of the organic azide which it is believed had worked its way into the ground glass joints between the product flask and the glass column.
on the rotary evaporator. However, after interviewing the graduate student it was apparent that several factors lead up to the incident including:

1. The graduate student had underestimated the risks associated with the material she was isolating. Although she was aware generally of the decomposition potential of azides she did not know just how shock sensitive the organic azide she was isolating was— even though this information was available in the literature.

2. Due to the underestimation of risk, she isolated the azide on open bench without adequate containment such as a laboratory hood and shielding, personal protective equipment, or procedures.

3. She did not reassess the risk when scaling up her reaction. If she had, she would have realized that the material being handled had significant explosive power and due to its inherent instability required substantial shielding and remote handling.

**Recommendations:** To prevent future accidents of this type the following steps were taken:

1. The types of "high-risk" reactions that were being conducted in the Chemistry Department were identified. Based on the type of reaction and the scale (quantity of material), the appropriate safety precautions (both engineering controls and personal protective equipment) were identified and placed in a matrix. This safety precaution matrix table was distributed throughout the Chemistry Department and required to be followed.

2. A formal peer safety review process was established that required the following steps be completed before graduate students were allowed to begin research: (1) a comprehensive literature review must be conducted (safety and chemistry); (2) a protocol safety review form summarizing the hazards and precautions to be taken is completed; and (3) The planned research, information uncovered in the literature review, and safety review form, is reviewed with a peer.

3. A shared use facility was established in which high-risk reactions could be performed and special
procedures for performing these reactions established.

Stirred Reaction Flask Explosion (top)

Key Instruction Points:

1. Don't leave reaction unattended.
2. Use proper PPE.
3. Control sources of contamination.
4. Get chemical hood sash to lowest height possible.

Background: At 10:11:44am, Wednesday, 9 February xxxx, the Fire Department received an alarm from the Chemistry Building, and responded with fire and EMS personnel. County Sheriff officers also responded. At about 10:35am, EH&S personnel arrived at the incident site.

At about 10:10am, an explosion occurred within the Chemistry Laboratory. A Ph.D. research student, performing an experiment inside a fumehood, was injured by flying glass shards, which were generated from an explosion that occurred in a reaction flask (see photo below). Although the fumehood sash was partially down (about half way), the researcher received injuries mostly to the right side of his face (see photo below) and to his left hand and arm. No injuries were associated with the eyes since the researcher was wearing safety glasses with side shields.
The researcher was de-conned in the laboratory emergency shower and received first aid from laboratory personnel, who are also safety representatives for the laboratory. After the first aid treatment, the researcher was escorted from the building to meet the arriving Fire Department EMS personnel. The EMS personnel then transported the researcher to a nearby building for further deconning in a hot water shower. Afterwards, the researcher received additional first aid before being transported to the Hospital ER for treatment and observation. Late in the afternoon, the researcher was released from the ER. On the following Monday, the researcher returned to his laboratory at the Chemistry Building.

Description of Experimental Procedure- The experiment being performed was a modification of the Simmons-Smith cyclopropanation procedure for the synthesis of species for reacting with olefins. Very simply, in a stirred reaction vessel under a dry argon atmosphere containing an ultra-low water and oxygen solvent (250 mL dichloromethane; CAS# 75-09-2) cooled to -10°C by dry ice in acetone, two reactants (diethyl zinc; CAS# 557-20-0 and methylene iodide; CAS# 75-11-6) are sequentially introduced via a fill funnel under dry argon pressure. Photos of the experimental apparatus and equipment are shown in the Incident Investigation section below. In between fillings, the funnel is rinsed with the solvent fed from a one-use, sterile plastic syringe. First, diethyl zinc (13 mL) is added from its container with a double-ended needle to the solvent at about 2.5 mL/min. Next, methylene iodide (22 mL) is added with a glass syringe to the solvent mixture at about 1 mL/min. After the
final addition, the solvent mixture is allowed to continue to stir for 20 min producing chemical species for reacting with olefins. As the reaction goes to completion, the solvent mixture turns milky with the formation of a fine precipitate, which is normal.

Description of Incident- The experiment was performed as stated in the SOP, which was recorded in the researcher's lab notebook, up to and including the addition of the methylene iodide to the dichloromethane and diethyl zinc mixture under an inert argon atmosphere. After the methylene iodide (22 mL) was added at a rate of about 1 mL per min over a time period of about 25 min, the researcher noted that the experiment was proceeding normally. At this point, he left the experiment in the fume hood for the reaction to continue for about 20 min. However, he decided to return after about 10 min to check on the experiment. Upon returning, he noted the stir bar was not rotating due to the formation of an unusual amount of precipitate in the bottom of the reaction flask. The reactant mixture was clear, but with no liquid phase separation. The appearance of the reactant mixture was unusual; normally the mixture would appear milky white due to the suspension of a fine precipitate. Although the stir bar was not rotating, the researcher did not perceive the risk of an explosion. So he immediately proceeded to restart the stir bar. During this process, when he had the reaction flask in his left hand, the contents of the flask detonated. From the flying glass shards, the researcher sustained serious injuries to the left hand, right neck, and right side of the face (see above photo) from flying glass shards.

NOTE: Terms such as explosion and detonation will be used throughout this report with the realization that a very rapid release of energy may have occurred without an actual detonation. Regardless, the energy release and the subsequent pressures were so rapid and great that the neck of the flask could not vent the pressure buildup. After the incident, there was no evidence of fire/smoke or other combustion products.

Incident Investigation - After an interview with the injured researcher, a reenactment of the experiment was performed substituting water for the chemicals: dichloromethane, diethyl zinc, and methylene iodide.
The experimental setup and equipment are shown in the photos below (clockwise: experimental apparatus, diethyl zinc container, and rinse syringe).

The experimental apparatus, under a positive-pressure argon atmosphere, is continuously fed from an argon cylinder through a drying column. Setting atop the round bottom flask, which is the reaction vessel, is a septum-fitted funnel for feeding the reactants. The reactants are fed via double-ended needles (diethyl zinc), plastic syringes (dichloromethane), or glass syringes (methylene iodide) into the funnel, and then fed into the flask through a stopcock. The only difference in the mock setup and the experimental
setup was the use of an open bath rather than a half-
sphere Dewar. This difference was not judged to be a
factor in the incident.

Primary physical hazards associated with the
chemicals components were the flammability of
dichloromethane (LFL 13%, UFO 23%), methylene
iodide and diethyl zinc incompatibilities (see
http://xxxx.edu/~msds/), and the pyrophoricity, water
reactivity, and explosive heat-sensitivity of diethyl
zinc. Of particular concern are the incompatibilities of
the two reactants with other chemicals such as
alkenes, oxidizers, copper-zinc alloys, potassium-
sodium alloys, and potassium. For example, alkenes
in the presence of the reactant mixture could result in
an explosive reaction and in the presence of
potassium form a shock-sensitive mixture. During the
reenactment of the experiment, several possible
causes for the incident were identified and are
addressed in the following table.

<table>
<thead>
<tr>
<th>EXPLORED CAUSE</th>
<th>LIKELY EFFECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction of water via the glassware and reusable syringes</td>
<td>Since there is a SOP for washing glassware and reusable syringes, it is not likely. If it did happen, there might be no sign to small amounts of visible emissions in the flask; no signs were noted.</td>
</tr>
<tr>
<td>Injection of water with the dichloromethane or methylene iodide</td>
<td>The dichloromethane is dried in the purification process, which is under a dry nitrogen atmosphere; not likely contaminated. The methylene iodide is transferred from a glass bottle, which is used by several researchers. Probably some water could be introduced resulting in no sign to visible emissions in the flask; no signs were noted.</td>
</tr>
<tr>
<td>Injection of oxygen with the dichloromethane or methylene iodide</td>
<td>Oxygen is removed from the dichloromethane in a purification process, which is under a dry nitrogen atmosphere; not likely contaminated. The methylene iodide is transferred from a glass bottle, used by several researchers. Probably some oxygen could be introduced resulting in no sign to visible emissions in the flask; no signs were noted.</td>
</tr>
<tr>
<td>Loss of argon atmosphere</td>
<td>The argon cylinder was still under pressure, and argon was still flowing after the incident.</td>
</tr>
<tr>
<td>Increase temperature of the reactant mixture</td>
<td>The only heat source is the heat of reaction. The magnetic stirrer did not have a heating element. The final reactant was added over a 25-min time period to prevent large temperature increases. In addition, the reactant mixture was cooled in a Dewar to -10°C by a dry ice/acetone solution.</td>
</tr>
</tbody>
</table>
Nevertheless, if a large temperature increase had occurred, detonation could result. Because of the very strict cleaning, rinsing, and drying procedure used on the glassware and reusable syringes, it unlikely that amounts of contamination could be introduced that could result in an explosion. Evaluation of the solvent and diethyl zinc sources indicates it is unlikely that these are sources of contamination. However, the methylene iodide (stabilized with copper or silver mesh) is purchased, stored, and used out of a glass bottle by many different researchers. It is judged to be a possible source of contamination.

Conclusion - A definitive conclusion could not be made as to the specific cause of the detonation of the reactant mixture. However, based on the above hazard assessment, two likely causes of the explosion detonation were a very rapid increase in temperature of the reactant mixture and the introduction of a fourth chemical, as a contaminant, into the reactant mixture. The introduction of a third reactant could possible explain the formation of unusual amounts of precipitate, which settled to the bottom of the reaction vessel stopping the magnetic stirrer from rotating. The stopping of the magnetic stirrer was judged to be the abnormal occurrence that preceded the explosion and perhaps was the causality for the explosion.

The use of safety glasses probably saved the researcher from serious eye injuries. Nevertheless, additional protection to the face and body would have reduced the number and severity of the injuries received.

Recommendations

1) Do not leave this experiment unattended; ensure that the reactant solution is continuously stirred.

2) Use additional personal protective equipment such as full faceshield and blast shield when conducting experiments with highly reactive components.

3) Assess the operation of the dichloromethane purification unit to ensure high purity.

4) Review the glassware cleaning procedure to ensure no contaminates are present.

5) Discontinue the use of sterile syringes for
introducing chemicals into the experimental apparatus. The term "sterile" is no indication of "chemical contamination levels."

6) Assess the use of the methylene iodide to reduce the likelihood of contamination and implement the following controls:

a) Date the container as to when received.

b) Date the container as to when opened.

c) Implement procedures to ensure minimum container open time.

d) Set criteria for methylene iodide use, considering such parameters as color and age.

7) Always set the fume hood sash at the lowest usable height.

Chemical Solution Preparation Explosion (TCT)

Key Instruction Points:

chemical

4. Use appropriate PPE as required.

3. Lower hood sash to the lowest usable height.

Description of Incident: A teaching assistant was preparing a 30 L solution 0.04 M KMnO4 in 0.5 M H2SO4 for use in chemistry instructional laboratories. She was working by herself. This is a laboratory where all solutions for use in the general chemistry laboratories are prepared. Her supervisor was working in his office which is adjacent to the preparation lab and connected by a doorway. A chemistry class was underway in a lab across the hallway. This teaching assistant had a BS and MS in chemistry and working at the university for two years. Her responsibilities included preparing solutions for the chemistry program since the start of her employment.
She indicated she was following a procedure she has followed without incident in previous semesters (estimated 10-12 previous preparations). She indicated the procedure was contained in a notebook containing standard procedures for preparing all of the reagents used in the two classes. On the day of solution preparation, was not referring directly to the written procedure since she had used it sufficiently in the past that she did not need to refer to it. The quantity prepared is typically 10-20 L; this was the first instance she could recall in which 30L was to be prepared.

The notebook containing the written procedure has not been located.

To make 30 L of the solution, 833 ml of 18 M sulfuric acid was needed. This was measured out, transferred to a 1 L beaker which was placed on a stir plate in the hood. The volume of acid was obtained from two sources: the last 200-300 mL of sulfuric acid remaining in a bottle that had already been opened and the balance from a new unopened bottle. Both sulfuric acid bottles were 2.5 L in size. A 40 L Nalgene tank was filled with approximately 22 L of deionized water and placed in the hood. Solid reagent grade potassium permanganate (189.648 grams) from a bottle dated 9/10/96 was weighed out into a clean beaker on a top loading balance on the lab desk. This was slowly added to the acid on the stir plate (estimated over a period of 30 seconds). The solution heated quickly and began to boil in 1-2 minutes. Because it was spattering, the solution was picked up with gloved hands so that it could be transferred into the DI water and diluted before any more was lost. Before any of the solution could be transferred to the DI container, the beaker broke, spraying acid and permanganate everywhere.

The teaching assistant sustained chemical burns to the upper body, any uncovered areas. She was wearing safety glasses, not goggles, gloves, and a short sleeved shirt.

The supervisor later indicated that the calculated amounts described above for preparation of the 30 L solution were correct. If the material had not broken, the contents would have been added to the 22 L DI container over the course of a few minutes, the container would have been filled 30 L with DI, stirred, and then dispensed into three 2 liter containers. The
remaining solution would be placed into a 20 L carboy for subsequent refills of the 2 liter containers for lab work later in the week.

**Probable Cause of the Incident:** Several pertinent references in the literature regarding the mixtures of potassium permanganate and sulfuric acid indicate caution. Bretherick's Handbook of Reactive Chemical Hazards states:

"Addition of concentrated sulfuric acid to the slightly damp permanganate caused an explosion. This was attributed to formation of permanganic acid, dehydration to dimanganese heptoxide and explosion of the latter, caused by heat liberated from interaction of sulfuric acid and moisture. A similar incident was reported previously, when a solution of potassium permanganate in sulfuric acid, prepared as a cleaning agent, exploded violently.

Manganese heptoxide is formed as a dense green-brown oil by reaction between potassium permanganate and concentrated sulfuric acid. Kleinberg, Argersinger and Griswold, Inorganic Chemistry pg 534 states that the reaction between potassium permanganate and sulfuric acid is:

\[
2 \text{KMnO}_4 + \text{H}_2\text{SO}_4 = \text{Mn}_2\text{O}_7 + \text{K}_2\text{SO}_4 + \text{H}_2\text{O}
\]

Manganese heptoxide begins to lose oxygen at 0\(^\circ\)B and decomposes with explosive violence when warmed.

Durrant and Durrant, Introduction to Advanced Inorganic Chemistry pg 1014 states ...

A Manganese heptoxide, exists as dark green, explosive crystals. It is made by adding powdered potassium permanganate to cooled concentrated sulfuric acid. A dark green solution is formed which is explosive. Manganese heptoxide is stable at -5\(^\circ\)B, but it begins to give off oxygen at 0\(^\circ\)B, and at about 10\(^\circ\)B it explodes yielding manganese dioxide.

*The most probable cause of this incident was the explosion of manganese heptoxide formed by the reaction of potassium permanganate and concentrated sulfuric acid.*
Corrective Action:

1. An alternate procedure for preparing the solution will be developed. Procedures for preparation of all instructional lab reagents will be reviewed.

2. Use of protective equipment will be re-emphasized. The teaching assistant wore glasses and gloves, but no lab coat and faceshield, sustaining burns to the face, arms, and upper torso.

3. Re-emphasize the availability and requirement to review health and safety information resources provided to supervisors and employees. This information (ACS booklet) indicates caution in mixing of sulfuric acid and potassium permanganate.

Phenyl Azide Compound Erupts During a Vacuum Distillation (top)

A Post-Doc was purifying a fluorinated phenyl azide compound via vacuum distillation over a heating/stirring mantle. The resulting explosion caused the ceramic mantle fragments to cut and embed themselves in the experimenter's face. Fortunately, she was not seriously hurt and she was wearing her safety glasses.

What can be done to prevent this from occurring again?

There is no substitute for pre-planning your experiment and to discuss various techniques with your supervisor. Heating mantles are not good choices for vacuum distillation if the materials used are heat sensitive or unstable (such as most azides). This is because it is difficult to regulate precise temperature control with a heating mantle. A better choice would have been to use a hot oil bath or use chromatographic techniques to isolate the substances.

While the Post-Doc was wearing eye protection, the fume hood sash was in the wide-open position. This allowed the fragments to strike her face. If the sash must be open during the experiment, a portable blast shield should be used. If you know that the materials are unstable, safety glasses with a full face shield would be appropriate choices for PPE.

Cryogens (top)

Glass Flask Ruptures, Possible Overpressurization by Liquid Nitrogen (top)

Key Instruction Points:

1. Consider shielding for operations involving vacuum or pressurization.

2. Be aware of the potential for pressurization when working with cryogenic liquids.

A 250 ml glass flask became overpressurized and burst, spraying two laboratory workers with shards of glass. Approximately 10 grams of styrene and a minute quantity of a drying agent were immersed in liquid nitrogen to keep the contents frozen. The laboratory workers then attached the flask to a vacuum pump to evacuate the flask, without success. Thinking the flask might have developed a crack, the laboratory worker removed the flask from the vacuum line and was defrosting it under warm water in the sink, holding it and examining it, when the flask ruptured.

The best guess as to the cause of the rupture is that a small leak, perhaps a pinhole in the flask, developed while it was being frozen and that some liquid nitrogen entered the flask. When the flask was warmed, the liquid nitrogen vaporized (expansion ration 696:1), overpressurizing the flask and leading to the explosion.

The laboratory worker holding the flask suffered from several lacerations to the face, hands, chest and abdomen. The other worker, who was standing across the room, received lacerations to the abdomen. The worker holding the flask noted shards of glass embedded in his prescription safety glasses.

The procedure was re-written such that under the same conditions, the stopcock will be unscrewed and the flask set in a catch-bucket in the hood to allow the contents to warm up and vaporize, if volatile.

Appropriate eye protection helped to avoid a potentially serious eye injury. Consider shielding for operations involving vacuum or pressurization.

aware of the potential for pressurization when working with liquid nitrogen.

**Researcher Blinded in One Eye from Cryotube Explosion**

*Key Instruction Points:*

1. Consider shielding for operations involving vacuum or pressurization.
2. Be aware of the potential for pressurization when working with cryogenic liquids.
3. Use appropriate personal protective equipment.

A University of X investigator was blinded in one eye when a cryotube exploded while being thawed. The probable cause was the rapid expansion of liquid nitrogen that had entered the tube through a small crack during storage. Suitable personal protective equipment for thawing cryotubes and handling cryogenic liquids consists of a face shield, heavy gloves, a buttoned lab coat and pants or a long skirt. Cryotubes should be kept in a heavy, walled container or behind a safety shield while warming.

**Investigator Exposed to Infectious Material in Cryotube Explosion**

A researcher at a university reported that a vial of potentially infectious materials "exploded" when she removed it from liquid nitrogen.

As you may have guessed, the "explosion" occurred when the liquid N2 that has leaked into a vial expands when removed from the cold. This used to be a fairly common problem with heat-sealed glass ampules, because it was difficult to obtain perfectly fused glass
with no microscopic holes. This problem was largely resolved with laboratories began using plastic cryovials with a silicone seal. Nunc* makes a sleeve called CryoFlex that slips over the vial and then is heat-sealed to keep the liquid out. However, even with this type of product an explosion infrequently occurs.

There are several ways to prevent this from happening:

1. Cryogenic storage vials are designed for VAPOR PHASE STORAGE in liquid nitrogen freezers. This means that they are designed to sit in the cloud of extremely cold nitrogen gas that sits just above a small reservoir of liquid nitrogen in the bottom of the freezer. Leakage of liquid nitrogen into the vial occurs with the freezer is overfilled and the vials are immersed in liquid nitrogen. This problem can be avoided by not overfilling the freezers with liquid nitrogen.

2. Visually check each cryovial prior to filling to ensure there are no defects around the rim. Cryovials should never be re-used.

3. When removing samples, pause for a moment in the neck of the dewar before bringing them into the room atmosphere - if one is going to pop, it will usually do so early in the warm-up process.

The importance of gloves and face shield can not be overemphasized. Tubes stored in liquid phase dewars, where the ampules are in canes is especially hazardous. Since nitrogen freezers tend to be located separate from the labs, full face shields and gloves should be available near the nitrogen freezers so no one is tempted to pull a vial without protection because they forgot to bring a shield with them.

Information about Nunc products is at:

Incompatible Chemicals

Laboratory Glass Cleaning Reagent Incident

A 2.5-liter bottle containing concentrated sulfuric acid and NOCHROMIX ) brand laboratory glass cleaning.
reagent underwent a violent reaction that shattered the container, spraying glass and the cleaning solution in a research laboratory. No laboratory personnel were injured, but the solution damaged the floor. According to the faculty member that investigated and reported this incident to us, lab personnel added the reagent to the sulfuric acid, placed a cap over the bottle (loose), and put the bottle inside a fume hood within a secondary containment bin. The shattered container was discovered and cleaned up by lab personnel the following day. The Safety Office notified the manufacturer of this incident and collected additional product information.

**What Was Learned**

NOCHROMIX) brand laboratory glass cleaning reagent is a metal-free substitute for dichromates (CHROMERGE) in sulfuric acid. Additional information on this product can be obtained at http://www.nochromix.com.

Although less toxic than chromium compounds, NOCHROMIX) is an inorganic oxidizing powder that is incompatible with acids, alkalis, halides, combustible materials, silver salts, heavy metals, oxidizable materials, reducing agents, and organic compounds.

The manufacturer has received 2 other incident reports involving this product over the past 20 years; the last incident reported (at another institution) occurred when a technician tightened a cap on the bottle containing this solution. When mixed, the powder and sulfuric acid proceeds via hydrolysis reaction to produce the final cleaning solution; this reaction created pressure that shattered the container.

Storing the cleaning solution bottle inside a fume hood within secondary containment helped mitigate the potential impact to the lab and reduced the clean-up activities required.

**Recommended Action**

Based upon the incident description and our conversation with the manufacturer, we cannot confirm the cause of this incident. The most plausible explanations would be either (a) the container cap used did not provide pressure release, or (b) an incompatible material present inside the container
reacted with the solution, built up pressure, and shattered the bottle. All glass cleaning solutions containing concentrated sulfuric acid must be handled with care, and we recommend the following precautions:

1. Employees must wear gloves and splash goggles when handling this solution; a face shield should also be worn to provide additional protection to the face.

2. Prepare solutions in a fume hood to remove any dusts or vapors generated during solution preparation.

3. Use safety vent caps on all bottles used to prepare and store this cleaning solution to relieve pressure produced by the reaction of the powder and sulfuric acid.

4. Store bottles of sulfuric acid based cleaning solutions within secondary containment bins.

**Oxidizer Solvent Explosion**

A corrosive storage cabinet under a chemical hood in a University undergraduate laboratory was the site of an early morning explosion. Luckily, no one was standing in front of the hood when the explosion occurred. We believe the explosion resulted from nitric acid (an oxidizer) and an organic solvent being mixed in a closed container.

Nitric acid reacts violently with most organics resulting in heat, gas or fire. In a sealed container, the pressure would increase due to the expanding gas. **Never mix nitric acid with organic materials (especially in a sealed container) unless the reaction has been thoroughly...**
investigated. Do not store nitric acid in the same cabinet as organic solvents or organic acids such as acetic acid.

Incidents such as this have occurred on this campus and at other universities in the past, some with more severe consequences. Help make your campus safer by following proper storage guidelines for chemicals.

**Glass Waste Bottle Ruptures, Possible Reaction of Incompatible Chemical Wastes**
*(top)*

**Key Instruction Points:**

1. **Chemical** containers should be triple rinsed and dry before being used for waste accumulation.

2. Wear safety glasses and a lab coat laboratory even if you’re performing non-laboratory work.

A graduate student sitting at a lab computer was surprised by a chemical waste bottle which burst and sprayed nitric acid and shards of glass all over the lab.

Approximately 2L of nitric acid waste had been accumulated in a chemical waste bottle which originally contained methanol. Over the course of 12-16 hours, it is likely that some residual methanol reacted with the nitric acid waste and created enough carbon dioxide to overpressurize the container. Two other waste containers in the hood were severely damaged and several others were cracked or leaking.

Fortunately, the laboratory worker was not injured.

Chemical containers should be triple rinsed and dry before being used for waste accumulation. Safety glasses should always be worn while in the laboratory, even while performing non-laboratory work.
Mixing Diaminopropane and Potassium Hydride

A Post-Doctoral Fellow was adding 100ml of Diaminopropane to 150g of Potassium Hydride in a 2L, 3-necked, round-bottomed flask while under Nitrogen. As she was adding the Diaminopropane, the reaction began to foam and fill the flask. As she was replacing the stoppers, the mixture built pressure and then splashed her right arm, left wrist, face, and neck.

What can be done to prevent this from occurring again?

Before setting up an experiment, thoroughly investigate the properties of materials involved. If you are unsure, ASKI Potassium Hydride is an extremely reactive species. For this particular reaction, 150g of hydride could generate nearly 60L of hydrogen gas at STP!

Here are some general recommendations:

1) This was a large scale reaction. The Post-Doc, who had never done this reaction, should have started out with very small quantities and then scaled-up (by no more than a factor of 5 each time).

2) Rather than adding the Diaminopropane to the hydride, add the hydride to the amine. By slowly adding the hydride, you can control the reaction and the subsequent foaming (resulting from the hydrogen gas). It would also be a good idea to have a cooling bath on a lab jack underneath the flask in order to slow the reaction down...just in case.

3) When working in the fume hood, keep the sash as far down as possible at all times. If you have to lift the sash to make an adjustment, use a safety shield (as appropriate) and/or use a face shield (in addition to your safety glasses).

Two Explosions Involving Aqua Regia
1. Use a reagent that is milder than aqua regia for cleaning glassware if it will suffice.

2. Do not take aqua regia out of the fume hood in which it was prepared, and do not store it there either; make only what you need and destroy the residue. Aqua regia can be destroyed by cautious and careful dilution with water - talk to your supervisor or your safety officer for a detailed procedure. If necessary, the solution can then be neutralized and disposed of in the approved manner.

3. Never put aqua regia in a closed container or near flammables.

There have been explosions involving aqua regia (a mixture of hydrochloric acid and nitric acid) reported at two universities. Both of the incidents took place in chemistry laboratories.

In the first incident, a graduate student was using aqua regia for the cleaning of NMR tubes. When he was finished, he placed the residues (about 50-60 ml) in a 4 litre waste bottle, capped it tightly and placed it in a flammable storage cabinet. Approximately one hour after the bottle was placed in the cabinet, it burst, breaking an adjacent bottle of pyridine. Luckily, the pyridine did not ignite and other nearby bottles containing flammable solvents did not become involved. The pyridine leaked onto the floor, where it dissolved floor tiles and created a lingering bad smell.

The second incident occurred in a fume hood in a synthetic chemistry laboratory. A tightly closed waste bottle containing used aqua regia exploded, most probably due to pressure buildup inside the bottle.

Since the sash was not completely closed the broken waste bottle was not contained. Broken glass as well as some liquid acid waste were thrown out of the hood. Since nobody was near the hood at that moment, there were no injuries. Moreover, a nearby bottle of mercury nitrate waste was also broken as well as the secondary container, so that a small spill (less than 1 liter) of liquid acid and solid mercury nitrate occurred inside the hood.

What is aqua regia?

Aqua regia has been used by chemists for centuries,
especially as a medium for dissolving noble metals but also for other purposes. It is a mixture of concentrated hydrochloric and nitric acid which forms a powerful oxidizing medium. Mixing an oxidizer with organic materials may result in a highly exothermic reaction. Even without other materials present, a chemical reaction occurs slowly and brown fumes of NO₂ can be observed (in freshman chemistry terms, nitric acid is reduced and hydrochloric acid is oxidized). The activity as a dissolving agent decreases slowly and so, by definition, the solution is unstable - it should be used "freshly prepared".

Rules for using aqua regia

Aqua regia is often used as a substitute for chromic sulfuric acid cleaning solutions. However, aqua regia is also corrosive and strongly oxidizing. It is essential for some purposes but should not be used for routine cleaning of glassware. If a milder reagent will suffice avoid using aqua regia. Alternatives include ultrasonic baths, alconox or similar detergents, Pierce RBS-35 (available from VWR) or similar detergents or biodegradable surfactants.

Be aware that sufficient pressure can build up in a short amount of time to burst the container, even from a very small volume of aqua regia.

If it is decided that aqua regia is needed, wear protective clothing (goggles, gloves, coat) and work in a clean well-ventilated fume hood. Keep the sash down when reactions are in progress. Never take aqua regia out of the hood.

Prepare it, use it, and destroy any excess in the hood in which it was prepared.

Only prepare the amount of aqua regia you need for immediate use. Never store it and never put it in a closed vessel, since evolved gases will cause a pressure build-up and possible explosion.

Aqua regia is a strong oxidizer. It is incompatible with organic solvents, flammables and any reducing agents.

Lack of Venting
Explosions (top)

Alert: Formic Acid Explosion and Explosive Laboratory Chemicals The Australian University, Human Resources Occupational Health and Safety, December 1997

Piranha (Hydrogen Peroxide/Sulfuric Acid) Explosion (top)

Piranha solutions are used to remove organic residues from substrates. Two different solutions are used. The most common is the acid piranhaa 31 mixture of concentrated sulfuric acid (H2SO4) with hydrogen peroxide (H2O2). Also used is the base piranhaa 31 mixture of ammonium hydroxide (NH4OH) with hydrogen peroxide (H2O2). Both are equally dangerous when hot, although the reaction in the acid piranha is self-starting whereas the base piranha must be heated to 60 degrees before the reaction takes off.

Recently, a research laboratory experienced an explosion due to storage of a sulfuric acid/ hydrogen peroxide solution in a closed, incompatible container. No one was actually in the room when the failure occurred. Several labs use this mixture to perform ultra cleaning of cover slips. The container catastrophically failed due to pressure build-up within the container and breach of the container itself. This caused the mixture to splash and spray within the fume hood and across the room (the fume hood sash was open).

Safety Reminders For Use of Sulfuric Acid/Hydrogen Peroxide Mixtures

- It is problematic to dispose of piranha because the waste continues to react and decompose for a long period of time. This builds up pressure in the waste bottles, causing them to burst. For this reason, consider using a commercially stabilized version of Piranha, such as Nanostrip (http://www.cyantek.com/htm/nano-strip.htm).
- Do not store piranha. Mix only enough fresh solution for each use. Excess solutions should be disposed via the drain, followed by flushing with copious amounts of water.
- Leave the hot piranha solution in an open container until cool and then provide for venting.
• Personal protective equipment when working with piranha solution includes a full face shield, heavy duty rubber gloves (regular Nitrile gloves will not provide sufficient protection), as well as an acid apron to wear on top of the lab coat.
• Whenever handling Piranha, only use glass containers, preferably Pyrex.
• In preparing a solution involving an acid, always add the acid last. The exception to this rule is Piranha, in which case you add hydrogen peroxide to the sulfuric acid.
• Piranha solution is very energetic and potentially explosive. When being made it is very likely to become hot, more than 100 degrees C. Handle with care.
• Substrate should be rinsed and dried before placing them in a piranha bath. Piranhas are used to remove residues of photoresist and acetone, not the compounds themselves.
• Adding any acids or bases to piranha or spraying it with water will accelerate the reaction. This includes photoresist, which is a strong base.
• Mixing hot piranha with organic compounds may cause an explosion. This includes materials such as acetone, photoresist, isopropyl alcohol, and nylon.

Refrigerator/Freezer Explosions

A large flask containing a mixture of pentane and acetone in 2 - 4 liter flasks was stored in a standard refrigerator. When there was nobody present the refrigerator exploded, blowing out windows (see photos below) and causing a fire.

Lab Freezer Explodes
Key Instruction Points:

1. Flammable liquids must only be stored in refrigerators which have no internal ignition sources.

Incident Description: Many small tubes of petroleum ether were stored in an ordinary domestic freezer. The tubes were not sealed well and over time the petroleum ether evaporated in sufficient quantity that the concentration exceeded the low explosive limit, about 1.0%. A spark from an internal component caused the freezer to detonate. (Photo)

Injuries and property damage: There were no personal injuries as the explosion took place at night. There was $11,000 damage to the room and $25,000 damage to equipment in 1982 dollars. This would be well over $250,000 in 2001 dollars. Along with the freezer, one liquid scintillation was destroyed and another was seriously damaged.

Primary cause of the incident: Petroleum ether, a very flammable liquid* was stored in an ordinary domestic freezer which has components (e.g., thermostat, light switch) which generates sparks. This apparently caused the vapor of the liquid to detonate.

*With a flash point as low as -56 0F, petroleum ether is classified as a Class 1A flammable with an NFPA 704 fire hazard rating of 4.

Recommended Corrective Action:

1) All materials with a flashpoint below 100 0F may only be stored in a UL approved flammable materials storage refrigerator or freezer. These units do not have any internal ignition sources.

2) All ordinary domestic refrigerators and freezers must be labeled with the phrase "No materials with a flashpoint below 100 0F may be stored in this refrigerator/freezer."

Lab supervisors must vigorously enforce both of the above items.
Semiconductor Experiment Explosions

Failure to Manually Purge Hazardous Gases

Key Instruction Points:

1. Don't rely on procedures - insist on engineering controls.
2. Use engineering controls to protect against unforeseen hazards.

An experienced physical scientist (Ph.D. 15-20 years) at an industrial research lab used hydrogen and phosphine gas, along with other materials, in a metal organic chemical vapor deposition system. This was a slightly modified commercial system that operated at atmospheric pressure. The reactor was contained in a secondary enclosure with exhaust ventilation and toxic and flammable gas detection equipment linked to automatic gas shutoff valves. The equipment operating procedure involved a manual inert gas purge prior to flow of hazardous gases. When considering a modification of the system to make the purge process automatic, the manual procedure was thought to be acceptable since the only one who operated the system was the physicist who bought and built the equipment and his coworker who was also experienced and trained. The addition of the automated purge feature was considered an unnecessary hardship. Three months after startup an overpressurization of the reactor occurred, cracking the glassware and leaking the gas into the secondary containment. The gas monitor detected the leak and caused automatic shutdown of gas flow. No gas escaped secondary containment. The physicist indicated that he had forgotten the purge step of the process.

Corrective Action - The physicist modified the equipment to include an automatic inert gas purge. This involved very little time and expense. This incident is consistent with other mishaps in which highly intelligent, experienced, and well trained
personnel miss a critical step in the process. The need for engineering controls for high hazard processes was emphasized in employee training and hazard reviews.

Revision Date: 12/8/2004
url: http://www2.umdnj.edu/eochssweb/aiha/accidents/explosion.htm

Disclaimer
American Industrial Hygiene Association
2700 Prosperity Ave., Suite 250
Fairfax, VA 22031
(703) 849-8888 (703) 207-3561 fax
March 20, 2006

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Reference: Comments on the U of R (University)
Draft Generic Environmental Impact Statement - IPD Rezoning

Dear Honorable Board Members:

Stantec Consulting Services has reviewed the above referenced DGEIS and offer the following comments, questions and concerns.

Overview of the Action:

The proposed action by the University is the rezoning and incentive zoning of the "Rezone Property" from Residential to Institutional Planned Development (IPD). Much concern has been expressed by the Town Board and Planning Board over the need to develop a master plan for the site. The greater issue pertains to questions over the types of uses allowed under the requested zoning and the numerous unknowns (and subsequent impacts) associated with these allowed uses.

Even if the University submitted a more detailed master plan (i.e. so much administration, so much research, types of research, so much education, etc.) under the IPD zoning, without additional Town review, there is nothing that would prevent the conversion of these buildings to other uses in the future. The research building could be converted to educational uses, which would generate a higher volume of traffic. The administrative building could be converted to research uses that the Town, if known at the outset, may have wanted to be placed further from the residential areas. These changes may only require a simple building permit to modify the interior office space. Thus, the resulting issue/concern is the Town’s ability to maintain control over what is or will be developed over time.

Therefore, we recommend that each building and site plan submitted for Town approval be restricted to the use(s) (i.e. semi-zoning) being requested and that any change in use will require subsequent Town approval. The mechanism for these approvals needs to be developed in the Master Plan (i.e. uses, standards, requirements, etc.).
Traffic/Transportation Network

Given the various future unknowns regarding the types of uses to be built, when they will be built, how fast other traffic may increase over time and when NYSDOT improvements to the I-390 Interchanges will be opened, we concur that the assumptions made in the DGEIS are reasonable and the traffic analysis trip generation, distribution, growth in background traffic and the traffic analysis method used are acceptable. The study results provide the Town of Brighton with the information needed to make a reasoned decision on the request to re-zone this site and to determine possible traffic impacts on the adjacent highway network.

The traffic analysis is based on mix of possible uses on this site (some high traffic generator, some low), and indicates the following results that would occur.

- Traffic attracted to this site will be attracted from all parts of the region and that the vast majority of this traffic will use the regional expressway system (85%). As such, the traffic impacts of this proposed development on local streets and arterials will be minimal, except along the development frontage and I-390 interchanges with these arterials;
- Some development could occur on the site prior to NYSDOT’s planned improvements to the I-390 interchanges (around 250,000 sq. ft. of the mix uses analyzed);
- With currently planned improvements by NYSDOT to the I-390 Interchanges (estimated to occur in 2009), additional development could occur on this site (around 1.0 million sq. ft. of the mix uses analyzed);
- After development of 1.0 million sq. ft. of the mixed uses analyzed, that additional improvement to the expressway interchanges would be necessary, possible even the addition of another I-390 southbound on and off ramp to Kendrick Road (as was analyzed in the DEIS);
- At the numerous non-expressway intersections that were analyzed, improvements can be made (ranging from improvement traffic signal timing to adding additional vehicle turn lanes) that can accommodate both the forecasted growth in traffic over the next 20 years and traffic attracted by this development and still maintain reasonable levels of traffic operations; and
- The traffic impact of full development of the site on East River Road west of Kendrick Road would add approximately one additional trip per minute (55 trips) during the peak travel hour.

Based on Stantec's review of the DGEIS, we offer the following "summary of comments" followed by a more detailed explanation and basis for our recommendations:

1. Any benchmarking as to the size allowed (square footage constructed) either prior to NYSDOT improvements, after NYSDOT improvements or with the full development size requested (1.9 million sq. ft.), should be tied to the maximum number of trips allowed to be generated with each of these sizes. The need to tie square footage to the maximum number of trips that can be generated, is because allowable uses requested in the re-zoning are both high-traffic generators and low-traffic generators. For example, 100,000 sq. ft. of educational uses will generate over 5 time the volume of traffic that this same size development was for storage/services uses. (Our recommendations as to what these volumes should be are provided on the next page.)

2. The University should be responsible for either constructing or seeing that these highway improvements are constructed, associated with the following highway improvements identified in the DGEIS:

- Widening of East River Road to provide additional travel and turn lanes;
- Relocation and widening of Murlin Drive Opposite Kendrick Road;
- Widening of I-390 eastbound off-ramp to West Henrietta Road to add lane(s), if necessary after NYSDOT currently proposed improvements are constructed;
Widening Kendrick Road at East River Road to add an additional travel lane;
Widening West Henrietta Road on its' northbound approach to East River Road to provide a second left turn lane;
Adding a second right turn lane on the I-390 southbound off-ramp to East River Road.
Improvements associated with the developments access points to East River Road.
Modification to or installation of traffic signal at the developments access point or other intersections for which the applicant is responsible for highway improvements; and
Constructing a new I-390 off and on ramp from Kendrick Road or other modifications to the expressways interchanges that might be identified to accommodate the proposed full development of this site under the re-zoning.

3. The University should not be responsible for other highway improvements, other than those intersections associated with those identified in #2. Our review indicates that all of the other improvements identified in the DGEIS are the result of background growth which the proposed development would add no notable additional traffic;

4. As real development becomes known on the site, a traffic analysis should be prepared using updated traffic counts and a more sophisticated traffic modeling techniques, such as CORSIM, that can more accurately identify the traffic impacts and delays associated with traffic backups and blocking of through traffic. Traffic signal timing should be adjusted to reflect the additional time for pedestrians to cross widened road, also;

5. Since the DGEIS has demonstrated that the traffic impacts of the proposed development are limited to East River Road and the I-390 expressway interchanges, the future updated traffic counts and analysis should include the expressway interchanges and the next traffic signal controlled intersection, both north and south of these interchanges, as well as intersections along East River Road and Kendrick Road.

The full build-out of the site (as requested in the DGEIS) would be approximately 1.9 million sq. ft. of mixed uses and would generate approximately 2,633 trips during the morning peak travel hour. If benchmarked to this traffic volume, 1.9 million sq. ft. of research or storage/service uses could be developed and not exceed this traffic benchmark. However, 1.5 million sq. ft. of administrative uses or as little as 900,000 sq. ft. of educational uses where developed, this traffic benchmark would be exceeded.

To address this wide variation in traffic associated with various development sizes and uses, we recommend that the following issues/actions be addressed in the Master Plan as recommended by the Planning Board.

1. Any approval of development sizes should be tied to the maximum number of trips that the entire development or any phase of the development will allowed to generated;
2. As each proposed development on this site is submitted for approval, that updated traffic counts and a refined traffic analysis method be used to identify the actual traffic impact for the specific use(s) requested and in comparison to those stated in the DGEIS;
3. It will be the University's responsibility to either make the necessary highway improvements required to allow safe and effective traffic movements along East River Road and Kendrick Road by either making these improvements or finding a sponsor to make these improvements prior to allowing additional development to occur;
4. Any development prior to NYSDOT planned improvements beyond 250,000 sq. ft or total development traffic generation of 350 vehicles per hour during the morning peak travel hour, should not be allowed without prior review by both the NYSDOT and Monroe County DOT;
5. The approved development size should be capped at 1.0 million sq. ft. or a maximum of 1,400 trips generated during the morning peak travel hour, until such time that acceptable additional expressway interchange improvements can accommodate traffic volumes beyond this level are identified and programmed;

6. The Right Of Way required for highway improvements to mitigate the impact of this development and under control of the applicant, including any additional improvements to the expressway interchanges, should be identified prior to any approval of development on this site and set aside to allow these improvements to occur when required; and

7. Under no circumstances, no matter what the approved development size, should this site be allowed to generate more than 2,600 vehicle trips during the morning peak travel period, without prior approval of the Town of Brighton, after being reviewed by NYSDOT and Monroe County DOT.

To address these possible wide variations and their un-knowns, the Town Board could, as recommended by the Planning Board, phase the rezoning approval based on a master plan for future development.

**Water Resources, Stormwater Runoff**

1. Mr. Thomas Greiner stated during the March 8, 2006, Public Hearing that the U of R has plans/recommendations for mitigating existing drainage deficiencies on the property. This plan should be presented to the Town together with any other information on the environmental impacts of this plan.

2. On page 16 and Figure 9 – References to parcels, properties and pods are confusing, making it difficult to reference the text to the respective figure.

3. Figure 13: Ponds 2 and 3 need to be labeled.

**Terrestrial and Aquatic Ecology**

- There is inadequate justification for requesting the ability to develop up to 75% of the woodlot EPDOS. Please identify which areas of the property are better or worse than the others pertaining to the extent of woodlot coverage, condition of the trees, and by the number of significant trees within each area. How can the proposed incentives for the Woodlot EPDOS be implemented? Provide a map of the Woodlot EPDOS boundaries, including where significant trees are located;

- Explain how and where the University proposes to provide on-site wetland mitigation. Given the extent of both federal and future NYSDEC jurisdictional wetlands present throughout the property (along with 100-foot buffer zones) and the assertion that up to 1,935,000 square feet of development at full build-out can occur, not all wetlands can be completed avoided. On-site wetland mitigation areas should be identified and discussed now so that they can be reserved for that use and not incrementally lost as the site is developed; and

- Given the NYSDEC’s intention to amend the Freshwater Wetland Map to add Wetland G to BR-19, all references and statements regarding Wetland G need to be revised accordingly.
Land Use and Zoning

- A listing and description of proposed Performance Standards should be provided. Again, an identification of the proposed uses and their respective locations is needed in order to review the respective performance standards.

- Please discuss the extent of screening, buffering and landscaping needed to effectively reduce visual impacts. While the photosimulations display the effectiveness of the natural buffers and vegetation provided within the setback, please expand the discussion to include the location and how additional screening and buffering options will further reduce visual impacts to the neighbors. Discuss how light spillage onto adjacent properties can be avoided and incorporated into future reviews.

- Please provide the locations of where the supplemental planting areas (as referenced on p. 73 of the DGEIS) will be located. Will the buffer areas and supplemental planting areas be placed in a Conservation Easement? If not, how will these areas be protected from future development?

- Where would the initial 250,000 SF of development likely occur given that most of the property cannot be developed until after the NYSDOT roadway improvements are constructed? What uses are anticipated for the initial development?

- If the land south of Crittenden Road that the U of R proposes to donate is not accepted by the Town, how will the land be used? How would the usage of this land affect the overall density of the property?

Historical and Archaeological Resources

- We concur that a Stage 1 Cultural Resource Survey needs to be conducted prior to the development of specific land areas. Documentation of the proposed sponsor’s coordination efforts with the New York State Office of Parks, Recreation and Historic Preservation shall be provided to the Town of Brighton as part of each Site Plan application and subsequent SEQR review.

Utilities / Energy

A reference to the Monroe County Water Authority’s concurrence that they have reviewed the reports and agree with the conclusions should be provided to the Town.

Appendix E – Water Supply Report

1. Label property #12 on FW-2.

2. In Pod #9 on FW-2, shift the building area off of the existing watermain or show the watermain to be relocated.

3. On page 4, section 4a., Pods 1 & 2 - 6" diameter pipe is referenced in the text while an 8" diameter pipe is shown on the figures. Which is correct?

4. Pod #3 – Show the existing 8” watermain along West Henrietta Road on figure FW-1.

5. Pod #9 – Reference is made to properties 9 and 11. Is “properties” the same as “Pods” and where is number 11?
6. Under the impact of Rezoning calculations: For the Rezoning scenario, only one building was included in the fire demand calculations, yet fires in 2 to 3 locations were assumed under the Current Zoning and Town Comprehensive plan scenarios. A more accurate comparison would have the same number of fires in each scenario and hydrant flow should also be included in the institutional demand.

Appendix F – Sanitary Sewer Report

1. On drawing FS-1, show the MCPW property boundaries for the Brighton No. 5 Pump Station. Adjust Pod #2 development area so that no impact to the Pump Station property is indicated.

Community & Neighborhood Character

Provide a table showing the proposed density by buildable area and by parcel. Identify and include recommended performance and development standards needed to reduce/preclude impacts from the proposed uses and development to adjoining property owners.

Police/Fire/ Ambulance Service

We concur that a P.I.L.O.T. program is a viable option for the U of R to meet its fair share of emergency response services needed for an institutional development. The University should provide the Town with current and historical documentation of the number and types of emergency service calls when they apply for specific development of the site.

Sincerely,

STANTEC CONSULTING SERVICES INC.

William C. Holthoff
Senior Associate
Tel: 585-475-1440
Fax: 585-427-9124
bholthoff@stantec.com

c: Ramsey Boehner, Environmental Review Liaison
Dear People—

My wife & I are opposed to any new buildings on the E River Road Campus of the U of R. We have lived in our home since October, 1993 and have enjoyed the serenity of the neighborhood.

As many of our neighbors have spoken before you, there is nothing we can add to their comments. Our concerns include:

- emissions output
- night lighting (persistent accridt over E River Rd @ W Hem)
- more traffic (we can't get access to our street 4-5 M-F)
- secrecy of the U of R in not indicating immediate needs & what they plan on doing
- wildlife impacted (we've counted about 6 deer in the area next to the laser lab, several geese & ducks, 3 or so woodchucks, and 1 fox. They can't speak for their land.

We trust & pray you will consider the tax-paying citizens of this district when making the final decision regarding the U of R project.
Sincerely,

John Paul & Elisa Mlynar
275 Sylvia St
Rochester, NY 14623
March 20, 2006

Dear Town Board:

My husband and I have been residents of the West Brighton neighborhood and will be directly affected by the UR proposal. We have lived on Doncaster road since 1982, and have tolerated unpleasant aspects of this environment.

Traffic congestion, poor air quality, ugly building structures, water drainage problems have been a continuous down-side. It is a fragile balance for wildlife and humans.

Our main concern is property value. We fear the proposed building will jeopardize the character of the neighborhood thus lowering the re-sale value. We would be forced to consider moving if UR is allowed to re-zone and build.

I enjoy the wildlife and areas of forest adjacent to our property, and value the open areas of land. Please do not give preference to "business" over residential. We are the fabric of this community.

Thank you,

Carol Acquilano & Tom Ferrarone
Dear Mr. Boehner,

My major concern is the impact on the growth of 17 non-tax paying organizations. This includes property, school community etc.

The larger this organization grows the more taxes we property owners must pay to support it. Not to say more things about paying for its employees' children to go to our school system.

Please fix the problem.

James E. Laughlin
3-15-06
Dear Ramsey A. Boehner, Environmental Review Officer
Sandra Frankel, Tom Lowe, and Brighton Town Board,
There are many concerns for our neighborhood in
regards to the U of R proposal for the rezoning of
Residential to Institutional in West Brighton. I will
concentrate on the effects of traffic. On 1-19-06 I talked to an
engineer with Flynt, Bradley, and Allen who did the study.

The traffic analysis for East River was done in 2000
which legally did not have to be updated for this study. East
River is a well travelled corridor for RIT and U of R faculty,
students, and many other commuters getting to and from
Jefferson Road or West Henrietta Road. The speed limit is
30mph and is not obeyed and hard to enforce due to lack of
radar enforcement. The Police agencies have many duties
and radar often is not a top priority. The following facts are
submitted so we can understand the already existing
problems with gridlock, accidents, and traffic flow before we
create anymore. The ADT or Average Daily Traffic is

* 6,500 autos 2 way, in 24 hours, heading west from
Kendrick Road on to East River

* 18,000 autos 2 way in 24 hours, heading East from
Kendrick Road on to East River

* 17,500 autos 2 way in 24 hours, heading on Mt. Hope
Avenue or West Henrietta Road to Westfall which brings us
to the corner at East River where all this traffic converges.
This corner has one of the highest ratio of accidents in the
county. Lack of proper planning did not see the growth of
cars for this area and have made it very unsafe and very fast moving with no where to go.

There is also a proposal buried in the study;
* to make travel northbound on West Henrietta Road to westbound on East River Road would be eliminated.
Basicly we would not be able to make a left hand turn onto East River Road.
So we would not be able to enter our own neighborhood.
Another thing to consider is as Strong Hospital constructs another building on Crittenden Boulevard that will mean more traffic for East River Road. Also U of R has plans in the future to close part of Crittenden Boulevard which will mean more traffic on Kendrick to East River. I also have concerns with U of R and their way of changing a neighborhood without truly understanding their impact on home values, parking issues, and the spirit of a neighborhood as we are the tax paying citizens. On Crittenden Boulevard 3 pedestrian right of ways were put in and on Elmwood Avenue 2 pedestrian right of ways were put in with no input from neighbors. I use these examples to bring up the point of how many students and faculty will be walking to the proposed institutions and will East River Road be transformed for only U of R's benefit?

Especially with Town of Brighton concentrating on preserving green space particularly with wetlands and the beautiful and historical Genesee Valley Park by Frederick Law Olmstead in our neighborhood we need to preserve the beauty of the space. Let us remember Uof R is only part of the Brighton community they must follow the same rules and regulations we are all held to and work for the benefit of the whole community not just their own agenda. As was written in the Democrat and Chronicle Outlook in February 2006 "You're going to see an increased emphasis from the U of R on how we can appropriately facilitate startups, technology transfer and other forms of appropriate commercialization" said Joel Seligman. Will U of R be subletting this property
to other companies and will we have any say once papers are signed? With this request of Residential land to Institutional so close to our homes and such an impact on our lives we must take time and close scrutiny to their plan.

In closing the corner of East River Road and West Henrietta Road and its' high accident rate need to looked at closely. Also we need to look at the impact of traffic when the Mt. Hope Avenue and East Henrietta Road Improvement Project begin in a few years, (cty project #09191). As this all impacts traffic flow, speed, volume of cars, and accidents in our neighborhood and our quality of life. Also what will be the increase of pedestrians on this busy road and their safety?

Sincerely

Melanie A Warren
March 20, 2006

Ramsey A. Boehner,
Environmental Review officer
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Dear Mr. Boehner:

On March 8, 2006 I delivered the attached comments at the Public Hearing regarding the DGEIS for the rezoning/incentive zoning of the University of Rochester south campus to Institutional planned Development District (IPD). I now offer the following additional conclusions and recommendations.

After careful review of the DGEIS and hearing of citizen testimony at the hearing I remarked I was astonished at what I had learned. First and foremost, I was concerned over the failure of storm water management on existing properties already developed by the University which causes chronic uncontrolled flooding directly impacting downstream properties occupied by ordinary town residents.

Upon further review, what's equally remarkable, the University offers little or no recognition of substantial storm water problems impacting residents. In fact, the University asserts that adverse impact on downstream properties is minimal or negligible. The University reductionist claim that its contribution to runoff is lesser and that flooding is only occasional flatly contradicts citizen testimony and dated photographs. In short, scientific findings by University fail to square with long term and documented experiences by residents.

The glaring absence anywhere in the lengthy University document of a drainage plan for its proposed development, is an even more astonishing omission. It's absence is tantamount to claiming, that current reported flooding does not exist, the proposal to develop 2 million square feet more in this sensitive low lying area should have little or no additional impact, and there is no need to provide a drainage plan to substantiate either of these claims. An incredibly circular argument appears in the middle of the University's discussion of runoff which basically states there will be no additional downstream runoff because the town does not allow it. Even more remarkable, the University confirms that it has not grasped the enormity of the problem discussed above, by stating that more study is needed.

The sizeable errors and omissions in the report lead me to conclude that the University would best serve its own interests by withdrawing its rezoning application, until such time the matters above are addressed credibly: adverse impacts from existing development need to be mitigated, a drainage plan must be prepared, and a master plan for the area should be created in conjunction with the town.

Short of the above independent action by the University, the Town of Brighton has no recourse but to call for preparation of a supplemental DGEIS (SDGEIS) that comprehensively addresses the above matters. The concerns are too substantial to be treated as mere responses to a completed document. They require further review, analysis, and public comment which the above process will allow.

Thank you for your attention to this most urgent matter.

Sincerely,

Jim Hooper
Hi Mary Ellen,

Thank you for sharing your views on the proposed rezoning of the University of Rochester land in West Brighton. We will enter your comments into the record of the public hearing, and the town board will consider your comments carefully.

Sincerely,

Sandy

--- Original Message ---

From: Mary Ellen Petri
To: Sandy Frankel
Cc: jvogel@rochester.rr.com; LjNovros@aol.com; rjthree@aol.com; sskraus@frontiernet.net
Sent: Monday, March 20, 2006 2:54 PM
Subject: U of R

Hi, Sandy. Just want to share my thoughts with you regarding the U of R and West Brighton. I guess I am wondering what the Town will get in return for rezoning all that land. 45 acres on Crittenden Road does not even begin to make up for what we will lose. I am upset that more land will be coming off the tax rolls and more Town services (roads/road maintenance, sewers, police, emergency, etc.) are used. I know there are pilot payments, but in my mind, that doesn’t even begin to make up for what we lose. I am worried about our future. More and more of Town property is being bought by different groups and all of them seem to be tax exempt. How much can one Town absorb? I had friends recently move from Brighton to Sodus Point and one of the reasons they left was because of the “Brighton taxes”. It just doesn’t seem fair. We have good schools, a beautiful community but more and more young families still seem to migrate away from Brighton. Why is that? I can tell you some of the reasons: lack of new housing, older homes that need tons of work, small lots, high taxes. I am sorry that all the land Faith Temple has purchased could not be new homes. I used to resent all the office buildings here in Town but now I welcome them because they are not tax-exempt and definitely pay their share to be here. It seems to me that there should be a monetary limit, per the population or square miles of a Town, that can come off the tax rolls. When a Town hits that limit, any new proposal for tax-exemption, would have to pay at least 50% of their new/developed assessed value. In the future, when there isn’t any land left to develop, and we’re just another old inner ring suburb, what then? We will be no better than the City of Rochester and I find that not only disturbing but very sad. Please make the right decision for our Town. So be it, if U of R has to have a west-side campus. Let another town in Monroe County share some of the burden/expense that comes with projects like these. I feel we as a Town have surpassed our limit a long time ago. Thank you for listening.

Sincerely,

Mary Ellen Petri
103 Meadow Drive
30+ years a Brighton resident and proud of it.

/20/2006
March 17, 2006
221 Bastian Road
Rochester, NY 14623

Ramsey A. Boehner
Environmental Review Officer
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Dear Ramsey A. Boehner:

We are aware of the rezoning proposal for Residential to Institutional Zoning submitted by the University of Rochester for its South Campus area in West Brighton. As residents of the Westfall Heights Neighborhood Association, we are definitively opposed to the change in zoning. Our most salient concerns include the loss of wildlife and plant life in the wetland and pond areas along the Lehigh Valley trail, the change in the water table and storm runoff, and increased pollution in the area. This area is rich with plants and wildlife, including turtles ranging in size from quarters to turkeys, myriads of bird species, including birds of prey, waterfowl, and songbirds, a multitude of amphibians, including endangered peeper frogs, and various trees and water plants.

We apply to you to prevent the change in zoning, which would include plans for a build out of almost two million square feet. This would be a catastrophic loss of nature in our community, not to mention the negative ramifications for our neighborhood. Thank you for your careful attention and consideration in this matter.

Sincerely,

Lisa and Kenneth Lindsay
Residents, Bastian Road
March 10, 2006

Ramsey A. Boehner
Town of Brighton Environmental Review Officer
2300 Elmwood Avenue
Rochester, NY 14618

Re: University of Rochester IPD Rezoning

Dear Mr. Boehner:

My comments on the requested IPD Rezoning by the University of Rochester are as follows:

- This area is wild habitat for a variety of species, and as such, irreplaceable. Once it is modified for buildings and parking lots, this habitat, so unique in an urban environment, is lost. The area's wetland and upland environments are significant to the population of amphibians and birds known to live there. Fragmentation of this habitat will have negative consequences for biodiversity in our area.
- Wetlands in the area are important to controlling flooding. People living adjacent to this property commented at the March 8, 2006 hearing that increasing development has caused flooding on their properties.
- Overall quality of life for anyone needing to travel near the area is an important consideration. Hikers on the Lehigh Valley Trail may see buildings and parked cars. Drivers on nearby roadways will experience increased traffic in an area where traffic is currently dense.
- The long time span of twenty years, coupled with only general plans for development provide wide latitude for interpretation, once the zoning change is approved. The Town should retain oversight of each development conducted, as it occurs. In coming years the context for these decisions may drive different solutions, different people will be deciding upon the merits of new developments, and conditions will also change.

If development must occur in this area (I would hope that already developed land could serve instead), my recommendation would be to accept only carefully detailed and phased changes that cause only minimal disruption.

Thank you for considering my opinion.

Sincerely,

Christine Sevilla
4 Springwood Lane
Pittsford NY 14534
March 7, 2006

Town of Brighton Town Board
Att. Ramsey A. Boehner
2300 Elmwood Avenue
Rochester, New York 14618

Dear Sir,

Information provided to me indicates the Town of Brighton Town Board is considering a rezoning request by the University of Rochester for 188 + acres. The zoning on this property would be changed from Residential Low Density to Institutional Planned Development. The boundaries of this property are described as follows, North Rt. 390, West former Lehigh Valley Railroad right of way, East West Henrietta Road, South Southland Drive and Crittenden Road.

With in these boundaries is a lot of residential land not owned by the University. This land is already developed as Residencial Low Density. These properties will see a reduction of there property values if they are rezoned as requested by the University. I have lived at 181 Furlong Rd. for over 30 yrs and paid property taxes to the Town of Brighton. I am against any rezoning of any property. Currently zoned residential low density property.

Other issues I would like the board to consider are as follows:
The students of the University do not pay any taxes to any town or school district.
I do not think the Board should allow the University to lower the value of property they do not own.
The impact on emergency services, Fire protection, Police protection, Medical EMT services.
The cost for building and maintaining sanitary sewers.
The capacity of the current sanitary sewer treatment facilities.
The traffic impact on current roads in established residential areas.
I am against any change in traffic flow in current established residential streets.
The cost of building and maintaining new roads.

This land is a seasonal wet land and should be protected for wild life habitat.

Thank you for your time and consideration.

Sincerely,

[Signature]

James S. Strong
Dear Town Board Members:

In addition to contributing to the comments submitted by the Conservation Board, I hoped to address you personally on the U of R expansion/rezoning issue at the Town Board meeting March 8, but we were and still are away on our annual cross country trek with our pottery business.

As you probably know, the Conservation Board discussed this proposal during at least four meetings and I think it is correct to say that we could never really understand why the town would want to give away its responsibility of overseeing the protection of this unique land resource.

The Draft Generic Environmental Impact Statement (DGEIS) itself states:

"The occurrence of this amount of relatively wild lands, not in a park system, in as urban a community as Brighton, is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets."(page 24)

Fragmentation of this unique (and irreplaceable) habitat would destroy much of its value. I think this special land requires ongoing attention by the town as development proceeds in the coming decades. Though the University is presently committed to environmentally sensitive development, no one can guarantee what future administrations might deem necessary, and the town, with input from its advisory boards, needs to be able to oversee land use.

The DGEIS is a huge document, vague and even contradictory in parts. (For instance the Ecological Assessment states on page 1 that the site could not comprise habitat for threatened species, but on page 3 it states that it could provide habitat for threatened species. --See this page 3 quote below.)

Other observations in the DGEIS indicate that the wetland and upland likely supports every species of frog endemic to this area, including robust populations of the Western Chorus Frog, which is found only in this section of New York State.

And, "Due to the impervious areas of future development, the amount of groundwater recharge at the Rezone Property would decrease slightly."(page 53).

How would this loss of water affect the wetlands and the larger ecosystem of which it is a part? Could the loss be overcome with pervious surfaces? (Pervious surfaces on driveways and parking lots, which would allow water to filter back into the groundwater reservoirs, have not generally been deemed possible in northern climates: however they are now being installed, even in snowy places like Denver, CO and Maryland.)

Also, will the development of surrounding “upland” adversely impact the terrestrial part of amphibian life cycles? Amphibians live ¼ of the year on land, so even if the wetlands are preserved, will there be enough “upland” to support them when they leave the water after breeding?

The site also comprises prime bird habitat:

"The site contains open fields and meadows that could provide habitat for threatened grassland species such as northern harrier..., upland sandpiper..., or Henslovs sparrow..., and listed special concern species such as vesper sparrow... and grasshopper sparrow.... The amount of mature forest habitat on site suggests that species listed as special concern such as red-shouldered hawk..., sharp-shinned hawk..., Cooper’s hawk and blue spotted Jefferson’s salamander... may be found there."(page 3 of Appendix I – Ecological Assessment Report)

How will this habitat be impacted by the development? Will habitat of threatened species be destroyed?
These are just a few points that I, as a lay person, noticed just in the beginning pages of the U of R volumes. There surely are many more considerations and aspects of the land that have not yet even been discovered. For instance, the consultants who drew up the DGEIS thought that there were no state wetlands on the property, but DEC, when asked for an evaluation, found that there are state wetlands present and will schedule a hearing to formally classify them.

This is a rather major readjustment in the characterization of the property, and it makes one suspect that there are other aspects that deserve a second look also.

Finally, when our Sierra Club Wetland Committee members looked at the maps of the wetlands in the rezoning area, the consensus was that it would be very important to preserve two particular places: the interconnected Wetland G North/Wetland G South and Wetland J., along with sufficient upland to support the wetland inhabitants.

The first, the Wetland G No. and So., is a very large wetland, running right along Lehigh Valley Trail and under the power lines. It is a major habitat, and I have volunteered with Charlie Knauf to monitor it as part of the Marsh Monitoring Project this spring. The other, Wetland J, is smaller, but is described by a U of R employee who frequents the land as a “very nice little wetland” that is very productive and doing very well in spite of its of being bounded by East River Road, 390 and the Trail.

In conclusion, I think it is duty of the Town to do all it can to protect and preserve its valuable and irreplaceable wild places. Others will speak of the value of the woodlots, and the EPODS that overlay much of the property, but I want to emphasize that wetlands are perhaps the most productive and unique habitats on the earth, and their loss is beginning to be recognized for the tragedy it is. Natural systems will become more and more valuable as they become more and more scarce, and Brighton should keep as much control as possible over the wonderful wild resources it still amazingly has.

Strict environmental oversight should be in place now, and even more so in the future. If the U of R always remains committed to environmentally sensitive building, that is so much the better. Then there will be two bodies, the Town and the University, looking after the welfare of our natural systems, far into the future.

Sincerely,

Sara Rubin
150 Sunset Dr.
Rochester, NY 14618
Verbal Comments delivered at the March 8, 2006 Public Hearing at the Brighton Town Hall Regarding Rezoning Proposal by the University of Rochester for its South Campus area in West Brighton, Monroe County:

Good evening. My name is Jim Hooper and I live at 191 Bastian Rd. I am the president of the Westfall Heights Association in West Brighton but I speak tonight as an individual. In 1978 I served on the Town Wide Drainage Study Committee. I think that is somewhere around twenty-eight years ago. That study is also rather large document and in comparing it to what I've heard tonight, I see history repeating itself. You will find at the back a survey of over seventy residents in West Brighton describing each one the problems with water, runoff, drainage, and floodplains throughout West Brighton. The problems are not new. And yet 28 years later I am newly astonished at the pictures I saw tonight. I hope you were, too. I'm also a member of the University community and I'm deeply embarrassed. I'm concerned about the statements made by the University tonight. I'm encouraged when anyone says they wish to partner. But to be a partner you have to bring to the table a reputation of responsible behavior and in this case it has to do with embracing what West Brighton is—and doing something now—not telling us how good you will be later.

We need a detailed drainage plan from the university. We do not have it—or anything like it, in fact. The report does not match the experience of the citizens that live on adjacent lands. I would ask you tonight to heed the words of ordinary residents most impacted by university action and inaction and draw your own conclusions about the accuracy of the statements in the DGEIS.
Most importantly, the town needs to know more...much more about actual intentions of the university. What do they actually plan to do? We don’t know. Unfortunately after 600 pages we still know almost nothing that we can 'hang our hats on'. Why? I think, in part, because, as the university reported at the December 2005 Information Meeting at 'St Agnes', the River Rd Labs building, that their priorities right now are with the medical center which lies inside the city of Rochester, not with a south campus expansion in Brighton. It’s not on the radar screen of this large organization. And so there we have it.

I call on the town to heed what its citizen boards decide to tell you. Consider zoning changes based only on actual need to build not vague and unreal speculation.

Why rezone if there are no plans to actually develop the land? How does this process work for town citizens who want to develop? Does the Town grant a permit to build an entire house when we come in with plans to merely build a bathroom; a bedroom? Of course not. I suggest the town consider taking actions on university needs in phases and act only on parts where the University believes they need to build.

At the end of the day, it is not the community that needs to become part of the University, it is the University that needs to become part of the community.

NOTE: I have a comment for the town. Even if the university should gain partial approval and fulfill its promise to pay its fair share of services, I would expect that 100% of fire service fees would go directly into the West Brighton Fire District, not general funds of the town.
Hi Jennifer,

Thank you for sending me your comments regarding the Univeristy of Rochester's environmental review. I will forward a copy to Susan Kramarsky, Town Clerk, to be entered into the record of the public hearing, and I will also send your email to the town board, Tom Low, and Bill Moehle.

Sincerely,
Sandy

--- Original Message ---
From: Jennifer Ries-Taggart
To: sfrankel@rochester.rr.com
Sent: Thursday, March 16, 2006 12:13 PM
Subject: Proposed U of R Rezoning

Hello, Sandy. Congratulations to you and the board on the recent completion of the new town lodge in Buckland Park. It looks beautiful; you all must be proud.

On the business at hand...
I said the following at the 3/11/06 town hall meeting re: the proposed University of Rochester rezoning from residential to institutional planned development.

"Hello, Sandy, board members, counsel et al. My name is Jennifer Ries-Taggart and I live at 1400 Crittenden Road. I'm the new kid on the block, having lived there for five months now. Last summer, in the course of researching the University of Rochester presence in my potential backyard, a self leveling pond, called a SWM on the map (storm water management), was reflected in the map that was filed at that time at the town hall.

The current map at the town hall no longer shows the pond. Interestingly enough, the 50,000 square foot building, however, that was behind the pond is still there.

I would ask the town board to seriously consider if this kind of bait and switch is occurring during a time when the University of Rochester is pursuing a rezone, what kind of recourse will Brighton and its residents have once the rezone is a fait accompli?"

Note: During the break following the hearing, I spoke to the two University of Rochester representatives who were present. Although I do not recall their names, one was the white haired gent who is a University of Rochester attorney and the other man I believe is an architect with the University (not Paul T.). They told me that each map shows completely different things and that the July 2006 map and the current one are overlays of each other. I don't buy it. All I know is that the 50,000 SF building, with adjoining parking lot is present on both maps and that the most current map, however, does not reflect the pond I was initially led to believe would be in front of the building. I have copies of both maps if you' would like to see this interesting phenomena.

We also discussed the 100 foot buffer, which you and I know is absolutely nothing. The town hall meeting is probably 100 feet, from front to back. That works for a meeting room. It does not, however, work as a buffer for a 50,000 SF building/parking lot that's looming in your back yard.

I concluded that we would have to agree to disagree and that, although they have a job to do, I have a house

3/16/2006
and a lifestyle to protect.

I continue to bring up the disappearing SWM as an example of what we can expect in the future. Actually, upon reflection, this has already happened. What other negative changes can we expect?

Sandy, there are so many vital significant aspects to consider, including, but not limited to, biohazard, drainage, traffic pattern, wildlife and Lehigh Valley trail implications. I will leave this with the experts to report on for now; however, none of these concerns could possibly be positively impacted by 188 acres of planned institutional development. The area in question is a balanced ecosystem that needs to be protected by fair, clear minded leaders who are interested in protecting the rights of their constituents and the future of Brighton.

Sandy, please disseminate this message to the town board for their consideration, as well as place in the public record. As always, thank you for your time and attention in this matter.

Jennifer Ries-Taggart, Director
Chili Public Library
3333 Chili Avenue
Rochester, New York  14624
PH  585-889-2200 Ext. 110
FAX  585-889-5819
jtaggart@libraryweb.org
January 27, 2006

Mr. Timothy E. Keef, P.E., Town Engineer
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: University of Rochester – IPD Rezoning DGEIS
Town of Brighton
Monroe County Pure Waters’ (MCPW)
Irondequoit Bay Pure Waters District (IBPWD) & Rochester Pure Waters District (RPWD)

Monroe County Pure Waters (MCPW) has been notified by FRA Engineering, P.C. of the proposed rezoning and entitlement zoning of the University of Rochester’s (University) “South Campus” in the Town of Brighton. Furthermore, we have been informed that as a result of this proposal, the Town of Brighton is requiring the University to monitor sanitary sewer flows to determine available capacity in the Town’s sanitary sewer system that will be affected by the University’s South Campus. The sanitary sewage from the area of the proposed rezone property is collected at the IBPWD “Brighton No. 5” pump station near the corner of East River Road and Kendrick Road and is then conveyed through a 12” diameter force main to a RPWD 24” diameter sanitary sewer on the University’s property in the City of Rochester on the north side of the Erie Canal and west side of Kendrick Road. Please refer to the attached map. In conjunction with the flow monitoring study of the Town’s sanitary sewers, the RPWD will require the University to include the monitoring of the RPWD sanitary sewer flows downstream of the Brighton No. 5 force main to determine available capacity in the RPWD sanitary sewer. Suggested flow monitoring locations are noted on the attached map.

If you would like to discuss further, please contact me at 760-7610 x7066. Thank you.

Sincerely,

Kevin Quinn
MONROE COUNTY PURE WATERS
Office of Development Review
Supervisor Sandra Frankel  
Town of Brighton  
2300 Elmwood Ave.  
Rochester, NY 14618  

Feb. 20, 2006

Dear Sandy,

Regarding the University of Rochester's DGEIS and rezoning application for 180+ acres in west Brighton from RB to IPD:

It is clear that this is a large valuable wetland. As the DGEIS states: *The occurrence of this amount of wetlands not in a park system in an urban community as Brighton is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets.*

Much of our newly acquired open space in Brighton is devoted to athletic fields. Corbett's Glen Park while wild and scenic, does not have the wide large variety of wild species especially the endangered amphibians, and does not have the surface water purification benefit of a large wetland as this parcel does.

The valuable wetlands on this parcel have not yet been classified or added to the DEC wetland maps.

I think it is essential for the Town Board to hold approval of the DGEIS and consideration of the U of R's rezoning application at least until the DEC has had the opportunity to classify and add these wetlands to their wetland map.

Cheers,

cc Scott Jones DEC region 8
March 8, 2006

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, N.Y. 14618

RE: Planning Board comments regarding the DGEIS for the rezoning/incentive zoning of the University of Rochester south campus to Institutional Planned Development District.

Dear Board Members:

At the February, 15 2006 Planning Board Meeting, the Board requested that I forward the following comments regarding the DGEIS for the rezoning/incentive zoning of the University of Rochester south campus to Institutional Planned Development District (IPD).

The DGEIS has not sufficiently identified adequate conditions, standards or thresholds under which the Rezone Property can be developed and used in the future. The document does not provide sufficient environmental planning, particularly the identification of impacts and mitigation measures. The DGEIS has not demonstrated that the project as proposed minimizes or avoids environmental impacts to the maximum extent practicable.

The presentation of the proposed development is inconsistent with the specific review criteria listed in the Comprehensive Plan 2000 Land Use Plan. The Plan states:

“The Area north of the southern end of Whipple Park is recommended for institutional use compatible with the existing U of R facilities. Any institutional development of this area should be based upon a master plan for the entire area that has been approved by the town. The master plan should include: a buffer that is substantially wider than 50 feet currently required by town regulations between the institutional district and any surrounding residential development; a buffer along the abandoned Lehigh Valley Rail ROW; access only from East River Rd. (no access from Crittenden Rd.); building uses and orientation; a transition of intensity of building and impervious coverage from south to north; and a drainage plan.”
The plan also states:

"The area to the south of Whipple Park is recommended for low density residential development with minimum 1/2 acre lots. This would allow for development compatible with surrounding residential areas and sensitive to the area’s environmental constraints.”

A master plan for future development and use of the property has not been submitted. This information is needed to allow an adequate analysis of off-site and site-specific adverse impacts and mitigation measures.

The DGEIS notes on page 4 that it is not the intent of the University to restrict development to the Pod areas shown in many of the figures. The lands involved are part of a continuous ecosystem which is very important to the overall ecology of the area. This potential development will have major impacts on wetlands, drainage, overall hydrology, loss of woodlots and wildlife habitat, etc. Therefore it is crucial to identify precisely which areas are proposed for development.

A master plan, which includes building use, setbacks, building locations, construction phasing and building heights and their impacts on neighboring properties, should be prepared. The plan should show the location and details of the proposed buffer (including a buffer for the park and trail). It is important that all areas to be disturbed are shown on the plan. Areas that will not be disturbed should be clearly identified and mapped. These areas should be determined based on degree of environmental sensitivity and should be placed under conservation easements. The plan should include all proposed permitted and conditionally permitted uses along with performance standards. Any use not included should be deemed to be prohibited.

The plan should also show the Woodlot Environmental Protection Overlay District (EPOD) boundary. All information, including the required tree survey, should be submitted pursuant to the Town’s Woodlot EPOD regulations. All woodlot areas proposed for future disturbance shall be clearly delineated. The number of trees to be removed and the acreage of woodlot to be disturbed should be noted. A detailed tree mitigation plan should also be prepared. It is important to note that the Planning Board has serious concerns with allowing the applicant, as an incentive, to develop buildings and other structures within currently or future mapped woodlot EPOD districts without the need to obtain a woodlot EPOD permit pursuant to Town Code.

Based on comments received from NYSDEC, a portion of the wetlands (the southern half of wetland G) meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the intent of NYSDEC to initiate a Freshwater Wetland Map amendment to add this wetland to the map as BR-19. All wetland and 100-foot adjacent areas should be shown on the plan. All wetland areas, including 100 foot adjacent areas to be disturbed in the future should be clearly mapped. All undisturbed wetland areas and 100 foot adjacent areas should be placed under a conservation easement. It is important to note that all wetlands, including the undelineated potential wetland areas on parcel 3 may be jurisdictional for the Army Corps of Engineers under Sec.404(b) of the federal Water Pollution Control Act (Clean Water Act). The delineation report should be submitted to the Corps for a jurisdictional determination. A revised
map should be submitted that shows all federal and state wetlands, including 100 foot adjacent areas.

The DGEIS does not contain adequate stormwater mitigation measures that will need to be incorporated into the project. The DGEIS has not adequately addressed storm water quality. The plan should show mitigation for not only the proposed development, but that of the overall drainage area that the project is situated within.

The DGEIS has not demonstrated adequate justification for the proposed high density. The proposed density is inconsistently noted in the DGEIS. The gross square footage of all buildings currently existing on the Rezone Property and the proposed overall gross square footage for the entire rezone property should be included in the master plan. The additional gross square feet proposed and the overall gross square footage per acre should be submitted. The proposed amenities are inadequate in relationship to the incentives requested and do not adequately mitigate the adverse impacts of the project.

The proposed development has the ability to significantly impact the sanitary sewer capacity. Is there adequate capacity to handle the increased flow from the proposed project and for the future connection of the surrounding residential areas currently served by septic systems?

Based on the above comments, the community, Planning Board and the other involved and interested agencies should be given further opportunity to comment on the DGEIS once the requested information is received. The Town Board should consider requiring the preparation of a supplemental DGEIS (SDGEIS) that provides an analysis of significant adverse impacts inadequately addressed in the DGEIS. The SDGEIS should address all comments (including NYSDEC comments) and include a master plan for the Rezone Property. This information will allow an adequate analysis of off-site and site-specific adverse impacts and mitigation measures. The information requested by the Planning Board is important and very relevant to the future development of the area. The information contained in the DGEIS has not identified adverse impacts and mitigation measures in sufficient detail.

Implementation of the Institutional Planned Development District (IPD) circumvents many of the Town’s development regulations designed to promote adequate controls to protect the Town’s welfare. After implementation of the IPD, so long as the use is “institutional”, regardless of density or intensity, a project needs no more than a special use permit. The loss of adequate future controls is ameliorated when the applicant has proposed a detailed current plan containing detailed bulk, density and use regulations that must be used to guide implementation of future development. The failure of the applicant to submit an adequate current plan eviscerates the environmental and planning review of the IPD proposal.

If a plan for future development of the rezone property can not be adequately prepared as recommended in the Comprehensive Plan and as required by the IPD, the Town Board should take no further action. The project should not be allowed to be developed incrementally without a plan for future development. If the project moves forward, the Town Board should consider phasing the rezoning approval based on a master plan for future development.
The Planning Board would be glad to work with the applicant in developing a master plan for the Rezone Property. The Planning Board recommends that the Town Board take no further action regarding this matter until the requested information and revised plans are reviewed by the Planning Board.

Thank you for the opportunity to comment on this important project.

Respectfully Submitted,

Ramsey A. Boehner
Executive Secretary
Planning Board
January 17, 2006

Mr. Ramsey Boehner, Environmental Review Liaison Review Officer
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: University of Rochester - Proposed Institutional Planned Development (IPD) District
    Town of Brighton Project # ER-20-04
    Review of Wetland Delineation (Environmental Resources LLC, August 2005)

Dear Mr. Boehner:

I have reviewed the wetland delineation report prepared for the University of Rochester by Environmental
resources and recently (1/6/06) visited the site with Environmental Resources staff (John Hauber). Our purpose
was to confirm wetland boundaries and to determine which of the delineated wetland areas meet the criteria in
New York Environmental Conservation Law (6 NYCRR Part 664) for inclusion on the Freshwater Wetland Map
Monroe County. Our evaluation was limited to wetlands G, J & K on University of Rochester property
(refer to Fig. 5, “Wetland Location Map,” in the delineation report) but did include additional contiguous wetlands
on the adjacent Monroe County Park property to the west.

Results

The Department concurred with the boundaries of wetlands J, K & G as delineated on the U of R property but
determined that wetlands in several areas extended beyond the property bounds:

Wetland G

At its northern end wetland G was found to extend beyond the delineated limits, in a northwesterly
direction and off the U of R property, to a point within the electrical transmission ROW. The southern
portion of the wetland was found to extend westward onto the Monroe County Genesee Valley Park. It is
hydrologically connected via a culvert located near the southern edge of parcel 8.

Based on our assessment the southern portion of wetland G and the contiguous wetland off-property to the
west comprise an approximately 17.8 acre wetland complex that meets the criteria for inclusion on the
Freshwater Wetland Map (see attached aerial photo with approximate wetland boundary).

The northern portion of wetland G, although hydrologically connected with the southern portion by a
southerly-flowing ditch, does not appear to meet the criteria for inclusion on the Map. The 2 wetland areas
are greater than 50 meters (~165 feet) from each other and the ditch or unclassified intermittent stream is
an excavated feature flowing through uplands. The northern portion of wetland G is less than the 12.4 acres necessary to consider it as a separate Freshwater Wetland.

Wetlands J & K

These 2 wetlands are also less than 12.4 acres and are greater than 50 meters from other noncontiguous wetlands. They do not meet the criteria for inclusion on the Freshwater Wetland Map.

Wetlands A-F, H, L-P

We did not confirm the boundaries of these smaller disjunct wetlands as it was clear from the delineation report that they do not meet the requirements for inclusion on the Freshwater Wetland Map due to their small size and wide separation from other larger wetland areas.

Possible Additional Undelineated Wetland Areas

We observed a series of small vernal pool type wet areas within parcel 3 that had not been delineated. These areas appeared to be hydrologically connected via surface flows to the northern portion of wetland G. Environmental Resources concurred that these areas warrant further investigation to determine if they constitute additional jurisdictional wetlands for the US Army Corps of Engineers.

Summary

A portion of the delineated wetlands (the southern half of wetland G) meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the Department’s intent to initiate a Freshwater Wetland Map amendment to add this wetland to the Map as BR-18. The approximate limits of BR-18 are shown on the attached GIS-based aerial photo and show the approximate wetlands limits both on and off the University of Rochester South Campus property. For planning and development purposes, regulated activities as defined in NYS Environmental Conservation Law proposed within either BR-18 or its 100-foot adjacent area will require an Art. 24 (Freshwater Wetland) permit from the Department.

All delineated wetlands as well as the undelineated potential wetland areas on parcel 3 may be jurisdictional for the US Army Corps of Engineers under Sec. 404(b) of the federal Water Pollution Control Act (Clean Water Act). The delineation report should be submitted to the Corps for a jurisdictional determination.

Thank you for the opportunity to review the wetland delineation report and comment on the Department’s presumptive jurisdiction under ECL Article 24 (Freshwater Wetlands Act). Feel free to contact me if you have any questions or there is anything I can clarify.

Sincerely,

Scott Jones, Biologist I (Ecology)

encl

cc: Environmental Resources LLC
    NYS DEC Div. Env. Permits (SEQRA file)
    US Army Corps of Engineers Regulatory Branch (Buffalo)
Freshwater Wetlands Determination

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RE:
University of Rochester - South Campus Wetland Delineation Report (August 2005)

This letter is in response to your inquiry regarding the applicability of Article 24 (Freshwater Wetland Act) regulations to the parcel of land in question. An investigation was conducted and, based on this determination, the Department of Environmental Conservation finds that the statements checked below apply to the subject property:

* A regulated Freshwater Wetland is located on or within 100 feet of this property, and regulated activities in the wetland or within the 100-foot adjacent area are subject to permit requirements.

* There is no currently-mapped regulated Freshwater Wetland on or within 100 feet of this property. No wetland permit is required at this time.

The project, as described, is within 100 feet of a regulated wetland, and a wetland permit will be required prior to the commencement of the proposed project.

The property contains a regulated wetland and/or is within 100 feet of a wetland boundary, but the described project is located outside the regulated area and will not require a wetland permit.

X Please contact the U.S. Army Corps of Engineers (Buffalo office) at 716-879-4330 regarding any federally protected wetlands in the vicinity.

X The boundary of the regulated wetland located on this property has been precisely delineated as follows:

By Environmental Resources LLC (Aug. 2005 Wetland Delineation Report). Staff visited the site with John Hauber (Env. Res. LLC) and concurred with the boundaries as delineated.
**Note: A portion of the delineated wetlands meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the Department’s intent to initiate a Freshwater Wetland Map amendment to add this wetland to the Map as BR-18. The approximate limits of BR-18 are shown on the attached GIS-based aerial photo and show the approximate wetlands limits both on and off the University of Rochester South Campus property. For planning and development purposes, regulated activities as defined in NYS Environmental Conservation Law proposed within either BR-18 or its 100-foot adjacent area will require an Art. 24 (Freshwater Wetland) permit from the Department.

---

SIGNED: [Signature]
Scott Jones
TITLE: Biologist I (Ecology)

Department wetland field delineations remain in effect for a period of three years, after which they are subject to revision at the Department’s discretion, due to changing site conditions. Measurement of the 100-foot adjacent area is done horizontally upland from the wetland boundary, not along the ground surface. The identification of the adjacent area boundary, if done, is the responsibility of the landowner or project sponsor.
-----Original Message-----
From: patricia c [mailto:granmapatty@hotmail.com]
Sent: Tuesday, February 07, 2006 4:33 PM
To: tlow@rochester.rr.com
Cc: mkaidy@rochester.rr.com
Subject: Laboratory Safe practices

From Robert and Patricia Levine
1015 Crittenden Road
Rochester NY 14623

RE: University Of Rochester

Tom,

The University should be required to engage in safe laboratory practices which include but should not be limited to the following SUNY guidelines

from SUNY

LINK

http://www.esf.edu/ehs/lsg/sflabpr.htm

REQUIREMENTS

III. SAFE LABORATORY PRACTICES
A. General Principles

Everyone in a laboratory should observe the following rules:

Understand and utilize the safety procedures that apply to the work being performed. Determine the potential hazards (physical, chemical, biological, or radiological), and the appropriate safety precautions to be followed, before beginning any task.

Be familiar with emergency procedures, the location and use of emergency equipment, and how to obtain help.

Be aware of types of protective equipment available. Use the proper type of personal protective equipment for the particular task.

Call attention to unsafe conditions or work practices so that appropriate corrections can be implemented.

Never consume food or beverages, or smoke in areas where chemicals are being used or stored. Do not apply cosmetics or insert contact lenses while in the laboratory or near chemical storage areas.

Be certain that all chemicals are correctly and clearly labeled. Post the designated warning signs or labels when specific hazards, such as radiation, flammable materials, biological hazards or other special hazardous conditions exist.
Check all burners and gas outlets to ensure that they are off before leaving the laboratory. Do not place gas burners by open windows or in a draft. No gas burner shall be left unattended while in operation.

Remain out of the area of a fire, chemical spill, or personal injury unless your assistance is required to help meet the emergency.

Use laboratory equipment only for its designated purpose.

Carefully position and secure equipment. Take the necessary steps to avoid the accidental jarring of an apparatus or piece of equipment. Use caution in handling hot objects.

Check all gas cylinders to ensure that they are securely fastened and that the straps are in good repair.

Keep laboratory doors closed to prevent escape of odors into hall.

Think, Act, and Encourage Safety.

B. Health and Hygiene

The following practices should be observed:

Wear appropriate eye protection, such as safety glasses, goggles, and/or a face shield at all times. Contact lenses should not be worn in the laboratory.

In the event that a chemical is splashed into the eye, a contact lens may serve to trap and concentrate the chemical, thereby increasing the potential for eye damage. In some cases, the lens may dissolve or in some way become "glued" to the eye.

"Soft" contact lenses can absorb organic solvent vapors and thus potentially damage the eye.

There may be exceptional situations in which contact lenses must be worn for therapeutic reasons. In these situations, employees who MUST wear contact lenses MUST inform their supervisor so that appropriate safety precautions can be devised.

Use protective apparel, such as gloves, gowns, lab coats, and other special clothing or footwear as needed. Wearing shorts, tank tops, halters, sandals, or clothing that exposes a large amount of unprotected skin is strictly prohibited. It is imperative that the possibility of skin contact with chemicals be minimized.

Confine long hair and loose clothing when in the laboratory.

Do not use mouth suction to pipette chemicals or start a siphon. A pipette bulb, aspirator or vacuum-assisted pipette must be used.

Avoid exposure to gases, vapors, particulates, and aerosols. Use of fume hood whenever such exposure is likely. Appropriate safety equipment must be used when work is not conducted inside a fume hood.

Frequently and thoroughly wash hands during the day, immediately before eating and always before leaving the laboratory. When appropriate, a shower should be taken before leaving campus.

Avoid the use of solvents for washing the skin. They may remove the natural protective oils from the skin and can cause irritation. Some solvents can facilitate absorption of toxic chemicals or have their own potentially adverse health effects.

Do not attempt to identify chemicals by smell or taste.

Minimize your potential for exposure by protecting against inhalation, ingestion, injection and absorption of chemicals.

C. Food, Beverages, and Chemical Contamination

The contamination of food, drink and smoking material is a potential route for exposure to hazardous chemicals. Food and beverages must be stored, handled and consumed in an area
tirely free of hazardous chemicals.

oking is prohibited in all buildings except in the designated room.

Well defined areas must be established for storage and consumption of food and beverages. No food will be stored or consumed outside of this area.

Consumption of food or beverages, or smoking is not permitted in areas where laboratory operations are conducted or chemicals are handled.

Glassware or utensils used for laboratory operations must never be used to prepare or consume food or beverages. Laboratory refrigerators, ice chests, and cold rooms, are not to be used for food storage.

D. Housekeeping

There is a definite relationship between safety performance and orderliness in the laboratory. Where housekeeping standards are lax, safety performance inevitably deteriorates. The work area must be kept clean, with chemicals and equipment properly labeled and stored.

Work areas must be kept clean and free from obstructions. Cleanup will follow the completion of any equipment, laboratory session, or as soon as possible.

Spilled chemicals must be cleaned immediately and disposed of properly. Disposal procedures must be followed and all laboratory personnel be informed of them. Chemical accidents and spills are to be attended to promptly. Contact Public Safety (X6666) if the spill presents a health risk or is beyond your cleanup capabilities.

Unknown chemicals and chemical wastes are to be disposed of promptly using the appropriate procedures. Waste must be deposited in appropriate receptacles.

Doors are to be cleaned regularly and kept free of clutter. Keep isles established for emergency egress.

Stairwells and hallways may not be used for storage.

Access to exits, emergency equipment, valves, controls, alarms, and electrical panels must not be blocked.

All glassware shall be properly disposed of in accordance with the appropriate procedure.

Bicycles and pets are not permitted in any laboratories. Used sharps such as needles and syringes must be stored in puncture-proof containers while awaiting disposal.

E. Laboratory Equipment Maintenance

Improperly functioning equipment may provide a false sense of safety and create hazardous situations.

Equipment must be inspected and tested regularly. Service schedules depend on both the possibility and consequences of failure.

Maintenance plans must include a lock out/tag out procedure to ensure that a device cannot be restarted while repairs are being conducted. (See Physical Plant Policy)

F. Glassware

Accidents involving glassware are a leading cause of laboratory injuries.

Careful handling and storage procedures must be used to avoid damaging glassware.

Maged items are to be discarded or repaired.

Equate hand protection must be used when inserting glass tubing into rubber stoppers or works, when placing rubber tubing on glass hose connections, or when picking up broken glass.
Glass-blowing operations are not to be attempted unless proper annealing facilities are available.

Vacuum-jacketed glass apparatuses are to be handled with extreme care to prevent implosions.

Only glassware designed for vacuum work is to be used for that purpose.

Proper instruction must be provided in the use of glass equipment designed for specialized tasks.

Designated "GLASS ONLY" waste containers must be used to dispose of glass. (See Appendix A)

G. Protective Apparel and Equipment

A variety of specialized clothing and equipment is available for use in the laboratory. The proper use of these items will minimize or eliminate exposure to the hazards associated with most laboratory procedures. All laboratory personnel must be familiar with the location and proper use of protective apparel, safety equipment and emergency procedures.

Each laboratory should include:

Protective apparel and equipment recommended for the substances being handled.

An accessible drench-type safety shower or means of providing flushing for chemical splashes as immediate first aid treatment.

An eyewash fountain or self-contained eyewash station.

An accessible fire extinguisher appropriate for the types of fire hazards present. Combustible metals require Class D fire extinguishers.

A chemical spill kit for small spills.

Access to a fire alarm and telephone for emergency use.

H. Cryogenic Hazards

The primary hazard associated with cryogenic materials is the extreme cold and potential for thermal burns. These burns can be severe.

Insulated gloves and a face shield are required when preparing and using dry ice or cold baths.

Neither liquid nitrogen nor liquid air will be used to cool a flammable mixture in the presence of air.

NEVER lower your head into a dry ice chest. Carbon dioxide is heavier than air and suffocation may result.

I. Systems Under Pressure

Reactions must only be conducted in apparatus that is designed to withstand pressures generated.

All pressurized apparatus MUST have an appropriate relief device.

Heat must never be added to apparatus which is not designed to withstand heating.

If a reaction system cannot be vented directly, an inert gas purge and bubbler system should be used to avoid pressure build up.

J. Warning Signs and Labels

Laboratory areas that have specific hazards must be posted with warning signs.

Use standard signs and symbols that have been established for special situations (i.e., radioactivity hazard, biological hazard, fire hazard and laser operations).
It is important to maintain signs that show the location of emergency equipment.

Waste containers must be labeled to indicate the type of waste that can be safely deposited.

Laboratory Directors shall ensure that all chemicals under their control are labeled in accordance with the ESP Hazardous Chemical Labeling Program. (See Appendix B)

Each laboratory must post signs identifying the Unit Safety Coordinator(s) and the Laboratory Director(s).

Chemical code sheets must be posted if cryptic codes are used for laboratory stock solutions. (See Appendix C) K. Unattended Operations

It may be necessary to conduct laboratory procedures over extended periods of time or to run equipment continuously.

Such unattended operations must be designed safely.

Contingency plans must provide for potential hazards which may result from interruptions of utilities, such as electricity or water.

Appropriate signs indicating that a particular laboratory operation is in progress must be posted with the name and phone number of the person to contact in an emergency.

L. Working Alone

Avoid working alone in a laboratory. If this is not possible:

- Range with a co-worker to check in with you periodically.
- Nights, weekends, and holidays contact Campus Public Safety (Dial-6666) and arrange for an officer on patrol to check in at your lab periodically.

Procedures known to be extremely hazardous may not be undertaken when working alone.

The Laboratory Director(s) and Unit Safety Coordinator(s) will determine which procedures have need for special precautions to be taken.

M. Laboratory Security

For the protection of employees, students, equipment, supplies, and the public, laboratories must be locked when unattended.

Security within the laboratory is also important. Locked storage cabinets are advised for sensitive or expensive supplies and equipment. Lockable storage areas or lockers for securing personal property are advised. Needles and syringes must be secured.

Computers, scientific equipment, and research data can be the object of theft, vandalism, or damage from fire or utility failure. Appropriate cabinetry designed to protect these items should be considered. Upon request, Campus Public Safety can assist laboratories with crime prevention surveys and recommendations.

If you observe suspicious persons or activities in your area, contact Campus Public Safety (Dial-6666) and an officer will be sent to investigate. Report any thefts or other crimes immediately. Information from these reports is used to adjust patrol activities and may prevent further problems.
This also for 3/8 public hearing

-----Original Message-----
From: Tom Low [mailto:tlow@rochester.rr.com]
Sent: Tuesday, February 07, 2006 10:45 AM
To: Susan Kramarsky
Subject: FW: university

-----Original Message-----
From: patricia c [mailto:grannapatty@hotmail.com]
Sent: Tuesday, February 07, 2006 10:39 AM
To: tlow@rochester.rr.com
Cc: mkaidy@rochester.rr.com
Subject: university

February 07 2006

Robert and Patricia Levine
515 Crittenden Road
Rochester, NY 14623

Dear Tom Low

RE: University Of Rochester Environmental Impact Statement (EIS)

We would request that the University of Rochester meet -- in addition to other requirements as defined in the EIS for rezoning in the South Campus -- all the requirements as set forth in the Cornell University Medical College for "DRAIN AND TRASH DISPOSAL OF CHEMICALS." The Cornell link to their document discussing this is:

http://www.med.cornell.edu/ehs/updates/drain_trash.htm

Sincerely

Robert and Patricia Levine
STATEMENT BEFORE BRIGHTON
INFORMATIONAL HEARING 12/5/05

I'm Mitch Kaidy of 921 Crittenden Rd, where I've lived for over 47 years. For more than 20 years I was President of the West Brighton Property Owners Assn.

I'm not here to undermine progress either in this community or in our nation. The University of Rochester has proposed very weighty and consequential matters that have critical implications for the safety of our community and our nation.

After 9/11 nobody in this country can dispute the need to counter terrorism in all its forms—and I'm not here to do so.

The matters proposed tonight are so pervasive and so fraught with danger—with implications not just for the Town of Brighton or Monroe County or New York State—that it's clear they must be considered not only from a base of expert and reliable information, but explored for their total impact on the whole community —West Brighton, the rest of Brighton, and all of Monroe County—to say nothing of the nation.

But in accomplishing this, everybody will agree that the safety of the immediate neighborhood is paramount. Even today, our homes are located as close as a few feet from the University research labs that have already conducted longterm experiments into highly unknown, highly-dangerous fields, and then discharged some of its waste right in this community—maybe already left some waste behind in this community.

12/6/2005
Will do and also sent to Larraine for inclusion in Board packets.

Susan

-----Original Message-----
From: Tom Low [mailto:tlow@rochester.rr.com]
Sent: Tuesday, February 07, 2006 10:03 AM
To: Susan Kramarsky
Cc: Ramsey Boehm
Subject: FW: chemicals

Pls. add to record as a comment for the 3/8 hearing.

Tom

-----Original Message-----
From: patricia c [mailto:granmapatty@hotmail.com]
Sent: Tuesday, February 07, 2006 9:21 AM
To: tlw@rochester.rr.com
Cc: mkaidy@rochester.rr.com
Subject: chemicals

I could not locate the following disposal practice in the environmental impact statement from the University Of Rochester that is followed by Cornell University and others specifically the Non-hazardous chemical list and the acutely toxic chemical list.

LINK

http://www.med.cornell.edu/ehs/updates/drain_trash.htm

TEXT

Cornell University Joan and Sanford I. Weill Medical College

Drain and Trash Disposal of Chemicals Drain and Trash Disposal of Chemicals

Overview

The disposal of chemicals via a sink drain and/or normal trash is highly-regulated and subject to public concern and scrutiny. Federal, state, and city government agencies have established rules and regulations which strictly limit chemical disposal to the sewer and trash. These rules and regulations have been established to protect human health and the environment from an exposure to hazardous substances, as well as to prevent damage to the City's water treatment facilities.

In addition, all of the College's refuse waste is collected, handled, and processed by numerous persons prior to its ultimate disposal. During this period, the potential for containers to break and expose person(s) to an "unknown" chemical could be significant. Furthermore, with the increased public alarm and concern about chemical and biological agents being released to the public, it has been determined that it is in the College's public's best interests to not allow the disposal of containers of chemicals via the normal trash.

This Update shall provide instruction to determine if a chemical is acceptable for drain
or trash disposal.

Applicability
All persons employed by or working on behalf of the College that intend to dispose of chemicals via the drain or trash must strictly adhere to the procedures identified in this Update. These procedures shall identify the proper means for determining if a chemical is suitable for drain or trash disposal. Only non-hazardous chemicals, as determined by Environmental Health and Safety (EHS), may be suitable for drain or trash disposal.

Please note that this Update does not apply to the following categories of chemicals. Please refer to their respective EHS Update for pertinent disposal procedures and information. Furthermore, EHS reserves the right to approve the discharge and/or disposal of certain wastes on a case-by-case basis.

Disinfectants
Electrophoresis Gels and Solutions
Perfusion Wastes
Tissue Culture Media Wastes
Photographic Processing Waste Containing Silver

Responsibilities
Generators ensure that chemicals and empty containers are properly discharged, disposed, recycled, and/or otherwise processed in accordance with this procedure and the College's Waste Disposal Procedures. Generators obtain current copies of the Non-Hazardous Chemical List and Acutely Toxic Chemical List from Environmental Health and Safety prior to disposing of a chemicals and/or empty containers in accordance with this procedure.

Environmental Health and Safety (EHS) ensures that the information provided to the generators is concurrent with the laws and regulations governing the specific means of disposal. EHS reviews and updates the Non-Hazardous Chemical list on an as needed basis.

Chemical Selection Criteria
Only the chemicals identified on the Non-Hazardous Chemicals list (Attachment B) are considered suitable for drain and trash disposal when following the procedures listed below. A chemical was determined to be acceptable for drain or trash disposal if it did not exhibit the following characteristics:

- toxic substance which may adversely affect human health or the environment (e.g., have an oral-rat LD50 toxicity value less than 500 mg/kg or identified as a toxic/priority pollutant by the EPA); carcinogenic substance according to the National Institute of Occupational Safety and Health (NIOSH) 1979 Registry of Toxic Effects of Chemical Substances; hazardous waste as defined in 6 NYCRR Part 371-Identification and Listing of Hazardous Waste; flammable (i.e., has flashpoint less than or equal to 140°F) or explosive liquids, solids, or gases; noxious or malodorous gas or substance (e.g., mercaptans); chemicals or substances containing any of the following metals:
  - Arsenic
  - Barium
  - Cadmium
  - Chromium
  - Copper
  - Lead
  - Mercury
  - Nickel
  - Selenium
  - Silver
  - Zinc
  - biological hazard; and/or radioactivity.
Procedure

Chemical Disposal Flowchart (Attachment A) is available to assist in determining the proper means for disposing your chemicals. In addition, all chemicals can be managed and disposed as hazardous wastes in accordance with the College's Waste Disposal Procedures.

Liquids: Liquid chemicals to be disposed via a drain must:

(1) meet the following characteristics:

contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes; contains no biological hazards; chemical constituents listed on the Non-Hazardous Chemicals list (Attachment B); liquid not exceeding 5 gallons (19 liters); contains less than 10% solids or viscous substances which are insoluble in water; contains less than 50 mg/L (ppm) oils and greases; and have a pH greater than 5.0 and less than 11.0 or not have any other corrosive property likely to cause damage to structures or equipment of the sewerage system.

(2) discharge to the sewer via a laboratory sink drain only;

(3) flush with copious amounts of water (15-20 times the original volume); and

(4) allow the previous chemical to be completely flushed prior to discharging the next chemical waste.

Note: Other chemicals may be suitable for disposal via this procedure. However, the discharge of chemicals not specifically listed as a Non-Hazardous Chemical is strictly prohibited. Generators may submit requests for chemicals to be reviewed by contacting EHS. An EHS representative will review the request to determine if the chemical should be added to the list.

Solids: Though containers of chemicals are not approved for disposal via normal trash, standard laboratory articles (e.g., gloves, pads, etc.) contaminated with non-hazardous chemicals may be disposed via the trash. In order to dispose of contaminated laboratory articles via the trash, it must:

(1) meet the following characteristics:

contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive materials; contains no biological hazards; chemical constituents listed on the Non-Hazardous Chemicals list (Attachment B); and free of excess or free-flowing powders.

(2) if plausible, be consolidated into a bag or other container to minimize potential releases; and

(3) be placed in a normal trash receptacle for Housekeeping to collect.

Note: It is important to be conscious of the potential harm and alarm which may result from the disposal of contaminated laboratory debris with excess or free-flowing powders. If a contaminated item contains excess powders which may result in the forming of "dust clouds" during its handling, then these items should be managed and disposed as a hazardous waste in accordance with the College's Waste Disposal Procedures.

Empty Containers: A container is considered "empty" if it contains less than or equal to 3 percent by weight of its total capacity. In order to dispose of "empty" containers via the trash, it must:

(1) meet the following characteristics:

contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes; contains no biological hazards; contains less than or equal to 3 percent by weight of its total capacity; and originally did not contain an acutely toxic chemical. The list of acutely toxic chemicals is available via the EHS site. Acutely toxic chemical containers must be managed and disposed as a hazardous waste in accordance with the College's Waste Disposal Procedures.

attempt to recover, collect, or use all of the container's contents (e.g., no contents should be able to immediately spill from the open container if held upside-down);
(3) triple rinse with water and discharge the water down a laboratory sink drain;
(4) remove or deface labels; and
(5) discard in an appropriate refuse container with lids removed for Housekeeping to collect.

Glass in a rigid cardboard/glass collection box.
All others in a clear plastic garbage bag (double-bagged).

References
NYSDEC 6 NYCRR Part 371 - Identification and Listing of Hazardous Waste
NYCDEP Chapter 19 - Use of the Public Sewers
NIOSH 1979 Registry of Toxic Effects of Chemical Substances
USEPA 40 CFR 401.15 - Toxic Pollutants
March 8, 2006

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Conservation Board comments on the University of Rochester Draft Generic Environmental Impact Statement

Dear Honorable Board Members:

The very essence of an environmental impact statement is to assess the impacts of proposed development on an area and determine whether adequate mitigation will be provided. The University of Rochester Draft Generic Environmental Impact Statement (the document), in this Board’s opinion, fails to provide the Town with the needed information and analysis necessary to grant rezoning of 188 + acres of land to Institutional Planned Development and to allow for 1,900,000 + additional sf of development. As stated in the document “The occurrence of this amount of relatively wild lands, not in a park system, in as urban a community as Brighton, is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets.”

As required by the Comprehensive Plan and requested by both this Board and the Planning Board, a Master Plan needs to be submitted. The document states “with no specific building program in place it is extremely difficult to assess what the impacts of future development might be.” Although the Pod Plan does make an attempt to assist with the visualization of the intensity of possible future development, only a Master Plan will provide the needed information to properly review the environmental impacts and determine whether adequate mitigation is provided. By approving 1,900,000 + additional square feet of building development with no specific idea where this development will take place within the rezone area, the Town is giving up meaningful oversight on a project which will have significant impacts not only on the project site but also on the abutting residential properties and the entire community. The fundamental question asked, but not answered, is if this site can support the amount of building square footage and necessary support infrastructure requested by the University of Rochester.

In addition to the concerns mentioned above, the Board offers the following comments:
1. A tree survey in keeping with code requirements should be submitted. Surveying only trees of 30 inches in caliper or greater provides little information in regards to the quality and significance of the woodlot.

2. Allowing for disturbance of 75% of the woodlot EPOD as an incentive should not be allowed; as stated in the document "...there would likely be far less than this disturbed." Each development phase/project should be required to obtain a Woodlot EPOD permit since quality and significance of the woodlot will vary over time. This allows for a more thorough review of disturbance within the woodlot, protecting "quality" trees and determining necessary mitigation.

3. If disturbance of 75% of the woodlot EPOD were permitted the document needs to address:
   - a reforestry/tree mitigation plan;
   - loss of habitat mitigation plan; and
   - a pre-, during- and post protection plan for trees to be saved or moved.

4. As stated in the document areas of the site that currently include significant environmental features should be mapped and offered to be preserved through conservation easements, helping to mitigate site development.

5. Verify from NYS DEC that there are no state jurisdictional wetlands on site.

6. The document needs to address how existing wetlands and associated uplands will be protected and what impacts site development and stormwater drainage will have on these wetlands. The wetlands are perhaps the most valuable aspect of this whole parcel, and to cavalierly state in passing that some of the water will be removed is disingenuous. What then will happen to the wetlands? How will this affect the huge wetland system that extends all the way to the river? Will new drainage systems affect adjacent wetlands, will the whole ecosystem of the area be lessened? How will the water flow of the entire surrounding wetland be affected?

7. Figure 15 - Wetland Location Map is difficult to read. A wetland map with a Pod Plan overlay should be submitted.

8. A drainage study of the overall watershed should be completed prior to any approvals. Allowable additional square footage and associated infrastructure may be limited by the ability of the overall watershed to handle the additional runoff associated with total buildout of the project.
Also, the study should determine what improvements throughout the area will be required to help alleviate drainage problems. These improvements should be considered as an amenity.

9. Wildlife habitat mitigation needs to be analyzed further. The blanket statement “There is a significant amount of greenspace that will remain available even upon full buildout of the Rezone Property, as such there is room for wildlife to find suitable habitat within the Rezone Property,” does not adequately address loss of wildlife habitats. Wildlife corridors must be plotted and maintained throughout development providing contiguous and continuous belts of trees and brush to insure the free movement of birds and animals and offer them appropriate shelter area. Not all greenspace area (e.g. lawn area) is suitable habitat.

10. A landscaping plan should be submitted as per Section 203-138 of the Brighton Comprehensive Development Regulations. Greater specificity should be given to buffering of the Lehigh Valley Trail.

11. The document is unclear on what the total building square footage will be (both existing and proposed) at buildout.

12. As recommended in the Phase 1A Historical and Archeological Assessment (appendix C) A Phase 1B archaeological field investigation should be completed for the 161 acres of “dry project area” or at a minimum, those areas that may be disturbed by development.

Thank you for the opportunity to comment on this important project.

Sincerely,

Rick DiStefano, Secretary
Conservation Board

cc: Dave Harrison, Chairman - Conservation Board
Thomas Low, Commissioner of Public Works
Ramsey Boehner, Environmental Liaison Officer
APPENDIX B

Public Hearing Transcripts
Dennis Kennelly

From: Greiner, Thomas [TGreiner@nixonpeabody.com]
Sent: Wednesday, February 22, 2006 6:11 PM
To: Tankel, Paul; Pifer, Richard; Dennis Kennelly
Subject: FW: transcript for January hearing

Gentlemen:

Here is the draft transcript of the SEQRA hearing of January 11. I thought there was going to be a final (see below) but this may be it. I’m also seeking any written comments from anyone (e.g., Planning Board, which I was told had comments--but so far, nothing)

Tom

Tom;

In copying this for e mail (the only way I could get it to you without the special reading software!!!) the spacing and some other stuff got very odd)

This is a draft, and there are some corrections- if you would like the draft hard copy please let me know

Susan Kramarsky
Town Clerk

1

4 MATTER RE:
5 DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
6 PROPOSED REZONING FOR THE UNIVERSITY OF
7 ROCHESTER SOUTH CAMPUS.
8 JANUARY 11, 2006.
9 7:30 P.M.
10
11 BRIGHTON TOWN HALL.
12 2300 ELMWOOD AVENUE.
13 BRIGHTON, NEW YORK
14
15 PRESENT:
16 COUNCILMEMBER VOGEL
17 COUNCILMEMBER KRAUS
18 COUNCILMEMBER NOVROS
19 COUNCILMEMBER TIERNEY
20 SUPERVISOR FRANKEL
21
22 WILLIAM MOEHLE, ESQ.
23 TOWN ATTORNEY
24 SUSAN KRAMARSKY
25 TOWN CLERK

24 REPORTED BY:
25 JO-ANNE GALLOWAY, CSR.
26 REALTIME REPORTING SERVICE, INC.

2  

SUPERVISOR FRANKEL: SOME PEOPLE HAVE
ALREADY FILLED OUT CARDS AND INDICATED THEIR

8/20/2007
INTEREST IN SPEAKING THIS EVENING.

IF YOU WOULD LIKE TO FILL OUT A CARD, WE
HAVE SOME MORE FOR YOU. IF AT ANY TIME
DURING THE PUBLIC HEARING YOU WISH TO
COMMENT, EVEN THOUGH YOU HAVEN'T SIGNED A
CARD, WE CERTAINLY WILL WANT TO HEAR WHAT YOU
HAVE TO SAY. I WOULD ASK THAT YOU KEEP YOUR
COMMENTS BRIEF AND TRY NOT TO REPEAT WHAT
OTHERS HAVE SAID, GIVEN THE NUMBER OF PEOPLE
WHO ARE HERE THIS EVENING WHO DO WANT TO BE
HEARD.

I WILL ALSO NOTE THAT THE HEARING WILL
REMAIN OPEN. WE WILL NOT CLOSE THE HEARING
TODAY, BECAUSE WE HAVE HEARD FROM BOTH THE
STATE AND THE COUNTY WHO ARE REVIEWING THE
DOCUMENTS AND HAVE REQUESTED ADDITIONAL TIME.
AND TOWARDS THAT END, WE WILL, ONCE THIS
EVENING'S HEARING IS OVER, ADJOURN THE
HEARING UNTIL MARCH --

IS IT THE 9TH?

COUNCILMAN MOEHLE: YES.

SUPERVISOR FRANKEL: THE MARCH 9TH TOWN

BOARD MEETING, WHERE WE WILL CONTINUE THE
PUBLIC HEARING. SO, I DID WANT TO MAKE YOU
AWARE OF THAT.

WE HAVE RECEIVED SOME DOCUMENTS, SOME
COMMUNICATIONS RELATING TO THIS MATTER. THEY
WILL BE ENTERED INTO THE RECORD OF THE PUBLIC
HEARING. AND I WOULD ALSO INVITE ANYONE
HERE, AT HOME, OR OTHERWISE, WHO WISHES TO
COMMENT IN WRITING, YOU ARE MOST WELCOME TO
SUBMIT WRITTEN COMMENTS THAT WILL BECOME PART
OF THE RECORD, THE PUBLIC HEARING FOR THE
TOWN BOARD'S CONSIDERATION, AS WELL.
CERTAINLY, WE WILL TAKE THOSE COMMENTS
THROUGH THE MARCH 9TH CONTINUATION OF THE
PUBLIC HEARING.

SO, AT THIS TIME I DECLARE THIS PUBLIC
HEARING OPEN; AND, TOM, I'D LIKE TO ASK IF
YOU WOULD LIKE TO INTRODUCE --

MR. LOW: CERTAINLY. WITH US FROM THE
UNIVERSITY OF ROCHESTER TONIGHT -- I DO NOT
KNOW -- IT IS UP TO THEM AS TO WHO APPEARS IN
WHAT ORDER, BUT -- TOM GREINER IS AN ATTORNEY
REPRESENTING THE UNIVERSITY.

DENNIS KENNELLY IS WITH FRA

ASSOCIATES -- THEY'RE ENGINEERS, THEIR
CONSULTANT.

RICHARD PIPER, DIRECTOR OF FACILITIES,
IS HERE; AS WELL AS PAUL TANKEL, UNIVERSITY
OF ARCHITECT.

I THINK THE ONLY THING I WOULD ASK
BEFORE THEY MAKE SOME PRESENTATION OF WHAT
THEM HOPE TO DO WITH THE SITE, IS JUST TO
POINT OUT THAT THIS HEARING IS NOT ON THE
REZONING ITSELF, THE DECISION TO CHANGE THE
LAND USE MAP OF THE TOWN. THIS IS ON THE
IMPACT OF SUCH A CHANGE, IF IT WERE TO BE
MADE; THAT WE'RE LOOKING AT THE ENVIRONMENTAL
IMPACT. AND ONLY AFTER THAT IS FULLY

8/20/2007
UNDERSTOOD WOULD THE TOWN BE WILLING OR ABLE
TO MAKE DECISIONS ON THE LAND USE CHANGE
ITSELF.
WITH THAT BEING SAID, I GUESS I WILL
TURN IT TO THE UNIVERSITY, WHOEVER --
MR. GREINER: GOOD EVENING, MEMBERS OF
THE BOARD AND THE PUBLIC. MY NAME IS TOM
GREINER. I AM AN ATTORNEY WITH THE FIRM OF
NIXON, PEBADAY LOCATED HERE IN ROCHESTER, OR
THERE IN ROCHESTER.

5
AS MR. LOW SAID, WE'RE REALLY HERE TO
LISTEN, TO BE IN A POSITION TO UNDERSTAND
WHAT COMMENTS, QUESTIONS, THAT THE BOARD MAY
HAVE, THE PUBLIC MAY HAVE, OR ANY OTHER
INTERESTED AGENCY OR PARTY WOULD HAVE TO
THIS.
I WILL GO OVER THE PROJECT BRIEFLY --
VERY BRIEFLY.
THE UNIVERSITY HAS PROPOSED TO THE TOWN
OF BRIGHTON A REZONING TO INSTITUTIONAL
PLANNED DEVELOPMENT DISTRICT FOR ITS PROPERTY
IN BRIGHTON.
BEHIND ME IS A PLAN SHOWING THE PROPERTY
AND SOME OTHER FEATURES ON IT. BUT,
BASICALLY, IT IS BOUNDED ON THE WEST BY THE
FORMER LEHIGH RAILROAD RIGHT-OF-WAY, WHICH IS
NOW TOWN TRAIL, AND TO -- IT COMES TO A
POINT, BUT, BASICALLY, TO THE -- LIKE, IN THE
SOUTHEASTERLY BOUNDARY IS ROUTE 390 AND THE
CANAL; AND THEN GOING SOUTHWEST IS WEST
HENRIETTA ROAD; AND, OF COURSE, ON THE
SOUTHERN PART OF THE AREA IN QUESTION HERE IS
CRITTENDEN ROAD.
WHAT IS AN INSTITUTIONAL PLANNED

6
DEVELOPMENT DISTRICT? THE IDEA THAT THE TOWN
HAD IN PROMULGATING THAT WAS FOR LARGER
INSTITUTIONAL-TYPE USES; AND, IN FACT, IF YOU
LOOK AT THE PURPOSE OF AN IPD IN THE TOWN
CODE, IT SAYS THAT THIS DISTRICT IS INTENDED
TO RECOGNIZE AND PERMIT THE UNIFIED AND
ORDERLY DEVELOPMENT OF MAJOR CULTURAL,
EDUCATIONAL AND MEDICAL INSTITUTIONS IN ORDER
TO SUPPORT AND ENHANCE THEIR BENEFIT TO THE
COMMUNITY.
IT GOES ON TO ALSO SAY THAT, IN DOING
SO, THE TOWN RETAINS ADMINISTRATIVE CONTROL
OVER THE DISTRICT WHILE AFFORDING A MECHANISM
FOR CHANGE. SO, THAT'S WHAT WE'RE DOING. IT
AROSE OUT OF THE TOWN'S OWN COMPREHENSIVE
PLANNING PROCESS IN THE EARLY 2000 AND
EARLIER; AND, BASICALLY, THE UNIVERSITY HAS
BEEN WORKING WITH THE TOWN OVER THE LAST FEW
YEARS TO TRY TO DEVELOP ITS OWN PLAN FOR THE
PROPERTY.
AS MANY PEOPLE MAY KNOW, THOSE WHO HAVE
ATTENDED THE NEIGHBORHOOD MEETINGS THAT HAVE
BEEN HELD, ESPECIALLY THE ONE LAST YEAR AT
SAINT AGNUS, OTHER NEIGHBORHOOD MEETINGS OR
ANY OTHER PLANNING BOARD OR TOWN BOARD MEETINGS, AND THERE HAVE BEEN A NUMBER OF THOSE OVER THE LAST YEAR-PLUS REGARDING THIS PROJECT. THE PRESENT APPLICATION IS FOR A REZONING FROM THE EXISTING ZONING DISTRICTS TO INSTITUTIONAL PLANNED DEVELOPMENT. IT IS NOT AND DOES NOT CONTAIN A REQUEST TO PLACE A SINGLE BRICK OR STONE ON WHAT THE UNIVERSITY REFERS TO AS ITS BRIGHTON CAMPUS; I.E., THE PROPERTY, BASICALLY, THAT I HAVE OUTLINED HERE. THIS AREA HERE THAT I TALKED ABOUT.

NONETHELESS, AND EVEN THOUGH THE APPLICATION IS SIMPLY FOR A MAP AMENDMENT CHANGE TO THE CODE, THE TOWN, I THINK A CREDIT TO ITS CITIZENS HERE, ARE SENSITIVE TO THE CONCERNS OF RESIDENTS BOTH NEAR AND FAR, HAS REQUIRED OF THE UNIVERSITY HERE TWO FUNDAMENTAL IDEAS, I THINK, FOR THIS PROJECT. ONE IS AN EXTENSIVE PUBLIC PROCESS. AGAIN, STARTING LONG BEFORE AN APPLICATION WAS EVEN MADE, AND THE APPLICATION ITSELF WAS WELL OVER A YEAR AGO — A YEAR AND A HALF AGO, AND HAS ALSO REQUIRED THE PREPARATION OF THIS ENVIRONMENTAL IMPACT STATEMENT.

THE ENVIRONMENTAL IMPACT STATEMENT, AGAIN, AS — WE'RE AT THE BEGINNING OF THE PUBLIC PROCESS REGARDING IT, BUT WE'RE ALSO LONG INTO DISCUSSING WHAT THE CONTENTS WOULD BE. ALMOST A YEAR AGO THE TOWN SETTLED ON THE FINAL SCOPE FOR THE ENVIRONMENTAL IMPACT STATEMENT, AND IT BASICALLY COVERS SOCIAL, ECONOMIC ISSUES. IT COVERS ZONING AND LAND USE CONSIDERATIONS. IT COVERS TOPOGRAPHY, GEOLOGY, SOILS, WATER RESOURCES, STORM WATER RUNOFF, TERRESTRIAL AND AQUATIC ECOLOGY, HISTORIC ARCHAEOLOGICAL RESOURCES, TRAFFIC AND TRANSPORTATION NETWORKS, UTILITIES, ENERGY NEEDS AND AVAILABILITY, COMMUNITY, NEIGHBORHOOD CHARACTER, POLICE, FIRE, AMBULANCE.

THERE ARE, IN FACT, FOR THOSE WHO HAVE HAD A CHANCE TO LOOK AT IT, AND AS MANY OR HOPEFULLY ALL OF YOU KNOW, IT'S POSTED ON THE TOWN'S WEBSITE. IT ALSO HAS QUITE A NUMBER OF APPENDICES DEALING WITH DRAINAGE. THERE'S A WOOD LOT QUALITY ASSESSMENT REPORT. THERE'S A PHASE 1-A HISTORICAL AND ARCHEOLOGICAL ASSESSMENT. THERE IS A TRAFFIC IMPACT STUDY THAT MR. LOW REFERRED TO EARLIER. THERE IS A WATER SUPPLY REPORT, A SANITARY SEWER REPORT. THERE'S A WETLAND DELINEATION REPORT. THERE'S A WASTE MANAGEMENT PROGRAM REPORT. THERE IS AN ECOLOGICAL ASSESSMENT REPORT. THERE ARE ALSO PHOTO SIMULATIONS. THESE ARE COMMUTER-GENERATED SIMULATIONS SHOWING FROM OFF THE PROPERTY WHAT A TWO-STORY OR A THREE-STORY BUILDING MIGHT LOOK LIKE FROM OFF
THE PROPERTY, INTO THE PROPERTY, OR WHAT YOU
MIGHT NOT SEE BECAUSE OF THE EXTENSIVE WOODS
THAT ARE THERE. BUT, ANYWAY, THAT KIND OF
ANALYSIS IS ALSO INCLUDED IN THE EIS.

AS MR. LOW ALSO SAID, FOR TONIGHT
WE'RE HERE TO LISTEN. WE'RE HERE TO TAKE
DOWN COMMENTS, QUESTIONS, AND THE PROCESS
W OULD THEN REQUIRE US TO TAKE DOWN EVERY
COMMENT, EVERY QUESTION, AND ADDRESS IT IN
WHAT'S CALLED, "FINAL ENVIRONMENTAL IMPACT
STATEMENT," WHICH THE TOWN, AS IT HAS WITH
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT,
WOULD HAVE TO ACCEPT AS COMPLETE.

FOR PURPOSES OF CLARIFICATION, YOU MAY
HAVE READ IN ONE OF THE LOCAL NEWSPAPERS THAT
THE TOWN HAS ALREADY APPROVED THE
ENVIRONMENTAL REPORT. NOTHING COULD REALLY
BE FURTHER FROM THE TRUTH HERE.

WHAT THE TOWN DID BACK IN -- I BELIEVE
THERE WAS A MEETING IN THE BEGINNING OF
DECEMBER. THE TOWN ACCEPTED AS COMPLETE AS
ADDRESSING THE ISSUES AND THE ITEMS THAT WERE
CONTAINED IN THE SCOPE THAT THE TOWN
FINALIZED LAST YEAR, AND ACCEPTED THIS
DOCUMENT AS AT LEAST ADDRESSING EVERYTHING IT
WAS SUPPOSED TO ADDRESS. THE TOWN BOARD DID
NOT COMMENT ON THE ADEQUACY OF THE DEPTH OF
ANALYSIS OR OF THE COVERAGE OF THE ISSUES,
BUT IT ACCEPTED THAT THE ISSUES -- ALL OF THE
ISSUES THAT WERE SUPPOSED TO BE COVERED ARE
AT LEAST, IN THE UNIVERSITY'S THINKING, ARE
COVERED; AND IT'S FOR MEETINGS SUCH AS THIS
WHEN PEOPLE, AGENCIES, AND OTHERS HAVE A
CHANCE TO COMMENT, WHICH ARE INTENDED TO TEST
WHETHER, IN FACT, THESE ISSUES HAVE BEEN
ADDRESSED SATISFACTORILY. BUT, AGAIN, THE
TOWN HAS APPROVED NOTHING TO DATE.

AND, FINALLY, I REALLY AM CLOSING
HERE, ONCE THE TOWN IS DONE WITH THE
ENVIRONMENTAL IMPACT STATEMENT PROCESS, IT
WILL THEN MOVE, AS MR. LOW HAS INDICATED,
INTO THE FURTHER PUBLIC PROCESS OF
CONSIDERING THE APPLICATION FOR THE REZONING.

WITH THAT, I HOPE, THAT HAS BEEN ENOUGH
TO ADDRESS WHAT THE PROJECT IS, WHAT THE
PROCESS IS. AND, AS I SAID, WE'RE HERE TO
LISTEN, TAKE DOWN ALL THE COMMENTS AND WORK
THEN ON OUR FEIS.

THANK YOU VERY MUCH.

SUPERVISOR FRANKEL: THANK YOU. IS
THERE ANY OTHER ASPECT OF THE UNIVERSITY'S
PRESENTATION THAT YOU HAVE AN INTEREST IN
HAVING DONE NOW, OR WILL PEOPLE SIMPLY BE
AVAILABLE TO RESPOND IF WE REQUEST?

COUNCILMAN TIERNEY: SANDY --
SUPERVISOR FRANKEL: LET HIM ANSWER
THAT, AND THEN YOU CAN SPEAK.

MR. GREINER: I THINK IT WOULD BE OUR
INTENTION, SUPERVISOR, ACTUALLY NOT TO
ADDRESS QUESTIONS TONIGHT, UNLESS THEY WERE
THE UNDERSTANDING OF WHAT IS THE PROJECT --
THE REZONING, IN TERMS OF SPECIFIC ISSUES
DEALING WITH ALL OF THE ENVIRONMENTAL ISSUES
THAT HAVE BEEN IDENTIFIED IN THE SCOPE. I
THINK IT WOULD BE OUR INTENTION TO VERY
COMPREHENSIVELY TAKE DOWN EVERY COMMENT AND
QUESTION, AND THEN BEGIN WORKING ON OUR
RESPONSES THAT WOULD BE CONTAINED IN THE
FINAL OR FEIS.

SUPERVISOR FRANKEL: ALL RIGHT.
MR. TIERNEY?
COUNCILMAN TIERNEY: ALL I WANT TO DO IS
JUST EXTEND YOUR REMARKS A LITTLE BIT.
YOU SAID AT THE END THAT ONCE WE ARE
DONE WITH THIS ENVIRONMENTAL IMPACT, AND WE
GET TO A FINAL ENVIRONMENTAL IMPACT, THE ONE
THING YOU DIDN'T SAY IS, THIS BOARD WOULD
DECIDE WHETHER TO PROCEED, AND --
MR. GREINER: THAT'S CORRECT.
MR. TIERNEY: -- THIS IS NOT A FAIT
ACCOMPLI.
MR. GREINER: ABSOLUTELY NOT.
COUNCILMAN TIERNEY: OKAY. FINE.
MR. GREINER: YOU COULD DECIDE TO REFUSE

TO ENTERTAIN THE APPLICATION. I WAS TALKING
JUST IN TERMS OF TRYING TO DIFFERENTIATE
BETWEEN THE ENVIRONMENTAL PROCESS AND
ANYTHING ELSE. BUT YOU'RE PERFECTLY CORRECT.
COUNCILMAN TIERNEY: I'M JUST SAYING
THAT TO LET THE PEOPLE KNOW THE PROCESS HAS
DIFFERENT STEPS, AND IT DOESN'T
NECESSARILY -- TAKING ONE STEP, DOESN'T
NECESSITATE THE BOARD TO TAKE STEP TWO AND
STEP THREE.
MR. GREINER: ABSOLUTELY CORRECT. THANK
YOU.
SUPERVISOR FRANKEL: AT THIS TIME WE
INVITE COMMENTS FROM THE AUDIENCE. I AM
GOING TO CALL UPON PEOPLE IN THE ORDER IN
WHICH THEY SUBMITTED THEIR NAMES. AFTER
WHICH, ANYONE WHO HAS A COMMENT, WE CERTAINLY
WILL BE HAPPY TO HEAR FROM YOU AS WELL.
THE FIRST PERSON IS MITCHELL KAIDY, 921
CRITTENDEN ROAD. I WOULD ASK, ALTHOUGH, I'M
SAYING THE NAME, WOULD YOU PLEASE STATE NAME
AND ADDRESS FOR THE RECORD.
MITCHELL KAIDY: FOR THE RECORD, I AM
MITCH KAIDY, AND I LIVE AT 921 CRITTENDEN

I'VE LIVED IN BRIGHTON 47 YEARS; AND,
FOR OVER 20 YEARS, I WAS THE PRESIDENT OF THE
WEST BRIGHTON PROPERTY OWNERS' ASSOCIATION.
AS I UNDERSTAND IT, WE'RE HERE TO PAVE
THE WAY FOR MAJOR DEVELOPMENT, WHETHER THE
TOWN SHOULD APPROVE A 188-ACRE REZONING THAT
PERMITS FUTURE CONSTRUCTION OF SEVERAL LARGE
BUILDINGS FOR THE UNIVERSITY OF ROCHESTER IN WEST BRIGHTON.

AND, ACCORDING TO THE UNIVERSITY, IT'S PRETTY SIMPLE AND PRETTY STRAIGHTFORWARD, NOTHING COMPLEX, AND, YET, SO FAR I WENT TO A PUBLIC HEARING -- PUBLIC MEETING AT THE OLD SAINT AGNUS HIGH SCHOOL RECENTLY. VERY LITTLE INFORMATION WAS FORTHCOMING ABOUT HOW THE UNIVERSITY INTENDS TO USE THESE BUILDINGS. BUT I, WHO HAVE LIVED IN WEST BRIGHTON FOR ALMOST 50 YEARS, FOR VERY GOOD REASONS DON'T LOOK AT IT THE WAY THE UNIVERSITY LOOKS AT IT.

I WANT TO KNOW HOW THEY WILL USE THOSE BUILDINGS. WHAT HAPPENED TO ME AND MY FAMILY IN 1972 DURING HURRICANE AGNES OFFERS EXPERIENCE FOR TOWN BOARD MEMBERS AS THEY DECIDE WHETHER TO GRANT THE REZONING PERMIT ON WHICH, IN THE FUTURE, HIGHLY DANGEROUS EXPERIMENTS WILL BE CONDUCTED.

WHAT ARE THESE DANGEROUS EXPERIMENTS? ON GOOGLE I EASILY OBTAINED INFORMATION THAT THE UNIVERSITY OF ROCHESTER IS CONDUCTING FEDERALLY-FINANCED RESEARCH, RECEIVING MILLIONS OF DOLLARS, INTO HIGH-YIELD EXPLOSIVES, AS WELL AS ANTI-ANTHRAX AGENTS.

NOW, SUCH EXPERIMENTS, OBVIOUSLY, INVOLVE THE SAFETY AND FUTURE WELFARE OF ALL AMERICANS; AND, THEREFORE, THEY SHOULDN'T LIGHTLY OR NARROWLY BE CONSIDERED. BUT I POINT OUT TO YOU, AND I UNDERSCORE THIS, THAT THESE EXPERIMENTS WILL BE CONDUCTED VERY NEAR THE 100-YEAR, 300-YEAR, AND 500-YEAR FLOODPLAINS THAT ARE OUTLINED AND PROTECTED IN WEST BRIGHTON BY THE FEDERAL GOVERNMENT.

THE LAST MAJOR PROJECT TO HAVE BEEN ERECTED ADJOINING THE FLOODPLAINS WAS MARKETPLACE MALL. IT REQUIRED WEEKS OF HEARINGS SPONSORED BY BOTH STATE AND FEDERAL AUTHORITIES TO MOVE THE PROJECTS AHEAD, AND THEN ONLY WITH CHANGES -- MAJOR CHANGES MADE IN THE PROJECTS, WHICH I AM AWARE OF, BUT I AM NOT GOING INTO RIGHT NOW -- THE FEDERAL AUTHORITIES THAT CONDUCTED THE HEARINGS WERE THE ARMY CORP OF ENGINEERS, BECAUSE IT IS MY BELief THAT THIS PROJECT, BECAUSE OF THE FACT THAT THE ARMY ENGINEERS REGARDED THE GENESEE RIVER AND ITS TRIBUTARIES UNDER THE PROTECTION OF THE FEDERAL ENVIRONMENTAL CONSERVATION -- NATIONAL ENVIRONMENTAL CONSERVATION ACT, THAT THESE AREAS ARE PROTECTED, AND THERE WILL HAVE TO BE HEARINGS BY THE FEDERAL, AS WELL AS THE STATE GOVERNMENT.

I HAVE EVERY REASON TO BELIEVE THAT, IN ADDITION TO THE TOWN OF BRIGHTON'S CONSIDERATION OF THIS PROPOSED CONSTRUCTION, STATE AND FEDERAL AUTHORITIES MUST REVIEW IT, NOT ONLY BECAUSE IT IS SO CLOSE TO THE
THE PLANS TO DISCHARGE WASTE FROM ANTHRAX EXPERIMENTS, AS WELL AS HIGHLY TOXIC, HIGH-YIELD EXPLOSIVES INTO LOW-LYING SEWERS

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THAT COULD EASILY OVERFLOWS TO OTHER PARTS OF BRIGHTON.

NOW, I'LL REFERENCE HURRICANE AGNES IN 1972, BECAUSE IT GIVES US A BASE OF INFORMATION AS TO WHAT HAPPENED IN MY PART OF WEST BRIGHTON.

IN 1972 BOTH THE GENESEE RIVER AND ITS TRIBUTARY, RED CREEK, BOTH PROTECTED BY FEDERAL LAW, OVERFLOWED DURING HURRICANE AGNES, DAMAGING HOMES AND PROPERTIES IN HENRIETTA AND BRIGHTON, AND I UNDERSTAND CHIL.

AS I UNDERSTAND IT, THE UNIVERSITY OF ROCHESTER PROPOSES TO SEWER A SECTION OF WEST BRIGHTON THAT NOW OPERATES WITH SEPTIC TANKS.

I PUT IT TO THE TOWN BOARD WHETHER THIS IS A PRUDENT MOVE THAT WOULD ALLOW HIGHLY-TOXIC SEWAGE TO FLOW PERILOUSLY CLOSE AND PERHAPS OVERFLOW IN FLOODPLAINS, WHICH HAVE IN THE PAST REPEATEDLY OVERFLOWED. AND THIS IS OF CONCERN TO ME.

I HAVE REFERRED TO HAVE TAKEN PLACE IN WEST BRIGHTON, DESPITE THE PRESENCE OF MOUNT MORRIS DAM TO THE SOUTH.

IF THIS PROJECT GOES FORWARD, I FEEL

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IT'S CRITICAL AS A LONG-TIME RESIDENT AND LONG-TIME PRESIDENT OF WEST BRIGHTON PROPERTY OWNERS ASSOCIATION TO INVOLVE BOTH THE FEDERAL AND THE STATE AUTHORITIES TO WEIGH THE ISSUES I HAVE RAISED TONIGHT. YOU HAVE THE SAFETY AND HAPPINESS OF THOUSANDS OF WEST BRIGHTON RESIDENTS IN YOUR HANDS. I KNOW YOU WILL BE THINKING OF THEM AS YOU MAKE YOUR DECISION, AND I THANK THE BOARD VERY MUCH.

SUPERVISOR FRANKEL: THANK YOU. THANK YOU.

(APPLAUSE.)

KEVIN O'CONNELL NOW.

KEVIN O'CONNELL: I WILL DIRECT MY QUESTIONS TO MR. GREINER.

COUNCILMAN MOEHLE: COULD YOU JUST STATE YOUR NAME AND ADDRESS.

KEVIN O'CONNELL: YES. KEVIN O'CONNELL, BASTIAN ROAD. I'M SORRY.

I WILL DIRECT MY QUESTIONS TO MR. GREINER, SO HE CAN TELL US ABOUT THIS.

I AM GIVEN TO UNDERSTAND THAT THE DEPARTMENT OF TRANSPORTATION HAS REQUESTED AND/OR REQUIRED THAT CERTAIN DOCUMENTATION

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THEY HAVE PREPARED IN ANTICIPATION OF THESE CHANGES BE INCLUDED IN THE ENVIRONMENTAL IMPACT STATEMENT, WHICH HE HAD HERE ON THE DESK, WHICH IS ABOUT TEN INCHES HIGH.

AND ONE OF THOSE DOCUMENTS THAT'S COME

8/20/2007
TO MY ATTENTION, AND THAT IS REFERRED TO AS
THE "SEAR-BROWN DRAWING, ALTERNATIVE NUMBER
5," REGARDING THE INTERCHANGES OF I-390,
I-590 AND NEW YORK 15 AND NEW YORK 15-A.
I NOTE ON THAT DRAWING, ALTHOUGH IT'S
RATHER DIFFICULT TO MAKE OUT, THAT AMONG THE
THINGS THAT ARE BEING SUGGESTED, AND I
HAVEN'T SEEN ALL THE ALTERNATIVES, IS THAT
PART OF THE TRAFFIC PLAN FOR THIS WOULD
REQUIRE THAT THERE BE NO LEFT TURN FROM WEST
HENRIETTA ROAD ONTO EAST RIVER ROAD. THAT IS
A VERY SUBSTANTIAL IMPACT.
THAT MEANS THAT ANYBODY WHO WANTS TO GO
UP EAST RIVER ROAD, ANYBODY AT ALL, HEADED
NORTH ON 15, HAS TO COME BY THE END OF MY
STREET ON EAST RIVER ROAD. YOU WILL HAVE TO
GO UP CRITTENDEN, OR YOU WILL HAVE TO GO UP
252 TO THE END OF EAST RIVER ROAD, AND
PROCEED DOWN EAST RIVER ROAD THROUGH THE
PARK, PAST THE THREE DEAD-END STREETS, PAST
IDL E LANE AND SO FORTH.
I KNOW THAT ALTERNATE 5 CONTAINS THAT
PROHIBITION. I DON'T KNOW IF THE OTHER
ALTERNATES CONTAIN THAT PROHIBITION AS WELL.
I WOULD LIKE THAT VERY PARTICULAR QUESTION TO
BE ADDRESSED. IF THERE IS GOING TO BE A VERY
SIGNIFICANT CHANGE IN THE TRAFFIC PATTERNS,
WE GOT TO KNOW ABOUT THAT.
THERE IS ALSO NOTED IN THAT ALTERNATIVE
THAT THE ENTRANCE RAMP CURRENTLY ON 390 ONTO
EAST RIVER ROAD, IN THE DIRECTION HEADED
TOWARDS -- FROM SCOTTSVILLE TOWARDS WEST
HENRIETTA ROAD, IS GOING TO BE INCREASED BY
AT LEAST ONE LANE. THAT'S ANOTHER VERY
SIGNIFICANT IMPACT.
THE BRIDGE ON KENDRICK DRIVE NOW IS ONE
OF THE BUSIEST BRIDGES IN THE COUNTY. THE
U OF R IS THE LARGER EMPLOYER THAT WE HAVE.
THAT TRAFFIC ALREADY HEAVILY IMPACTS US. IF
THEY ARE GOING TO MAKE THESE CHANGES, THAT
ISN'T GOING TO GET BETTER. I WOULD LIKE
ANSWERS TO THOSE QUESTIONS. I WOULD LIKE
THEM BEFORE A FINAL ENVIRONMENTAL IMPACT

STATEMENT IS PREPARED.
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
ROBERT LEVINE TO BE FOLLOWED BY JENNIFER
RIES-TAGGART. I HOPE I SAID IT RIGHT.
ROBERT LEVINE: ROBERT LEVINE, 1015
CRITTENDEN ROAD.
FIRST, I'D LIKE TO THANK LOUISE FOR
SHOWING UP AT SAINT AGNES SCHOOL, EVEN
BEFORE, WITH REGARD TO THE U OF R, EVEN
BEFORE SHE WAS SEATED AS AN OFFICIAL
COUNCILWOMAN.
COUNCILWOMAN NOVROS: YOU'RE WELCOME.
ROBERT LEVINE: IT SHOWED YOUR
DEDICATION. I WOULD LIKE EVERYBODY IN WEST
BRIGHTON TO REALLY KNOW THAT. OF COURSE, RAY

8/20/2007
THE HAZARDOUS WASTE ISSUE, BECAUSE I ALSO DID
A GOOGLE RESEARCH WHEN I RECEIVED THE LETTER,
WHICH ONE OF THE MENTIONS IN THE LETTER, AND
I DON'T KNOW EXACTLY WHAT U OF R HAS ON THEIR
CAMPUS AT THIS POINT WITH REGARD TO
BIOLOGICAL, CHEMICAL AND RADIATIONAL WARFARE
PROJECTS. BUT I DO KNOW THAT ANY OF THESE
MATERIALS SHOULD NOT BE SEATED IN THE CENTER
OF A RESIDENTIAL COMMUNITY, BECAUSE THERE
COULD BE ACCIDENTS. THERE COULD BE
DISCHARGES INTO THE ATMOSPHERE – INTO THE
ENVIRONMENT, I SHOULD SAY – WHICH INCLUDES
BOTH THE ATMOSPHERE AND THE GROUND. WHETHER
THEY ARE DOING RESEARCH IN THAT, THEY SHOULD
BE DOING IT IN A MORE REMOTE PLACE. IT
REPRESENTS A LOT OF PROBLEMS.

IN ADDITION TO THE MATERIALS BEING
THERE, THE U OF R JUST RECEIVED, I THINK IN
SEPTEMBER, OR SEPTEMBER THEY ANNOUNCED IT,
ACCORDING TO MY GOOGLE RESEARCH, A $21
MILLION CONTRACT RELATED TO TERRORISM. I
HAVE THE PAPER HERE, AND THESE TYPES OF
MATERIALS BECOME A MAGNET FOR TERRORISTS.
SO, TO HAVE SOME TYPE OF SHOOT-OUT, IF THE

TERRORISTS DO DECIDE TO ENGAGE THE UNIVERSITY
OF ROCHESTER WITH THESE TYPES OF DANGEROUS
BIOLOGICAL, CHEMICAL AND RADIATIONAL PROJECTS
THAT ARE GOING ON, IS GOING TO BE A LARGE
IMPACT ON THE COMMUNITY, ALSO.

I HAD MENTIONED THIS TO THE FACILITY --
I THINK HE WAS THE FACILITY DIRECTOR AT THE
U OF R AT THE SAINT AGNES SCHOOL, THAT THOSE
TYPES OF THINGS SHOULD BE DONE AT A REMOTE
LOCATION, AND HE SAID THAT HE WOULD – HE
COULD PROVIDE BETTER PROTECTION, IF
EVERYTHING WAS IN A CONTIGUOUS AREA. AND
RIGHT AWAY MY THOUGHT WENT, “GEE-WHIZ, HE IS
GOING TO TAKE ON THE TERRORISTS, AND
EVERYTHING IS GOING TO BE IN OUR AREA.”

AT LEAST THAT WAS MY THOUGHT, AND HE
MIGHT COMMENT AT SOME TIME CONCERNING THAT.

SO, IN SUMMARY, BECAUSE THE U OF R HAS BEEN DOING THOSE TYPES OF THINGS ON THE
UNIVERSITY – AND I RECEIVED THIS FROM A
DOCUMENT THAT THE U OF R HANDED THE TOWN OF BRIGHTON WHEN RAY TIERNEY CORRECTLY ADDRESSED
THE PROBLEM OF WHAT'S GOING TO GO ON IN THOSE
TYPES OF BUILDINGS, WHAT IS GOING ON NOW AT

THE UNIVERSITY OF ROCHESTER, AND I'LL READ
SOME OF THE VERY SUMMARIES THAT THIS DOCUMENT

8/20/2007
HAS WITH REGARD TO THE RELEASING INTO THE ENVIRONMENT HAZARDOUS MATERIALS RIGHT NOW -- RADIOACTIVE, EXPLOSIVE, WASTE BYPRODUCTS -- WHATEVER THAT MEANS, THAT DOESN'T SOUND TOO ENCOURAGING TO ME -- AND DISCHARGING INTO THE SEWER. AND, AS MITCH KAIDY SAID, IF WE HAVE A FLOOD, AND THESE THINGS ARE BEING DISCHARGED INTO THE GROUND, AND THE FLOOD WATERS BRING UP THESE TYPES OF CHEMICALS, AND THEY START ENCROACHING INTO THE HOUSES, WE'RE ALSO GOING TO HAVE A PROBLEM.

I JUST DON'T WANT ANY OF THESE THINGS IN OUR NEIGHBORHOOD. I MEAN, IT'S NOT WARRANTED COMMUNICATION -- TELECOMMUNICATION IS NOT A STATE OF THE ART. WE COMMUNICATE WITH THE HUBBLE SATELLITE. WE COMMUNICATE ALL AROUND THE WORLD. IF THE U OF R WANTS TO ESTABLISH BUSINESS TYPES OF BUILDINGS, OR BUILDINGS WHERE PEOPLE COULD HAVE COMPUTERS, AND THERE IS A REMOTE LOCATION, I SEE ABSOLUTELY NO PROBLEM WITH THE COMPUTERS COMMUNICATING IN SOME WAY AND ORGANIZING EXPERIMENTS FROM COMPUTER TERMINALS. IT'S DONE ALL THE TIME.

I MEAN, WE CONTROL THE HUBBLE SPACECRAFT FROM A REMOTE LOCATION. THE UNIVERSITY COULD DO THIS.

I DON'T THINK THEIR CONTINUOUS EXPLANATION OF THEM BEING ABLE TO DEFEND AGAINST A TERRORIST ATTACK IS A REASON ENOUGH TO PUT THESE VERY HAZARDOUS THINGS WITHIN OUR NEIGHBORHOOD.

NOW, ANOTHER ISSUE IS THAT THE DEMOCRAT AND CHRONICLE CAME OUT WITH A REPORT RECENTLY, ON DECEMBER 14TH, AND IT SAID, "DATA SAYING MONROE HAS STATE'S UNHEALTHIEST AIR." AND THEY PROVIDED A LINK TO THE ENVIRONMENTAL PROTECTION AGENCY WHERE YOU COULD TYPE IN AN ADDRESS AND HAVE THE LINK -- IF ANYBODY WANTS IT, I COULD SEND IT TO STEVE, AND HE COULD BE THE CONDUIT FOR DISTRIBUTING IT.

BUT YOU CAN TYPE IN ANY ADDRESS, INCLUDING THE TOWN HALL, AND GET A SCORE WHICH TELLS YOU WHAT THE UNHEALTHY AIR IS AT THAT LOCATION WITH REGARD TO THE AVERAGE ACROSS THE UNITED STATES.

NOW, CRITTENDEN ROAD, IT TURNS OUT, THAT WE HAVE 4.2 TIMES THE AVERAGE OF NEIGHBORHOODS NATIONWIDE IN THIS COUNTRY OF UNHEALTHY AIR -- 4.2 TIMES WHAT THE AVERAGE IS IN THIS COUNTRY.

ON BASTIAN ROAD I THINK -- I HAVE IT HERE -- TURNED OUT -- AND THE ASSOCIATED STREETS, IT TURNED OUT TO BE 5.1. AT SOUTH LAND DRIVE AND THEIR ASSOCIATED STREETS, IT TURNED OUT TO BE 4.9.

AND AT THE U OF R, AROUND STRONG HOSPITAL ON ELMWOOD AVENUE -- I TYPED IN THE ADDRESS -- IT TURNED OUT TO BE 6.3.

NOW, I CAN'T REALLY STATE WITH CERTAINTY
PROBLEM WE HAVE -- ALL THESE PROBLEMS WITH
AIR, BUT I CAN STATE THAT THE CLOSER YOU ARE
TO THE U OF R, THE HIGHER THE LEVEL OF
UNHEALTHY AIR.
NOW, IF THEY PUT -- AND WITHIN THE SOUTH
AREA, WITHIN THE BRIGHTON AREA, AND THEY
START DISCHARGING, BECAUSE THAT'S WHAT THEY
ARE DOING IN THE UNIVERSITY, THESE LEVELS ARE
GOING TO JUST GO UP.

SO, THESE ARE OTHER REASONS WHY THERE
SHOULDN'T BE ANY OF THAT, ANY OF THOSE TYPES
OF FACILITIES THAT HAVE ANY TYPES OF
HAZARDOUS MATERIAL. AND I'LL DEFINE THE WORD
"HAZARDOUS" MYSELF, BECAUSE WE KNOW THAT THE
CLEAN AIR ACT, WHICH PROBABLY COULD BE
LABELED "THE DIRTY AIR ACT," IS ALSO
POLITICALLY MOTIVATED, AND OUR OPPOSITION TO
KYOTO WAS ALSO A BUSINESS ORIENTED.
SO, ANY HAZARDOUS MATERIAL, AS I LABEL
IT, IS SOMETHING THAT YOU WOULDN'T WANT TO
BRING HOME, YOU WOULDN'T WANT TO EAT, YOU
WOULDN'T WANT TO SLEEP WITH. I THINK WE
SHOULD HAVE NONE OF THAT, IF CAUSIF WE HAVE A
NEIGHBORHOOD NOW, AND WE DON'T HAVE ANY OF
THAT NOW, AND THE U OF R SHOULD NOT --
WHETHER THEY ARE DOING ANY WORK IN THAT RIGHT
NOW OR NOT, THAT IS MOOT. THEY SHOULD NOT BE
ABLE TO PUT ANY OF THOSE TYPES OF FACILITIES
WITHIN THE SOUTH BRIGHTON CAMPUS.
OKAY. I WOULD LIKE TO ALSO -- I HAVE
ALSO A COUPLE OTHER THINGS HERE.
OKAY. SPORTS COMPLEXES. I MEAN,
UNIVERSITIES ARE ENGAGED IN SPORTS, BUT I
DON'T THINK A SPORTS COMPLEX IS ALSO
WARRANTED FOR OUR NEIGHBORHOOD. SO, I DON'T
THINK THAT SHOULD BE APPROVED.
NOW, AS FAR AS BRIGHTON IS CONCERNED, I
THINK -- AND I CAN'T REALLY STATE THE LEVEL,
BUT THERE SHOULD BE A LIMIT ON THE NUMBER OF
LUMENS OF BRIGHTNESS THAT SHOULD BE EMANATING
FROM THE SOUTH CAMPUS AS DEFINED BY THE
AMERICAN NATIONAL STANDARDS INSTITUTE. AND I
GUESS TOM PROBABLY KNOWS, OR COULD FIND OUT,
WHAT TYPE OF LUMENS WOULD BE ACCEPTABLE.
NOW, AS FAR AS THE VARIOUS SERVICES ARE
CONCERNED, FIRE SERVICES, POLICE SERVICES,
AMBULANCE SERVICES, EVERY TIME THEY PUT UP A
BUILDING THAT INCREASES OUR RISK. I MEAN, A
BUILDING ISN'T THERE NOW; BUT, ONCE THEY PUT
UP A BUILDING, IF A FIRE OCCURS, AND THE FIRE
TRUCKS ARE RESPONDING TO THAT FIRE, AND THEN
LET'S SAY MY HOUSE STARTS BURNING, I HAVE
BEEN DILUTED WITH REGARD TO THE SERVICES
BECAUSE THEY BUILT THE BUILDING.
NOW, HERE'S AN INSTITUTION THAT JUST GOT
A $21 MILLION CONTRACT, AND I ASSUME HOMELAND
DEFENSE IS GOING TO GIVE THEM MANY MORE
CONTRACTS BECAUSE BIOLOGICAL, RADIATIONAL, ET CETERA, IS A BIG DEAL WITH THEM. SO, I THINK IT WON'T BE ANY STRAIN FOR THEM TO DO THE MORAL AND FAIR THING, AND FOR EVERY BUILDING THAT GOES UP, THEY SHOULD PAY THEIR FAIR SHARE, AS EVERYBODY ELSE DOES, BECAUSE THEY ARE INCREASING OUR RISK, AND WE DON'T HAVE TO WAIT UNTIL WE HAVE TO HIRE SOMEBODY. THEY ARE GETTING THE SERVICE. THEY'RE INCREASING OUR RISK. IF AN AMBULANCE GOES THERE, AN AMBULANCE CAN'T COME TO ME; AND, FOR THAT, THEY SHOULD PAY JUST LIKE EVERYBODY ELSE PAYS.

AS FAR AS ACCOUNTABILITY IS CONCERNED, THEY SHOULD NOT BE SORT OF AN ENTITY IN THEMSELVES. IF A BUILDING IS APPROVED AND TOM SAYS, THAT, YES, THEY HAVE TAKEN CARE OF THE NECESSARY DRAINAGE, AND THINGS LIKE THAT; BUT, THEN, IT TURNS OUT THAT THERE IS SOME VARIABLES, BECAUSE I ASSUME THERE IS A VERY COMPLEX THING. IF YOU WANT TO PLUG IN EVERY SINGLE VARIABLE INTO THE EQUATION, IT TURNS OUT THAT NOW FLOODING OCCURRED WHERE IT DIDN'T OCCUR BEFORE, THAT THEY HAVE THE RESPONSIBILITY, U OF R, JUST LIKE IF I BUILT A BUILDING, AND I WAS CAUSING SOMETHING, THAT THE TOWN SHOULD HAVE THE RIGHT TO SAY "HEY, YOU HAVE TO FIX THE PROBLEM." THAT IT SHOULDN'T JUST BE A FINALIZED THING, IT WOULD BE OKAY; AND, THEREFORE; WE DON'T HAVE TO DO ANYTHING ABOUT IT.

OKAY. I'M FINISHED. THANK YOU VERY MUCH.

(APPLAUSE.)

SUPERVISOR FRANKEL: THE NEXT PERSON IS JENNIFER RIES-TAGGART; AND FOLLOWING HER, LAURA O'CONNELL.

JENNIFER RIES-TAGGART: SUPERVISOR FRANKEL AND THE ENTIRE BOARD, JENNIFER RIES-TAGGART.

SUPERVISOR FRANKEL: I'M SORRY.

SPEAKER: THAT IS FINE. NOBODY REALLY KNOWS HOW PRONOUNCE THAT.

OKAY. MY NAME IS JENNIFER. I AM AT 1400 CRITTENDEN ROAD. I AM ACTUALLY A VERY RECENT BRIGHTON RESIDENT AS OF THREE MONTHS. AND I SHOULD ADD, A HIGHLY CONCERNED RESIDENT.

WHEN I INITIALLY LOOKED INTO PURCHASING OUR HOME, I WENT TO THE TOWN HALL AND GRACIOUSLY RECEIVED THIS COPY (INDICATING). NOW, THERE IS A NEW COPY, AND I NOTICE, TO MY ALARM, THAT THE STORM WATER MANAGEMENT POND THAT WAS GOING TO BE NEAR US IN THIS ONE (INDICATING) IS NOT IN THIS ONE.

I'M VERY CONCERNED BECAUSE, OF COURSE – ONE OF MY MAJOR CONCERNS IS THE DRAINAGE ISSUE.

MY UNDERSTANDING -- AND; AGAIN, I SHOULD
WANTS TO REZONE TWO INSTITUTIONAL PLAN
DISTRICTS. WHAT IS IT NOW? IS IT A WETLAND?
MR. LOW: IT'S ZONED SINGLE-FAMILY
RESIDENTIAL.
JENNIFER RIES-TAGGART: OKAY. THANK
YOU.
TO GET BACK TO IT, THE TWO MAPS AND THIS
LACK OF THE SWM, AS IT'S CALLED, "STORM
MANAGEMENT WATER POND," IS ON ONE MAP, BUT
NOT ON ANOTHER. THAT IS A MAJOR CONCERN TO
ME ON SO MANY LEVELS.
ONE, MY UNDERSTANDING IS THAT THIS SWM
ALLOWS FOR WATER DRAINAGE. IT'S NOT A
CONSTANT LEVEL, BUT A LEVEL THAT GOES UP AND
DOWN. BUT THAT IS SOMETHING THAT WOULD MAKE
SENSE TO ME. IT'S WETLANDS BEHIND OUR HOUSE.
I MEAN, RIGHT NOW, THERE IS A SMALL VERSION
OF A POND GOING. I CAN ONLY IMAGINE, BY THE
TIME WE GET HOME, IT WILL BE BIGGER.
HOWEVER, I WAS THINKING THIS SWM WOULD HELP
THIS WHOLE WATER ISSUE.
SO, LIKE I SAID, I HAVE ACTUALLY THREE
MAJOR CONCERNS. ONE IS -- AND NOT IN ORDER
OF PRIORITY. ONE IS A DRAINAGE CONCERN; A
SECOND, OF COURSE, IS PRIVACY CONCERN; AND
THE THIRD IS BIOHAZARDS.
I HAVE SOME SPECIFIC ISSUES. I DON'T
KNOW IF THEY ARE PERTINENT NOW. ACTUALLY,
SOME SPECIFIC QUESTIONS.
I NOTICE ON THIS -- HAS TO DO WITH
MYSELF AND A FEW OTHERS ALONG MY 1400 AREA, I
NOTICE THAT THERE IS A 500,000-SQUARE FOOT
FOOTPRINT. I WONDER HOW MANY STORIES THAT
WILL BE, WHAT IS THE USE, HOW MANY PEOPLE
WILL BE IN THE BUILDING AND/OR ADJACENT
PARKING LOT, THE HOURS OF OPERATION, AND THE
TIME FRAME WHEN THIS IS GOING TO HAPPEN.
AGAIN, I WOULD LIKE TO SAY, WHEN I
PURCHASED THE HOUSE THREE MONTHS AGO, I WAS
THINKING THAT I KNOW THAT THE U OF R IS
ENCROACHING, AND IT MIGHT BE, YOU KNOW,
20 YEARS OR SOMETHING THAT I WOULD HAVE TO
WORRY ABOUT SOMETHING LIKE THIS, AND THREE
MONTHS LATER, IT'S IN MY BACKYARD.
I GUESS, I WOULD LIKE TO CONCLUDE WITH,
I UNDERSTAND THAT IT BEHOOVES THE TOWN OF
BRIGHTON TO WORK WITH THE U OF R. HOWEVER, I
WOULD ALSO LIKE TO STRESS THAT WE ARE THE
ONES WHO ARE PAYING BRIGHTON TAXES AND NOT
THE U OF R.
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
LAURA O'CONNELL: FOLLOWING LAURA, ED
AND DAWN BARANOYCCZ.
LAURA O'CONNELL: HI, I'M LAURA
O'CONNELL, 111 BASTIAN ROAD.
I WOULD LIKE TO ASK FOR AN EXPLANATION
OF A DRAFT "GEIR" AND A GENERAL AND GENERIC,
SO, I WOULD LIKE SOMETHING BACK ON THAT. IT
DOESN'T HAVE TO BE TONIGHT. IT CAN BE IN
WRITING.
AND, THEN, WHAT HAPPENS IN BETWEEN? WHO
MAKES THE DECISION? AND TELL ME WHAT
INFORMATION IS SUBMITTED TO THE TOWN, U OF R
AND FUTURE APPROVALS ARE HANDLED -- AND
THINGS LIKE THAT.
ALSO, I SPOKE TO SOMEONE AT THE DEC
ABOUT, MAYBE TWO MONTHS AGO, AND ASKED IF THE
DELINEATION OF THE WETLANDS NOTED IN THE
ASSESSMENT THAT THE COMPANY THAT THE U OF R
HIRED -- MAY BE IT'S FRA; I'M NOT SURE -- IF
THEY WERE ACCURATE, AND IF THE AREA ONLY
CONTAINED FEDERAL WETLANDS. AND I'M FAMILIAR
WITH THE AREA AND COULD NOT BELIEVE THIS WAS
THE CASE.
The person I spoke to said there was
indeed an error on the delineation of the
wetlands shown in the DGEIF. I asked one of
speakers, whom as I recall worked for the
agency that the U of R hired, at the meeting
at Saint Agnes, and he said that there was
not an error. He was not aware of an error.

AND I SUGGESTED YOU CALL THE DEC AND ASK
ABOUT IT, BECAUSE, YOU KNOW, IF IT IS TRUE,
THEY SHOULD KNOW.
TODAY I CALLED THE DEC AGAIN, I SPOKE TO
SCOTT JONES -- HE'S A WETLAND BIOLOGIST --
AND I ASKED THE SAME QUESTION. HE TOLD ME
THAT HE WENT OUT TO THE SITE THE OTHER DAY,
AND THAT HE DID FIND ONE AREA THAT A FORMAL
ASSESSMENT SHOULD BE DONE ON, AS IT MAY NEED
TO BE RECLASSIFIED AS A STATE WETLAND. IT
BOARDS MONROE COUNTY PROPERTY.
I'M NOT SURE IF THAT IS THE ONLY WETLAND
AREA WHERE THERE IS AN ERROR, BUT I THINK THE
TOWN AND THE STATE SHOULD DO A FORMAL STUDY
ON THIS TOPIC.
I ALSO ASKED SCOTT JONES WHAT WOULD
HAPPEN TO THE WILDLIFE THERE, THE TURKEYS,
DEER, WHATEVER. AND HE SAID THAT THERE WAS
NO DOUBT THERE WOULD BE AN ADVERSE IMPACT TO
THE WILDLIFE IN THE AREA WITH SUCH A LARGE
DEVELOPMENT, AND THAT THAT SHOULD BE LOOKED
AT. AND I WOULD LIKE TO REQUEST YOU PROVIDE
INFORMATION ON THIS ASPECT. WHAT IS LIKELY
TO HAPPEN TO THESE ANIMALS, AND WHERE WOULD

THESE ANIMALS MIGRATE, ET CETERA.
SHOULD THE LAND BE DEVELOPED? I MEAN, I
DON'T KNOW WHY WE WOULD BE LOOKING AT A
REZONING, IF THERE IS NO BRICKS THAT'S GOING
TO BE PUT UP. BUT, ANYWAY, NOT IMMEDIATELY,
APPARENTLY. I AM CONCERNED ABOUT THE TRAFFIC
AS WELL SHOULD THIS HAPPEN. I UNDERSTAND
EAST RIVER ROAD MAY NEED TO BE WIDENED, AND A
PUT IN, AND THAT THE EXTRA TRAFFIC WOULD NOT
BE HANDLED WITH THE CURRENT DEVELOPMENT PLANS
THAT ARE PUT IN PLACE.
I UNDERSTAND MOST OF THE TRAFFIC IMPACT
WOULD BE ON EAST RIVER ROAD, AND THAT ONLY
EMERGENCY VEHICLES WOULD USE CRITTENDEN ROAD,
I DO NOT BELIEVE THERE WOULD BE ANY -- OR AN
ENTRY FROM WEST HENRIETTA ROAD, BUT I'M NOT
SURE ABOUT THAT.
SO, BASICALLY, I WOULD LIKE FURTHER
INFORMATION ON THE TRAFFIC ISSUE AND THE
COSTS ASSOCIATED WITH MAKING THESE CHANGES.
ALSO, I HAVE NOT HEARD MENTIONED
WHETHER -- ANOTHER THING I HAVE NOT HEARD
MENTIONED IS WHETHER OR NOT THERE WOULD BE
MORE STUDENTS THAT WOULD HAVE CHILDREN
ATTENDING THE RUSH-HENRIETTA SCHOOL, SUCH AS
WHIPPLE PARK. AND I AM WONDERING IF
RUSH-HENRIETTA SCHOOL DISTRICT HAS BEEN
FORMALLY NOTIFIED OF THIS POSSIBLE CHANGE,
BECAUSE THIS IS A NON-BRIGHTON ISSUE.
FURTHERMORE, I REQUESTED THE TOWN NOTIFY
RESIDENTS BY MAIL AS TO THE DIFFERENT WAYS
THEY CAN VIEW THE ENVIRONMENTAL IMPACT
STATEMENT, BECAUSE IT'S KIND OF HUGE. IT'S
VERY HARD TO FIND ON THE TOWN'S WEBSITE. I
HAD TO FINALLY CALL THE TOWN AND ASK FOR
HELP. IT IS REAL TRICKY FINDING IT. AND I
KNOW IT'S YOUR FIRST TIME DOING IT. IT'S A
NEW LAW. BUT EVEN TRYING TO DOWNLOAD IT, IT
TOOK ME FOREVER TO BRING IT UP. IT TOOK ME
FOREVER TO PRINT A FEW PAGES. I COULD ONLY
PRINT A FEW AT A TIME, AND THEN I HAD TO GO
BACK IN AND TRY TO PRINT MORE. SO, I THINK A
LOT OF RESIDENTS CAN'T DO IT THAT WAY.
AND I THINK WHAT I'LL TO DO LATER, I
UNDERSTAND THERE IS COPIES AT THE TOWN HALL
WE COULD BORROW FOR A FEW DAYS. I'LL
PROBABLY WOULD HAVE TO DO THAT. I AM LOOKING
FOR AN IMPROVEMENT IN THE FUTURE.
LASTLY, I PLANNED TO ASK FOR AN
EXTENSION, BUT WE HAVE ALREADY GOT THAT,
BECAUSE I DON'T THINK THERE HAS BEEN ENOUGH
TIME FOR EVERYBODY TO VIEW THESE DOCUMENTS.
AND, WHEN YOU HAVE A LARGE MALL-SIZE
DEVELOPMENT, SUCH AS WHAT COULD BE PUT IN
THERE, I THINK WE NEED THE TIME.
THAT'S IT.
SUPervisor Frankel: thank you very
much.
(APPLAUSE.)
Dawn, and following them -- or Ed -- Jim
Hooper.
ED Baranowycz: Dawn is going to sit in
the audience.
My name is Ed Baranowycz. My wife is
Dawn. We live at 1180 Crittenden Road. I
have been a resident there for 17 years, and
my wife nine.
I CAME PREPARED WITH A PRESENTATION, BUT DID NOT COME PREPARED WITH THE PROJECTION SYSTEM. SO, I HAVE SOME HANDOUTS FOR THE BOARD, IF YOU DON'T MIND. SOME ARE COLOR AND SOME ARE BLACK AND WHITE. THERE'S A LOT PICTURES I WOULD LIKE TO DEPICT -- I WOULD LIKE TO SHOW YOU, AND ONCE I GET STARTED HERE, SOME PICTURES THAT ARE A LITTLE BIT CLEARER, AND FLIP THROUGH THOSE. FIRST OF ALL, I WOULD LIKE TO THANK THE TOWN BOARD FOR HAVING THIS AND ALSO THE U OF R. WE HAVE A GREAT NEIGHBORHOOD. WE HAVE A BEAUTIFUL NEIGHBORHOOD. WE HAVE A CHALLENGING ISSUE WITH DRAINAGE. AND THE FACT THAT THE U OF R IS LISTENING TO US, I'M AWARE OF SEVERAL OF THE PEOPLE FROM U OF R THAT HAVE CAME OUT AND SPOKEN TO ME. I THINK THIS IS MOST IMPORTANT TO GO ON A PROCESS LIKE THIS.

WHAT I WANT TO FOCUS TONIGHT ON IS THE DEVELOPMENT AND DRAINAGE IN THE SOUTHERN PORTION OF THE AREA, WHICH IS NORTH OF CRITTENDEN AND IMMEDIATELY SOUTH AND WEST OF THE U OF R'S CURRENT DEVELOPMENT, KNOWN AS WHIPPLE PARK. I AM JUST GOING TO BORROW THIS MAP. THIS IS THE AREA. THIS IS CRITTENDEN ROAD.

COUNCILMAN MOEHL: COULD YOU TAKE THE MIKE WITH YOU.
THIS AREA IS ALSO A PORTION OF THE TRIBUTARY AREA FOR FURLONG CREEK, OR WHAT IS KNOWN AS FURLONG CREEK. AND THAT TRIBUTARY AREA GOES ALL THE WAY OVER TO WEST HENRIETTA ROAD. IT INCLUDES WHIPPLE PARK. IT REALLY KING OF INCLUDES THIS WATER AREA YOU SEE HERE. IT ALSO INCLUDES THE AREA SOUTH OF CRITTENDEN ROAD THAT ALL FEED THIS ONE CREEK, OR I LIKE TO CALL IT A DRAINAGE DITCH.
ON THE PAGE YOU CAN SEE, I HAVE HIGHLIGHTED WHAT AREA I AM DISCUSSING IN BLUE. THE AREA I AM CONCERNED IS THE DEVELOPMENT, AND I AM ALSO HIGHLIGHTING THE TRIBUTARY AREA.
The following map was taken from a study that was done in 1969 that also shows the tributary area and its size. To get started, the requests I have to the town, the town of Brighton is, one, do

NOT ACCEPT THIS DRAFT ENVIRONMENTAL IMPACT STATEMENT OR DRAINAGE REPORT AS CONCLUSIVE. WHY? I FEEL THERE'S CONCLUSIONS THAT HAVE BEEN MADE ALREADY. I DON'T THINK THEY ARE SUPPORTED BY REALITY, AND I ALSO THINK

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I WOULD LIKE TO REQUEST THE TOWN AND THE
U OF R TO, FIRST, TAKE STEPS TO CORRECT THE
EXISTING DRAINAGE. THE U OF R ALREADY HAD A
DEVELOPMENT HERE CALLED WHIPPLE PARK. IT'S
BEEN HERE FOR QUITE SOME TIME. IT
CONTRIBUTES TO THE CURRENT DRAINAGE PROBLEMS
TODAY, AND MANY OF THE LANDS WHERE THE
PROBLEMS ARE HAVE BEEN UNDER THE U OF R'S
CONTROL.
I AM ALSO ASKING NOT TO ALLOW ANY
DEVELOPMENT RIGHT NOW IN THIS AREA OF
CONCERNS, PLAIN AND SIMPLY, BECAUSE HOW CAN
WE BUILD MORE IN THIS SENSITIVE AREA IF WE
CANT FIX OUR PROBLEMS TODAY?
AGAIN, FOR THE REZONING, HOW CAN REZONE
TO INDUSTRIAL, IF WE CAN'T EVEN HANDLE
RESIDENTIAL AND WHAT'S THERE?
SO WHAT IS THE PROBLEM?

THE TRIBUTARY AREA THAT I DESCRIBED,
THAT LARGE AREA, IT ALL COLLECTS IN ONE PLACE
KNOWN AS MY BACKYARD AND A FEW OTHERS.
(I AUGHTFR )
IT IS 1166; IT'S 1180, IT'S 1192 AND
IT'S 1200. TO SOME OF THE OTHER PEOPLE ON
CRITTENDEN, WHAT YOU MAY OR MAY NOT KNOW IS,
WHEN THIS PLUGS UP, YOU MAY ALSO BE AFFECTED.
SO, THEN, IT STARTS GOING DOWN STREAM,
BECAUSE YOU HAVE DRAINS THAT COMES THROUGH
YOUR BACK AREA, AND YOU'RE COUNTING ON THIS
DRAINAGE TO WORK HERE.
ALL THIS WATER MUST PASS THROUGH ONE
CULVERT. THAT'S ONE. THERE IS A SECOND
CULVERT. IT CAN'T GET TO THE SECOND UNTIL IT
GETS TO THE FIRST ONE.
SIGNIFICANT FLOODING HAS BEEN
EXPERIENCED FREQUENTLY DURING WHAT, I
BELIEVE, ARE ONE- TO FIVE-YEAR STORMS, AND MY
FEAR IS LARGER STORMS WILL PRESENT A GREATER
RISK TO THE PROPERTY IN THIS AREA.
ALSO, ADDITIONAL DRAINAGE NORTH OF THIS
AREA, AND WHAT I AM TALKING ABOUT IS THIS
WATER SHOWN HERE; HOWEVER, WE WERE ABLE TO

PULL A SATELLITE PHOTO OF THIS AREA; AND, IF
YOU LOOK CLOSER, THE WATER SHOWN ON THIS MAP
IS ABOUT ONE QUARTER OF THE WATER SHOWN IN
THIS PHOTO.
LAST YEAR THIS WATER AREA WAS MUCH
LARGER. IT IS A LITTLE LESS TODAY; BUT, IF
YOU WALK OUT THERE TODAY, YOU WILL SEE THIS
WATER AREA IS MUCH GREATER.
WHY AM I CONCERNED WITH THAT?
WELL, IT DOES FLOW INTO THIS AREA AS
WELL, AND A LOT OF PEOPLE DON'T REALIZE THAT.
IT GOES TO THAT ONE CULVERT.
AGAIN, I'M SORRY. I'M NOT SURE IF I
MESSED UP THE ORDER, BUT THE MAP IS SHOWING
FURLONG CREEK FROM THE FURLONG CREEK STUDY IN
1969.
NOW, TO HIGHLIGHT THE DRAINAGE PROBLEMS
TODAY, WHERE THE WATER IS COMING FROM, THERE IS ONE THAT YOU WILL SEE ON THE MAP, THERE IS WATER COMING FROM DEVELOPMENT IN THIS AREA. THERE IS WATER COMING FROM WHITTLE PARK. THERE IS A CULVERT, A PIPE, THE AREA THAT I DESCRIBED SOUTH OF CRITTENDEN ROAD IS COMING THIS WAY (INDICATING), AND WHEN THIS LAKE OVERFLOWS, OR POND, IT FLOWS INTO HERE AS WELL.

NOW, EXCUSE ME FOR A SECOND. AS YOU'LL SEE, WE HAVE A PICTURE — WE HAVE TALKED ABOUT THIS FOR A WHILE. I THINK IT'S HARD TO UNDERSTAND, BUT IT'S A PICTURE OF A BATHTUB. THE BATHTUB IS FULL. THE WATER IS RUNNING, AND YOU HAVE ONE DRAIN.

MY POINT IS THIS: IT'S ALREADY FULL. THERE IS ONLY ONE DRAIN, AND WE CAN'T CHANGE THAT DRAIN, BEING THE CULVERT. IF YOU HAVE ONLY ONE DRAIN, WHERE IS THE LOGIC IN INSTALLING MORE WATER SOURCES, FROM IMPERVIOUS SOURCES, COMING THIS WAY? AND I ASK, WHY PROPOSE MORE RISK TO THE CURRENT PROPERTIES, IF WE CAN'T FIX WHAT WE HAVE TODAY?

SO, WHAT DOES THE PROBLEM LOOK LIKE? IN THE REPORT THEY DID A GOOD JOB OF LOOKING AT THIS AREA AND COMMENTING ON IT. ONE COMMENT THAT KIND OF STRUCK ME WAS THAT PROPERTY OWNERS IN THIS AREA HAVE EXPERIENCED SOME OCCASIONAL FLOODING DURING WET PERIODS. I AM GOING TO SHOW YOU PICTURES OVER THE PAST 11 YEARS WHERE I'VE TAKEN PICTURES. I HAVEN'T TAKEN PICTURES OF EVERY EVENT.


IF I LOOK AT WHAT WAS IN THE DRAINAGE REPORT, A ONE-YEAR STORM IS 2.2 INCHES, AND ALL OF THESE ARE LESS THAN TWO INCHES.

NOW, I KNOW THERE IS A FACTOR OF RATE HERE. OKAY? I HAVE BEEN TOLD, NO, IT IS NOT A ONE-YEAR STORM IT, MIGHT BE A 50-YEAR STORM. REGARDLESS, IN THE PAST TEN YEARS, I'VE HAD FIVE OR SIX OF THESE EVENTS, AND THOSE ARE THE PICTURES THAT ARE CIRCULATING NOW.

THE FIRST PICTURE IS FROM THE SPRING OF 1994, MY BACKYARD, WHERE A SIGNIFICANT PORTION OF THE YARD IS FLOODED.

WILL YOU WILL SEE THE FIRST PICTURE GOES
THROUGH MY NEIGHBOR'S YARD, WHERE HE TRIES TO
GARDEN EVERY YEAR, BUT YOU WILL SEE IS A
SHEET OF WATER. THE OTHER PICTURES OF OUR
BACKYARD WHERE WE TRIED TO HAVE A TRAIL, AND
THERE'S A SMALL SHED THERE.
THE NEXT PAGE, I WOULD JUST LIKE TO
SUGGEST THIS CONCLUSION -- DOES THE
CONCLUSION REFLECT REALITY? OR MAYBE THE
CONCLUSIONS MADE HERE DO NOT REFLECT REALITY.
MAYBE I MISUNDERSTOOD THE REPORT, BUT IT SAID
THE AREA BETWEEN THE REZONED PROPERTY AND THE
HOUSES ON CRITTENDEN IS A LOW-LYING AREA AND
HAS CREATED A BOWL EFFECT; WHEREBY, WATER
FROM THE SOUTH AND EAST -- AND I AM ASSUMING
WE ARE TALKING ABOUT THIS AREA AND THIS AREA
HERE THAT IS SOUTH, (INDICATING) -- AND TO A
LESSER EFFECT, THE NORTH IS DIRECTED.
WELL, I DON'T KNOW IF YOU MEAN THE NORTH
HERE OR THE NORTH WHIPPLE PARK. WHAT I AM
TRYING TO SUGGEST IS, THIS FLOW COMING FROM
WHIPPLE PARK IN THIS AREA, WHICH IS

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NORTHEAST, HAS A SIGNIFICANT EFFECT.
THE FIRST PICTURE TO THE LEFT WILL SHOW
YOU -- IT'S A LITTLE DIFFICULT TO SEE, BUT I
CAN SHOW YOU A CLEAR PICTURE. THE WATER
COMING FROM THE SOUTH -- OKAY? -- COMES
THROUGH A CONDUIT, THROUGH A DITCH AND IS
CONTAINED IN THE DITCH. THE WATER COMING
FROM HERE IS NOT CONTAINED IN A DITCH AND IS
JUST AS MUCH FLOW, IF NOT MORE.
IF YOU WILL LOOK CLOSELY AT THOSE
PICTURES, THE PIPES ARE ABOUT THE SAME. THE
WATER FLOW IS MUCH GREATER COMING FROM THIS
AREA.
THIS IS HOW THE BOWL GETS FILLED. IT
DOESN'T GET FILLED BECAUSE THE WATER FROM
OVER HERE IS OVERFLOWING. THE WATER FROM THE
U OF R PROPERTY JUST COMES ACROSS OUR
PROPERTY AND FILLS THE BOWL. IT HAS NO WAY
TO GET TO THE DITCH, BUT TO GET THROUGH OUR
PROPERTY.
IT'S NOT FLOWING IN ANY -- IS NOT
FLOWING IN OR PROPERLY DIRECTED TO ANY
SYSTEM. WATER DIRECTLY COMES FROM THE NORTH,
PROPERTY GOING TO THE U OF R OR WHERE WHIPPLE

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PARK IS LOCATED, AS WELL AS NEARBY
SUBDIVISIONS.
ANOTHER CONCLUSION THAT I HAVE A PROBLEM
WITH IS, "THE LACK OF RELIEF SLOWS
CONVEYANCE, AS HAVE OBSTACLES SUCH AS
OVERGROWN DRAINAGE CHANNELS AND DEBRIS."
YOU CAN CLEAN THE DITCHES ALL DAY LONG.
THE WATER IS STILL GOING TO FLOW THROUGH THE
WOODS AND INTO OUR YARDS. IT IS STILL GOING
THROUGH THE YARD. CLEANING OUT THE DITCHES
IS NOT GOING TO FIX THAT PROBLEM.
SO, IT IGNORES THE FACT THAT THERE IS
CURRENTLY NOT A DRAINAGE SYSTEM FOR THAT
FLOW. AND, BASICALLY, WE HAVE TO SACRIFICE
OUR YARDS FOR CURRENT DEVELOPMENT TODAY.
HERE YOU HAVE A PICTURE -- THIS IS MY
FAVORITE. MY NEIGHBORS LOVE TO LAUGH AT IT.
JULY OF 1998, WE HAD FLOW OF 1.36 INCHES. I
AM STANDING IN MY BACKYARD WAIST DEEP IN
WATER. I'M NOT IN A DITCH. IF I WAS IN A
DITCH, I WOULD BE MORE LIKE CHEST HIGH, BUT
I'M WAIST DEEP IN WATER.
THIS IS WHAT THE PROPERTY OWNERS IN THIS
AREA HAVE EXPERIENCED. SOME EXPERIENCE

FLOODING DURING WET PERIODS.
WHAT ABOUT THE ONE CULVERT?
THE REPORT QUOTES, AND I HAVE SEEN THIS
IN OTHER DRAINAGE REPORTS, THE ERROR GETS
REPEATED, THAT THERE IS A 30-BY-36-INCH
CULVERT HERE. I MEASURED IT. IT'S 28 INCHES
WIDE. THE DIFFERENCE BETWEEN 30 AND 28
INCHES IS A PERCENTAGE THAT IS OBVIOUSLY
GOING TO REDUCE FLOW. IT IS 38 INCHES HIGH.
HOWEVER, DURING THE EVENT WHERE YOU SEE ME
STANDING IN WAIST-HIGH WATER, THAT CULVERT
ISN'T OVERTOP YET. THERE IS STILL HEIGHT TO
THAT CULVERT. SO, IF WE USE THAT WHOLE
CULVERT, THAT WATER IS PROBABLY DEFINITELY IN
MY HOUSE.
AFTER THIS CULVERT, THERE IS ANOTHER
CULVERT THAT IT MUST PASS THAT'S EVEN
SMALLER. IT'S ONLY 22 INCHES BY 29 INCHES.
DURING THIS PARTICULAR EVENT, IT WAS
OVERTAKEN BY THIS.
MY QUESTIONS ARE, ARE THESE CALCULATION
CORRECT ON QUOTING THE WRONG TYPE OF CULVERT?
OR DO THEY REALLY AGREE WITH THE REALITY?
WE'RE SAYING, HEY, IT'S GOING TO CONTROL IT;

THEY ALL GOING TO LOOK THE SAME. BUT THIS
WHAT WE EXPERIENCE TODAY.
THERE HAS BEEN A LOT OF TALK ABOUT WE
NEED TO STUDY IT AGAIN. THE QUESTION IS:
CAN WE CHANGE THE CULVERT? YOU ALL HAVE SEEN
HOW THERE IS A LOT OF WATER COMING THROUGH
THIS WAY TRYING TO GO THROUGH THE CULVERT.
IN 1969, THE STATE RECOMMENDED THAT
FURTHER DEVELOPMENT BE CAREFULLY CONTROLLED.
MAY 1995 STUDY, COUNTY PROJECT 77943,
PROPOSED TWO ALTERNATIVES -- OPEN, CUT
THROUGH THE RAILROAD EMBANKMENTS. THEY SAID
THIS WOULD DECREASE FLOODING ELEVATIONS,
EXCEPT WHEN RED CREEK IS HIGH, IT WILL BACK
UP. IT WOULD ALSO CAUSE DOWNSTREAM FLOODING.
SO, HARM PEOPLE DOWNSTREAM.
SO, CONTROLLING THE FLOW THROUGH THE
CULVERT DOES HELP THOSE PEOPLE. AND THE
U OF R WAS INVOLVED, BUT THEY SAID WE DO NOT
WANT THIS CLEAR-CUT, BECAUSE IT WOULD LIMIT
FUTURE USE. AND IT DIDN'T FULLY SOLVE THE
PROBLEM, ANYWAY. SO, THAT IDEA WAS DROPPED.
THE NEXT SOLUTION WAS, PROVIDE A NEW
CULVERT PIPE UNDERNEATH THE RAILROAD BEDS;
AND, AFTER THEY STUDIED IT, THERE WAS NO
IMPROVEMENT ANTICIPATED IN THE WINTER AND
SPRING FLOODING SINCE RED CREEK LEVELS ARE
HIGH AND GROUND IS SATURATED.

IN TODAY'S REPORT, YOU WILL SEE
THROUGHOUT THE DRAINAGE REPORT, IN THIS AREA
THE SOIL IS DRAINED POORLY, THERE IS POORLY
DRAINED SOIL AND THE AREA IS RELATIVELY FLAT.
SO, I JUST HAVE TO THINK, AFTER 35 YEARS, AND
I KNOW THERE'S MORE STUDIES, WE COME TO THE
SAME CONCLUSION -- WE NEED TO LIMIT THE WATER
TO THIS AREA. I THINK LIMITING THE WATER MAY
ALSO BE LIMITING DEVELOPMENT.

IF YOU LOOK AT THE MAP AGAIN IN YOUR
PACKAGES, I TALK A LITTLE BIT ABOUT THE FLOW
FROM THIS LAKE -- THIS OVERFLOW FROM THE
POND. THIS HAS HAPPENED SEVERAL TIMES OVER
THE PAST TEN YEARS. IT COMES AND GOES. IT'S
ANOTHER WATER SOURCE. THE DRAINAGE REPORT
DIDN'T CONSIDER THIS (INDICATING).

WHY AM I SO CONCERNED OVER THIS POND?
BECAUSE, IF YOU STAND IN MY BACKYARD, YOU
HAVE TO GO UPHILL TO GET TO THE POND. BUT IT
DOES OVERFLOW THIS WAY THROUGH A DITCH THAT

IS DUG HERE (INDICATING). WHY? LACK OF
MAINTENANCE.

IN THE REPORT THAT WAS DONE, IT SAYS
"THIS WATERCOURSE --" AND A FEW OTHER
WORDS "-- ULTIMATELY DISCHARGES TO RED CREEK
VIA AN 18-INCH CULVERT. THE 18-INCH CULVERT
COULD NOT BE LOCATED DUE TO STANDING WATER
AND BRUSH OVERGROWTH."

SO, YOU GOT ALL THIS WATER, AND YOU
DON'T KNOW WHERE THE CULVERT IS.
YEARS AGO WHEN I HAD THIS PROBLEM, I
ASKED THE U OF R -- THEY WERE VERY HELPFUL.
THEY CLEANED OUT THE CULVERT CLOSEST TO MY
HOUSE. I SAID, "THERE IS THIS OTHER CULVERT
YOU NEED TO DRAIN, THAT WATER IS FLOWING OVER
THERE." I DON'T REMEMBER THE GENTLEMAN'S
NAME. "I SENT SOMEBODY UP AND DOWN THE
TRAIL. I CAN'T FIND IT."

SO, SEVERAL TIMES IT HAS RISEN ENOUGH,
AND LAST WINTER IT SPILLED CONTINUOUSLY INTO
OUR YARD, OVER THAT HILL.
I AM CONCERNED THIS POND IS LARGE DURING
WET SEASONS OR WET YEARS. IT CONTAINS A
GREAT DEAL OF WATER, SINCE IT ALSO HANDLES A

CONSIDERABLE AMOUNT OF RUNOFF AND OVERFLOW
INTO MY YARD, IT IS GOING TO BE VERY PROBABLE
DURING AN EXTREME EVENT, AND PROBABLY PRETTY
CATASTROPHIC. TAKING ALL OF THIS WATER, AND
IF THIS POND HAS NOWHERE TO GO BUT MY
BACKYARD, I AM CONCERNED.
BRIGHTON, RG&E, RESIDENTS, FOR THE PAST FEW
YEARS, WE STRUGGLED OVER RESOLVING THE FLOW
OF THIS POND. RG&E IS CONCERNED BECAUSE
THEIR POWER TOWERS ARE IN THERE. ONE OF THE

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COMMENTS THAT MADE TO ME ONCE, “TRUST ME, IF THAT POWER TOWER COMES DOWN, WE’LL CUT THAT THROUGH REAL QUICK TO YOUR YARD, BECAUSE POWER WOULD BE MORE IMPORTANT.” IT WAS AN OFF-THE-CUFF COMMENT, BUT OBVIOUSLY I AM CONCERNED.

WE HAVE BEEN TALKING ABOUT THIS -- IT IS NOT EASY TO SOLVE, AND IT IS A DIFFICULT DRAINAGE AREA, BUT WE DO HAVE TO FIGURE THIS OUT.

MY QUESTION IS: WHY ARE WE LOOKING AT MORE DEVELOPMENT, IF WE HAVE A POOR TRACK RECORD OF DRAINAGE AND MAINTENANCE HERE?

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HOW DO WE BUILD THE BELIEF AND CONFIDENCE IN THE CURRENT PROPERTY OWNERS, INCLUDING MYSELF, THAT ARE ALREADY -- HOW DO WE BUILD THE BELIEF AND CONFIDENCE IN THE CURRENT PROPERTY OWNERS ALREADY SUFFERING THE EFFECT OF INSUFFICIENT DRAINAGE THAT FOUR MORE PONDS THAT ARE PROPOSED HERE, AND 100 PERCENT MORE IMPERVIOUS SURFACE AREA, WILL FIX THE PROBLEM. HOW? I SAY, START BY MAKING THE CURRENT PONDS WORK AND KEEP THEM MAINTAINED.

THE NEXT PAGE, I HAVE A FEW MORE EXAMPLES, IN OUR BACKYARDS, MY NEIGHBORS’ BACKYARDS, OF WATER COMING FROM THE PROPERTY. THIS WAS APRIL 28, 2002. YOU CAN SEE THE WATER COMING THROUGH WOODS THAT IS IMMEDIATELY ADJACENT TO THE PROPERTY, AND YOU CAN SEE THE SHEETING RIVER THROUGH OUR BACKYARDS.

SO, JUST IN SUMMARY, IF YOU WILL, THE AREA IS SERVED BY ONE CULVERT WITH LIMITED CAPACITY. CURRENT FLOW FROM U OF R LAND AND DEVELOPMENTS IS NOT ADEQUATELY CAPTURED IN THE SYSTEMS, AND INSTEAD FLOWS ACROSS PRIVATE BACKYARDS.

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MAINTENANCE HAS BEEN LACKING TO CONTROL POND OVERFLOW.

SOLUTIONS HAVE BEEN DISCUSSED FOR 35 YEARS, AS FAR AS I KNOW. PREVIOUS STUDIES RECOMMENDED REDUCING FLOW, CONTROLLING DEVELOPMENT.

THE FLOODS DO OCCUR REGULARLY. GREATER EVENTS CAN LEAD TO GREATER PROPERTY DAMAGE, SINCE THE LEVELS WILL BE CLOSER TO HOMES. I AM CONCERNED ABOUT RAINFALL GREATER THAN TWO INCHES.

PROVIDING INCENTIVE ZONING AND ENCOURAGING FURTHER DEVELOPMENT SHOULD NOT BE THE CAUSE OF CORRECTIVE ACTION FOR THESE PROBLEMS.

I THINK ACTION TO CORRECT THE CURRENT PROBLEMS SHOULD BE THE PREREQUISITE BEFORE WE CONSIDER INCENTIVE ZONING.

THANK YOU.

SUPERVISOR FRANKEL: JIM HOOPER. I HAVE NO MORE CARDS FOLLOWING JIM HOOPER, SO I WILL

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JIM HOOPER: GOOD EVENING. I'M JIM HOOPER OF 191 BASTIAN ROAD.
I WANT TO THANK THE TOWN FOR THIS PROCESS. IT'S, I HOPE, ONE, THAT'S GOING TO GIVE US MUCH MORE OPPORTUNITY TO PARTICIPATE.
I FEEL, AS MANY PEOPLE HAVE SPOKEN TONIGHT, ABSOLUTELY OVERWHELMED BY THE VOLUME OF INFORMATION WE ARE BEING CHALLENGED TO DIGEST, AND I WOULD HAZARD TO GUESS, SO IS THE TOWN.
I WAS GREATLY RELIEVED THIS AFTERNOON WHEN I HEARD THIS HEARING WOULD BE CONTINUED INTO THE NEXT MEETING. I STILL FEEL CHALLENGED ABOUT EVEN GETTING OUR ARMS AROUND SOME OF THE VERY BASIC FUNDAMENTALS IN THIS MATERIAL BY THEN.
SUPERVISOR FRANKEL: MAY I CORRECT WHAT YOU HAVE JUST SAID. THE HEARING WILL RESUME MARCH 9TH. SO, WE WONT BE TAKING THIS UP AT THE NEXT TOWN BOARD MEETING ON JANUARY 28TH OR 5TH, WHATEVER. IT WILL BE IN EARLY MARCH.
SPEAKER: MARCH 9TH IS A THURSDAY
SUPERVISOR FRANKEL: WELL, I WILL DOUBLE CHECK THE DATE.

JIM HOOPER: SO, TWO MORE MONTHS, SOUNDS LIKE IT. THANK YOU.
AS AN EXAMPLE OF HOW IMPORTANT I THINK THIS IS TO THE NEIGHBORHOOD, I AM JUST GOING TO CITE SOME OF THE THINGS MR. GREINER MENTIONED THAT ARE IN THE STUDY THAT ARE, TO ME, ABSOLUTELY PARAMOUNT AREAS OF CONCERN.
LAND USE, OF COURSE, ON THE TOP OF THE LIST. WHAT IS THE UNIVERSITY GOING TO DO WITH THE LAND? I WILL COMMENT A LITTLE MORE IN A MOMENT ON THAT.
TRAFFIC IS AN ABSOLUTELY HUGE ISSUE FOR MAJOR PARTS OF WEST BRIGHTON.
WETLANDS, DRAINAGE, SANITARY SEWERS, AND TAXES. IN OTHER WORDS, PAYMENTS THE UNIVERSITY WILL PROBABLY NEED TO MAKE TO OFFSET THE COSTS THAT WOULD OTHERWISE BE BORNE BY RESIDENTS OF BRIGHTON AND, IN SOME CASES, SOLELY BY RESIDENTS OF WEST BRIGHTON.
I WAS A STUDENT AT THE UNIVERSITY AND RECEIVED MANY GRADES FROM THEM, SO THIS MAY BE MY ONLY OPPORTUNITY TO ISSUE A GRADE. I WILL DO SO NOW.
THREE AREAS. THE QUANTITY, EXPENSE AND AMOUNT OF FUNDS, AND EVEN THE POUNDAGE OF THE REPORT, I GUESS I WILL GIVE THEM A PASS.
THE STEPS THE UNIVERSITY HAS TAKEN, PARTICULARLY RECENTLY, TO OPEN LINES OF COMMUNICATION WITH THE NEIGHBORS, I WILL GIVE THEM A PASS.
THE CREDIBILITY TO DATE, JUDGING PAST BEHAVIOR OF THE UNIVERSITY, IS A DEFINITE
INCOMPLETE. WHY DO I SAY THAT?
I AM A BELIEVER THAT THE BEST WAY TO
JUDGE FUTURE BEHAVIOR IS BY PAST BEHAVIOR. I
AM VERY CONCERNED ABOUT THE SIZE OF OUR
NEIGHBORHOOD BEING LITERALLY HUNDREDS OF
PEOPLE AND TRYING TO COPE WITH A VERY
IMPORTANT NEIGHBOR. AND I WOULD ACKNOWLEDGE,
WE HAVE UNIVERSITY FACULTY LIVING IN WEST
BRIGHTON. WE HAVE A UNIVERSITY ADMINISTRATOR
HERE TONIGHT, WHO IS LIVING IN WEST BRIGHTON.
THERE ARE MANY LINES AND OPPORTUNITIES FOR US
TO SEE COMMONALITIES. BUT WE'RE DEALING WITH
A VERY LARGE BUREAUCRACY, AS SOMEONE
MENTIONED EARLIER, A LARGEST EMPLOYER IN THE
CITY, A HUGELY ENDOWED UNIVERSITY, AND WE'RE
A VERY, VERY SMALL ENTITY. AND I DON'T THINK

WE ARE GETTING THE RESPECT THAT WE MUST HAVE
IN ORDER TO WORK WITH THE UNIVERSITY.
I WOULD CITE THREE OPPORTUNITIES FOR THE
UNIVERSITY TO GAIN SOME CREDIBILITY.
ONE IS, INSTEAD OF OFFERING TO, ONCE
THIS PACKAGE IS ADVANCED TO THE STAGE WHERE
THEY ARE READY TO MOVE FORWARD, COMPLETED
FINAL EIS, THEIR DESIRE TO HAVE REZONING, AND
THEN, AS THE REPORT SAYS, THEN ENTERTAIN
BUILDING BUFFERS AND BARRIERS, SUCH AS TREES,
FOR PROTECTING THE LINES BETWEEN THE TOWN
RESIDENTS AND THE UNIVERSITY, I SUGGEST THE
UNIVERSITY TAKE UNILATERAL ACTION WITHOUT
WAITING FOR THAT.
I BET THAT THE PLANNING BOARD AND THE
TOWN BOARD HAS HAD A LONG, LONG HISTORY OF
SEEING LARGE PARCELS OF LAND LIKE THIS NEXT
TO RESIDENCES, AND I DON'T THINK IT WOULD BE
VERY HARD TO PREDICT SOME GOOD PLACE TO PUT
TREES. I KNOW THE UNIVERSITY DOES THAT ALL
THE TIME. AND I THINK IT WOULD BE A GREAT
SIGN OF CREDIBILITY THAT THEY RECOGNIZE,
WITHOUT TAKING STEP ONE, WITHOUT EVEN
COMPLETING THIS PROCESS. THEY DO OWN THE

LANDS. THEY DO INTEND TO USE THE LAND. THEY
ARE NEXT TO THE RESIDENTS. PUT IN PINE
TREES. THEY WORK IN THE WINTER AS WELL AS
THE SUMMER, AS FAR AS CREATING A BARRIER AND
YOU WILL BUILD CREDIBILITY.
NUMBER TWO, MENTIONED EARLIER TONIGHT,
PAYMENT IN LIEU OF TAXES. THE UNIVERSITY HAS
ALREADY ACKNOWLEDGED IN A VERY BRIEF, BUT
FORTHCOMING PAGE IN THIS 638-PAGE DOCUMENT,
THAT THERE ARE FIRE SERVICES, AMBULANCE
SERVICES, AND POLICE SERVICES THAT ARE LIKELY
to be utilized by those areas of the
UNIVERSITY WILL EXPAND INTO WEST BRIGHTON.
THEY ARE OFFERING, IN GENERAL LANGUAGE, I
WOULD SAY, NOT SPECIFIC, TO ENGAGE IN
DISCUSSIONS WITH THE TOWN ABOUT WAYS TO MAKE
SURE THOSE ARE NOT A BURDEN ON THE TOWN.
I WOULD SAY HERE IS THE SECOND
OPPORTUNITY FOR CREDIBILITY. THE UNIVERSITY
ALREADY HAS PROPERTY IN WEST BRIGHTON,
WHIPPLE PARK IS A GREAT EXAMPLE AS WELL AS THE OTHER BUILDINGS. WHY NOT ENTER INTO DISCUSSIONS NOW ABOUT THOSE USES AND BEGIN TO ASSESS FEES FOR THOSE AS WELL?

I WOULD ALSO MENTION SOMETHING I SAID IN THE DECEMBER INFORMATION MEETING, JUST REPEAT IT NOW FOR THE RECORD, THE UNIVERSITY HAS AN AGREEMENT WITH RUSH-HENRIETTA SCHOOL DISTRICT, OUR SCHOOL DISTRICT, TO COMPENSATE FOR THE ABSENCE OF SCHOOL TAXES FOR CHILDREN THAT LEAVE WHIPPLE PARK AND GO TO RUSH-HENRIETTA SCHOOLS, AND THAT OFFSET IS SCHOLARSHIPS FOR SPECIFIC QUALIFYING RUSH-HENRIETTA STUDENTS, SUCH AS THOSE THAT LIVE WEST BRIGHTON. THERE ARE PRECEDENTS THERE, OF COURSE, FOR PAYMENT AND A VERY SUITABLE METHOD USED BY THE UNIVERSITY TO TAKE ITS FINE RESOURCES. I WOULD SEE MORE OPPORTUNITY FOR CREDIBILITY IN THIS AREA.

THE LAST AREA OF CREDIBILITY THAT ACTUALLY CONCERNS ME THE MOST HAS TO DO WITH STORM WATER MANAGEMENT. OF ALL THE LIST OF TOPICS THAT I NAMED, WATER IS THE ONE THAT CONCERNS ME THE MOST, AND I REMEMBER BEING A NEW RESIDENT IN THE AREA, 30 YEARS AGO, AND BEGINNING TO TRY AND UNDERSTAND THAT. AND IT DOES TAKE YEARS TO FEEL LIKE YOU HAVE GOT SOME SENSE OF WHAT YOU ARE DEALING WITH.

THE FLOODPLAIN IS THE DOMINANT FEATURE OF WEST BRIGHTON. IT'S SURROUNDED BY RIVER MEADOW THAT ABSORBS A GREAT DEAL OF WATER. EVERYONE IS LOOKING TO THE GOVERNMENT, THE TOWN, AND IN THIS CASE THE UNIVERSITY, TO SOMEHOW STEWARD THE STORM WATER MANAGEMENT, AND I THINK IT'S A FUNDAMENTAL PRINCIPLE TO UNDERSTAND, THAT THE REAL STEWARD OF THE FLOODPLAIN IS, IN FACT, THE WATER. IT ISN'T THE GOVERNMENT, AND IT IS NOT THE UNIVERSITY, NO MATTER HOW POWERFUL ITS REPRESENTATION IS. AND I THINK ED'S ILLUSTRATION OF THE BATHTUB IS A PERFECT EXPLANATION OF HOW YOU COME RIGHT BACK DOWN TO SOME VERY FUNDAMENTAL BASICS THAT THE WATER IS REALLY IN CHARGE.

SO, YOU PROCEED CAUTIOUSLY.

TO CLOSE, I WANT TO TALK ABOUT THE FACT THAT I PROMISED THE UNIVERSITY THAT I WOULD MENTION TONIGHT. I TOLD THEM THIS A MONTH AGO.

FOR FIVE YEARS, THE CITIZENS HAVE BEEN ASKING FOR ANSWERS ABOUT WHY THE DRAINAGE DETENTION POND THAT WAS PUT IN A UNIVERSITY PARKING LOT IS NOT FUNCTIONING, AND THE COMMUNICATION ON THIS AREA IS VERY POOR.

THE UNIVERSITY HAS SINCE ACKNOWLEDGED THAT IT HAS HEARD ABOUT THIS PREVIOUSLY, YEARS AGO, AND DID NOTHING.
I WILL TELL YOU, WHEN I HAD THESE DISCUSSIONS YEARS AGO, I WAS TOLD WE NEVER KNEW THAT; THE TOWN NEVER TOLD US THAT YOU HAD THAT COMPLAINT.

AND A MONTH AGO, UNIVERSITY REPRESENTATIVES SAID, "I'VE NOT HEARD THIS COMPLAINT BEFORE."

FOR THE LAST FOUR WEEKS, THERE HAVE BEEN EFFORTS TO COMMUNICATE ON THIS ISSUE, AND I'M VERY DISAPPOINTED THE UNIVERSITY HAS NOT YET EVEN GONE TO THEIR PARKING LOT AND LOOKED AT THE DETENTION POND.

WE HAVE TO HAVE CREDIBILITY FROM THE UNIVERSITY, AND I'M GOING TO CONTINUE TO JUDGE THEIR FUTURE BEHAVIOR BY PAST BEHAVIOR, AND I AM LOOKING FORWARD TO PROGRESS TO REPORT TO YOU IN MARCH ON THIS PARTICULAR ISSUE. IT'S SMALL; BUT, FOR ME, IT REPRESENTS THE REALITY THAT WE ARE DEALING WITH THE REALISTIC ISSUE OF WATER IN THE NEIGHBORHOOD. WE DON'T WANT TO HEAR ABOUT WHAT A STUDY TOLD YOU FIVE YEARS AGO, WHAT A DESIGN SAID, WHAT YOUR EXPERTS TOLD YOU. WE WANT YOU TO LOOK WITH US, AND I AM PLEASED TO HEAR ED SAID HE HAS HAD SUCCESS WITH THE UNIVERSITY GOING WITH HIM TO PROPERTIES. THESE ARE THE THINGS THAT MEAN SOMETHING TO THE CITIZENS.

THANK YOU VERY MUCH.

(APPLAUSE.)

SUPERVISOR FRANKEL: THANK YOU.

I WILL CORRECT WHAT I SAID EARLIER, THE NEXT TOWN BOARD MEETING AT WHICH THIS MATTER WILL CONTINUE IS MARCH 8TH, NOT MARCH 9TH.

IT IS WEDNESDAY, MARCH 8TH.

I KNOW THERE IS ONE GENTLEMAN HERE WHO WISHES TO SPEAK. PLEASE COME FORWARD.

KEITH GRISWOLD: MY NAME IS KEITH GRISWOLD. I LIVE AT 1442 CRITTENDEN ROAD. I HAVE BEEN THERE FOR 18 YEARS. AND, SINCE OCTOBER OF LAST YEAR, I HAVE HAD STANDING WATER TO ONE DEGREE OR ANOTHER, NOT ON THE UNIVERSITY'S PART OF THE SIDE OF THE

PROPERTY, BUT ON MY PART OF THE PROPERTY.

EIGHT YEARS AGO THAT DID NOT EXIST.

IT'S A SITUATION THAT HAS PROBABLY BEEN EXASPERATED OVER THE LAST THREE TO FIVE YEARS, SINCE THE DEVELOPMENT OCCURRED. ANY FURTHER DEVELOPMENT I THINK WOULD REALLY BE DETRIMENTAL.

BEFORE I GO ON TO HIGHLIGHT SOME CONCERNS THAT I FOUND WITH A CURSORY EXAM THROUGH THEIR DRAFT PROPOSAL, I WANT TO THANK THE BOARD FOR HAVING US, WEST BRIGHTON RESIDENTS, BACK HERE TO DISCUSS ONE OF OUR FAVORITE SUBJECTS, WATER AND DRAINAGE PROBLEMS. YOU MUST BE EXCITED TO HAVE US HERE THE THIRD OR FOURTH TIME IN FIVE OR SIX YEARS.

LET ME BEGIN. SOME OF THE STUFF I AM
SOME MY NEIGHBORS AND FRIENDS ALREADY SAID. PAGE 25 STATES, "NO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WETLANDS ARE SHOWN TO BE PRESENT ON THIS SITE." THAT'S AGAIN STATED ON PAGE 69. "IT IS OUR -- I'M ASSUMING THIS IS FROM THEIR

ENGINEERS "-- IT IS OUR PROFESSIONAL OPINION THAT THE SIX OF THESE, REFERRING TO A, C, D, J, K AND N, PORTIONS OF THEIR PROPERTY ARE NON-JURISDICTIONAL ISOLATED SYSTEMS THAT EXHIBIT NO SURFACE CONNECTIONS. EVIDENCE OF OVERLAND FLOW OR ECOLOGICAL CONTINUING TO WATERS OF THE U.S. AND, THEREFORE, ARE NOT PART OF THE INTERSTATE WATERWAYS REGULATED SECTION 404 OF THE CLEAN WATER ACTS."

MY ONE QUESTION IS: DOES THE STATE OF NEW YORK AGREED WITH THAT? HAS THE STATE OF NEW YORK ACTUALLY GONE OUT AND SURVEYED THIS LAND THEMSELVES, AND NOT TAKEN THE REFERENCES OF A HIRED CONSULTANT FOR THAT?

AS SOME OF MY OTHER NEIGHBOR FRIENDS HAVE ALREADY STATED, I FIND THIS HARD TO BELIEVE DUE TO THE FACT THAT THERE ARE CONTINUOUS WATER SECTION THAT FALL WITHIN THE STATE'S LANDS SOUTH OF CRITTENDEN AND CERTAINLY SOME WITHIN THEIR BOARDERS. SO I HAVE TO IMAGINE THAT THERE ARE MORE AREAS THAT ARE WET -- STATE WETLANDS THAN WHAT ARE BEING INDICATED IN THE STUDIES I HAVE EVEN SEEN SO FAR.

PAGE 19, THEY ASK, THE UNIVERSITY OF ROCHESTER WILL PARTICIPATE IN A FUTURE DRAINAGE STUDY OF THE OVERALL WATERSHED TO IDENTIFY THE PROBLEM AREAS TO IMPROVE STORM WATER FLOW THROUGH THESE AREAS. THEY ALSO RESTATE SUCH AN OFFER ON PAGE 53.

AS, AGAIN, SOME OF THE PEOPLE, I THINK ED SAID THIS, WE HAVE BEEN STUDIED TO DEATH AND STUDIED AND STUDIED. I DON'T KNOW WHAT MORE WOULD BE SHOWN. MY REQUEST WOULD BE, IF WE ARE GOING TO DO ANY MORE STUDIES, WE NEED TO HAVE SOME FINALIZED IDEAS, IMPRINTS STATING THIS IS WHAT CAN BE, THIS IS WHAT CANNOT BE DONE; AND IT IS NOT UNTIL THEN THAT I WOULD ASK THIS BOARD TO EVEN CONSIDER ACCEPTING A FINAL IMPACT STATEMENT.

WE HAVE TO SEE FINALIZED STUDIES, NOT SOMETHING THAT IS GOING TO BE "MAYBE'S" OR "WHAT MIGHT HAPPENS."

RELATED TO THIS, AGAIN AS I MENTIONED AND HAS BEEN MENTIONED BEFORE, THE IDEAS OF REPORTED FLOODING, HEAVY RAIN, ONLY OCCURRING FLOODS AT THOSE TIMES. AS I SAID, I HAVE STANDING WATER THAT'S BEEN IN MY BACKYARD FOR THREE, ALMOST FOUR, MONTHS NOW. IT HAS COME AND GONE, BUT IT IS THERE. IT HAS NOT BEEN

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HEAVY RAINS.

I THINK WE HAVE ISSUES THAT HAVE BEEN EXASPERATED BECAUSE OF THE DEVELOPMENT, AND WE ARE GOING TO PROBABLY ONLY SEE IT WORSEN IF ANY DEVELOPMENT OCCURS TO THE SOUTH OF WHIPPLE PARK OR TO THE SOUTHWEST OF WHIPPLE PARK.

IF YOU LOOK AT APPENDIX J, ONE OF THEIR AERIAL PHOTOGRAPHS, AND I DO NOT KNOW EXACTLY WHICH PAGE THE SYSTEM PRINTED OFF, IT IS JUST AN AERIAL PHOTOGRAPH STATING, "FULL CITY INFORMATIONAL LOCATION MAP," ABOVE THEIR PHOTO, ITEM 12, THE SOUTHERN END OF THEIR PROPERTY IS A SUPPOSED FOOTPRINT OF A BUILDING.

FROM JUST LOOKING AT THIS SUPPOSED FOOTPRINT OF THE BUILDING, IT WOULD BE ON WHAT IS KNOWN AS FURLONG CREEK OR RIGHT NEXT TO IT, BECAUSE FURLONG CREEK IS WITHIN PROBABLY A STONE'S THROW OF ONE OF THE BUILDINGS OF WHIPPLE PARK. IT WOULD CONCERN ME GREATLY IF THERE IS ANY BUILDING SOUTH OF

WHIPPLE PARK AND NORTH OF CRITTENDEN ROAD, BECAUSE THAT WOULD BE IMMEDIATELY ON TOP OF THIS DRAINAGE AREA THAT ED HAS ALREADY HIGHLIGHTED FOR YOU.

SO, THOSE WOULD BE MY AREAS OF CONCERN THAT I WOULD WANT TO DRAW YOUR ATTENTION TO.

SO, AGAIN, THANK YOU FOR YOUR TIME AND CONSIDERATION.

(APPLAUSE.)

SUPERVISOR FRANKEL: FIRST, LET ME SEE

IF ANYONE WHO HAS NOT YET ADDRESSED THE BOARD ON THIS MATTER WISHES TO DO SO NOW, AND THEN I WILL COME BACK AND CERTAINLY GIVE YOU AN OPPORTUNITY TO MENTION IT.

YES?

KATHY SMITH: MY NAME IS KATHY SMITH, AND I LIVE AT 33 SOUTHLAND DRIVE.

USUALLY, WE ARE COMING HERE TO TALK ABOUT DRAINAGE. THAT IS NOT MY PROBLEM TONIGHT. WE KNOW WE HAVE A LOT OF SYMPATHY FOR OUR NEIGHBORS ON CRITTENDEN ROAD, BECAUSE WE CERTAINLY HAVE BEEN THERE.

MY CONCERN, WHEN I WAS PLOWING THROUGH THIS DOCUMENT -- AND I HAVE TO CONFESS, I

ONLY GOT TO PAGE 340. I WOULD PROBABLY GET AN F FOR THAT.

A LOT OF STATISTICS IN THERE, THE TRAFFIC STATISTICS, WERE QUOTED FROM THE SOUTHERN CORRIDOR STUDY THAT WAS PUBLISHED IN 2001. IT STATED IN THERE THAT THE DATA WAS RECORDED IN 1997. THEY WORKED IN A 1.5 PERCENT GROWTH RATE INTO THESE FIGURES.

AND I WAS JUST WONDERING IF THERE IS ANY WAY THAT THERE MAY BE MORE UPDATED AND CURRENT FIGURES, BECAUSE I REALLY DO QUESTION WHETHER 1.5 PERCENT GROWTH RATE EVERY YEAR IS GIVING US A TRUE AND ACCURATE -- IT DOESN'T REALLY IMPACT THE INTERSECTIONS, BECAUSE THEY
INTERSECTIONS DURING RUSH HOUR. I WAS JUST
WONDERING IF THERE WAS ANY WAY WE COULD GET
SOME MORE CURRENT DATA.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
IS THERE ANYONE ELSE WHO WISHES TO
ADDRESS THE BOARD WHO HAS NOT YET SPOKEN?
YES?
MR. VOGUE: THERE IS SOMEONE BACK THERE.

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KAREN PANOSIAN: HI. I'M KAREN
PANOSIAN, AND I LIVE AT 260 BASTIAN ROAD.
AND I AM HERE TO SPEAK ABOUT THE
ENVIRONMENTAL IMPACT ON ME FROM MY HEART.
I ABSOLUTELY LOVE WHERE I LIVE. I LOVE
THAT I LIVE IN A WET AREA. I LOVE THE DUCKS.
I LOVE THE BIRDS. I LOVE THE TURKEYS THAT
COME TO MY YARD. I LOVE THAT I HAVE A
TELESCOPE, AND I CAN TAKE IT OUT ON MY DECK
AND LOOK AT THE STARS. I WANT TO MAKE SURE
THAT THE ENVIRONMENTAL IMPACT FOR ME AND MY
SPOUSE IS PROTECTED.
AND I'M ASKING THE BOARD, WHEN YOU'RE
LOOKING AT 600 BAZILLION PAGES OF
ENVIRONMENTAL IMPACT STUDIES, THAT YOU ALSO
THINK ABOUT THE RESIDENTS, THE PEOPLE WHO
LIVE HERE AND WHO LOVE IT, AND WHO WANT TO
BE ABLE TO STILL SEE THE STARS, HEAR THE
DUCKS, AND ENJOY THE PLACE THAT THEY LIVE.
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: YES?
VICKI BURKE: I'M VICKI BURKE, AND I
LIVE AT 82 NORMAN ROAD. AND WHILE I HAVEN'T

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HAD A CHANCE TO READ ALL THE STUDIES AND
EVERYTHING, I'M CONCERNED, LIKE SHE IS, FOR
THE WILDLIFE THAT LIVES THERE. THAT IS PART
OF THE REASON WHY WE MOVED TO THE
NEIGHBORHOOD. YOU HEAR BIRDS, AND WE HAVE
HEARD TURKEYS. I HEARD DEER FIGHTING IN THE
PINES BEHIND MY HOUSE. I SEE A LOT OF
WILDLIFE, AND WE LOVE IT. THAT'S WHY WE ARE
THERE.
WE DON'T HEAR A LOT OF TRAFFIC. I DON'T
WANT TO HEAR TRAFFIC. AND I AM CONCERNED
THAT, IF THERE IS TOO MANY CHANGES BEHIND US
THERE, WE'RE GOING TO LOSE OUR BUFFER – OUR
BUFFER OF BIG MATURE TREES THAT MAYBE MUFFLE
SOUND, BUT THEY ALSO PROVIDE HABITAT AND
PLACES FOR WILDLIFE.
I KNOW THE TRAILS BACK THERE, THE ONE
THAT THE TOWN BUILT, BUT THERE IS ALSO ONE UP
AT MY END OF NORMAN ROAD THAT IS BETWEEN ME
AND THAT TRAIL THAT PEOPLE USE, BUT SO DO THE
WILDLIFE. THE DEER COME TO MY YARD EVERY
DAY. THEY COME TO MY APPLE TREES. AND I
DON'T WANT TO SEE THAT DISTURBED.
AND ALSO, I SPEAK TO WHAT I AM BEGINNING
TO HEAR ABOUT THE CHANGES IN POSSIBLE TRAFFIC
PATTERNS. THOSE INTERSECTIONS, ESPECIALLY
THE ONE AT EAST RIVER AND WEST HENRIETTA
ROAD, I WOULD VENTURE TO SAY THERE IS TWO OR
THREE ACCIDENTS A WEEK THERE, PERHAPS MORE,
BUT I'M IN AND OUT OF THERE AN AWFUL LOT, AND
I HAVE BEEN DELAYED. SOME ACCIDENTS ARE
MINOR, BUT SOME HAVE BEEN, I THINK, QUITE
SERIOUS. SO, I DON'T DOUBT THAT THERE NEEDS
TO BE SOMETHING DONE AT THAT INTERSECTION.
IT IS VERY CONGESTED AND WHATNOT.
BUT I CERTAINLY HOPE THAT WE CAN
CONTINUE TO TURN LEFT ON THAT ROAD. I
COULDN'T BELIEVE WHEN I HEARD THAT AS A
POSSIBILITY.
BUT I KNOW THAT THE U OF R HAS -- I KNOW
THERE ARE PROBLEMS. THEY ARE TRYING TO BE A
GOOD NEIGHBOR, AND I CERTAINLY APPRECIATE
THEM COMING BEFORE US HERE AND OUR CHANCE TO
BE ABLE TO VOICE SOME CONCERNS.
I GUESS THAT IS ABOUT ALL I WANT TO SAY.
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.

YES?
JUDY MCMASER-HOBSON: HI. I'M JUDY
MCMASER-HOBSON, 98 SOUTHLAND DRIVE.
I WAS JUST WONDERING, IF WE ARE TALKING
ABOUT GESTURES OF GOOD FAITH, I WAS WONDERING
IF WE COULD DO A JOINT PROJECT BETWEEN THE
UNIVERSITY AND THE PEOPLE WHO AT LEAST LIVE
ON SOUTHLAND AND HAVE LIKE A CLEANUP DAY,
BECAUSE THAT AREA OF WOODS BETWEEN OUR TWO
PROPERTIES HAS GOT OLD TIRES AND TRASH, AND
THINGS LIKE THAT, AND I THOUGHT MAYBE IT
WOULD BE SOMETHING WE COULD WORK ON TOGETHER.
COURT REPORTER: COULD YOU REPEAT YOUR
NAME, PLEASE?
JUDY MCMASER-HOBSON: JUDY
MCMASER-HOBSON, H-O-B-S-O-N.
COURT REPORTER: THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: YES, IN THE BACK.
BETTY VOROJA KINA: MY NAME IS BETTY
VOROJA KINA, AND I AM LIVING AT 15 FURLONG
ROAD.
SUPERVISOR FRANKEL: COULD YOU SPELL
THAT?

BETTY VOROJA KINA: OKAY.
(LAUGHTER.)
BETTY VOROJA KINA: LET'S START AGAIN.
SUPERVISOR FRANKEL: THANK YOU.
BETTY VOROJA KINA: THIS NEW DEVELOPMENT
IS GOING TO BE 100 YARDS FROM MY HOUSE. I
ASK THE SAME QUESTION AGAIN AND AGAIN. HOW
MANY BUILDINGS IS GOING -- ARE GOING TO BUILD
IN THIS NEW AREA, AND WHAT IS GOING TO BE IN

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IMPORTANT TO KNOW, BECAUSE TWO-STORY BUILDING
USED AS A LIBRARY THERE IS VERY DIFFERENT
THAN A TWO-STORY BUILDING THAT IS GOING TO BE
USED LIKE DORM, PATIENTS CARE FACILITY,
OUTPATIENT OR INPATIENT, HOSPITAL, OR WHAT.
WHAT IS GOING TO BE BUILT?
MY QUESTION IS, I REALLY WANT TO KNOW,
AND I WANT TO KNOW WHEN WE ARE GOING TO KNOW
WHAT WE HAVE -- WHAT ARE WE GOING TO HAVE IN
OUR BACKYARD? ACTUALLY, THAT IS ONE OF MY
QUESTIONS.
THE SECOND MY QUESTION IS ABOUT PROPERTY

TAXES, FIRE DEPARTMENT TAXES, SCHOOL TAXES.
BUT THIS QUESTION ALREADY WAS ASKED. AND
WHEN ARE WE GOING TO KNOW ABOUT IT?
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: YES, SIR?
JEFF GARDNER: HI. JEFF GARDNER. 118
SOUTHLAND DRIVE.
I JUST WANTED TO ADDRESS -- A LOT OF
GOOD THINGS HAVE BEEN ADDRESSED TODAY --
DRAINAGE, TRAFFIC, WILDLIFE, AND THOSE ARE
ALL GOOD POINTS.
ONE POINT THAT WAS BRIEFLY MENTIONED
THAT I WANTED TO MAKE SURE WAS ON THE RECORD
WAS THE KIND OF AN INDICATION OF THE AMOUNT
OF LIGHT POLLUTION THAT WOULD BE GENERATED BY
A CHANGE IN THIS REZONING, YOU KNOW, LIGHT
FROM NOT ONLY BUILDINGS, BUT PARKING LOTS,
WHICH WOULD PUT OUT A LOT OF LIGHT.
The buffer that is proposed, I don't
think would prevent that light pollution for
hitting Southland Drive, and I'm sure other
residential areas, because it is mostly
deciduous trees. A lot of the site pictures

AND SITE LINE STUDIES THAT WAS IN THE DRAFT
IMPACT STATEMENT WAS DONE IN SUMMER, WITH
LEAVES ON THE TREES; AND, YES, YOU CAN'T SEE
A BUILDING WHEN YOU HAVE A NICE FULL
DECIDUOUS TREE; BUT, IN WINTER, THAT IS NOT
MUCH OF A PROTECTION.
SO, I DON'T THINK 100 FEET WOULD BE, YOU
KNOW, 100 FEET OF TREES WITHOUT LEAVES ON
THEM ISN'T THAT MUCH OF A BUFFER. AND I JUST
WANTED TO KNOW, IF A STUDY COULD BE DONE OR
TAKEN INTO CONSIDERATION AT THE MINIMALIST
POINT OF SITE LINES, WHICH WOULD BE IN
WINTER, I THINK THAT WOULD BE - SHOULD BE
TAKEN INTO CONSIDERATION.
AND ALSO SOMEONE HAD MENTIONED ABOUT
THE, YOU KNOW, TAKING AN ASSESSMENT OF HOW
MUCH LIGHT WOULD BE CAST OFF FROM THIS
PROJECT.
I THINK, AGAIN, WINTER WOULD BE THE --
FALL, WINTER AND SPRING, WHEN THERE IS NO
LEAVES, WOULD BE THE TIME TO KIND OF MEASURE
IT, NOT IN THE MID-SUMMER WHEN YOU HAVE A
LITTLE -- VERY LITTLE -- YOU HAVE FULL
THANK YOU.

(APPLAUSE.)

SUPERVISOR FRANKEL: MITCH?

MITCH KAYDI: WHY DID I THINK SOMEONE ELSE WAS GOING TO POP UP?

SUPERVISOR FRANKEL: SOMEBODY DID.

MITCH KAYDI: I'M MITCH KAYDI, AND I LIVE ON 921 CRITTENDEN ROAD. I JUST HAVE ONE OTHER POINT TO MAKE. I THINK IS A MAJOR POINT, NOBODY HAS RAISED. THAT IS SAFETY. NATIONAL ENVIRONMENTAL POLICY, DESPITE WHAT HAPPENED IN NEW ORLEANS, IS NOT TO POPULATE FLOOD ZONES OR EVEN ADJACENT TO FLOOD ZONES. AND HERE WE'RE GOING TO HAVE A HUGE MAJOR DEVELOPMENT THAT IS GOING TO BRING A LOT OF PEOPLE INTO WEST BRIGHTON WHO WANT TO LIVE NEAR THIS NEW FACILITY.

WELL, IF WE HAVE ANOTHER FLOOD IN WEST BRIGHTON, TAKE A STREET LIKE CRITTENDEN ROAD, IF CRITTENDEN ROAD SUDDENLY IS POPULATED BY HOUSES AND CARS AT A CRITICAL MOMENT DURING A STORM, DURING A FLOOD, THE PEOPLE AT THE EXPOSED END WILL NOT BE ABLE TO GET OUT. AND THAT'S THE REASON FOR NOT POPULATING FLOODPLAINS OR AREAS ADJACENT TO FLOODPLAINS.

THAT, TO ME, THE SAFETY ISSUE IS PARAMOUNT AND OVERRIDING PRACTICALLY ALL OTHER CONSIDERATIONS. I WOULD LIKE TO LEAVE IT WITH THE BOARD TO JUDGE THAT FOR THEMSELVES.

THANK YOU.

(APPLAUSE.)

SUPERVISOR FRANKEL: THANK YOU.

IS THERE ANYONE ELSE WHO WISHES TO ADDRESS THE BOARD ON THIS MATTER THIS EVENING? YES, SIR?

HOWARD NOVACK: I JUST WANT TO CHIME IN ON SOMETHING.

SUPERVISOR FRANKEL: MAY I ASK THAT YOU GET TO THE PODIUM FIRST?

HOWARD NOVACK: YES, I'M COMING. I'M A LITTLE SLOWER THAN IT USED TO BE.

(LAUGHTER.)

HOWARD NOVACK: HOWARD NOVACK, NUMBER 38 SOUTHLAND DRIVE. AND I AM CONCERNED ABOUT THE COMMENT THAT MITCH JUST MADE. I REMEMBER VERY WELL WHEN THE WATER WAS WITHIN A COUPLE OF FEET FROM THE TOP OF MOUNT MORRIS DAM A NUMBER OF YEARS AGO, AND THEY ARE GOING TO RELEASE THE WATER DOWN THE GENESEE RIVER, AND WE WERE TOLD TO PACK OUR STUFF AND BE READY TO GO.

WELL, WE DIDN'T HAVE TO GO, BUT IT WAS VERY CLOSE. MY WIFE AND I AND FOUR KIDS HAD STUFF PACKED TO BE ABLE TO GO FOR WEEKS. THE THING THAT BOTHERS ME IS JUST WHAT
WE HEARD A MINUTE AGO. YOU HAVE MORE PEOPLE,
MORE CARS, MORE EVERYTHING. THIS EVACUATION
BECOMES THAT MUCH MORE DIFFICULT. IT'S HARD
ENOUGH TO GET OUT OF OUR STREET AT RUSH-HOUR
TIMES AS IT IS. EVEN THOUGH THE THING RUNS
TO WHIPPLE PARK, THERE IS REALLY ONLY ONE
OUTLET, AND THAT IS WEST HENRIETTA ROAD,
WHICH IS JAMMED WITH CARS EVERY NIGHT AT RUSH
HOUR. SO, I WOULD GUESS THAT PUTTING ANY
MORE PEOPLE INTO OUR AREA IS BAD.
NOW, AS THE U OF R PUTS UP BUILDINGS,
IT'S PEOPLE THERE THAT ARE HEADING FOR THEIR
CAR AND LEAVING AT 5:00, AND THAT JAMS THE
STREETS UP EVEN MORE.
SO, IT'S -- TO ADD A LIGHT NOTE TO THIS
THING. FIFTY YEARS AGO WHEN WE MOVED INTO

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THAT HOUSE, WE WERE JOKING THAT THE U OF R
WAS GOING TO BUILD A FOOTBALL STADIUM OUT
THERE JUST NORTH OF SOUTHLAND DRIVE, BECAUSE
WE FIGURED THAT THE RIVER CAMPUS WAS GOING TO
BE SO CLUTTERED THAT THEY WOULD HAVE TO TAKE
FULLER STADIUM DOWN AND BUILD A FOOTBALL
STADIUM BETWEEN SOUTHLAND DRIVE AND THE
RIVER. I AM STILL WAITING FOR A CHANCE TO
SNEAK IN THERE AND WATCH FOOTBALL GAMES FOR
NOTHING.

(LAUGHTER.)
IT HASN'T HAPPENED.
THANK YOU.
(APPLAUSE.)

SUPERVISOR FRANKEL: IS THERE ANYONE
ELSE WHO WOULD LIKE TO ADDRESS THE BOARD THIS
EVENING?

THEN, AT THIS TIME WE WILL ADJOURN THIS
HEARING UNTIL MARCH 8TH, AND I THANK YOU FOR
COMING.

COUNCILMAN TIERNEY: I HAVE SOME
QUESTIONS HERE.

SUPERVISOR FRANKEL: OH, I'M SORRY.

BEFORE WE DO THAT, RAY HAS SOME QUESTIONS. I

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WILL REMIND EVERYONE HERE, AND PLEASE SHARE
THIS WITH YOUR NEIGHBORS, IF YOU HAVE
ADDITIONAL INFORMATION OR COMMENT THAT YOU
WOULD LIKE TO SHARE WITH THE BOARD, PLEASE
COME BACK ON MARCH 8TH; AND, ALSO, ANYONE CAN
SUBMIT WRITTEN COMMENTS TO THE BOARD AS PART
OF THE RECORD OF THE HEARING AS WELL.

RAY?

MR. LOW: I'M VERY SORRY, RAY. BUT JUST
AS LONG WE'RE TALKING ABOUT WRITTEN
COMMENTS, IT'S VERY IMPORTANT TO UNDERSTAND
THAT WRITTEN COMMENT PERIOD WILL END 10 DAYS
AFTER THAT NEXT HEARING, WHICH WILL ACTUALLY
BE THE 20TH OF MARCH. THE WRITTEN COMMENTS
WOULD BE TAKEN TO THE 20TH OF MARCH.

COUNCILMAN MOEHLER: ASSUMING WE CLOSE
THE HEARING.

MR. LOW: ASSUMING WE CLOSE THE HEARING
ON THE 8TH OF THE MARCH.

RAY?

8/20/2007

THIS ARTICLE OUTLINES THE LEVELS OF RESEARCH, THE TYPES OF LABS. NOW, I DON'T KNOW WHETHER THE U OF R CURRENTLY HAS A BSL-1 LAB OR BSL-2, AND GOES TO LEVEL 4. THESE ARE BIO-SAFETY LABS. FROM THIS ARTICLE — RAY, HELP ME WITH THIS, I WILL GIVE IT TO YOU, YOU CAN COPY IT AND GIVE IT TO THEM.

I THINK IT'S IMPORTANT THAT WE ASK THE QUESTION WHETHER THERE IS ANY OF THOSE TYPE LABS EXISTING ON THE U OF R AND THE STRONG MEMORIAL CAMPUS NOW, AND, MORE IMPORTANTLY, THAT WE GET SOME FORMAL DEFINITION OF WHAT THESE LEVELS ARE. WE MAY WANT TO LOOK AT THOSE LEVELS, WHEN WE DETERMINE WHAT KIND OF USES ARE APPROPRIATE.

SO, I THANK YOU, AND I WILL TURN THIS ARTICLE OVER AND HAVE SOMEBODY TAKE A LOOK AT IT. AND MAYBE, RAY, AFTER LOOKING AT IT, YOU CERTAINLY CAN, IF IT DOESN'T APPEAR TO BE APPROPRIATE, I WON'T BE OFFENDED, IF YOU SAY IT IS NOT SOMETHING THAT WE NEED TO EXERCISE AT THIS TIME.

THANK YOU.

SUPERVISOR FRANKEL: THANK YOU, ARE THERE ANY OTHER COMMENTS OR QUESTIONS THIS EVENING?

OKAY, THANK YOU VERY MUCH.

WE ARE NOW GOING TO MOVE TO THE SECOND PART OF THE HEARING OF THE EVENING, THE PROPOSED TECHNICAL CODE AMENDMENTS TO NUMBER 11 AND 12 OF CHAPTER 201 AND 203. I WOULD LIKE TO ASK — DO YOU NEED A BREAK?

COURT REPORTER: NO, I'M ALL RIGHT SO FAR.

SUPERVISOR FRANKEL: OKAY. I WOULD LIKE TO ASK THE CLERK, SUSAN, DO YOU NEED A BREAK?

(THERE WAS AN OFF-THE-RECORD DISCUSSION.

SUPERVISOR FRANKEL: WE ARE GOING TO TAKE A TWO-MINUTE RECESS.

WE ARE GOING TO MOVE FORWARD WITH THE SECOND PUBLIC HEARING ON THE PROPOSED TECHNICAL CODE ON NUMBER 11 AND 12 OF CHAPTERS 201 AND 203. I WOULD ASK THE CLERK — YOU OKAY?

COURT REPORTER: THE NOISE — I CAN'T
SUPERVISOR FRANKEL: THE NEXT PUBLIC

COMMITTEE FOR WEDNESDAY THE 8TH.

SUPERVISOR FRANKEL: THANK YOU.

THEN AT THIS TIME, I DECLARE THIS PUBLIC

HEARING CLOSED, AND I WOULD NOTE THAT WE HAVE

A RESOLUTION.

COUNCILMAN: THE MATTER REGARDING THE

PROPOSED TECHNICAL CODE AMENDMENTS TO 11 AND

12 OF CHAPTERS 201 AND 203, I MOVE ON THE

RESOLUTION AS PREPARED BY THE ATTORNEY AT

THIS TIME.

SUPERVISOR FRANKEL: IS THERE A SECOND?

COUNCILWOMAN: SECOND.

SUPERVISOR FRANKEL: SO MOVED.

(THE PROCEEDING ENDED.)
MATTER RE:

Proposed Rezoning for the
University of Rochester South Campus

March 8, 2006
7:00 p.m.

Brighton Town Hall
2300 Elmwood Avenue
Brighton, New York

PRESENT:

COUNCIL MEMBER VOGEL
COUNCIL MEMBER KRAUS
COUNCIL MEMBER NOVROS
COUNCIL MEMBER TIERNEY
SUPERVISOR FRANKEL

WILLIAM MOEHLE, ESQ.
Town Attorney

SUSAN KRAMARSKY
Town Clerk

Reported By:
Jo-Anne Galloway, CSR.
Realtime Reporting Service, Inc.
SUPERVISOR FRANKEL: This evening we have four public hearings. The first public hearing on the agenda this evening -- and, by the way, before we -- I just want to -- because I know that the public hearings may take some time, I just want to mention something.

Christine Sevilla (phonetic) provided this book. She has done a study and presentation of wetlands, some wonderful natural environmental areas in Monroe County. We had a display in Town Hall for quite some time of the photographs and descriptions, and just know that we have a copy of this. It's available. She was -- I don't know if she is still here, but she was -- yes, she is.

Would you stand up so folks can see who you are. Okay. Thank you.

I wanted to acknowledge your publication work that you've done to highlight these important environmental features.

Thank you.

Okay. We're going to begin now with the first public hearing, which is on the Proposed Rezoning for the University of Rochester South
Campus.

I need to ask the Town Clerk, has the necessary legal notice been published on this matter?

MS. KRAMARSKY: Supervisor Frankel, this is a continuation of the public hearing, but we took the extra step of re-publishing this public hearing.

SUPERVISOR FRANKEL: Thank you.

At this time we are going to continue, but for those who haven't been here -- who weren't here, rather, for the earlier hearing, I'd like to ask Commissioner of Public Works, Tom Low, to very briefly describe the purpose of this hearing.

MR. LOW: Certainly, Madam Supervisor.

The University of Rochester proposes to rezone its land within the Town of Brighton. Those lands total about 190 acres -- 188 acres located south of East River Road and to the east of the Lehigh Valley Trail.

A fair amount of those acres are currently undeveloped. The University proposes to rezone that to a zoning classification called,
"Institutional Planned Development," a zoning classification in the Town Code that would allow for a wide variety of University-related uses.

Before any such decision is made, however, the Town Board policies and state law require careful examination of the environmental impacts of such a rezoning. For that purpose, the Town Board established, after an earlier public session that -- it looks like a number of you attended -- a scope of the study, and then turned the University and its consultants loose on what is called, "A Draft Environmental Impact Statement." That impact statement was accepted back in December of last year.

This hearing is to collect your comments and questions, and also this process will collect the comments and questions of the other agencies, like the State DOT, County DOT, on these environmental impacts -- these potential environmental impacts.

We're building a record, just as you would in court, building an environmental record. At the conclusion of this process, the Town Board will have to make some determinations based on
that record; and then, based on those
determinations on what they find, then they may
proceed or may not with rezoning of some or all
of these lands.

SUPERVISOR FRANKEL: Thank you.

I will note for your consideration that, if
you spoke at the public hearing in December, and
you do not have anything new to add to your
comment, we do have that as part of the public
record of this hearing, and those comments will
be included in the Town Board's consideration.
So, there isn't a need to reiterate what you may
have already said earlier, but we're certainly
interested in hearing whatever you may have to
say that's new or for those who haven't had an
opportunity to speak before to hear from them as
well.

The process here this evening is one in
which we will hear comments from you, the public,
and we also will hear questions and comments from
members of the Town Board. It's not a time for a
debate or dialogue or question-and-answer mode
with the University representatives. They will
provide answers to all of our questions in the
final Environmental Impact Statement that is yet to be completed, and it can’t be completed until they hear what’s on our minds.

I will also note that the Town Board held a workshop to hear from the New York State Department of Transportation, Monroe County Department of Transportation and Town on traffic considerations related to the proposal.

And so at this time we’re going to begin with the hearing.

Tom, do you wish the U of R to make a brief presentation?

MR. LOW: Yes, Sandy. I do think it would be useful. I know we do have to get the public’s comments, but there are a couple particular issues that the University has done some additional work on, as I understand it, and I believe they’re prepared or willing to make a few comments on the issues of a plan to mitigate some drainage problems, as well as the University’s reaction to the State’s intent to map the wetland around the pond there in the middle of the property.

SUPERVISOR FRANKEL: Okay. Thank you.
Whomever addresses the Board during the open forum, we ask that you state -- I mean -- hearing, the public hearing -- we ask that you state your name and address; and, if you have an affiliation, that too for the record.

MR. GREINER: Good evening. My name is Tom Greiner of the law firm of Nixon, Peabody here on behalf of the University; and, of course, I have with me tonight the same gentlemen who were here back on January the 11th, Richard Piper, Paul Tankel from the University; and Dennis Kennelly of FRA Engineering, the firm that took the lead in preparing the Draft Environmental Impact Statements.

As Mr. Low indicated, there were a couple items that we just wanted to briefly mention. One is, we did receive a letter dated January 17, 2006, from the DEC. This was as a result of their investigation of the property. And, of course, back last year, we had submitted delineations to the DEC, and they had those delineations, and armed with those they made an investigation on site, and basically they confirmed everything in the report, but also
thought that part of one of the wetlands that was identified -- and it is Wetland G -- part of that wetland actually connected to an off-site wetland which cumulatively were in excess of the 12.4-acre jurisdictional threshold for State wetlands. And so they intend to map that -- start mapping proceedings to add that to the official wetlands' maps. And we, of course, don't disagree with that.

They will also, as you know, State wetlands have a 100-foot buffer area around them, which are treated pretty much the same as the wetlands themselves. Again, we don't disagree. In fact, that was not unanticipated.

And if you followed over the last while, our map and plan of the area showing where we could potentially put buildings, we were careful to actually avoid that area, plus the 100 feet.

So we -- again, it was not unanticipated that they might map it; and so our, again, development areas, which are not actual plans to build anything, but when we did indicate where we could build, we actually anticipated and stayed away from that area.
The other point that I want to raise before sitting down is, again, as Mr. Low indicated -- and this doesn't simply result from the January 11th hearing and the comments there, but certainly there were some punctuation and reinforcement from that hearing and the concerns that people had about drainage, water drainage problems. And what I wanted to say, on behalf of the University, is that the University in any development that it would intend to do -- and, in fact, would do in the future -- would take care, as any responsible institution or developer would take care, of any drainage issues that would be created or resulting from that. But, in addition, the University has looked at the drainage issues in that whole area.

And you may recall that, as one of the things that we mentioned that we would be willing to do -- I say "we" -- the University would be willing to do would be to participate in a study, an overall study to look at the whole area. But beyond that, the University has also looked at the drainage issues and, as part of the IPD intent of zoning proposal, would be willing to
also in a phase-way take care of drainage issues
that are not driven or resulting from any
University action or proposed development or
existing development, but actually are from
off-site and is working on a plan to -- again, as
part of an amenity in connection to the zoning --
to actually deal with or resolve off-site
drainage issues.

SUPERVISOR FRANKEL: Thank you.

MR. GREINER: And with that, I think that's
really it. We're here to, as you said, Madam
Supervisor, to take down comments and, as part of
the FEIS, respond to not only the oral comments
raised at the hearings, but we will -- I was just
handed, as a matter of fact, some of the written
materials that have come in; and, hopefully, at
the end of this process -- at the end of the
comment period, we will have all written
questions, comments, submissions, and we will
also, as part of our duty in preparing the FEIS
also respond to them as well.

Thank you.

SUPERVISOR FRANKEL: Thank you. At this
time I want to invite anyone who wishes to speak
on the matter of this public hearing to do so. I'm going to call on individuals who have already signed up first, and then anyone else who wishes to speak to the matter, certainly, is welcome to do so.

Ed Baranowycz has an overhead presentation, and I know wants to begin to get that set up. So, I'm going to ask if he would do that; and, while he's doing that, if Ann Jones would please come forward as well.

MS. ANN JONES: Thank you. My name is Ann Jones. I live on Pelham Road in the Town of Brighton, which I love.

I'm chair of the Natural Resources Committee of the League of Women Voters locally, and the League has several positions that have developed over the years on caring for the environment, and some of these positions definitely apply to the University's proposal. So, I feel safe in saying that I represent the League of Women Voters besides just myself.

The acres proposed for the IPD designation are mostly undeveloped. There are two buildings -- the Laser Lab and the former St.
Agnes High School -- some roadways and some parking lots. They are in the northern section of this acreage, as I gather. That leaves a lot of contiguous space undeveloped. The Environmental Impact Statement points out that, "The occurrence of this amount of relatively wild lands, not in a park system, in as urban a community as Brighton, is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets." I think that's a wonderful statement and many people here agree with that.

Naturally, being an environmentalist, my recommendation to the Town is just don't re-zone it. And perhaps there is some sort of land swap that could be managed by some conservancy group. Brighton could keep the wilderness area, and the University can build on land that has already been developed, perhaps across the river from the River Campus. That would make everyone happy, I think.

But suppose the Town does rezone this land as Institutional Planned Development. In that case, we should all read the DGEIS very
carefully.

The material that, from my point of view, is most interesting in the Environmental Impact Statement was the discussion of drainage and wetlands. Identification of wetlands from the biggest to the smallest -- the smallest, one-tenth of an acre, I don't know how many of you noticed, that is a really small wetland -- seems to have been done carefully. At one point, the document says, there are no federal wetlands on the property, but at another point it's noted that two medium-size -- this just came up -- wetlands are connected, and together they became about -- I think I figured maybe 13 or more acres, and thus they are a significant wetland. This leaves me wondering whether there is or is not a federally-protected wetland on the property. But I wrote this before I heard the statement over here.

Also, since almost all of the surface waters on the South Campus drain into Red Creek, and since Red Creek drains into the Erie Canal, at least it does on my map -- is that correct?

Since the Erie Canal is a navigable
waterway, wouldn't those upstream wetlands qualify the region as a federal wetland region? I don't know. I'm not up on all of the codes.

At the least, the surface water in the proposed development area should be thought of as a possible source of non-point source pollution in the watershed of the Great Lakes. Therefore, the University must be sensitive to its role in keeping the ground and surface water clean if and when it considers the use of pesticides and herbicides on newly-developed land. If that land is developed, it drains into the Great Lakes, like everything else around here, and I think we should be careful about how we handle it.

The document discusses the difficulties of constructing a building near or on a wetland. The official view of our committee is that all wetlands should be protected, however small. However, avoiding wetlands completely may not be an option when building on the property under review. That leaves the possibility of moving a wetland before construction, which is to say mitigating.

In regard to mitigating, there is reference
made in the DGEIS to a recent wetland mitigation
done on the South Campus in response to the
identification -- last year I think it was -- of
an unusual population of chorus frogs -- I had
never heard chorus frog; they are unusual -- in a
wetland behind the old St. Agnes High School
building. We are watching with great interest to
see whether the frog population will survive the
move and thrive in its new, but nearby, location.
And that's the trouble. When a wetland is
destroyed, an extremely complicated habitat goes.
You may attempt to move one of the species, A,
only to find that the several species, B, C and
D, that A depended on were left behind. And so
A, of course, fails to thrive in its new home. I
believe there was a very sincere effort to
prevent this problem in the case of chorus frogs,
but we shall see. Although I don't want wetlands
to be moved and created, I must commend the
University for recognizing and studying the
problem and for preparing to take various options
under consideration, and for trying to devise
better mitigation procedures.

About those frogs, as I understand it,
amphibians all over the world are declining in numbers. Some species are already extinct and many are endangered. The United States, being part of the world, is experiencing this same decline. Some attribute it to loss of wetlands worldwide. Others think one of the persistent toxic chemicals of concerns or acid rain, or something, may be to blame. But whatever is happening would, it seems to me, allow us to classify all frogs as threatened. If so classified, their habitats should be protected.

The South Campus wetlands are part of a regional drainage system which has needed help for years. I was pleased to see how much study has already gone into with this challenging problem. The University did not cause these problems. They are long-standing. Many culverts need cleaning out. One junction of drain pipes, I understand from the EIS, forces water into too small a space to accommodate flood water levels. We agree with the University that the drainage problems between the Genesee River and West Henrietta Road can only be manage through the study and cooperation of the University, the Town
and the County. In short, this area of concern is a regional problem. The University has begun a thorough study of soils, surface water, runoff pathways, and the volume of runoffs on its property. We commend this work and hope the Town and the County will make similar studies. We commend the statement that, "Primary water courses or drainage ways should be avoided during development so that existing drainage patterns are not significantly altered."

On page 45 a statement says, "Development within 100 feet of the jurisdictional wetland areas would likely be off limits." My comment is, shouldn't the word "likely" be eliminated, but I think that was covered earlier in the evening.

I commend the University for its gift of 25 acres to the Town for establishment of part of the Lehigh Valley Hiking Trial, for its donation to the Town of the Lilac Park Subdivision, for its proposal to create a 50-foot buffer area with landscaping, and for its plan to restrict access to Crittenden Road, except for emergency vehicles.
In summary, I would rather the South Campus were not developed at all. But if it is zoned IPD, I hope the University and the Town will plan for minimum environmental impact.

Thank you for giving me this opportunity to speak.

SUPERVISOR FRANKEL: Can you leave a copy of your comments so we may enter it into the record as well; and, if you don't have something handy, please then, if you could, provide us with a copy.

MS. ANN JONES: To whom should I give it?

MS. KRAMARSKY: We can make a copy right now. Thank you very much.

SUPERVISOR FRANKEL: Thank you.

MR. ED BARANOWYCZ: My name is Ed Baranowycz. I live at 1180 Crittenden Road. I have been a resident here for 17 years.

Tonight I'd ask you to consider the impact that the University of Rochester's proposed rezoning and development will have on the Furlong Creek Watershed.

Within the 600 plus page EIS document, you'll find some pages that studied the Furlong
Watershed. I assume a few engineers spent a few weeks, maybe months, running a few computer models and making some technical conclusions.

What I am about to show you is based on over 10 years of real-life experience. At some point we must marry engineering assumptions with real-life results.

Here is the map that the University of Rochester supplied in their Environmental Impact Statement showing their proposed development.

What they haven't shown is the Furlong Creek Watershed, which we have drawn on the map, and that is that large light blue area.

Now, start to imagine all of the water in that area coming to one small area.

I live in that area, and here you can see the water from adjacent U of R property spilling into our backyards. This is obviously not a drainage system as the report has claimed. These are our backyards.

Here are more pictures showing how the water flows in an uncontrolled fashion from U of R's property and sheets across our yards. In fact, the only way the water can get to Furlong Creek
is to turn our yards into a swamp. And, yes, bring your own boots.

It bothers me to read conclusions in the EIS drainage study, while knowing from living here for 17 years that these conclusion just do not align with reality. And I quote, "The area between the rezone property and the houses on Crittenden Road is a low-lying area and has created a bowl effect, whereby water from the south and the east and, to a lesser effect, the north is directed."

On the left is flow that comes from the south, while on the right is flow from the north, which is from the U of R property. The report not only claims the flow on the left is greater, if you can see it there, in that controlled ditch, but goes so far to calculate it at five times greater in a one-year storm.

What do you think? Does the right look lesser, and does the left look five times greater?

The problem in the Furlong Watershed is actually quite simple and let me illustrate it to you with a simple bathtub.
Restrict the flow in your bathtub drain and turn your faucet on. Soon you will have a full bathtub looking just like this. Now, you might ask, why is this like the Furlong Watershed?

Well, first of all, there is one drain in the tub, and we have just one culvert that allows water to exit our bowl.

Keep that faucet on and it's just like today's development during a heavy rain. The result, a full tub or in our case a swamped yards on a regular basis. Pretty simple, eh?

Now, what if the U of R adds more development to the Furlong Watershed?

You now have taken an already sensitive drainage area and pushed it over the edge.

More development is like more faucets to that full tub. Throw in a few retention ponds and, oops, a big storm comes and a pond fails. Now we many faucets; and, uh-oh, we still just have one drain, folks. The tub overflows and our homes are now flooded.

The Town of Brighton's 2000 Comprehensive Plan recommended this area to remain low density residential and that a drainage plan be drafted.
Instead, where we are now is more risk is being proposed with higher density development, and we do not yet have a drainage plan.

And here's the ultimate understatement in this so-called drainage report.

The property owners in this area have experienced some occasional flooding during wet periods.

Well, to whoever wrote that statement, I welcome you to my backyard, stop by with your canoe sometime, and we can experience this one together.

So let's see. Strike one, miscalculations and misrepresentations of actual conditions.

Strike two, we don't have a drainage plan.

Strike three, and I appreciate that you are willing to study this, but we still need to study it.

But what bothers me is that somehow this report boldly concludes this:

The potential development, as shown, should have little or no impact to Furlong Creek.

Thank you.

SUPERVISOR FRANKEL: Do you have a copy of
this for the clerk?

MS. KRAMARSKY: I've got them. Thank you.

SUPERVISOR FRANKEL: Good.

MS. KRAMARSKY: Thank you.

SUPERVISOR FRANKEL: Bob Levine. And following Bob will be Jennifer Ries-Taggart.

MR. ROBERT LEVINE: My name is Robert Levine. I live on Crittenden Road in West Brighton, and I'm going to repeat some things that I said the last time. I am going to try to keep it at a minimum, because I have other points, and I studied the problem.

I find the Environmental Impact Statement lacking for one major reason. We do not know at this point what type of structures the University is going to build, and I don't know if the University knows at this point. But what they're asking us to accept on possible office buildings, which I don't have a big problem for, but there are other problems that could be caused because of that, as the previous speaker just related to us. But, in addition, we could have biological, radiational and chemical types of office buildings there also, and these will have a very
severe impact on the environment, and there was absolutely no discussion of this.

Moreover, as I pointed out the last time, in a Democrat & Chronicle article entitled, "Davis says Monroe has State's unhealthiest air," we have to take that into account before an environmental statement could be made.

In other words, if the U of R decided to build their structures in an area or part of the country that might have been labeled a clean part of the country with regard to the quality of air, it would have a different impact on the residents that live in that area than if there's already a very high level of unhealthy air that encompasses this portion of the country. And this wasn't discussed at all.'

And now we have to deal with, if the U of R decides to build chemical facilities that have emissions associated with it and to the ground and into the environment, that these are going to be aggregated with the problems that already exist, being that Monroe has the State's unhealthiest air. And this wasn't discussed at all.
So, what I would like with regard to the Environmental Impact Statement, and this particular issue with regard to Monroe County, with regard to what we already have, in addition to what we already may have, that we do not approve the Environmental Impact Statement for a general type of term; such as, whatever the University does now, they have the right to do in this area, because it just doesn't meet the requirements of analysis.

The other points I'd like to bring out, which were brought out with regard to the fire district being a burden to the entire community of West Brighton, that the U of R should proactively pay immediately for any structures that they build in our area. They be required to do that from the get-go with regard to all of the emergency services, which may include the police, the fire, health types of emergency services, and so forth.

Also, the -- I did some research into what other universities and medical centers are doing with regard to allowing -- allowing chemicals to be drained into the environment, which the
University of Rochester didn't discuss because, as they claimed, they don't know if they are going to have these things. And one of them was related to Cornell University Medical Center, and they have requirements that nothing be emitted into the environment unless we have something called, "The Approved List."

The University of Rochester in their Environmental Impact Statement stated that there are two basic sets of requirements:

One is the -- those chemicals that are labeled "hazardous," and those chemicals that meet certain properties that would include them in the hazardous list but are not labeled directly hazardous, and they might include or could cause a lot of problems with metals and things like that.

But the Cornell University Medical Center goes one step further, and they insist that there be another list called, "The Approved List of Chemicals," and you cannot drain anything that isn't on the approved list.

This would prevent problems, for example, that occurred with the DS chemical explosion
where the chemicals released into the atmosphere in Holley were not classified as hazardous or could not be determined by the various properties they have to be hazardous, but created all kinds of health problems with regard to the inhabitants there.

So, the University, in their Environmental Impact Statement, never considered this other list. And I would like the Town to have overview of this list, because releasing chemicals into the environment in a residential area, I wouldn't feel safe about.

The other issue, which I discussed with our fire director, was related to how easy it is to have accidents in chemical labs which will really impact the environment. And, for example, here, we have a picture of a centrifuge, and the centrifuge, which was no fault of the University lab, had a bearing failure, and the bearing failure caused a catastrophic explosion of parts into the laboratory, and these parts injured people, they injured equipment. But it could easily have severed a natural gas line, and the natural gas line could have emitted natural gas,
which could have been impacted with a Bunsen burner and exploded.

So, we have real problems here that were never discussed; and, therefore, for simple structures such as office buildings that contain computers, I don't have problems with, except with regard to their impact on our neighbors with regard to water and things like that.

But with regard to the other issues that I just described, the Environmental Impact Statement falls far short.

Thank you.

SUPERVISOR FRANKEL: Thank you. Do you have a copy of your comments?

MR. ROBERT LEVINE: What I will do is type it up, and I'll put it on the computer and I'll e-mail it to Tom Low.

SUPERVISOR FRANKEL: Thank you. And then we will enter it into the record.

MR. ROBERT LEVINE: Thanks very much.


MS. JENNIFER RIES-TAGGART: Hello, Sandy, Board members, counsel, et al. My name is
Jennifer Ries-Taggart, and I live on 1400 Crittenden Road.

I'm the new kid on the block, having lived there for about five months now.

Last summer in the course of researching the U of R presence in my potential backyard, a self-leveling pond, known as an SWM -- Storm Waste Management -- was reflected in the map that was filed at that time with the Town Hall. The current map at the Town Hall, however, no longer shows that pond. The 50,000-square-foot building, however, that was behind the pond is still there.

So, I will make this short and sweet and ask Sandy and the Town Board to seriously consider if this kind of bait-and-switch is occurring during a time when the U of R is pursuing a rezone, what kind of recourse will Brighton and its residents have once that rezone is accomplished?

Thank you.

SUPERVISOR FRANKEL: Thank you.

MR. MITCHELL KAIDY: Members of the Town Board and ladies and gentlemen:

I'm Mitch Kaidy, and for 20 years I was the
president of the West Brighton Property Owners' Association. I have lived in Brighton for 47 years.

I was treated today and for several days by the 638-page U of R Environmental Impact Survey that is posted on the internet. And it's impressive and it reads like a thoroughly-informed and analyzed proposal.

I have studied most of its 638 pages, yet I find, as authoritative as the document sounds, its analysis in my judgment is seriously flawed mostly by omission.

For instance, I didn't find a single reference to Hurricane Agnes of 1972 that damaged homes in West Brighton, including mine.

My house is 140 years old, and I had to have the foundation repaired. I got it with a loan that was made available through the federal government by former Congressman Frank Horton.

In Hurricane Agnes, it was not the rains that accumulated behind the Mt. Morris Dam that forced West Brighton residents to flee their homes on both sides of Genesee River in Brighton and Chili. It was the rains that churned from
north of the dam and reversed the course of the two creeks, Red Creek and Black Creek in Chili. They became swollen and driven to become raging torrents.

Both creeks reversed direction and both creeks -- and the Genesee River -- flooded into the damaged homes on both sides of the river and on both sides of the two creeks.

The University's Environmental Impact Statement does not touch on this, does not understand that Crittenden Road residents west of the creek had to flee through a foot of overflow from Red Creek to reach higher ground on Crittenden and West Henrietta Roads.

One reason there is apparently no mention of these extreme conditions -- and this is admitted in the 638-page study -- is that the federal government has not yet become involved. I certainly expect it to.

It's predictable that this extensive proposal adjoining a floodplain will impact that floodplain in other indirect ways, but life-threatening ways. If, for example, the University extends sanitary sewers into one part
of West Brighton, their availability in one sector will absolutely touch off housing development in other sectors, perhaps many other sectors adjoining both the 500-year floodplain and the 100-year floodplain.

It doesn't take an astrologer to note that hurricanes have become a part of life in the United States. No one can deny that recently they've become more frequent. As the 1972 storm underscored in West Brighton, the more populated a floodplain area, with cars and other vehicles and people, the greater the danger to fleeing residents. So clearly, if indirectly, this mammoth project in one sector of the Town creates conditions basically not unlike the epochal storms in our South recently, and if we were visited by a storm that overtopped Mt. Morris Dam the tragedy would be dramatic and it would be extensive.

I have added this note to the Town Board that I have called and e-mailed FEMA, that well known protector agency, that proved itself in New Orleans and Mississippi.

Thank you very much.
SUPERVISOR FRANKEL: Cathy Smith, followed by Jim Hooper.

MS. CATHY SMITH: I'm short. My name is Cathy Smith. I live at 33 Southern Drive. I am a 30-year resident of West Brighton. Boy, that sounds like a long time.

I would like to request that the Town move very cautiously when accepting this report.

One of the questions we have to ask ourselves is: How will this rezoning enhance or benefit our neighborhood? How will this rezoning and eventual build-out keep my neighborhood safe, accessible and maintain my property values?

I feel that our neighbor is at a serious crossroads at this point in time.

It's very hard to comment on this document, because we don't know exactly what the U of R is going to put on this property. It's hard to think of how is the traffic going to impact us, because if there is more residential, people will be going to work in the morning and coming home at night. If it is research or other types of facilities, the traffic patterns will be reversed.
This is also not an issue just for West Brighton. I think we also have to look at some of the surrounding communities. I was reading with great interest in the study about the 381,000 square feet, adding approximately 5,000 trips a day to our roadways, that are happening on the other side of the Barge Canal by already-approved projects within the county, in addition to the medical centers, emergency rooms, the parking garage, Elmwood Hall, and also the Iola complex that is up for development.

Roads and failed intersections need to be fixed before any building can possibly be placed on this land. The traffic studies in this document are from 1997. Nothing on the roads has gotten any better in nine years. The gridlock -- one accident in the rush area puts traffic at a gridlock.

Intertwined with the traffic issue is also our emergency services. I came at the tail end of our fire chief's report to you to catch the statistics from MCC. One can only imagine what the calls for service will be when a build-out of this magnitude is completed. That means my
district fees go up, and the services are less available to me. So I will be paying more for less potential service.

I feel that the U of R really needs to come up with some kind of a plan to compensate the Town for the use of the fire and emergency services. They are understaffed now, the fire department, and to be adding the potential for so many more calls is a very dangerous situation. With the increase in the traffic, can they even get to us when we need them?

As Mitch was commenting about sewer district, the drainage from our street empties into the field besides the laser lab into a pond. My concern is, any development in that field is one of their -- right on the corner of River Road and West Henrietta Road, asphalt and rooftops don't absorb water. So, I don't know how inadequate that drainage pond is going to become.

I guess as a resident, I am asking you to, please, remember the nature of our neighborhood. The final outcome on how this would effect me is an outcome I really don't want to even have to think about, and that's a for sale sign.
Thank you very much.

SUPERVISOR FRANKEL: Thank you.

Jim?

MR. JIM HOOPER: Good evening. I'm Jim Hooper. I live at 191 Bastian Road. I'm the president of the Westfall Height Association in West Brighton, but I speak tonight as an individual.

In 1978 I served on the town-wide drainage study committee. I think that's somewhere around 28 years ago. It's amazing to pull through that also rather large document and see history repeating itself. You will find at the back a survey of over 70 residents describing each one the problems with water and drainage and runoff and floodplains throughout West Brighton. It's not new.

And yet here I stand tonight, 28 years later, absolutely astonished at the pictures I saw tonight. I hope you were, too.

I'm also a member of the University Community, and I'm deeply embarrassed. I'm concerned about the statements made by the University tonight. I'm encouraged when anyone
says they want to be a partner. But to be a partner, you need to come to the table with a responsible reputation, and in this case it has to do with embracing what West Brighton is and doing something now, not telling us how good you will be later.

We need a detailed drainage plan from the University, and we do not have it. Nothing like it, in fact. And what's worse, the report does not match the experience of the citizens that live in the adjacent lands. I would ask the Town Board to heed the words that you're hearing from ordinary residents most impacted by the University action and inaction and draw your own conclusions about the accuracy of the statements and the DGEIS.

Most importantly the Town needs to know more, much more about the actual intentions of the University. What do they actually plan to do? We don't know. After 600 pages, we still know almost nothing that we can hang our hats on. Why?

I think in part because, as the University reported at a Information Meeting in December at
St. Agnes, their priorities right now are in the medical center, and they're not addressing the South Campus. It's not on their radar screen as a very large organization, and so there it is.

I call on the Town to heed what your citizens boards decide to tell you. Consider zoning changes based only on actual need, not vague and unreal speculation.

Why rezone if there are no plans to actually develop the land?

How does this work for citizens? Does the Town grant us a permit to build an entire house when we plan to merely put in a bathroom, a bedroom? Of course not.

I suggest the Town consider taking action on University need in phases, and act only on parts where they believe, the University believes, that it needs to build.

At the end of the day, it's not the job of the community to become part of the University. It is for the University to become part of the community.

Thank you.

SUPERVISOR FRANKEL: I don't have any cards
from anyone else who wishes -- who may wish to speak to the matter of this public hearings; but, if you would like to comment, please raise your hand, and you will certainly have that opportunity.

    Yes. Please come forward.
    
    DAWN BARNOVICH: My name is Dawn Barnovich (phonetic). I live at 1180 Crittenden Road. I just want to give a couple quick comments about what it really is like living there with the different habitat and the nature that is right in our backyard. And I guess I would hate to see that disappear. I would hate to see it impacted.

    There is quite a variety of birds, over 20 species just in my own backyard, and herds of deer I see on a regular basis, which I am wondering where they are going to go, because I know that they do spend a lot of time in the property that the U of R would like to develop.

    The fact that the trail is there now, it is a great place to walk and see all this nature, so it's not just the people in the neighborhood who can enjoy, it is many other people in the Town that can enjoy it as well.
I just want to let everybody know that it's a great neighborhood. Some lovely houses, all different types of architecture, just a great natural surrounding, and I guess I would hate to see that just be destroyed.

Thanks very much.

SUPERVISOR FRANKEL: Thank you.

Yes, sir, in the back.

ROGER JANSIC: Thank you. My name is Roger Jansic (phonetic). I am a resident of the City of Rochester. I have spoken before on this topic, and I want --

SUPERVISOR FRANKEL: Could you give us your address, please?

ROGER JANSIC: Sure. It's 54 Crawford Street in Rochester.

I felt it important to just, following the words of the last speaker, to reiterate the value of the undeveloped property along the trail and the value of the trail to the Town of Brighton. It's a remarkable place. It's a beautiful place. In any proposal, in any deal, it is usually not all or nothing. I hope that the Town considers portions of the proposal, perhaps off limits or
portions of the property that the University
would like to develop off limits, and protecting
that trail as a resource to the Town of Brighton
I think should be a relatively high priority.
That's all I want to say.

Thank you very much.

SUPERVISOR FRANKEL: Thank you.

Is there anyone else that wishes to address
the Board on this matter?

MR. MITCHELL KAIDY: Sandy --

SUPERVISOR FRANKEL: First let me see if
there is anyone else who has not yet had an
opportunity to speak.

Okay, Mitch? I need you to come to the
microphone, please.

MR. MITCHELL KAIDY: Mitch Kaidy, 921
Crittenden Road.

Just to give some information to the last
speaker, in the 630-something page Environmental
Impact Statement you can find on the web, they do
touch on the question you raised about preserving
that environmental walkway, and they say they
only -- they are only going to be pressing fairly
close to that walkway, according to their
projections, but they say that they're only going to use that walkway in emergencies.

Now, anybody here who feels that that walkway should not be used except for the objective for which it was designed, may object to the University using it as an emergency exit for its development. You can find that on the web.

Thank you.

SUPERVISOR FRANKEL: Thank you.

Are there any other comments or questions at this time from the audience?

Then I would like to turn to the Town Board and invite questions and comments from the Board. I'll start.

And I would like to talk about traffic, and ask if the southern corridors, Alternative 5, is a realistic picture of the New York State Department of Transportation's current plans and schedules. In particular, is the proposed ramp and its modifications from I-390 to East River Road realistic? Will these modifications from East River Road require the right-of-way be reserved from the University of Rochester.
properties along the East River or Kendrick? If so, how much? How much does that effect the proposed development of those pods? Can Alternate 5 accommodate the full $1.9 million square foot build-out as proposed by the University? What effect will increased traffic have on the accident rate at West Henrietta Road and East River Road, and what mitigations are proposed?

Will the residential streets along East River Road and West Henrietta Road have adequate gaps in traffic to enter and exit these roads safely?

COUNCIL MEMBER KRAUS: I'd like to -- we can go ahead with the questions?

SUPERVISOR FRANKEL: Yes.

COUNCIL MEMBER KRAUS: I'd like to move to a subject that I have a great deal of interest in, which is the wood lot E pod that is on the property. The question is:

Why did you request the disturbance of 75 percent of the wood lot E pod? Why do you need that amount?

The further question is, which specific pods
when developed will disturb the most wood lot area? And can your board detailed master plan include a tree mitigation plan?

SUPERVISOR FRANKEL: Ray?

COUNCIL MEMBER TIERNEY: I'm going to touch on some land use questions that I would like on the record. And to begin with, I'm going to exercise a master plan question, and this is -- the question would be like this:

Is the University of Rochester prepared to present a master plan for the parcels meeting the requirements of our IP deregulations in showing building uses setbacks? I put the emphasis on "uses." I think we have in the existing documents some idea of the buildings and building placement. We are short on uses.

Further, is the University prepared to supplement its DGIS to address any issues identified in this master plan? Will that master plan show all the areas to be disturbed and the areas that will be preserved? Will this plan show the buffer locations and planting details? Will the plan include all proposed required and conditional uses, along with performance
standards? Will the plan include proposed area requirements, height setbacks, et cetera?

Would you, the University of Rochester, be willing to work with the Planning Board in developing this master plan for the property to be rezoned? If the University must wait for the major New York State Department of Transportation improvements, where would those 25,000-square foot likely to be built --

SUPERVISOR FRANKEL: 250.

COUNCIL MEMBER TIERNEY: 250,000-square foot likely to be built on which pods?

Are there particulars uses that you must quickly act to house? Are there existing needs for research labs or anything that might be in the pipeline, Grant A Project, et cetera, that you cannot wait for a future rezoning hearing before the Town Board?

And, lastly, the area south of Crittenden Road that in the plan today is shown as being transferred to the Town of Brighton as part of the incentive zoning, if that isn't accepted, how would you use that property? What would you propose to construct? And how does that change
the density north -- the density limitations north of Crittenden Road?

Thank you.

COUNCIL MEMBER VOGEL: My questions really have to do with especially some of the issues that have been identified by the residents, neighbors, in terms of a comprehensive plan that would address the drainage issues that were presented here tonight.

Along that line is, what are the potential impacts of this -- if there are drainage improvements, what are the potential impacts on the wood lots and the wetlands area there in West Brighton?

I'm concerned that what could be a developmental plan could exacerbate these issues, not properly mitigate them and address them.

The -- and with regard to wetlands, this wetland G may be of sufficient size and character to be protected by New York State DEC, but will the -- how will this affect future development of the rezoned property?

And Ray touched on the fact that, you know, would you be willing to provide a conservation
easement to the Town over the wetlands or the
wetland buffer?

But in the spirit of good neighborly, you
know, approach to any proposal here, these
concerns really need to be upfront in terms of
addressing these type of issues.

With regard to the sanitary sewers, is there
adequate capacity now to handle both the
increased flow from the proposed project and the
possible future flow from the neighborhood to the
west?

So, again, we have not just storm drainage
in the way of pure water, we've got sanitary
concerns as well.

SUPERVISOR FRANKEL: I would add a question
related to the impact on Town services, including
but not limited to emergency services.

Would the University be willing to pay a
pilot agreement, apply a pilot agreement to the
existing development as well as future
development?

COUNCIL MEMBER KRAUS: Sandy, I would like
to just continue with Jim's line of inquiry on
the drainage and ask two more specific questions.
Can flows downstream like a small pond on the west property line, near the end of Norman Road, be improved? That's number one.

And number two, what are the costs of the identified improvements located upstream of Crittenden Road? To what extent are these improvements simply mitigation for their future development?

COUNCIL MEMBER VOGEL: The other thing I would say on my line of questioning before, if you have a draft -- a plan drafted for dealing or addressing drainage issues, I'd like to see it.

SUPERVISOR FRANKEL: Are there any other questions or comments from members of the Town Board?

Are there any additional questions or comments at this time from members of the audience?

MS. JENNIFER RIES-TAGGART: What is the next step?

SUPERVISOR FRANKEL: I need you to come to the microphone so that people in the home-viewing audience and our video record can record this.

MS. JENNIFER RIES-TAGGART: Hello again.
Jennifer, Crittenden Road. What is the next step? When will we meet again?

SUPERVISOR FRANKEL: Tom?

MR. LOW: Certainly. The next step is the closing of a period for written comments. So, this isn't your last chance, or other agencies or other people's chance. Written comments will be taken by the Town through the 20th of March.

Once those comments then are all received and assembled, they go back into the hands -- well, certainly, the Town will retain copies of them. They go back into the hands of the University and its consultant team to prepare what's called, "The Final Environmental Impact Statement," where they take all those comments and questions and address them, try to provide the answers to your questions, the Board questions, and the like.

That might well be a period of several months, to put all those together. There were some big issues mentioned here. They will then return to the Town Board to say, we think we have a final, that we're ready. The Town Board will then have to decide whether in fact that final is
complete. And with any project we've found, they usually have a couple iterations of -- they get it 90 percent right the first time, and then it takes a second review to make sure they have addressed all of the issues.

And then they -- the Town Board would have to make a finding, a decision to accept that final impact statement. Once they think the record is complete, all the questions have been answered, have been answered thoroughly and completely, and then there would be a waiting period. And then the Town Board would have to make determinations to say here are the impacts. Here's the impacts, the mitigation measures, what problems perhaps can't be mitigated or haven't been mitigated, or whatever.

And only then would the Town Board return to the question of should they set a hearing on the rezoning itself, and then conduct a hearing and make a rezoning decision of some sort.

MS. JENNIFER RIES-TAGGART: Okay. So this would be the last public forum until at least the final Environmental Impact Statement.

MR. LOW: No, there wouldn't be a public
hearing on that Environmental Impact Statement.

MS. JENNIFER RIES-TAGGART: Once the record is completed?

MR. LOW: The record is complete, then the next public hearing would be on the rezoning of the property, if the Town Board believes the project has merits and warrants a rezoning hearing.

MS. JENNIFER RIES-TAGGART: Okay. Thank you. Thanks, Tom.

SUPERVISOR FRANKEL: To reiterate, if anyone watching, or neighbors or others who may have an interest in this issue, who have not had an opportunity to address the Board, for anyone here who wishes to do so, certainly, please, let folks know that they have until March 20th to submit written comment, which will be considered along with all of the other comment that have been received to date.

And you may note on your agenda that we have received reports from the Planning Board, the Conservation Board, from the New York State Department of Environmental Conservation, and New York State Department of Transportation, as well
as correspondence from residents. We will be continuing to receive communications on this matter.

Ray?

COUNCIL MEMBER TIERNEY: Yes. The first question to you, Tom.

Jim Hooper mentioned and brought up phasing, and my question to you is: How specific do we have to be in directing an exploration of that in this further review? Example, if the traffic, as Sandy outlined, is problematic or traffic mitigation is going to be problematic, is going to be controlled by outside forces, and the uses are not able to be identified, I think -- and I don't mean to read anything into Jim Hooper's statement, but -- should there be some or could there be some specific direction to the U of R to come up with an alternative, which would be phasing of the rezoning based upon these specific events that I mentioned: the determination of use, traffic improvements?

And I know that we've talked about different uses that would be permitted and those not to be permitted, but I'm talking about overall phasing,
where subsequent Town Boards would be looking at specific rezoning of parcels or phases as the needs are identified. Have I done enough in just talking about this to have this explored? Does it make sense to ask that?

MR. LOW: It makes sense to ask that. You've done a great deal to have that explored, and all I would offer is that I, with obviously a great deal of help from Ramsey, may try to capture your thoughts or make a few passes at the thoughts, if you would want to then make them as a separate written --

COUNCIL MEMBER TIERNEY: I appreciate that. I will meet with you both, and we'll do it and submit it within the ten days.

Thank you.

Thank you, Jim, for bringing it up.

SUPERVISOR FRANKEL: Please come to the microphone and restate your name as well, please.

MR. ED BARANOWYCZ: I'm Ed Baranowycz from 1180 Crittenden Road. I won't talk about water. Real short.

Right now the land we're talking about on the southern part is zoned low density,
residential, half acre. While I was doing my research, I came across something that, U of R, you have on your website, and I was learning about Whipple Park, and it says, "Whipple Park is in a park-like setting bordered by wooded areas. Whipple Park has landscaped grounds, space for vegetable gardens and low street noise. What a great place for the people that go to the University -- for the people that go to your University to live at.

Okay? I see them on the trails all the time. You know there is a demand in this area of Brighton for houses. People are bulldozing old ones to build new ones, because they like the area. Can you imagine if you just took that land that's currently zoned for low residential, low density, half-acre lots, build some nice homes, you will have people lined up, because it will be some of the best homes in the best area in this place. That's all I wanted to say. Consider it.

SUPERVISOR FRANKEL: Thank you.

Mitch?

MR. MITCHELL KAIDY: I want to ask the --

SUPERVISOR FRANKEL: Please.
MR. MITCHELL KAIDY: I was headed this way.

I'd like to ask, since I think I'm the only one who raised the issue of safety, whether this will be one of the issues that the Board will tangle with. Will you come to grips with the possibility that there will be another storm, and that people will try to evacuate under stressful conditions? I haven't heard anything about that. Will that be an element of your consideration?

SUPERVISOR FRANKEL: Well, Mitch, your having raised the question makes it an issue.

MR. MITCHELL KAIDY: Thank you. Anybody else got any ideas?

SUPERVISOR FRANKEL: Any other comments or questions?

Well, then, at this time I declare the public hearing closed. Please know that we will be continuing to accept written comments until March 20th, and we thank you very much for coming and sharing your questions, your thoughts and your concerns, and more to come. As you realize, there is no action to be taken tonight. The purpose of the public hearing was to get input from all of you.
COURT REPORTER'S CERTIFICATION

I, Jo-Anne Galloway, do hereby certify that.
I am a court reporter of Monroe County, Rochester, New
York;

That I reported in machine shorthand the
proceedings held at the Brighton Town Hall, Brighton,
New York, on March 8, 2006, in the Matter Re:

"Proposed Rezoning for the University of
Rochester South Campus."

That the transcript, herewith numbered pages 2
through 56, is a true, accurate and correct record of
those machine shorthand notes.

Dated at: Rochester, New York
This 7th day of April, 2006.
APPENDIX A

Written Comments on the DGEIS
March 6, 2006

Mr. Ramsey Boehner, Town Planner
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Re: University of Rochester IPD Rezoning DGEIS – Town of Brighton

Dear Mr. Boehner:

We have reviewed the DGEIS as well as the traffic impact study prepared by FRA Engineering for the University of Rochester IPD rezoning and have the following comments.

In general, the DGEIS discusses the amount of square footage of development that could occur and the possible mitigation that would be required for various scenarios. As discussed at the 2/15/06 workshop with the Town Board, we suggest viewing proposed development in terms of the number of vehicle trips generated instead of square footage. The exact type of land uses are not yet known and any mitigation will vary due to the type and intensity of the proposed development.

The report identifies and discusses future improvement projects in the area which will be implemented over the next 10+ years by NYSDOT. If possible, the report should identify more specifically the State plans which are currently known, and the construction schedules updated accordingly. In addition to the unknown scope of the NYSDOT projects is the reality that the traffic related improvements from these future NYSDOT projects will not be known until the projects have been completed. In summary, there are too many variables in schedules, timing and effect on the traffic network to confidently predict what mitigation would be appropriate.

The following are some specific items to address in the report.

- We have some concerns about extrapolating current turning movement counts using 1997 data. A comparison should be done using some current counts at key intersections. How accurate are they compared to current turning counts?
- The trip generation calculations should be completed using the current 7th edition of the ITE manual instead of the 6th edition which was used.
- The need for the widening of Kendrick Road overpass over I-390 was not discussed. Clearly, the overpass will need widening at some point. However, potential NYSDOT interchange projects may effect this road as noted above.
- The report did not study the intersection of Kendrick Road at Lattimore Road or Westmoreland Road for impacts.
March 6, 2006
Ramsey Boehner
Page 2

- The report stated that MCDOT will be studying the section of E. Henrietta Road between Crittenden Blvd. and I-390. This is inaccurate; NYSDOT is currently progressing design plans for E. Henrietta (Jarley Rd. to I-390) and also has future concept plans for both E. Henrietta and W. Henrietta Interchanges with I-390. In addition the City of Rochester has a project in the planning phase for a future year construction, which is reviewing Mt. Hope Avenue from Elmwood Avenue to I-390 and E. Henrietta Road from Mt. Hope Avenue to South Avenue.

In the Synchro analysis completed for the traffic report, some adjustments and incorrect signal and pedestrian timings were used. When corrected the analysis results may identify, alter and require additional mitigation measures to address traffic issues. Attached to this memo are detailed comments on the Synchro analysis.

In summary, we agree that the traffic impacts for this rezoning can be mitigated with the listed mitigation opportunities. However, there are too many assumptions made to conclude which are reasonable as development occurs in the future. The timing and completion of the NYSDOT projects in the area has a significant impact on proposed mitigation in any of the development scenarios. Since the timeframe for the implementation of this development is over many years, and the specific plans and schedules are unclear for the entire report timeframe, communication with all involved agencies will be necessary throughout the development of specific project proposals to continuously stay updated on schedules of improvements. Therefore, we recommend that traffic reports be prepared as individual parts of this project come for approval to look at the overall traffic picture as it changes. The County requests to be included in the review of future site plans and traffic reports associated with this project.

If you have any questions, or require additional information, please call Henry Herdzik or me.

Sincerely,

[Signature]

Timothy P. Frelier, P.E.
Associate Engineer

ATTACHMENT

TPF/hh

cc: T. Rice
J. Pond
T. Goodwin, MC Planning
D. Goehring, NYSDOT
G. Stam, City of Rochester
D. Kennelly, FRA Engineering

6100 CityPlace • 50 West Main Street • Rochester, New York 14614-1231
(585) 760-7720 • fax: (585) 760-7730 • www.monroecounty.gov
University of Rochester South Campus Institutional Planned Development Rezoning
Problems found in the Revised Synchro files – March 3, 2006

Common To All Runs

1. The intersection of Kendrick Road at Westmoreland Road should be included in all analyses. This would help to determine the number of through lanes needed on Kendrick Road in the various scenarios and any needed mitigation at this intersection.

2. Mount Hope Avenue is incorrectly identified in the Synchro model as West Henrietta Road in some sections within the City. The name changes to Mount Hope Avenue at the south City line, yet it is named West Henrietta Road in the Synchro models farther north, so the intersection names are wrong on many of the Synchro reports.

3. Mt. Hope/Crittenden/East Henrietta has a 7 second delay in the phase startup of the eastbound left turn movement. This delayed phase start must remain for safety reasons. The delay was removed in all scenarios of the analysis, including existing.

4. Peak hour factor values of 0.95 are used for many of the intersections. Values of 0.90 are more typical and would represent a more conservative analysis.

5. The PM volumes along Kendrick Road between the Lot 1 south driveway and East River Road are highly imbalanced in all scenarios. Although midblock driveways may explain part of the imbalance, the difference is too great and a volume balancing adjustment is needed. This is likely to increase the forecasted volumes on this road.

6. The trip distribution for Kendrick Road has gone from one extreme to the other. Previously, it was forecasted to be used by 32% (AM) and 57% (PM) of the site traffic, which we believed was too high. Now it is forecasted as only 3% for both the AM and PM traffic, yet the same data sources are being cited in the report as were cited before. What process is being used to develop these distribution numbers? If they were so high for Kendrick Road before, how can they be so extremely low now?

Existing Runs

7. East River Road/Kendrick/Murlin has existing pedestrian timings of 7 seconds walk/18 seconds flashing don’t walk east/west and 7 seconds walk/14 seconds flashing don’t walk north/south. These timings are not correct in the model.

2008 – 250,000 SF

8. East River Road/Kendrick/Murlin needs to have pedestrian service added on the north, west, and south legs of the intersection. This will control the split times. In this and subsequent scenarios, the east/west split time for East River Road tends to be too short to service pedestrians, especially in the scenarios where the northbound and southbound approaches are widened.
9. East River Road/Kendrick/Murlin shows east/west left turn phases of only 8 seconds in total duration. This would result in a green arrow lasting only 3 seconds long, which is inadequate for motorist reaction and start-up time. The minimum acceptable split is 10 seconds.

10. As intersections are modified, they must have a reasonable clearance time entered for each phase. In the 2008 mitigation scenario, Mt. Hope/Elmwood has no all-red time entered on all of the protected left turn phases. The all-red times were correct in the existing scenario.

11. As lanes are added to widen each intersection, the pedestrian clearance times need to be increased to account for the longer crossing distance. This in turn affects the practical split times that can be used. An example is Mount Hope/Elmwood in this scenario. The proposed mitigating measures may not be adequate with the corrected split time requirements.

12. The intersection of Kendrick/Lattimore fails in this and subsequent scenarios as an unsignalized intersection. Measures must be proposed to mitigate this situation.

13. The report recommends allowing permissive north/south lefts at the intersection of West Henrietta Road (actually Mt. Hope Avenue) at Westfall Road/Westmoreland Road as a mitigating measure. These permissive lefts are already allowed.

2008 – 1,000,000 SF

14. By the time this size of growth occurs, Kendrick Road’s volume would be well in excess of 1000 vehicles per hour per direction. Based on the projected volume, it would need to be widened to two through lanes in each direction. This would require widening the bridge over I-390 as well. This and subsequent analyses should reflect the widened roadway at each affected intersection.

15. As noted earlier, the intersection of Mt. Hope/Crittenden/East Henrietta is missing its 7 second pedestrian delay in the phase startup of the eastbound left turn movement. This delayed phase start must remain for safety reasons. The intersection would have an unsatisfactory operation as it is shown in the model when this required phase is taken into account. Therefore, additional mitigation must be identified.

16. The proposed signal at the East River Road/Site Drive #2 intersection reflects a v/c ratio of 1.07 on the eastbound approach during the PM peak, which is unacceptable. The proposed signal timing also does not provide sufficient time for a north/south pedestrian crossing. Additional mitigation must be identified.

17. The scenario identifies that a second exiting lane is needed on Site Drive #2 at East River Road to separate left turns from rights. As this separation would allow right turns on red, the second exiting lane should be built when the driveway is originally constructed.
18. East Henrietta/Westfall is shown in this scenario as changed to leading protected left turn phases, allowing for the split times to be directionally adjusted. This is okay, but it is not noted in the report. The east-west pedestrian crossing times need to be restored to their existing timings (17 seconds of pedestrian clearance time is required east/west, but it was reduced to 12 seconds in the model). With the adjusted split times that result, the proposed improvements are insufficient. Additional mitigation must be identified.

19. The proposed change to a 110 second cycle at only the Mt. Hope/Westfall/Westmoreland intersection would cause this intersection to be out of coordination with all other adjacent intersections. Any change in cycle length would need to be done at all intersections in this area. Since NYSDOT intersections on West Henrietta Road and near the I-390 interchange currently operate at a 120 second cycle length in the PM peak hour, this would be the logical cycle length to use. In fact, the PM peak cycle length in this area of the City was recently changed to 120 seconds at all intersections to coordinate with the NYSDOT intersections and to reduce congestion.

20. At Mt. Hope/Westfall/Westmoreland, the westbound left turn phase is incorrectly shown as lagging in this and other scenarios, which would be an unsafe phasing sequence.

21. At Mt. Hope/Crittenden/E. Henrietta, Mt. Hope/Westfall/Westmoreland, Mt. Hope/Elmwood, and E. Henrietta/Westfall, this and other mitigation scenarios show substantial reductions in the pedestrian clearance times, which then allowed some of the splits to be shortened. This time reduction is unsafe for pedestrians and cannot be allowed. In fact, the pedestrian times need to be increased to account for the longer distance across the added right and left turn lanes (see comment #11). With the corrected splits, some of these intersections will have failing movements at this level of development, and others will fail at lower levels of development than shown in the report. Additional mitigating measures need to be identified for any locations that cannot operate acceptably within the pedestrian timing requirements.

2013 – 2,000,000 SF

22. The proposed southbound dual left turn from Mount Hope Avenue onto East Henrietta Road must be operated as a protected only left turn for safety reasons. As this would reduce the projected capacity, the analysis for this scenario must be rerun. It also requires the widening of East Henrietta Road to add a second through lane to receive the dual lefts (there is only one receiving lane now) which must be identified in the report as an accompanying improvement.

23. The report lists the addition of a second southbound through lane at the East River/Kendrick/Murlin intersection as an identified improvement for this scenario. The analysis does not reflect this.
24. The report mentions the addition of a third westbound lane at the intersection of East River Road and I-390 SB for this scenario. The analysis shows this third lane as a right turn only lane. The report should describe it accordingly.

25. The report mentions the addition of a third westbound through lane plus a left and right turn lane at the intersection of East River Road and West Henrietta Road for this scenario. The analysis does not reflect this.

26. The E. Henrietta/Westfall intersection will have failing movements at this level of development if the pedestrian time adjustments are made (see comments #18 and #21). Additional mitigating measures need to be identified.

27. At Mt. Hope/Westfall/Westmoreland, the north/south left turn phases are shown as 10 seconds, which is too short for a lag left turn phase. Also, this intersection will have failing movements at this level of development if the pedestrian time adjustments are made (see comment #21). Additional mitigating measures need to be identified.

2023 – 2,000,000 SF

28. The pedestrian split errors mentioned in comments #21, #26, and #27 were also carried over into this scenario. Additional mitigating measures need to be identified for any locations that cannot operate acceptably within the pedestrian timing requirements.

29. The report describes dual left and right turn lanes at East River Road and the I-390 SB Ramp, but the analysis does not reflect this lane configuration.

30. The report describes dual northbound left turn lanes at East River Road and West Henrietta Road, but the analysis does not reflect this lane configuration.

31. The Mt. Hope/Elmwood intersection is proposed to be widened to three eastbound through lanes in this scenario. That would require also adding a third eastbound through lane at other adjacent intersections to provide lane continuity. A more logical widening to keep the improvement localized would be to go to dual protected westbound left turns instead of a third eastbound through lane.

32. The problems with the proposed southbound dual left turn from Mount Hope Avenue onto East Henrietta Road identified in comment #22 also apply to this scenario.

500,000 SF Buildout (Report Page 28)

33. The report lists specific improvements for a potential 500,000 SF buildout scenario. There is no analysis data provided to support the listed improvements, and the year is not specified. If the improvements were derived by extrapolating the results for the various scenarios, they are subject to the same problems that were listed above.
March 10, 2006

UNIVERSITY OF ROCHESTER ENVIRONMENTAL IMPACT STATEMENT

1- The university should not obtain a blanket rezoning that would allow them to place any structure -- at their discretion -- on the West Brighton campus. The build-out should be gradual in small lot sizes which will allow their impact on the surrounding residences and environment to be analyzed and optimized for the lowest impact. This would minimize the danger of onerous chronic conditions.

2- The university’s impact statement should not be accepted for the following reasons.

a- It needs to conduct a full study related to air pollution within the West Brighton campus that takes into account existing air pollution as quantified by the risk scores calculated by the Environmental Protection Agency (see appendix 1.) This should be done for the following building uses, but not restricted to those uses: radiological emissions; biological emissions; chemical emissions.

b- It needs to provide an environmental impact for a catastrophic fire in each building type (radiological, biological and chemical.)

c- The university’s description of drain disposal of chemicals is inadequate In addition to the restrictions imposed upon those chemicals classified directly as hazardous, and those chemicals that are not classified as hazardous but have specific properties that will assign them to a hazardous classification, there should be at least, but not limited to, one other list. The other list, Non Hazardous Chemicals List, is used by Cornell University Joan and Sanford Weill Medical Center (see Appendix 2, Chemical Selection Criteria.) The non-hazardous chemical list embodies the names of chemicals allowed down-the-drain. This list should contain detailed information regarding each chemical on that list and the specific reason each chemical will not harm or produce annoying odors to residences residing in the West Brighton Campus. Moreover, the list with all its details should be easily accessible by the public.

d- The University, in the Environmental Impact Statement, should describe how they will prevent catastrophic events in their radiological, biological and chemical structures. As an example of such a catastrophic failure (see Appendix 3,) but not limited to the example, a centrifuge failed mechanically and spewed metal throughout the area, and severed a natural-gas line causing an explosion. This could start a fire which will douse homes with radiological, biological and/or chemical material as far as miles away due to wind gusts. That would cause an environmental catastrophe. How would that be prevented? This was not discussed or analyzed and should be.
c- A large part of the West Brighton area is in a floodplain. There was no ( zero )
analysis with regard to flood waters dispersing radiological, biological and/or
chemical waste material throughout the West Brighton area. That would also
cause an environmental catastrophe.

3- The West Brighton community is sparsely populated per unit area and therefore
can't continue to bear the onerous cost from educational institutional structures that
require services such as Police, Ambulance and Fire. Since Monroe County already
benefits economically from these institutions and will continue to benefit from their
expansion, both Monroe County and the educational institutions must bear their fair
share of the cost immediately. There should be no approval by the Town of Brighton
unless all those parties agree.

4- In conclusion: Since there are so many complex variables that were not
considered in the University's Environmental Impact report, and these complexities
will require years to adequately digest and debate, I recommend a significant
increase in time for the milestones assigned to this project, and only a Phased
Implementation be considered. Secondly, Monroe County and the institutions
should be required to contribute or nothing should proceed.
APPENDIX 1

AIR QUALITY
Data say Monroe has state’s unhealthiest air

Areas near Kodak Park rate high for risk

Misty Edgecomb
Staff writer

(December 14, 2005) — When school lets out in western Irondequoit, crossing guards walk children along the tree-lined streets to their snug brick houses. With Christmas lights twinkling at dusk, it looks like the perfect place to raise a family. But an analysis of federal air pollution data finds these streets harbor some of the state’s unhealthiest air.

Sometimes there’s a chemical odor, and on other days it’s hard to breathe, said Jenny Elahi, who was jogging toward her Long Acre Road home Tuesday afternoon.

"I'm just getting finished with my run and, already (I have a) sore throat," she said.

Elahi’s street marks the southern boundary of a neighborhood — across the river from Eastman Kodak’s stacks — that has the highest health risk from industrial air pollution in the state, says an Associated Press analysis of federal data. Nationally, the area was the 33rd riskiest, out of the 65,443 census tracts, used by the U.S. Census Bureau to define neighborhoods.

During the Clinton administration, the Environmental Protection Agency began tracking the health risks of long-term exposure to industrial pollution by considering the companies’ own reports of what was coming out of their stacks, the prevailing wind patterns, the levels of danger posed by exposure to various chemicals and the ages and genders of local residents.

The AP matched the agency’s 2000 rankings to the census maps to predict the portions of the country with the highest risk of health problems from air pollution. Monroe County had the unhealthiest air in New York and was at No. 70 nationally, out of more than 3,000 U.S. counties.

More than 6,000 of every 10,000 county residents could expect to become ill as a result of exposure to industrial air pollution, the analysis said. However, an EPA spokeswoman said Tuesday that the data was designed to be used for comparison purposes, not to predict whether any one person might become ill. People often work in different communities than where they live and move many times, making the individual risks difficult to predict.

The alleged high health risk in the Rochester area didn’t come as a surprise to Dr. Peter Iwanowicz of the American Lung Ast New York.

"Air pollution is known to make people sick and cut lives short," he said. "Several thousand New Yorkers die every year as a result of pollution. Tens of thousands of heart attacks can be linked to dirty air."

In New York, 63 of the 107 neighborhoods with the highest health risk ratings were in Monroe County, according to AP’s data mapped, the neighborhoods form a bulls-eye around Kodak Park, Eastman Kodak’s sprawling industrial facility. In fact, Kodak Park was one of the three factories across the nation that created potential health risks for nearby residents in accordance to AP’s analysis. (The others were Eramet Marietta Inc. in Marietta, Ohio, and Titan Wheel Corp., in Walcott, Iowa.

http://www.democratandchronicle.com/apps/pbcs.dll/article?AID=/20051214/NEWS01/512140016... 12/14/2005
in 2003.)

But pollution from Kodak Park has declined significantly in recent years, said Kodak spokesman Chris Veronda. Total air emissions have fallen 85 percent since 1987. Meanwhile, releases of methylene chloride, a chemical used in film production, a possible carcinogen, have fallen from 8.7 million pounds in 1987 to about 600,000 pounds this year, Veronda said.

"There's two sides to every coin — Kodak has done a lot of good things as far as jobs and being supportive of the community have polluted our area terribly. Is it worth it?" said Carol Messina-Provost of Greece, who lived near Kodak Park until last..." said Carol Messina-Provost of Greece, who lived near Kodak Park until last sun

A series of local health studies have been done but none has proven a "significantly higher" rate of illness from Kodak, said C. Dorniger, Monroe County's health director.

Still, local environmentalists can't help but suspect a link between Kodak emissions and illness when "neighbor after neighbor reports health problems," Sue Mihalyi of the Rochester-based Kandid Coalition, told the AP. "It's so easy to introduce doubt, to say 'it's just the weather' or 'it's your genetics' when, in fact, it may have a lot to do with what you're breathing in."

No study has looked specifically at the incidence of respiratory problems in Rochester, but whenever local surveys are done in New York, rates are high, Iwanowicz said.

Elahi taught at a nursery school near her Irondequoit home and saw many children with asthma, including her own 10-year old whose illness she blames on the air quality around their home.

Particulate matter — microscopic pollution — irritates lung tissue and is viewed as a potential cause of asthma. In southern California, home to the nation's dirtiest air, according to other EPA data, ozone pollution was shown to trigger the disease. And increasing evidence suggests that the tiniest particles — each about the size of a virus — may trigger cardiac problems, said Dr. Mark Uteh, director of a pulmonary unit at the University of Rochester Medical Center.

Residents across the United States are facing these same risks, though at very different rates, the AP analysis indicated. At 10 highest-risk counties included nine states.

Monroe and other areas singled out as the state's unhealthiest are primarily white and middle-class and that's unusual. The nationwide analysis indicated that black Americans are 79 percent more likely to live in neighborhoods where industrial pollutants pose a health risk.

"There is no level playing field," said Robert Bullard, director of the Environmental Justice Resource Center in Atlanta.

Includes reporting by Ben Dobbin and David Pace of The Associated Press.
APPENDIX 2

CHEMICAL DRAIN DISPOSAL
Drain and Trash Disposal of Chemicals

Overview
The disposal of chemicals via a sink drain and/or normal trash is highly-regulated and subject to public concern and scrutiny. Federal, state, and city government agencies have established rules and regulations which strictly limit chemical disposal to the sewer and trash. These rules and regulations have been established to protect human health and the environment from an exposure to hazardous substances, as well as to prevent damage to the City’s water treatment facilities.

In addition, all of the College’s refuse waste is collected, handled, and processed by numerous persons prior to its ultimate disposal. During this period, the potential for containers to break and expose person(s) to an “unknown” chemical could be significant. Furthermore, with the increased public alarm and concern about chemical and biological agents being released to the public, it has been determined that it is in the College’s and public’s best interests to not allow the disposal of containers of chemicals via the normal trash.

This Update shall provide instruction to determine if a chemical is acceptable for drain or trash disposal.

Applicability
All persons employed by or working on behalf of the College that intend to dispose of chemicals via the drain or trash must strictly adhere to the procedures identified in this Update. These procedures shall identify the proper means for determining if a chemical is suitable for drain or trash disposal. Only non-hazardous chemicals, as determined by Environmental Health and Safety (EHS), may be suitable for drain or trash disposal.

Please note that this Update does not apply to the following categories of chemicals. Please refer to their respective EHS Update for pertinent disposal procedures and information. Furthermore, EHS reserves the right to approve the discharge and/or disposal of certain wastes on a case-by-case basis.

- Disinfectants
- Medical Specimen Disposal
- Specimen Waste
- Perfusion Wastes
-
Responsibilities

Generators ensure that chemicals and empty containers are properly discharged, disposed, recycled, and/or otherwise processed in accordance with this procedure and the College’s Waste Disposal Procedures. Generators obtain current copies of the Non-Hazardous Chemical List and Acutely Toxic Chemical List from Environmental Health and Safety prior to disposing of a chemicals and/or empty containers in accordance with this procedure.

Environmental Health and Safety (EHS) ensures that the information provided to the generators is concurrent with the laws and regulations governing the specific means of disposal. EHS reviews and updates the Non-Hazardous Chemical list on an as needed basis.

Chemical Selection Criteria

Only the chemicals identified on the Non-Hazardous Chemicals list (Attachment B) are considered suitable for drain and trash disposal when following the procedures listed below. A chemical was determined to be acceptable for drain or trash disposal if it did not exhibit the following characteristics:

- toxic substance which may adversely affect human health or the environment (e.g., have an oral-rat LD50 toxicity value less than 500 mg/kg or identified as a toxic/priority pollutant by the EPA);
- carcinogenic substance according to the National Institute of Occupational Safety and Health (NIOSH) 1979 Registry of Toxic Effects of Chemical Substances;
- hazardous waste as defined in 6 NYCRR Part 371-Identification and Listing of Hazardous Waste;
- flammable (i.e., has flashpoint less than or equal to 140°F) or explosive liquids, solids, or gases;
- noxious or malodorous gas or substance (e.g., mercaptans);
- chemicals or substances containing any of the following metals:
  - Arsenic
  - Barium
  - Cadmium
  - Chromium
  - Copper
  - Lead
  - Mercury
  - Nickel
  - Selenium
  - Silver
  - Zinc
- biological hazard; and/or
- radioactivity.

Procedure

Attachment A is available to assist in determining the proper means for disposing your chemicals. In addition, all chemicals can be managed and disposed as hazardous wastes in accordance with the College’s Waste Disposal Procedure.
Procedures.

**Liquids:** Liquid chemicals to be disposed via a drain must:

1. meet the following characteristics:
   - contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes;
   - contains no biological hazards;
   - chemical constituents listed on the Non-Hazardous Chemicals list (Attachment B);
   - liquid not exceeding 5 gallons (19 liters);
   - contains less than 10% solids or viscous substances which are insoluble in water;
   - contains less than 50 mg/L (ppm) oils and greases; and
   - have a pH greater than 5.0 and less than 11.0 or not have any other corrosive property likely to cause damage to structures or equipment of the sewerage system.

2. discharge to the sewer via a laboratory sink drain only;

3. flush with copious amounts of water (15-20 times the original volume); and

4. allow the previous chemical to be completely flushed prior to discharging the next chemical waste.

Note: Other chemicals may be suitable for disposal via this procedure. However, the discharge of chemicals not specifically listed as a Non-Hazardous Chemical is strictly prohibited. Generators may submit requests for chemicals to be reviewed by contacting EHS. An EHS representative will review the request to determine if the chemical should be added to the list.

**Solids:** Though containers of chemicals are not approved for disposal via normal trash, standard laboratory articles (e.g., gloves, pads, etc.) contaminated with non-hazardous chemicals may be disposed via the trash. In order to dispose of contaminated laboratory debris via the trash, it must:

1. meet the following characteristics:
   - contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive materials;
   - contains no biological hazards;
   - chemical constituents listed on the list and
   - free of excess or free-flowing powders.

2. if plausible, be consolidated into a bag or other container to minimize potential releases; and

3. be placed in a normal trash receptacle for Housekeeping to collect.

Note: It is important to be conscious of the potential harm and alarm which may result from the disposal of contaminated laboratory debris with excess or free-flowing powders. If a contaminated item contains excess powders which may result in the
forming of "dust clouds" during its handling, then these items should be managed and disposed as a hazardous waste in accordance with the College’s Waste Disposal Procedures.

**Empty Containers:** A container is considered “empty” if it contains less than or equal to 3 percent by weight of its total capacity. In order to dispose of “empty” containers via the trash, it must:

1. meet the following characteristics:
   - contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes;
   - contains no biological hazards;
   - contains less than or equal to 3 percent by weight of its total capacity; and
   - originally did not contain an acutely toxic chemical. The list of acutely toxic chemicals is available via the EHS website. Acutely toxic chemical containers must be managed and disposed as a hazardous waste in accordance with the College’s Waste Disposal Procedures.

2. attempt to recover, collect, or use all of the container’s contents (e.g., no contents should be able to immediately spill from the open container if held upside-down);

3. triple rinse with water and discharge the water down a laboratory sink drain;

4. remove or deface labels; and

5. discard in an appropriate refuse container with lids removed for Housekeeping to collect.
   - Glass in a rigid cardboard/glass collection box.
   - All others in a clear plastic garbage bag (double-bagged).

**References**

NYSDEC 6 NYCRR Part 371 – Identification and Listing of Hazardous Waste

NYCDEP Chapter 19 – Use of the Public Sewers

NIOSH 1979 Registry of Toxic Effects of Chemical Substances

USEPA 40 CFR 401.15 – Toxic Pollutants
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*November 2003*
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APPENDIX 3

LABORATORY ACCIDENTS
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### Laboratory Safety Incidents: Explosions

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<td>Chemistry</td>
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<td>Hydrogen peroxide explosion</td>
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<td>Explosive Decomposition of an Organic Azide</td>
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<td>Stirred-Rotation Reactor Explosion</td>
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<td>Chemical Solution Preparation Explosion</td>
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<td>Phenyl Azide Solution burns during vacuum distillation</td>
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<td>Cyclophans</td>
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<td>Glass reactor tubes</td>
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New Links

- [Centrifuge Explosions](#)
- [High Speed Centrifuge Incident](#)
- [Unapproved Rotor Explosion](#)
- [Fisher IS Microcentrifuge Explosion](#)

**Technical Topics**

- Current Research
- Laboratory Safety

**Key Questions**

- What are some examples of chemical waste explosions?
- How can improper disposal of waste chemicals lead to explosions?
- What are some common hazardous chemicals and their potential hazards?

---

*American Industrial Health Association*
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<tr>
<th>Issue</th>
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<td>Overpressurization by Liquid Nitrogen</td>
<td>Researcher blinded in one eye due to cryotube explosion</td>
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<td>Investigator exposed to infectious material in cryotube explosion</td>
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<td>Incompatible Chemicals</td>
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<td>Laboratory glass cleaning reagent incident</td>
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<td>Oxidizer/solvent explosion</td>
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<td>Glass bottle ruptures; possible reaction of incompatible chemical wastes</td>
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<td>Adding diaminopropane and potassium hydroxide</td>
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<td>Two explosions involving Aqua Regia</td>
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<td>Lack of venting</td>
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<td>Formic acid explosion and explosive chemicals</td>
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<td>Piranha (sulfuric acid/hydrogen peroxide)</td>
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<td>Refrigerator/freezers</td>
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<td>Semiconductor experiments</td>
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<td>Failure to manually purge hazardous gases</td>
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**Centrifuge Explosions**

**High Speed Centrifuge Incident**

Safety practice includes routine monitoring and sanitation, chemical health and safety.

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**Unapproved Rotor Explosion**

A laboratory was seriously damaged when the rotor of an ultracentrifuge failed while in use. Flying metal fragments damaged walls, the ceiling and other equipment. The shock wave blew out the laboratory's windows and shook down shelves.

**Description of the Accident**
Milk samples were running in a Beckman L2-65B ultracentrifuge using a large aluminum rotor (a rotor is a large metal object that holds the individual sample tubes and is connected to the spin drive of the centrifuge). The rotor had been used for this procedure many times before. Approximately one hour into the operation, the rotor failed due to excessive mechanical stress caused by the "G" forces of the high rotation speed.

The subsequent explosion completely destroyed the centrifuge (picture 1)(picture 2). The safety shielding in the unit did not contain all the metal fragments. The half-inch thick sliding steel door on top of the unit buckled allowing fragments, including the steel rotor top, to escape (picture 3). Fragments ruined a nearby refrigerator and an ultra-cold freezer in addition to making holes in the walls and ceiling. The unit itself was propelled sideways and damaged cabinets and shelving that contained over a hundred containers of chemicals (picture 4). Fortunately, sliding cabinet doors prevented the containers from falling to the floor and breaking. A shock wave from the accident shattered all four windows in the room. The shock wave also destroyed the control system for an incubator and shook an interior wall causing shelving on the wall to collapse (picture 5). Fortunately the room was not occupied at the time and there were no personal injuries.

The cause of the accident is believed to be the use of a model of rotor that was not approved by Beckman for use in a model L2-65B ultracentrifuge.

Preventing Centrifuge Accidents

Rotors on high-speed centrifuge and ultracentrifuge units are subjects to powerful mechanical stress that can result in rotor failure. In addition, improper loading and balancing of rotors can cause the rotors to break loose while spinning. Everyone using this type of equipment needs to know the proper operating procedures for the specific unit being operated, including how to select, load, balance and clean the rotor. These procedures are explained in the unit's operating manual.

It is also necessary to "de-rate" some rotors (limiting the maximum speed at which the rotor is used to some level below the maximum speed listed for the rotor
when new) based on the amount of use the rotor has received. This requires that operators maintain a comprehensive use log for each rotor. These procedures are explained in the operating manual.

Laboratory supervisors must see to it that operators of this type of equipment are properly trained in the selection, care and use of rotors. In the event a trained and experienced operator is not available to train new operators, contact the service representative for the unit and arrange an orientation program. Check the contact list below for details. If you are unable to reach the manufacturer, please contact EHS.

**Special Warning for Older Equipment**

Older equipment does not have all the safety features built into new units. They are more likely to experience rotor failures and they are more likely to cause injuries when they fail. It is critical that all safety and maintenance procedures specified by the manufacturer are followed. Based on the investigation of this incident, EH&S learned that Beckman L2 and L3 series ultracentrifuges have special operating procedures and restrictions to reduce the risk of damage and injuries. This includes an orange decal on the sliding door that specifies the rotor models that are safe to use in a particular unit (picture 6).

If you have this type of unit and prefer to take it permanently out of service, please disconnect the units from the electric outlet then cut the power cord from the unit.

**Beckman Instruments Urgent Corrective Action Notice**, (Adobe Acrobat format) dated June 22, 1984, many years before this incident, describes two similar centrifuge accidents. The letter goes on to explain that operators of Beckman centrifuges must use only the specific types of rotors that are approved by Beckman for each specific model of centrifuge. The letter provides the complete list of approved rotors for all model L, L2, L3 and L4 centrifuges. Note: While this letter was sent to owners of Beckman centrifuges in 1984, the information is still appropriate for these models. It is very important that operators of these units follow these guidelines.

**Centrifuge Safety Resources**
The Howard Hughes Medical Institute has produced an excellent 10 minute videotape on centrifuge safety. Tapes can be ordered free of charge from their website: http://www.hhmi.org/research/labsafe/training/videos.html

Additional centrifuge safety information, including the Beckman/Coulter Rotor Safety Guide and the Sorval Rotor Care Guide, (a large pdf file posted by Perdue University) are available at the AIHA Laboratory Health and Safety Committee, Laboratory Equipment page.

Fisher 16 Microfuge Explosion (top)

A rotor on a Fisher Micro 16 microfuge exploded. No one was hurt. The outer shell of the centrifuge did not contain the explosion and fragments of the rotor sprayed all over the area. The entire front of the centrifuge was blown off. It passed from one bay in the lab to the adjacent bay, smashing bottles as it went. The front narrowly missed hitting a technician's head.

Another technician who had her back turned to the centrifuge, felt fragments of the rotor spraying her back.

The centrifuge was purchased in October 1996. Fisher takes this event very seriously and has issued a recall notice for Micro 16, Micro 14 and Micro 13 units. The centrifuges involved are several years older and the serial number must begin with the letter M.

The manufacturer of the centrifuge, Denver Instruments stopped making these units years ago. There have been several recalls of the centrifuge in the past, including one to ensure that the cover of the spin chamber clamps shut securely. The centrifuge that blew had the recall repairs.

Rotors must be periodically inspected for wear and damage. See recommendations in the incident described above.
Chemical Waste Explosions (top)

Researcher Burned in Chemical Explosion Due to Improper Disposal of Chemicals (top)

Key Instruction Points:

1. Segregate and dispose of hazardous waste properly through EHS

2. Use appropriate personal protective equipment.

EHS was notified of a chemical spill in a laboratory at the ____ Building. At that time, EHS was also told that a technician was sent to the Emergency Room because of skin, eye and respiratory irritation. EHS responded and found yellow liquid splattered on the walls, ceiling and floor. Many bottles of chemicals were placed in a red bag medical trash can, of which several were broken. In addition, there were many more bottles on the countertop and floor.

EHS was told that two technicians were cleaning out old chemicals from their lab. They had put the bottles of chemicals into the red bag waste bin, when it appeared that one of the bottles containing ferric chloride broke. An acid mist was created, possibly by water or other broken bottles of chemicals also being present in the bin. The technician stepped closer and peered into the waste bin when an explosion occurred. The yellow liquid splashed all over him.

He immediately took off his lab coat and shirt and showered under the emergency shower and then went to the emergency room. He suffered corneal abrasions and primary and secondary burns to his face.

The resulting damage cost in excess of $2,500. Investigation revealed the following: the lab had been inspected by EHS less than a year ago and was advised to dispose of any old or unwanted chemicals through EHS. At no point was EHS ever informed that the lab needed to dispose of chemicals.

Over the summer, in a similar incident, EHS was anonymously alerted that another laboratory was performing a laboratory cleanout and was disposing of
chemicals in their housekeeping trashcan. EHS conducted an investigation and located the dumpster where the trash was disposed. In it were benzene, hydrochloric acid, hydrogen peroxide, mannite, pyroxlilin and sodium hydrosulfite. All of the illegally disposed chemicals were taken out of the dumpster by EHS and were properly labeled and stored in our waste facility. Fortunately there were no serious repercussions.

What are the lessons from these two incidents? First, all employees must be trained to do their jobs. All lab personnel must be up to date in Lab Safety Training, which includes Chemical Waste Handling. Also, all hazardous waste must be disposed of by contacting EHS. As stated in the Chemical Hygiene Plan, laboratories wishing to dispose of chemicals should schedule a chemical pickup through EHS.

Lab workers should wear personal protective equipment and should take care to ensure that incompatible wastes are not mixed. And finally, all laboratory guidelines described in the Chemical Hygiene Plan should be followed to protect the health and safety of the housekeeping staff and co-workers.

**Waste Solvent Explosion and Fire**

Key Instruction Points:

1. List all contents on hazardous waste labels.
2. Do not mix incompatible chemicals.

At the University of X, in the hazardous waste facility, a 55 gallon drum containing 30 gallons of mixed organic solvents exploded, launching upward into the ceiling. A significant fire ensued. Luckily no one was hurt.

The mixed organic solvents in the drum had been consolidated from solvent waste containers from laboratories throughout the campus. A similar consolidation process is used at many institutions. Solvents are consolidated because there is a significant cost savings in disposing of one large drum compared to disposing of many small containers. This incident demonstrates why it is so important for each lab to fully list the contents on the container's
hazardous waste label.

**Chemistry Explosions**

**Lithium Aluminum Hydride/ Tetrahydrofuran Explosion**

A researcher at X was seriously injured last December when reducing a substrate using lithium aluminum hydride (LAH) in tetrahydrofuran (THF). Within the last year, at least two other accidents involving procedures using LAH and THF have been documented. Due to the inherent hazards of LAH and THF, researchers must thoroughly plan out experimental protocols and incorporate safety measures to mitigate the hazards of this procedure. We have consulted with an outside expert in these issues, and he has made a number of important safety recommendations for this procedure.

**Experimental Review**

Figure 1 shows a typical equipment configuration for reducing a substrate with LiAlH₄ (LAH) dissolved in tetrahydrofuran (THF).

**Figure 1**
Following a typical protocol, an experimenter would:

* heat and flush a 3-neck, glass flask with nitrogen to drive off all moisture.
* remove heat source and cool the flask, but continue to flush with nitrogen.
* add a stir bar, THF (freshly distilled), and LAH
* flush with nitrogen for the rest of the procedure surround the flask with an ice bath.
* turn on the stirrer.
* start water running through the closed loop of the condenser.
* start drop-wise addition of the substrate (which is dissolved in freshly distilled THF)

However, this 'typical' setup is not necessarily the best setup.

**Experimental Recommendations**
Listed below are several recommendations pertaining to this procedure:

1. Use enough solvent to dissolve all LAH. Adding substrate to a slurry of undissolved LAH and solvent is almost as dangerous as adding it to dry LAH. The solubility of LAH in THF is 13g LAH/100g THF at 25°C, and in diethyl ether, 35g LAH/100g diethyl ether. Aldrich does not make solutions more concentrated than 1M (38g/liter). It is recommended to make solutions no more concentrated than 1M.

2. Add LAH to THF rather than adding THF to LAH when preparing solutions. Dissolving LAH in THF is very exothermic! If THF is added to dry LAH, the LAH can easily overheat and decompose exothermically, especially on larger-scale reactions.

3. Keep the ratio of LAH to substrate low. If the reaction goes awry, it’s safer to have only a 2-fold excess LAH rather than a 10-fold excess to deal with.

4. Ensure that the stopcock on the substrate dropping funnel works smoothly. If the stopcock sticks, too much substrate may be delivered, creating excess heat in the reaction flask.

5. Ensure that the reaction flask is under a nitrogen blanket. Double check that the nitrogen inlet tube is securely fastened and all air is excluded from the reaction vessel.

6. Prepare the substrate carefully to exclude any residual solvents that might react with LAH. This way, you won’t have to use as much excess LAH.

7. Ensure that the substrate/THF solution is free of peroxides. Any added THF should be freshly distilled.

8. Use chilled silicone oil instead of ice and water as a cooling medium. This is now current industrial practice for large-scale reactions. If the flask breaks for any reason, LAH will not react with silicone like it does with water.

9. Use an explosion shield when working with large-scale reactions. Lowering the fume hood sash and wearing protective eyewear is adequate with smaller scale reactions.
10. Quench the reaction mixture, by addition of water or other quenching agents, using extreme caution. Add the quenching agents slowly!

If you have any questions, call your safety office.

Explosive Decomposition of an Organic Azide (top)

Key Instruction Points:

1. Review risk assessment when scaling up reactions.

2. Use engineering safeguards for containment and remote handling when using reactive materials.

Incident Description: A chemistry graduate student was isolating an organic azide (benzyltriethylammonium azide) as an intermediate in a process to synthesize a complex organic molecule to be used in a cancer treatment. (She was trying to prepare a 5-deoxy-5-azido nucleoside by azide displacement of the 5-toslyoxy derivative). Several days earlier she had isolated a small amount of this organic azide intermediate by using a rotary evaporator to drive off the reaction solvent. Approximately 0.5 grams of material were initially isolated and used to run analytical tests to demonstrate the purity of the isolated intermediate. Now that she had demonstrated that the initial steps in her synthesis process were successful she scaled up the process 20 fold in order to isolate enough organic azide to continue her synthesis.

At approximately 9:00 on a Sunday night, while working in the lab with two other graduate students, she completed the isolation of approximately 7-8 grams of organic azide in the rotary evaporator. The rotary evaporator was set upon the open bench in the middle of the laboratory.

After isolating the organic azide from a 1:1 solution of acetone and methylene chloride in the Buchi rotary evaporator, she lifted the 250 ml round bottom flask containing the organic azide from a water bath, with the handle provided for this purpose, using her left hand, while her right reached out for the flask.
The flask exploded in her hand, shattering all of the glass associated with the rotary evaporator and glass containers close by on the lab bench. Parts of the condenser were found in a hallway approximately 15 feet away.

Her recollection of the incident and the nature of her injuries, indicate that she did not have the opportunity to break the vacuum on the system or stop the rotation of the flask. It is believed that the raising of the flask alone from the warm water bath initiated the decomposition of the shock sensitive organic azide, perhaps by creating a movement in a contaminated ground glass joint. However, the graduate student does not feel that solvent "bumping" occurred in this case. This could have caused the azide compound to contaminate the glass joints.

Injuries and property damage caused by the incident: The glass fragments from the exploding flask severely lacerated the graduate student's right hand and cut her cheek and forehead. The force of the explosion blew her to the floor where she lay stunned and bleeding. The safety glasses she was wearing protected her eyes from glass fragments; otherwise she may have been blinded. The two students with her immediately came to her aid and called an ambulance that transported her to the hospital five minutes away. That night a four-hour surgical operation removed the glass from her face and hand and subsequent surgery restored most, but not all, of the functionality of her hand. She lost the ability to move her thumb. She also underwent multiple plastic surgery operations to improved her appearance.

Resources spent responding to the incident: The local fire department responded, and because the incident involved an explosion, the State Fire Marshall's office was also called in. Three University EHS employees took part in the six hour investigation with the three state inspectors and two representatives of the local fire department. The building was closed until the investigation was complete. Upon completion of the State Fire Marshall's investigation, EHS employees cleaned up the spilled materials and blood.

Cause of the incident: The explosion was caused by the rapid decomposition of the organic azide which it is believed had worked its way into the ground glass joints between the product flask and the glass column.
on the rotary evaporator. However, after interviewing
the graduate student it was apparent that several
factors lead up to the incident including:

1. The graduate student had underestimated the
risks associated with the material she was
isolating. Although she was aware generally of the
decomposition potential of azides she did not know
just how shock sensitive the organic azide she was
isolating was – even though this information was
available in the literature.

2. Due to the underestimation of risk, she isolated the
azide on open bench without adequate
containment such as a laboratory hood and
shielding, personal protective equipment, or
procedures.

3. She did not reassess the risk when scaling up her
reaction. If she had, she would have realized that
the material being handled had significant
explosive power and due to its inherent instability
required substantial shielding and remote handling.

Recommendations: To prevent future accidents of
this type the following steps were taken:

1. The types of "high-risk" reactions that were being
conducted in the Chemistry Department were
identified. Based on the type of reaction and the
scale (quantity of material), the appropriate safety
precautions (both engineering controls and
personal protective equipment) were identified and
placed in a matrix. This safety precaution matrix
table was distributed throughout the Chemistry
Department and required to be followed.

2. A formal peer safety review process was
established that required the following steps be
completed before graduate students were allowed
to beginning research: (1) a comprehensive
literature review must be conducted (safety and
chemistry); (2) a protocol safety review form
summarizing the hazards and precautions to be
taken is completed; and (3) The planned research,
information uncovered in the literature review, and
safety review form, is reviewed with a peer.

3. A shared use facility was established in which
high-risk reactions could be performed and special
procedures for performing these reactions established.

Stirred Reaction Flask Explosion (top)

Key Instruction Points:
1. Don’t leave reaction unattended
2. Use proper PPE
3. Control sources of contamination
4. Get chemical hood sash to lowest height possible.

Background- At 10:11:44am, Wednesday, 9 February xxxx, the Fire Department received an alarm from the Chemistry Building, and responded with fire and EMS personnel. County Sheriff officers also responded. At about 10:35am, EH&S personnel arrived at the incident site.

At about 10:10am, an explosion occurred within the Chemistry Laboratory. A Ph.D. research student, performing an experiment inside a fumehood, was injured by flying glass shards, which were generated from an explosion that occurred in a reaction flask (see photo below). Although the fumehood sash was partially down (about half way), the researcher received injuries mostly to the right side of his face (see photo below) and to his left hand and arm. No injuries were associated with the eyes since the researcher was wearing safety glasses with side shields.
The researcher was de-conned in the laboratory emergency shower and received first aid from laboratory personnel, who are also safety representatives for the laboratory. After the first aid treatment, the researcher was escorted from the building to meet the arriving Fire Department EMS personnel. The EMS personnel then transported the researcher to a nearby building for further deconning in a hot water shower. Afterwards, the researcher received additional first aid before being transported to the Hospital ER for treatment and observation. Late in the afternoon, the researcher was released from the ER. On the following Monday, the researcher returned to his laboratory at the Chemistry Building.

Description of Experimental Procedure- The experiment being performed was a modification of the Simmons-Smith cyclopropanation procedure for the synthesis of species for reacting with olefins. Very simply, in a stirred reaction vessel under a dry argon atmosphere containing an ultra-low water and oxygen solvent (250 mL dichloromethane; CAS# 75-09-2) cooled to -10°C by dry ice in acetone, two reactants (diethyl zinc; CAS# 557-20-0 and methylene iodide; CAS# 75-11-6) are sequentially introduced via a fill funnel under dry argon pressure. Photos of the experimental apparatus and equipment are shown in the Incident Investigation section below. In between fillings, the funnel is rinsed with the solvent fed from a one-use, sterile plastic syringe. First, diethyl zinc (13 mL) is added from its container with a double-ended needle to the solvent at about 2.5 mL/min. Next, methylene iodide (22 mL) is added with a glass syringe to the solvent mixture at about 1 mL/min. After the
final addition, the solvent mixture is allowed to continue to stir for 20 min producing chemical species for reacting with olefins. As the reaction goes to completion, the solvent mixture turns milky with the formation of a fine precipitate, which is normal.

Description of Incident- The experiment was performed as stated in the SOP, which was recorded in the researcher’s lab notebook, up to and including the addition of the methylene iodide to the dichloromethane and diethyl zinc mixture under an inert argon atmosphere. After the methylene iodide (22 mL) was added at a rate of about 1 mL per min over a time period of about 25 min, the researcher noted that the experiment was proceeding normally. At this point, he left the experiment in the fume hood for the reaction to continue for about 20 min. However, he decided to return after about 10 min to check on the experiment. Upon returning, he noted the stir bar was not rotating due to the formation of an unusual amount of precipitate in the bottom of the reaction flask. The reactant mixture was clear, but with no liquid phase separation. The appearance of the reactant mixture was unusual; normally the mixture would appear milky white due to the suspension of a fine precipitate. Although the stir bar was not rotating, the researcher did not perceive the risk of an explosion. So he immediately proceeded to restart the stir bar. During this process, when he had the reaction flask in his left hand, the contents of the flask detonated. From the flying glass shards, the researcher sustained serious injuries to the left hand, right neck, and right side of the face (see above photo) from flying glass shards.

NOTE: Terms such as explosion and detonation will be used throughout this report with the realization that a very rapid release of energy may have occurred without an actual detonation. Regardless, the energy release and the subsequent pressures were so rapid and great that the neck of the flask could not vent the pressure buildup. After the incident, there was no evidence of fire/smoke or other combustion products.

Incident Investigation - After an interview with the injured researcher, a reenactment of the experiment was performed substituting water for the chemicals: dichloromethane, diethyl zinc, and methylene iodide.
The experimental setup and equipment are shown in the photos below (clockwise: experimental apparatus, diethyl zinc container, and rinse syringe).

The experimental apparatus, under a positive-pressure argon atmosphere, is continuously fed from an argon cylinder through a drying column. Setting atop the round bottom flask, which is the reaction vessel, is a septum-fitted funnel for feeding the reactants. The reactants are fed via double-ended needles (diethyl zinc), plastic syringes (dichloromethane), or glass syringes (methylene iodide) into the funnel, and then fed into the flask through a stopcock. The only difference in the mock setup and the experimental
setup was the use of an open bath rather than a half-
sphere Dewar. This difference was not judged to be a
factor in the incident.

Primary physical hazards associated with the
chemicals components were the flammability of
dichloromethane (LFL 13%, UFO 23%), methylene
iodide and diethyl zinc incompatibilities (see
http://xxxx.edu/~msds/), and the pyrophoricity, water
reactivity, and explosive heat-sensitivity of diethyl
zinc. Of particular concern are the incompatibilities of
the two reactants with other chemicals such as
alkenes, oxidizers, copper-zinc alloys, potassium-
sodium alloys, and potassium. For example, alkenes
in the presence of the reactant mixture could result in
an explosive reaction and in the presence of
potassium form a shock-sensitive mixture. During the
reenactment of the experiment, several possible
causes for the incident were identified and are
addressed in the following table.

### Hazard Assessment Table

<table>
<thead>
<tr>
<th>EXPLORED CAUSE</th>
<th>LIKELY EFFECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction of water via the glassware and reusable syringes</td>
<td>Since there is a SOP for washing glassware and reusable syringes, it is not likely. If it did happen, there might be no sign to small amounts of visible emissions in the flask; no signs were noted.</td>
</tr>
<tr>
<td>Injection of water with the dichloromethane or methylene iodide</td>
<td>The dichloromethane is dried in the purification process, which is under a dry nitrogen atmosphere; not likely contaminated. The methylene iodide is transferred from a glass bottle, which is used by several researchers. Probably some water could be introduced resulting in no sign to visible emissions in the flask; no signs were noted.</td>
</tr>
<tr>
<td>Injection of oxygen with the dichloromethane or methylene iodide</td>
<td>Oxygen is removed from the dichloromethane in a purification process, which is under a dry nitrogen atmosphere; not likely contaminated. The methylene iodide is transferred from a glass bottle, used by several researchers. Probably some oxygen could be introduced resulting in no sign to visible emissions in the flask; no signs were noted.</td>
</tr>
<tr>
<td>Loss of argon atmosphere</td>
<td>The argon cylinder was still under pressure, and argon was still flowing after the incident.</td>
</tr>
<tr>
<td>Increase temperature of the reactant mixture</td>
<td>The only heat source is the heat of reaction. The magnetic stirrer did not have a heating element. The final reactant was added over a 25-min time period to prevent large temperature increases. In addition, the reactant mixture was cooled in a Dewar to -10°C by a dry ice/acetone solution.</td>
</tr>
<tr>
<td>Introduction of a fourth chemical component via the glassware, syringes, or contamination in other components</td>
<td>Because of the very strict cleaning, rinsing, and drying procedure used on the glassware and reusable syringes, it unlikely that amounts of contamination could be introduced that could result in an explosion. Evaluation of the solvent and diethyl zinc sources indicates it is unlikely that these are sources of contamination. However, the methylene iodide (stabilized with copper or silver mesh) is purchased, stored, and used out of a glass bottle by many different researchers. It is judged to be a possible source of contamination.</td>
</tr>
</tbody>
</table>

**Conclusion** - A definitive conclusion could not be made as to the specific cause of the detonation of the reactant mixture. However, based on the above hazard assessment, two likely causes of the explosion detonation were a very rapid increase in temperature of the reactant mixture and the introduction of a fourth chemical, as a contaminant, into the reactant mixture. The introduction of a third reactant could possible explain the formation of unusual amounts of precipitate, which settled to the bottom of the reaction vessel stopping the magnetic stirrer from rotating. The stopping of the magnetic stirrer was judged to be the abnormal occurrence that preceded the explosion and perhaps was the causality for the explosion.

The use of safety glasses probably saved the researcher from serious eye injuries. Nevertheless, additional protection to the face and body would have reduced the number and severity of the injuries received.

**Recommendations**

1) Do not leave this experiment unattended; ensure that the reactant solution is continuously stirred.

2) Use additional personal protective equipment such as full faceshield and blast shield when conducting experiments with highly reactive components.

3) Assess the operation of the dichloromethane purification unit to ensure high purity.

4) Review the glassware cleaning procedure to ensure no contaminates are present.

5) Discontinue the use of sterile syringes for
introducing chemicals into the experimental apparatus. The term "sterile" is no indication of "chemical contamination levels."

6) Assess the use of the methylene iodide to reduce the likelihood of contamination and implement the following controls:

a) Date the container as to when received.

b) Date the container as to when opened.

c) Implement procedures to ensure minimum container open time.

d) Set criteria for methylene iodide use, considering such parameters as color and age.

7) Always set the fumehood sash at the lowest usable height.

Chemical Solution Preparation Explosion (ICP)

Key Instruction Points:

- chemical

4. Use a FFM for use.

3. Lower hood sash to the lowest possible height.

Description of Incident: A teaching assistant was preparing a 30 L solution 0.04 M KMnO4 in 0.5 M H2SO4 for use in chemistry instructional laboratories. She was working by herself. This is a laboratory where all solutions for use in the general chemistry laboratories are prepared. Her supervisor was working in his office which is adjacent to the preparation lab and connected by a doorway. A chemistry class was underway in a lab across the hallway. This teaching assistant had a BS and MS in chemistry and working at the university for two years. Her responsibilities included preparing solutions for the chemistry program since the start of her employment.
She indicated she was following a procedure she has followed without incident in previous semesters (estimated 10-12 previous preparations). She indicated the procedure was contained in a notebook containing standard procedures for preparing all of the reagents used in the two classes. On the day of solution preparation, was not referring directly to the written procedure since she had used it sufficiently in the past that she did not need to refer to it. The quantity prepared is typically 10-20 L; this was the first instance she could recall in which 30 L was to be prepared.

The notebook containing the written procedure has not been located.

To make 30 L of the solution, 833 ml of 18 M sulfuric acid was needed. This was measured out, transferred to a 1 L beaker which was placed on a stir plate in the hood. The volume of acid was obtained from two sources: the last 200-300 mL of sulfuric acid remaining in a bottle that had already been opened and the balance from a new unopened bottle. Both sulfuric acid bottles were 2.5 L in size. A 40 L Nalgene tank was filled with approximately 22 L of deionized water and placed in the hood. Solid reagent grade potassium permanganate (189.648 grams) from a bottle dated 9/10/96 was weighed out into a clean beaker on a top loading balance on the lab desk. This was slowly added to the acid on the stir plate (estimated over a period of 30 seconds). The solution heated quickly and began to boil in 1-2 minutes. Because it was spattering, the solution was picked up with gloved hands so that it could be transferred into the DI water and diluted before any more was lost. Before any of the solution could be transferred to the DI container, the beaker broke, spraying acid and permanganate everywhere.

The teaching assistant sustained chemical burns to the upper body, any uncovered areas. She was wearing safety glasses, not goggles, gloves, and a short sleeved shirt.

The supervisor later indicated that the calculated amounts described above for preparation of the 30 L solution were correct. If the material had not broken, the contents would have been added to the 22 L DI container over the course of a few minutes, the container would have been filled 30 L with DI, stirred, and then dispensed into three 2 liter containers. The
remaining solution would be placed into a 20 L carboy for subsequent refills of the 2 liter containers for lab work later in the week.

**Probable Cause of the Incident:** Several pertinent references in the literature regarding the mixtures of potassium permanganate and sulfuric acid indicate caution. Bretherick's Handbook of Reactive Chemical Hazards states:

"Addition of concentrated sulfuric acid to the slightly damp permanganate caused an explosion. This was attributed to formation of permanganic acid, dehydration to dimanganese heptoxide and explosion of the latter, caused by heat liberated from interaction of sulfuric acid and moisture. A similar incident was reported previously, when a solution of potassium permanganate in sulfuric acid, prepared as a cleaning agent, exploded violently.

Manganese heptoxide is formed as a dense green-brown oil by reaction between potassium permanganate and concentrated sulfuric acid. Kleinberg, Argersinger and Griswold, Inorganic Chemistry pg 534 states that the reaction between potassium permanganate and sulfuric acid is:

\[ 2 \text{KMnO}_4 + \text{H}_2\text{SO}_4 = \text{Mn}_2\text{O}_7 + \text{K}_2\text{SO}_4 + \text{H}_2\text{O} \]

A Manganese heptoxide begins to lose oxygen at \(0^\circ\text{B}\) and decomposes with explosive violence when warmed.

Durrant and Durrant, *Introduction to Advanced Inorganic Chemistry* pg 1014 states ...

A Manganese heptoxide, exists as dark green, explosive crystals. It is made by adding powdered potassium permanganate to cooled concentrated sulfuric acid. A dark green solution is formed which is explosive. Manganese heptoxide is stable at \(-5^\circ\text{B}\), but it begins to give off oxygen at \(0^\circ\text{B}\), and at about \(10^\circ\text{B}\) it explodes yielding manganese dioxide.

*The most probable cause of this incident was the explosion of manganese heptoxide formed by the reaction of potassium permanganate and concentrated sulfuric acid.*
Corrective Action:

1. An alternate procedure for preparing the solution will be developed. Procedures for preparation of all instructional lab reagents will be reviewed.

2. Use of protective equipment will be re-emphasized. The teaching assistant wore glasses and gloves, but no lab coat and faceshield, sustaining burns to the face, arms, and upper torso.

3. Re-emphasize the availability and requirement to review health and safety information resources provided to supervisors and employees. This information (ACS booklet) indicates caution in mixing of sulfuric acid and potassium permanganate.

Phenyl Azide Compound Erupts During a Vacuum Distillation (top)

A Post-Doc was purifying a fluorinated phenyl azide compound via vacuum distillation over a heating/stirring mantle. The resulting explosion caused the ceramic mantle fragments to cut and embed themselves in the experimenter's face. Fortunately, she was not seriously hurt and she was wearing her safety glasses.

What can be done to prevent this from occurring again?

There is no substitute for pre-planning your experiment and to discuss various techniques with your supervisor. Heating mantles are not good choices for vacuum distillation if the materials used are heat sensitive or unstable (such as most azides). This is because it is difficult to regulate precise temperature control with a heating mantle. A better choice would have been to use a hot oil bath or use chromatographic techniques to isolate the substances.

While the Post-Doc was wearing eye protection, the fume hood sash was in the wide-open position. This allowed the fragments to strike her face. If the sash must be open during the experiment, a portable blast shield should be used. If you know that the materials are unstable, safety glasses with a full face shield would be appropriate choices for PPE.
Cryogens (top)

Glass Flask Ruptures, Possible Overpressurization by Liquid Nitrogen (top)

Key Instruction Points:

1. Consider shielding for operations involving vacuum or pressurization.

2. Be aware of the potential for pressurization when working with cryogenic liquids.

A 250 ml glass flask became overpressurized and burst, spraying two laboratory workers with shards of glass. Approximately 10 grams of styrene and a minute quantity of a drying agent were immersed in liquid nitrogen to keep the contents frozen. The laboratory workers then attached the flask to a vacuum pump to evacuate the flask, without success. Thinking the flask might have developed a crack, the laboratory worker removed the flask from the vacuum line and was defrosting it under warm water in the sink, holding it and examining it, when the flask ruptured.

The best guess as to the cause of the rupture is that a small leak, perhaps a pinhole in the flask, developed while it was being frozen and that some liquid nitrogen entered the flask. When the flask was warmed, the liquid nitrogen vaporized (expansion ratio 696:1), overpressurizing the flask and leading to the explosion.

The laboratory worker holding the flask suffered from several lacerations to the face, hands, chest and abdomen. The other worker, who was standing across the room, received lacerations to the abdomen. The worker holding the flask noted shards of glass embedded in his prescription safety glasses.

The procedure was re-written such that under the same conditions, the stopcock will be unscrewed and the flask set in a catch-bucket in the hood to allow the contents to warm up and vaporize, if volatile.

Appropriate eye protection helped to avoid a potentially serious eye injury. Consider shielding for operations involving vacuum or pressurization. Be
aware of the potential for pressurization when working with liquid nitrogen.

**Researcher Blinded in One Eye from Cryotube Explosion (top)**

**Key Instruction Points:**

1. Consider shielding for operations involving vacuum or pressurization.
2. Be aware of the potential for pressurization when working with cryogenic liquids.
3. Use appropriate personal protective equipment.

A University of X investigator was blinded in one eye when a cryotube exploded while being thawed. The probable cause was the rapid expansion of liquid nitrogen that had entered the tube through a small crack during storage. Suitable personal protective equipment for thawing cryotubes and handling cryogenic liquids consists of a face shield, heavy gloves, a buttoned lab coat and pants or a long skirt. Cryotubes should be kept in a heavy, walled container or behind a safety shield while warming.

**Investigator Exposed to Infectious Material in Cryotube Explosion (top)**

A researcher at a university reported that a vial of potentially infectious materials "exploded" when she removed it from liquid nitrogen.

As you may have guessed, the "explosion" occurred when the liquid N2 that has leaked into a vial expands when removed from the cold. This used to be a fairly common problem with heat-sealed glass ampules, because it was difficult to obtain perfectly fused glass
with no microscopic holes. This problem was largely resolved when laboratories began using plastic cryovials with a silicone seal. Nunc* makes a sleeve called CryoFlex that slips over the vial and then is heat-sealed to keep the liquid out. However, even with this type of product an explosion infrequently occurs.

There are several ways to prevent this from happening:

1. Cryogenic storage vials are designed for VAPOR PHASE STORAGE in liquid nitrogen freezers. This means that they are designed to sit in the cloud of extremely cold nitrogen gas that sits just above a small reservoir of liquid nitrogen in the bottom of the freezer. Leakage of liquid nitrogen into the vial occurs with the freezer is overfilled and the vials are immersed in liquid nitrogen. This problem can be avoided by not overfilling the freezers with liquid nitrogen.

2. Visually check each cryovial prior to filling to ensure there are no defects around the rim. Cryovials should never be re-used.

3. When removing samples, pause for a moment in the neck of the dewar before bringing them into the room atmosphere - if one is going to pop, it will usually do so early in the warm-up process.

The importance of gloves and face shield cannot be overemphasized. Tubes stored in liquid phase dewars, where the ampules are in canes is especially hazardous. Since nitrogen freezers tend to be located separate from the labs, full face shields and gloves should be available near the nitrogen freezers so no one is tempted to pull a vial without protection because they forgot to bring a shield with them.

Information about Nunc products is at:
http://www.nunc.com/products/Articles.html

Incompatible Chemicals

Laboratory Glass Cleaning Reagent Incident

A 2.5-liter bottle containing concentrated sulfuric acid and NOCHROMIX* brand laboratory glass cleaning

reagent underwent a violent reaction that shattered the container, spraying glass and the cleaning solution in a research laboratory. No laboratory personnel were injured, but the solution damaged the floor. According to the faculty member that investigated and reported this incident to us, lab personnel added the reagent to the sulfuric acid, placed a cap over the bottle (loose), and put the bottle inside a fume hood within a secondary containment bin. The shattered container was discovered and cleaned up by lab personnel the following day. The Safety Office notified the manufacturer of this incident and collected additional product information.

What Was Learned

NOCHROMIX) brand laboratory glass cleaning reagent is a metal-free substitute for dichromates (CHROMERGE) in sulfuric acid. Additional information on this product can be obtained at http://www.nochromix.com.

Although less toxic than chromium compounds, NOCHROMIX is an inorganic oxidizing powder that is incompatible with acids, alkalis, halides, combustible materials, silver salts, heavy metals, oxidizable materials, reducing agents, and organic compounds.

The manufacturer has received 2 other incident reports involving this product over the past 20 years; the last incident reported (at another institution) occurred when a technician tightened a cap on the bottle containing this solution. When mixed, the powder and sulfuric acid proceeds via hydrolysis reaction to produce the final cleaning solution; this reaction created pressure that shattered the container.

Storing the cleaning solution bottle inside a fume hood within secondary containment helped mitigate the potential impact to the lab and reduced the clean-up activities required.

Recommended Action

Based upon the incident description and our conversation with the manufacturer, we cannot confirm the cause of this incident. The most plausible explanations would be either (a) the container cap used did not provide pressure release, or (b) an incompatible material present inside the container.
reacted with the solution, built up pressure, and shattered the bottle. All glass cleaning solutions containing concentrated sulfuric acid must be handled with care, and we recommend the following precautions:

1. Employees must wear gloves and splash goggles when handling this solution; a face shield should also be worn to provide additional protection to the face.

2. Prepare solutions in a fume hood to remove any dusts or vapors generated during solution preparation.

3. Use safety vent caps on all bottles used to prepare and store this cleaning solution to relieve pressure produced by the reaction of the powder and sulfuric acid.

4. Store bottles of sulfuric acid based cleaning solutions within secondary containment bins.

Oxidizer Solvent Explosion

A corrosive storage cabinet under a chemical hood in a University undergraduate laboratory was the site of an early morning explosion. Luckily, no one was standing in front of the hood when the explosion occurred. We believe the explosion resulted from nitric acid (an oxidizer) and an organic solvent being mixed in a closed container.

Nitric acid reacts violently with most organics resulting in heat, gas or fire. In a sealed container, the pressure would increase due to the expanding gas. Never mix nitric acid with organic materials (especially in a sealed container) unless the reaction has been thoroughly
investigated. Do not store nitric acid in the same cabinet as organic solvents or organic acids such as acetic acid.

Incidents such as this have occurred on this campus and at other universities in the past, some with more severe consequences. Help make your campus safer by following proper storage guidelines for chemicals.

Glass Waste Bottle Ruptures, Possible Reaction of Incompatible Chemical Wastes

Key Instruction Points:

1. Chemical containers should be triple rinsed and dry before being used for waste accumulation.

2. Wear safety glasses, lab coat, laboratory gloves, and non-laboratory work shoes.

A graduate student sitting at a lab computer was surprised by a chemical waste bottle which burst and sprayed nitric acid and shards of glass all over the lab.

Approximately 2L of nitric acid waste had been accumulated in a chemical waste bottle which originally contained methanol. Over the course of 12-16 hours, it is likely that some residual methanol reacted with the nitric acid waste and created enough carbon dioxide to overpressurize the container. Two other waste containers in the hood were severely damaged and several others were cracked or leaking.

Fortunately, the laboratory worker was not injured.

Chemical containers should be triple rinsed and dry before being used for waste accumulation. Safety glasses should always be worn while in the laboratory, even while performing non-laboratory work.
Mixing Diaminopropane and Potassium Hydride

A Post-Doctoral Fellow was adding 100ml of Diaminopropane to 150g of Potassium Hydride in a 2L, 3-necked, round-bottomed flask while under Nitrogen. As she was adding the Diaminopropane, the reaction began to foam and fill the flask. As she was replacing the stoppers, the mixture built pressure and then splashed her right arm, left wrist, face, and neck.

What can be done to prevent this from occurring again?

Before setting up an experiment, thoroughly investigate the properties of materials involved. If you are unsure, ASK! Potassium Hydride is an extremely reactive species. For this particular reaction, 150g of hydride could generate nearly 60L of hydrogen gas at STP!

Here are some general recommendations:

1) This was a large scale reaction. The Post-Doc, who had never done this reaction, should have started out with very small quantities and then scaled-up (by no more than a factor of 5 each time).

2) Rather than adding the Diaminopropane to the hydride, add the hydride to the amine. By slowly adding the hydride, you can control the reaction and the subsequent foaming (resulting from the hydrogen gas). It would also be a good idea to have a cooling bath on a lab jack underneath the flask in order to slow the reaction down...just in case.

3) When working in the fume hood, keep the sash as far down as possible at all times. If you have to lift the sash to make an adjustment, use a safety shield (as appropriate) and/or use a face shield (in addition to your safety glasses).

Two Explosions Involving Aqua Regia
1. Use a reagent that is milder than aqua regia for cleaning glassware if it will suffice.

2. Do not take aqua regia out of the fume hood in which it was prepared, and do not store it there either; make only what you need and destroy the residue. Aqua regia can be destroyed by cautious and careful dilution with water—talk to your supervisor or your safety office for a detailed procedure. If necessary, the solution can then be neutralized and disposed of in the approved manner.

3. Never put aqua regia in a closed container or near flammables.

There have been explosions involving aqua regia (a mixture of hydrochloric acid and nitric acid) reported at two universities. Both of the incidents took place in chemistry laboratories.

In the first incident, a graduate student was using aqua regia for the cleaning of NMR tubes. When he was finished, he placed the residues (about 50-60 ml) in a 4 litre waste bottle, capped it tightly and placed it in a flammable storage cabinet. Approximately one hour after the bottle was placed in the cabinet, it burst, breaking an adjacent bottle of pyridine. Luckily, the pyridine did not ignite and other nearby bottles containing flammable solvents did not become involved. The pyridine leaked onto the floor, where it dissolved floor tiles and created a lingering bad smell.

The second incident occurred in a fume hood in a synthetic chemistry laboratory. A tightly closed waste bottle containing used aqua regia exploded, most probably due to pressure buildup inside the bottle.

Since the sash was not completely closed the broken waste bottle was not contained. Broken glass as well as some liquid acid waste were thrown out of the hood. Since nobody was near the hood at that moment, there were no injuries. Moreover, a nearby bottle of mercury nitrate waste was also broken as well as the secondary container, so that a small spill (less than 1 liter) of liquid acid and solid mercury nitrate occurred inside the hood.

What is aqua regia?

Aqua regia has been used by chemists for centuries,
especially as a medium for dissolving noble metals but also for other purposes. It is a mixture of concentrated hydrochloric and nitric acid which forms a powerful oxidizing medium. Mixing an oxidizer with organic materials may result in a highly exothermic reaction. Even without other materials present, a chemical reaction occurs slowly and brown fumes of NO₂ can be observed (in freshman chemistry terms, nitric acid is reduced and hydrochloric acid is oxidized). The activity as a dissolving agent decreases slowly and so, by definition, the solution is unstable - it should be used "freshly prepared".

Rules for using aqua regia

Aqua regia is often used as a substitute for chromic sulfuric acid cleaning solutions. However, aqua regia is also corrosive and strongly oxidizing. It is essential for some purposes but should not be used for routine cleaning of glassware. If a milder reagent will suffice avoid using aqua regia. Alternatives include ultrasonic baths, alconox or similar detergents, Pierce RBS-35 (available from VWR) or similar detergents or biodegradable surfactants.

Be aware that sufficient pressure can build up in a short amount of time to burst the container, even from a very small volume of aqua regia.

If it is decided that aqua regia is needed, wear protective clothing (goggles, gloves, coat) and work in a clean well-ventilated fume hood. Keep the sash down when reactions are in progress. Never take aqua regia out of the hood.

Prepare it, use it, and destroy any excess in the hood in which it was prepared.

Only prepare the amount of aqua regia you need for immediate use. Never store it and never put it in a closed vessel, since evolved gases will cause a pressure build-up and possible explosion.

Aqua regia is a strong oxidizer. It is incompatible with organic solvents, flammables and any reducing agents.

Lack of Venting
Explosions (top)

Alert: Formic Acid Explosion and Explosive Laboratory Chemicals The Australian University, Human Resources Occupational Health and Safety, December 1997

Piranha (Hydrogen Peroxide/Sulfuric Acid) Explosion (top)

Piranha solutions are used to remove organic residues from substrates. Two different solutions are used. The most common is the acid piranhaa 31 mixture of concentrated sulfuric acid (H2SO4) with hydrogen peroxide (H2O2). Also used is the base piranhaa 31 mixture of ammonium hydroxide (NH4OH) with hydrogen peroxide (H2O2). Both are equally dangerous when hot, although the reaction in the acid piranha is self-starting whereas the base piranha must be heated to 60 degrees before the reaction takes off.

Recently, a research laboratory experienced an explosion due to storage of a sulfuric acid/ hydrogen peroxide solution in a closed, incompatible container. No one was actually in the room when the failure occurred. Several labs use this mixture to perform ultra cleaning of cover slips. The container catastrophically failed due to pressure build-up within the container and breach of the container itself. This caused the mixture to splash and spray within the fume hood and across the room (the fume hood sash was open).

Safety Reminders For Use of Sulfuric Acid/Hydrogen Peroxide Mixtures

- It is problematic to dispose of piranha because the waste continues to react and decompose for a long period of time. This builds up pressure in the waste bottles, causing them to burst. For this reason, consider using a commercially stabilized version of Piranha, such as Nanostrip (http://www.cyantek.com/htm/nano-strip.htm).
- Do not store piranha. Mix only enough fresh solution for each use. Excess solutions should be disposed via the drain, followed by flushing with copious amounts of water.
- Leave the hot piranha solution in an open container until cool and then provide for venting.
- Personal protective equipment when working with piranha solution includes a full face shield, heavy duty rubber gloves (regular Nitrile gloves will not provide sufficient protection), as well as an acid apron to wear on top of the lab coat.
- Whenever handling Piranha, only use glass containers, preferably Pyrex.
- In preparing a solution involving an acid, always add the acid last. The exception to this rule is Piranha, in which case you add hydrogen peroxide to the sulfuric acid.
- Piranha solution is very energetic and potentially explosive. When being made it is very likely to become hot, more than 100 degrees C. Handle with care.
- Substrate should be rinsed and dried before placing them in a piranha bath. Piranhas are used to remove residues of photoresist and acetone, not the compounds themselves.
- Adding any acids or bases to piranha or spraying it with water will accelerate the reaction. This includes photoresist, which is a strong base.
- Mixing hot piranha with organic compounds may cause an explosion. This includes materials such as acetone, photoresist, isopropyl alcohol, and nylon.

**Refrigerator/Freezer Explosions**

A large flask containing a mixture of pentane and acetone in 2 - 4 liter flasks was stored in a standard refrigerator. When there was nobody present the refrigerator exploded, blowing out windows (see photos below) and causing a fire.

**Lab Freezer Explodes**

Key Instruction Points:

1. Flammable liquids must only be stored in refrigerators which have no internal ignition sources.

**Incident Description:** Many small tubes of petroleum ether were stored in an ordinary domestic freezer. The tubes were not sealed well and over time the petroleum ether evaporated in sufficient quantity that the concentration exceeded the low explosive limit, about 1.0%. A spark from an internal component caused the freezer to detonate. (Photo)

**Injuries and property damage:** There were no personal injuries as the explosion took place at night. There was $11,000 damage to the room and $25,000 damage to equipment in 1982 dollars. This would be well over $250,000 in 2001 dollars. Along with the freezer, one liquid scintillation was destroyed and another was seriously damaged.

**Primary cause of the incident:** Petroleum ether, a very flammable liquid* was stored in an ordinary domestic freezer which has components (e.g., thermostat, light switch) which generates sparks. This apparently caused the vapor of the liquid to detonate.

*With a flash point as low as -56 0F, petroleum ether is classified as a Class 1A flammable with an NFPA 704 fire hazard rating of 4.

**Recommended Corrective Action:**

1) All materials with a flashpoint below 100 0F may only be stored in a UL approved flammable materials storage refrigerator or freezer. These units do not have any internal ignition sources.

2) All ordinary domestic refrigerators and freezers must be labeled with the phrase "No materials with a flashpoint below 100 0F may be stored in this refrigerator/freezer."

Lab supervisors must vigorously enforce both of the above items.
Semiconductor Experiment Explosions
(top)

Failure to Manually Purge Hazardous Gases (top)

Key Instruction Points:

1. Don't rely on procedures - insist on engineering controls.
2. Use engineering controls to protect against unforeseen hazards.

An experienced physical scientist (Ph.D. 15-20 years) at an industrial research lab used hydrogen and phosphine gas, along with other materials, in a metal organic chemical vapor deposition system. This was a slightly modified commercial system that operated at atmospheric pressure. The reactor was contained in a secondary enclosure with exhaust ventilation and toxic and flammable gas detection equipment linked to automatic gas shutoff valves. The equipment operating procedure involved a manual inert gas purge prior to flow of hazardous gases. When considering a modification of the system to make the purge process automatic, the manual procedure was thought to be acceptable since the only one who operated the system was the physicist who bought and built the equipment and his coworker who was also experienced and trained. The addition of the automated purge feature was considered an unnecessary hardship. Three months after startup an overpressurization of the reactor occurred, cracking the glassware and leaking the gas into the secondary containment. The gas monitor detected the leak and caused automatic shutdown of gas flow. No gas escaped secondary containment. The physicist indicated that he had forgotten the purge step of the process.

Corrective Action - The physicist modified the equipment to include an automatic inert gas purge. This involved very little time and expense. This incident is consistent with other mishaps in which highly intelligent, experienced, and well trained
personnel miss a critical step in the process. The need for engineering controls for high hazard processes was emphasized in employee training and hazard reviews.

Revision Date: 12/8/2004
url: http://www2.umdnj.edu/eohssweb/aiha/accidents/explosion.htm

Disclaimer
American Industrial Hygiene Association
2700 Prosperity Ave., Suite 250
Fairfax, VA 22031
(703) 849-8888 (703) 207-3561 fax
March 20, 2006

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Reference: Comments on the U of R (University)
Draft Generic Environmental Impact Statement - IPD Rezoning

Dear Honorable Board Members:

Stantec Consulting Services has reviewed the above referenced DGEIS and offer the following comments, questions and concerns.

Overview of the Action:

The proposed action by the University is the rezoning and incentive zoning of the "Rezone Property" from Residential to Institutional Planned Development (IPD). Much concern has been expressed by the Town Board and Planning Board over the need to develop a master plan for the site. The greater issue pertains to questions over the types of uses allowed under the requested zoning and the numerous unknowns (and subsequent impacts) associated with these allowed uses.

Even if the University submitted a more detailed master plan (i.e. so much administration, so much research, types of research, so much education. etc.) under the IPD zoning, without additional Town review, there is nothing that would prevent the conversion of these buildings to other uses in the future. The research building could be converted to educational uses, which would generate a higher volume of traffic. The administrative building could be converted to research uses that the Town, if known at the outset, may have wanted to be placed further from the residential areas. These changes may only require a simple building permit to modify the interior office space. Thus, the resulting issue/concern is the Town's ability to maintain control over what is or will be developed over time.

Therefore, we recommend that each building and site plan submitted for Town approval be restricted to the use(s) (i.e. semi-zoning) being requested and that any change in use will require subsequent Town approval. The mechanism for these approvals needs to be developed in the Master Plan (i.e. uses, standards, requirements, etc.).
Traffic/Transportation Network

Given the various future unknowns regarding the types of uses to be built, when they will be built, how fast other traffic may increase over time and when NYSDOT improvements to the I-390 Interchanges will be opened, we concur that the assumptions made in the DGEIS are reasonable and the traffic analysis trip generation, distribution, growth in background traffic and the traffic analysis method used are acceptable. The study results provide the Town of Brighton with the information needed to make a reasoned decision on the request to re-zone this site and to determine possible traffic impacts on the adjacent highway network.

The traffic analysis is based on mix of possible uses on this site (some high traffic generator, some low), and indicates the following results that would occur.

- Traffic attracted to this site will be attracted from all parts of the region and that the vast majority of this traffic will use the regional expressway system (85%). As such, the traffic impacts of this proposed development on local streets and arterials will be minimal, except along the development frontage and I-390 interchanges with these arterials;
- Some development could occur on the site prior to NYSDOT's planned improvements to the I-390 interchanges (around 250,000 sq. ft. of the mixed uses analyzed);
- With currently planned improvements by NYSDOT to the I-390 Interchanges (estimated to occur in 2009), additional development could occur on this site (around 1.0 million sq. ft. of the mixed uses analyzed);
- After development of 1.0 million sq. ft. of the mixed uses analyzed, that additional improvement to the expressway interchanges would be necessary, possible even the addition of another I-390 southbound on and off ramp to Kendrick Road (as was analyzed in the DEIS);
- At the numerous non-expressway intersections that were analyzed, improvements can be made (ranging from improvement traffic signal timing to adding additional vehicle turn lanes) that can accommodate both the forecasted growth in traffic over the next 20 years and traffic attracted by this development and still maintain reasonable levels of traffic operations; and
- The traffic impact of full development of the site on East River Road west of Kendrick Road would add approximately one additional trip per minute (55 trips) during the peak travel hour.

Based on Stantec's review of the DGEIS, we offer the following "summary of comments" followed by a more detailed explanation and basis for our recommendations:

1. Any benchmarking as to the size allowed (square footage constructed) either prior to NYSDOT improvements, after NYSDOT improvements or with the full development size requested (1.9 million sq. ft.), should be tied to the maximum number of trips allowed to be generated with each of these sizes. The need to tie square footage to the maximum number of trips that can be generated, is because allowable uses requested in the re-zoning are both high-traffic generators and low-traffic generators. For example, 100,000 sq. ft. of educational uses will generate over 5 time the volume of traffic that this same size development was for storage/services uses. (Our recommendations as to what these volumes should be are provided on the next page.)

2. The University should be responsible for either constructing or seeing that these highway improvements are constructed, associated with the following highway improvements identified in the DGEIS:
   - Widening of East River Road to provide additional travel and turn lanes;
   - Relocation and widening of Murlin Drive Opposite Kendrick Road;
   - Widening of I-390 eastbound off-ramp to West Henrietta Road to add lane(s), if necessary after NYSDOT currently proposed improvements are constructed;
Widening Kendrick Road at East River Road to add an additional travel lane;
Widening West Henrietta Road on its' northbound approach to East River Road to provide a second left turn lane;
Adding a second right turn lane on the I-390 southbound off-ramp to East River Road.
Improvements associated with the developments access points to East River Road.
Modification to or installation of traffic signal at the developments access point or other intersections for which the applicant is responsible for highway improvements; and
Constructing a new I-390 off and on ramp from Kendrick Road or other modifications to the expressways interchanges that might be identified to accommodate the proposed full development of this site under the re-zoning.

3. The University should not be responsible for other highway improvements, other than those intersections associated with those identified in #2. Our review indicates that all of the other improvements identified in the DGEIS are the result of background growth which the proposed development would add no notable additional traffic;

4. As real development becomes known on the site, a traffic analysis should be prepared using updated traffic counts and a more sophisticated traffic modeling techniques, such as CORSIM, that can more accurately identify the traffic impacts and delays associated with traffic backups and blocking of through traffic. Traffic signal timing should be adjusted to reflect the additional time for pedestrians to cross widened road, also;

5. Since the DGEIS has demonstrated that the traffic impacts of the proposed development are limited to East River Road and the I-390 expressway interchanges, the future updated traffic counts and analysis should include the expressway interchanges and the next traffic signal controlled intersection, both north and south of these interchanges, as well as intersections along East River Road and Kendrick Road.

The full build-out of the site (as requested in the DGEIS) would be approximately 1.9 million sq. ft. of mixed uses and would generate approximately 2,633 trips during the morning peak travel hour. If benchmarked to this traffic volume, 1.9 million sq. ft. of research or storage/service uses could be developed and not exceed this traffic benchmark. However, 1.5 million sq. ft. of administrative uses or as little as 900,000 sq. ft. of educational uses where developed, this traffic benchmark would be exceeded.

To address this wide variation in traffic associated with various development sizes and uses, we recommend that the following issues/actions be addressed in the Master Plan as recommended by the Planning Board.

1. Any approval of development sizes should be tied to the maximum number of trips that the entire development or any phase of the development will allowed to generated;
2. As each proposed development on this site is submitted for approval, that updated traffic counts and a refined traffic analysis method be used to identify the actual traffic impact for the specific use(s) requested and in comparison to those stated in the DGEIS;
3. It will be the University’s responsibility to either make the necessary highway improvements required to allow safe and effective traffic movements along East River Road and Kendrick Road by either making these improvements or finding a sponsor to make these improvements prior to allowing additional development to occur;
4. Any development prior to NYSDOT planned improvements beyond 250,000 sq. ft or total development traffic generation of 350 vehicles per hour during the morning peak travel hour, should not be allowed without prior review by both the NYSDOT and Monroe County DOT;
5. The approved development size should be capped at 1.0 million sq. ft. or a maximum of 1,400 trips generated during the morning peak travel hour, until such time that acceptable additional expressway interchange improvements can accommodate traffic volumes beyond this level are identified and programmed;

6. The Right Of Way required for highway improvements to mitigate the impact of this development and under control of the applicant, including any additional improvements to the expressway interchanges, should be identified prior to any approval of development on this site and set aside to allow these improvements to occur when required; and

7. Under no circumstances, no matter what the approved development size, should this site be allowed to generate more than 2,600 vehicle trips during the morning peak travel period, without prior approval of the Town of Brighton, after being reviewed by NYSDOT and Monroe County DOT.

To address these possible wide variations and their un-knowns, the Town Board could, as recommended by the Planning Board, phase the rezoning approval based on a master plan for future development.

**Water Resources, Stormwater Runoff**

1. Mr. Thomas Greiner stated during the March 8, 2006, Public Hearing that the U of R has plans/recommendations for mitigating existing drainage deficiencies on the property. This plan should be presented to the Town together with any other information on the environmental impacts of this plan.

2. On page 16 and Figure 9 – References to parcels, properties and pods are confusing, making it difficult to reference the text to the respective figure.

3. Figure 13: Ponds 2 and 3 need to be labeled.

**Terrestrial and Aquatic Ecology**

- There is inadequate justification for requesting the ability to develop up to 75% of the woodlot EPODS. Please identify which areas of the property are better or worse than the others pertaining to the extent of woodlot coverage, condition of the trees, and by the number of significant trees within each area. How can the proposed incentives for the Woodlot EPOD’s be implemented? Provide a map of the Woodlot EPOD boundaries, including where significant trees are located;

- Explain how and where the University proposes to provide on-site wetland mitigation. Given the extent of both federal and future NYSDEC jurisdictional wetlands present throughout the property (along with 100-foot buffer zones) and the assertion that up to 1,935,000 square feet of development at full build-out can occur, not all wetlands can be completed avoided. On-site wetland mitigation areas should be identified and discussed now so that they can be reserved for that use and not incrementally lost as the site is developed; and

- Given the NYSDEC’s intention to amend the Freshwater Wetland Map to add Wetland G to BR-19, all references and statements regarding Wetland G need to be revised accordingly.
Land Use and Zoning

- A listing and description of proposed Performance Standards should be provided. Again, an identification of the proposed uses and their respective locations is needed in order to review the respective performance standards.

- Please discuss the extent of screening, buffering and landscaping needed to effectively reduce visual impacts. While the photosimulations display the effectiveness of the natural buffers and vegetation provided within the setback, please expand the discussion to include the location and how additional screening and buffering options will further reduce visual impacts to the neighbors. Discuss how light spillage onto adjacent properties can be avoided and incorporated into future reviews.

- Please provide the locations of where the supplemental planting areas (as referenced on p. 73 of the DGEIS) will be located. Will the buffer areas and supplemental planting areas be placed in a Conservation Easement? If not, how will these areas be protected from future development?

- Where would the initial 250,000 SF of development likely occur given that most of the property cannot be developed until after the NYSDOT roadway improvements are constructed? What uses are anticipated for the initial development?

- If the land south of Crittenden Road that the U of R proposes to donate is not accepted by the Town, how will the land be used? How would the usage of this land affect the overall density of the property?

Historical and Archaeological Resources

- We concur that a Stage 1 Cultural Resource Survey needs to be conducted prior to the development of specific land areas. Documentation of the proposed sponsor's coordination efforts with the New York State Office of Parks, Recreation and Historic Preservation shall be provided to the Town of Brighton as part of each Site Plan application and subsequent SEQRI review.

Utilities / Energy

A reference to the Monroe County Water Authority's concurrence that they have reviewed the reports and agree with the conclusions should be provided to the Town.

Appendix E – Water Supply Report

1. Label property #12 on FW-2.

2. In Pod #9 on FW-2, shift the building area off of the existing watermain or show the watermain to be relocated.

3. On page 4, section 4a., Pods 1 & 2 – 6" diameter pipe is referenced in the text while an 8" diameter pipe is shown on the figures. Which is correct?

4. Pod #3 – Show the existing 8” watermain along West Henrietta Road on figure FW-1.

5. Pod #9 – Reference is made to properties 9 and 11. Is “properties” the same as “Pods” and where is number 11?
6. Under the impact of Rezoning calculations: For the Rezoning scenario, only on building was included in the fire demand calculations, yet fires in 2 to 3 locations were assumed under the Current Zoning and Town Comprehensive plan scenarios. A more accurate comparison would have the same number of fires in each scenario and hydrant flow should also be included in the institutional demand.

Appendix F – Sanitary Sewer Report

1. On drawing FS-1, show the MCPW property boundaries for the Brighton No. 5 Pump Station. Adjust Pod #2 development area so that no impact to the Pump Station property is indicated.

Community & Neighborhood Character

Provide a table showing the proposed density by buildable area and by parcel. Identify and include recommended performance and development standards needed to reduce/preclude impacts from the proposed uses and development to adjoining property owners.

Police/Fire/ Ambulance Service

We concur that a P.I.L.O.T. program is a viable option for the U of R to meet its fair share of emergency response services needed for an institutional development. The University should provide the Town with current and historical documentation of the number and types of emergency service calls when they apply for specific development of the site.

Sincerely,

STANTEC CONSULTING SERVICES INC.

[Signature]

William C. Holthoff
Senior Associate
Tel: 585-475-1440
Fax: 585-427-9124
bholtthoff@stantec.com

c: Ramsey Boehner, Environmental Review Liaison
Dear People-

My wife & I are opposed to any new buildings on the E River Road Campus of the UofR. We have lived in our home since October, 1993 and have enjoyed the serenity of the neighborhood.

As many of our neighbors have spoken before you, there is nothing we can add to their comments. Our concerns include:

- emissions output
- night lighting (persistent acc. over E River Rd. & W Home)
- more traffic (we can't get access to our street 4-5 M-F)
- secrecy of the UofR in not indicating immediate needs & what they plan on doing
- wildlife impacted (we've counted about 6 deer in the area next to the basse lab, several geese & ducks, 3 oz sq. wood ducks, and 1 fox. They can't speak for their land.

We trust & pray you will consider the tax-paying citizens of this district when making the final decision regarding the UofR project.
Sincerely,

John Paul & Elisa Mlynar
275 Sylvia St
Rochester, N.Y. 14623
Proposed University of Rochester development

March 20, 2006

Dear Town Board:

My husband and I have been residents of the West Brighton neighborhood and will be directly affected by the UR proposal. We have lived on Doncaster Road since 1982, and have tolerated unpleasant aspects of this environment.

Traffic congestion, poor air quality, ugly building structures, water drainage problems have been a continuous downside. It is a fragile balance for wildlife and humans.

Our main concern is property value. We fear the proposed building will jeopardize the character of the neighborhood thus lowering the resale value. We would be forced to consider moving if UR is allowed to re-zone and build.

I enjoy the wildlife and areas of forest adjacent to our property, and value the open areas of land. Please do not give preference to "business" over residential. We are the fabric of this community!

Thank you,

Carol Acquilano & Tom Ferrarone
March 16, 2006

Ramsey Boehner ERO
Town of Brighton
2300 Elmwood Ave
Rochester NY 14618

Dear Mr. Boehner,

My major concern is the impact on the growth of a non-tax paying organization. This includes property, school community, etc.

The larger this organization grows, the more taxes we property owners must pay to support it, not to say how things about paying for its employees children to go to our school system.

Please fix the problem.

James E. Laughlin
Melanie Warren  
844 East River Road  
Rochester, NY 14623  
March 19, 2006  

Town of Brighton  
2300 Elmwood Avenue  
Rochester, NY 14618  

Dear Ramsey A. Boehner, Environmental Review Officer  
Sandra Frankel, Tom Lowe, and Brighton Town Board,  
There are many concerns for our neighborhood in regards to the U of R proposal for the rezoning of Residential to Institutional in West Brighton. I will concentrate on the effects of traffic. On 1-19-06 I talked to an engineer with Flynt, Bradley, and Allen who did the study.  
The traffic analysis for East River was done in 2000 which legally did not have to be updated for this study. East River is a well travelled corridor for RIT and U of R faculty, students, and many other commuters getting to and from Jefferson Road or West Henrietta Road. The speed limit is 30mph and is not obeyed and hard to enforce due to lack of radar enforcement. The Police agencies have many duties and radar often is not a top priority. The following facts are submitted so we can understand the already existing problems with gridlock, accidents, and traffic flow before we create anymore. The ADT or Average Daily Traffic is  
*6,500 autos 2 way, in 24 hours, heading west from Kendrick Road on to East River  
*18,000 autos 2 way in 24 hours, heading East from Kendrick Road on to East River  
*17,500 autos 2 way in 24 hours, heading on Mt. Hope Avenue or West Henrietta Road to Westfall which brings us to the corner at East River where all this traffic converges. This corner has one of the highest ratio of accidents in the county. Lack of proper planning did not see the growth of
cars for this area and have made it very unsafe and very fast moving with no where to go.

There is also a proposal buried in the study;
* to make travel northbound on West Henrietta Road to westbound on East River Road would be eliminated.
Basically we would not be able to make a left hand turn onto East River Road.
So we would not be able to enter our own neighborhood.
Another thing to consider is as Strong Hospital constructs another building on Crittenden Boulevard that will mean more traffic for East River Road. Also U of R has plans in the future to close part of Crittenden Boulevard which will mean more traffic on Kendrick to East River. I also have concerns with U of R and their way of changing a neighborhood without truly understanding their impact on home values, parking issues, and the spirit of a neighborhood as we are the tax paying citizens. On Crittenden Boulevard 3 pedestrian right of ways were put in and on Elmwood Avenue 2 pedestrian right of ways were put in with no input from neighbors. I use these examples to bring up the point of how many students and faculty will be walking to the proposed institutions and will East River Road be transformed for only U of R's benefit?

Especially with Town of Brighton concentrating on preserving green space particularly with wetlands and the beautiful and historical Genesee Valley Park by Frederick Law Olmstead in our neighborhood we need to preserve the beauty of the space. Let us remember Uof R is only part of the Brighton community they must follow the same rules and regulations we are all held to and work for the benefit of the whole community not just their own agenda. As was written in the Democrat and Chronicle Outlook in February 2006 "You're going to see an increased emphasis from the U of R on how we can appropriately facilitate startups, technology transfer and other forms of appropriate commercialization" said Joel Seligman. Will U of R be subletting this property
to other companies and will we have any say once papers are signed? With this request of Residential land to
Institutional so close to our homes and such an impact on our lives we must take time and close scrutiny to their plan.

In closing the corner of East River Road and West Henrietta Road and its' high accident rate need to looked at closely. Also we need to look at the impact of traffic when the Mt. Hope Avenue and East Henrietta Road Improvement Project begin in a few years, (cty project #09191). As this all impacts traffic flow, speed, volume of cars, and accidents in our neighborhood and our quality of life. Also what will be the increase of pedestrians on this busy road and their safety?

Sincerely

Melanie A Warren
March 20, 2006

Ramsey A. Boehner,
Environmental Review officer
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Dear Mr. Boehner:

On March 8, 2006 I delivered the attached comments at the Public Hearing regarding the DGEIS for the rezoning/incentive zoning of the University of Rochester south campus to Institutional planned Development District (IPD). I now offer the following additional conclusions and recommendations.

After careful review of the DGEIS and hearing of citizen testimony at the hearing I remarked I was astonished at what I had learned. First and foremost, I was concerned over the failure of storm water management on existing properties already developed by the University which causes chronic uncontrolled flooding directly impacting downstream properties occupied by ordinary town residents.

Upon further review, what’s equally remarkable, the University offers little or no recognition of substantial storm water problems impacting residents. In fact, the University asserts that adverse impact on downstream properties is minimal or negligible. The University reductionist claim that its contribution to runoff is lesser and that flooding is only occasional flatly contradicts citizen testimony and dated photographs. In short, scientific findings by University fail to square with long term and documented experiences by residents.

The glaring absence anywhere in the lengthy University document of a drainage plan for its proposed development, is an even more astonishing omission. It’s absence is tantamount to claiming, that current reported flooding does not exist, the proposal to develop 2 million square feet more in this sensitive low lying area should have little or no additional impact, and there is no need to provide a drainage plan to substantiate either of these claims. An incredibly circular argument appears in the middle of the University’s discussion of runoff which basically states there will be no additional downstream runoff because the town does not allow it. Even more remarkable, the University confirms that it has not grasped the enormity of the problem discussed above, by stating that more study is needed.

The sizeable errors and omissions in the report lead me to conclude that the University would best serve its own interests by withdrawing its rezoning application, until such time the matters above are addressed credibly: adverse impacts from existing development need to be mitigated, a drainage plan must be prepared, and a master plan for the area should be created in conjunction with the town.

Short of the above independent action by the University, the Town of Brighton has no recourse but to call for preparation of a supplemental DGEIS (SDGEIS) that comprehensively addresses the above matters. The concerns are too substantial to be treated as mere responses to a completed document. They require further review, analysis, and public comment which the above process will allow.

Thank you for your attention to this most urgent matter.

Sincerely,

Jim Hooper
From: Sandra L. Frankel [sfrankel@rochester.rr.com]
Sent: Monday, March 20, 2006 3:44 PM
To: Mary Ellen Petri
Cc: Susan Kramarsky; Laraine Albers; Thomas A. Low; ephmanbill@aol.com
Subject: Fw: U of R

Hi Mary Ellen,

Thank you for sharing your views on the proposed rezoning of the Univeristy of Rochester land in West Brighton. We will enter your comments into the record of the public hearing, and the town board will consider your comments carefully.

Sincerely,

Sandy

--- Original Message ---
From: Mary Ellen Petri
To: Sandy Frankel
Cc: jvogel@rochester.rr.com; jnNovros@aol.com; rrthree@aol.com; sskraus@frontiernet.net
Sent: Monday, March 20, 2006 2:54 PM
Subject: U of R

Hi, Sandy. Just want to share my thoughts with you regarding the U of R and West Brighton. I guess I am wondering what the Town will get in return for rezoning all that land. 45 acres on Crittenden Road does not even begin to make up for what we will lose. I am upset that more land will be coming off the tax rolls and more Town services (roads/road maintenance, sewers, police, emergency, etc.) are used. I know there are pilot payments, but in my mind, that doesn't even begin to make up for what we lose. I am worried about our future. More and more of Town property is being bought by different groups and all of them seem to be tax exempt. How much can one Town absorb? I had friends recently move from Brighton to Sodus Point and one of the reasons they left was because of the "Brighton taxes". It just doesn't seem fair. We have good schools, a beautiful community but more and more young families still seem to migrate away from Brighton. Why is that? I can tell you some of the reasons: lack of new housing, older homes that need tons of work, small lots, high taxes. I am sorry that all the land Faith Temple has purchased could not be new homes. I used to resent all the office buildings here in Town but now I welcome them because they are not tax-exempt and definitely pay their share to be here. It seems to me that there should be a monetary limit, per the population or square miles of a Town, that can come off the tax rolls. When a Town hits that limit, any new proposal for tax-exemption, would have to pay at least 50% of their new/developed assessed value. In the future, when there isn't any land left to develop, and we're just another old inner ring suburb, what then? We will be no better than the City of Rochester and I find that not only disturbing but very sad. Please make the right decision for our Town. So be it, if U of R has to have a west-side campus. Let another town in Monroe County share some of the burden/expense that comes with projects like these. I feel we as a Town have surpassed our limit a long time ago. Thank you for listening.

Sincerely,

Mary Ellen Petri
103 Meadow Drive
30+ years a Brighton resident and proud of it.

/20/2006
March 17, 2006
221 Bastian Road
Rochester, NY 14623

Ramsey A. Boehner
Environmental Review Officer
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Dear Ramsey A. Boehner:

We are aware of the rezoning proposal for Residential to Institutional Zoning submitted by the University of Rochester for its South Campus area in West Brighton. As residents of the Westfall Heights Neighborhood Association, we are definitively opposed to the change in zoning. Our most salient concerns include the loss of wildlife and plant life in the wetland and pond areas along the Lehigh Valley trail, the change in the water table and storm runoff, and increased pollution in the area. This area is rich with plants and wildlife, including turtles ranging in size from quarters to turkeys, myriads of bird species, including birds of prey, waterfowl, and songbirds, a multitude of amphibians, including endangered peeper frogs, and various trees and water plants.

We apply to you to prevent the change in zoning, which would include plans for a build out of almost two million square feet. This would be a catastrophic loss of nature in our community, not to mention the negative ramifications for our neighborhood. Thank you for your careful attention and consideration in this matter.

Sincerely,

[Signature]
Lisa and Kenneth Lindsay
Residents, Bastian Road
March 10, 2006

Ramsey A. Boehner  
Town of Brighton Environmental Review Officer  
2300 Elmwood Avenue  
Rochester, NY 14618

Re: University of Rochester IPD Rezoning

Dear Mr. Boehner:

My comments on the requested IPD Rezoning by the University of Rochester are as follows:

- This area is wild habitat for a variety of species, and as such, irreplaceable. Once it is modified for buildings and parking lots, this habitat, so unique in an urban environment, is lost. The area's wetland and upland environments are significant to the population of amphibians and birds known to live there. Fragmentation of this habitat will have negative consequences for biodiversity in our area.
- Wetlands in the area are important to controlling flooding. People living adjacent to this property commented at the March 8, 2006 hearing that increasing development has caused flooding on their properties.
- Overall quality of life for anyone needing to travel near the area is an important consideration. Hikers on the Lehigh Valley Trail may see buildings and parked cars. Drivers on nearby roadways will experience increased traffic in an area where traffic is currently dense.
- The long time span of twenty years, coupled with only general plans for development provide wide latitude for interpretation, once the zoning change is approved. The Town should retain oversight of each development conducted, as it occurs. In coming years the context for these decisions may drive different solutions, different people will be deciding upon the merits of new developments, and conditions will also change.

If development must occur in this area (I would hope that already developed land could serve instead), my recommendation would be to accept only carefully detailed and phased changes that cause only minimal disruption.

Thank you for considering my opinion.

Sincerely,

Christine Sevilla  
4 Springwood Lane  
Pittsford NY 14534
March 7, 2006

Town of Brighton Town Board
Att. Ramsey A. Boehner
2300 Elmwood Avenue
Rochester, New York 14618

Dear Sir,

Information provided to me indicates the Town of Brighton Town Board is considering a rezoning request by the University of Rochester for 188+ acres. The zoning on this property would be changed from Residential Low Density to Institutional Planned Development. The boundaries of this property are described as follows, North Rt. 390, West former Lehigh Valley Railroad right of way, East West Henrietta Road, South Southland Drive and Crittenden Road.

With in these boundaries is a lot of residential land not owned by the University. This land is already developed as Residential Low Density. These properties will see a reduction of their property values if they are rezoned as requested by the University. I have lived at 181 Furlong Rd. for over 30 yrs and paid property taxes to the Town of Brighton. I am against any rezoning of any property. Currently zoned residential low density property.

Other issues I would like the board to consider are as follows:

The students of the University do not pay any taxes to any town or school district.
I do not think the Board should allow the University to lower the value of property they do not own.
The impact on emergency services, Fire protection, Police protection, Medical EMT services.
The cost for building and maintaining sanitary sewers.
The capacity of the current sanitary sewer treatment facilities.
The traffic impact on current roads in established residential areas.
I am against any change in traffic flow in current established residential streets.
The cost of building and maintaining new roads.

This land is a seasonal wet land and should be protected for wild life habitat.

Thank you for your time and consideration.

Sincerely,

James S. Strong
Dear Town Board Members:

In addition to contributing to the comments submitted by the Conservation Board, I hoped to address you personally on the U of R expansion/rezoning issue at the Town Board meeting March 8, but we were and still are away on our annual cross country trek with our pottery business.

As you probably know, the Conservation Board discussed this proposal during at least four meetings and I think it is correct to say that we could never really understand why the town would want to give away its responsibility of overseeing the protection of this unique land resource.

The Draft Generic Environmental Impact Statement (DGEIS) itself states:

"The occurrence of this amount of relatively wild lands, not in a park system, in as urban a community as Brighton, is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets."(page 24)

Fragmentation of this unique (and irreplaceable) habitat would destroy much of its value. I think this special land requires ongoing attention by the town as development proceeds in the coming decades. Though the University is presently committed to environmentally sensitive development, no one can guarantee what future administrations might deem necessary, and the town, with input from its advisory boards, needs to be able to oversee land use.

The DGEIS is a huge document, vague and even contradictory in parts. (For instance the Ecological Assessment states on page 1 that the site could not comprise habitat for threatened species, but on page 3 it states that it could provide habitat for threatened species. —See this page 3 quote below.)

Other observations in the DGEIS indicate that the wetland and upland likely supports every species of frog endemic to this area, including robust populations of the Western Chorus Frog, which is found only in this section of New York State. And, "Due to the impervious areas of future development, the amount of groundwater recharge at the Rezone Property would decrease slightly."(page 53).

How would this loss of water affect the wetlands and the larger ecosystem of which it is a part? Could the loss be overcome with pervious surfaces? (Pervious surfaces on driveways and parking lots, which would allow water to filter back into the groundwater reservoirs, have not generally been deemed possible in northern climates; however they are now being installed, even in snowy places like Denver, CO and Maryland.)

Also, will the development of surrounding "upland" adversely impact the terrestrial part of amphibian life cycles? Amphibians live ¾ of the year on land, so even if the wetlands are preserved, will there be enough "upland" to support them when they leave the water after breeding?

The site also comprises prime bird habitat:

"The site contains open fields and meadows that could provide habitat for threatened grassland species such as northern harrier..., upland sandpiper..., or Henslow's sparrow..., and listed special concern species such as vesper sparrow... and grasshopper sparrow.... The amount of mature forest habitat on site suggests that species listed as special concern such as red-shouldered hawk..., sharp-shinned hawk..., Cooper's hawk and blue spotted Jefferson's salamander... may be found there."(page 3 of Appendix I – Ecological Assessment Report)

How will this habitat be impacted by the development? Will habitat of threatened species be destroyed?
These are just a few points that I, as a lay person, noticed just in the beginning pages of the U of R volumes. There surely are many more considerations and aspects of the land that have not yet even been discovered. For instance, the consultants who drew up the DGEIS thought that there were no state wetlands on the property, but DEC, when asked for an evaluation, found that there are state wetlands present and will schedule a hearing to formally classify them!

This is a rather major readjustment in the characterization of the property, and it makes one suspect that there are other aspects that deserve a second look also.

Finally, when our Sierra Club Wetland Committee members looked at the maps of the wetlands in the rezoning area, the consensus was that it would be very important to preserve two particular pieces: the interconnected Wetland G North/Wetland G South and Wetland J., along with sufficient upland to support the wetland inhabitants.

The first, the Wetland G No. and So., is a very large wetland, running right along Lehigh Valley Trail and under the power lines. It is a major habitat, and I have volunteered with Charlie Knauf to monitor it as part of the Marsh Monitoring Project this spring. The other, Wetland J, is smaller, but is described by a U of R employee who frequents the land as a “very nice little wetland” that is very productive and doing very well in spite of its of being bounded by East River Road, 390 and the Trail.

In conclusion, I think it is duty of the Town to do all it can to protect and preserve its valuable and irreplaceable wild places. Others will speak of the value of the woodlots, and the EPods that overlay much of the property, but I want to emphasize that wetlands are perhaps the most productive and unique habitats on the earth, and their loss is beginning to be recognized for the tragedy it is. Natural systems will become more and more valuable as they become more and more scarce, and Brighton should keep as much control as possible over the wonderful wild resources it still amazingly has.

Strict environmental oversight should be in place now, and even more so in the future. If the U of R always remains committed to environmentally sensitive building, that is so much the better. Then there will be two bodies, the Town and the University, looking after the welfare of our natural systems, far into the future.

Sincerely,

Sara Rubin
150 Sunset Dr.
Rochester, NY 14618
Verbal Comments delivered at the March 8, 2006 Public Hearing at the Brighton Town Hall Regarding Rezoning Proposal by the University of Rochester for its South Campus area in West Brighton, Monroe County:

Good evening. My name is Jim Hooper and I live at 191 Bastian Rd. I am the president of the Westfall Heights Association in West Brighton but I speak tonight as an individual. In 1978 I served on the Town Wide Drainage Study Committee. I think that is somewhere around twenty-eight years ago. That study is is also rather large document and in comparing it to what I've heard tonight, I see history repeating itself. You will find at the back a survey of over seventy residents in West Brighton describing each one the problems with water, runoff, drainage, and floodplains throughout West Brighton. The problems are not new. And yet 28 years later I am newly astonished at the pictures I saw tonight. I hope you were, too. I'm also a member of the University community and I'm deeply embarrassed. I'm concerned about the statements made by the University tonight. I'm encouraged when anyone says they wish to partner. But to be a partner you have to bring to the table a reputation of responsible behavior and in this case it has to do with embracing what West Brighton is—and doing something now—not telling us how good you will be later.

We need a detailed drainage plan from the university. We do not have it—or anything like it, in fact. The report does not match the experience of the citizens that live on adjacent lands. I would ask you tonight to heed the words of ordinary residents most impacted by university action and inaction and draw your own conclusions about the accuracy of the statements in the DGEIS.
Most importantly, the town needs to know more...much more about actual intentions of the university. What do they actually plan to do? We don't know. Unfortunately after 600 pages we still know almost nothing that we can 'hang our hats on'. Why? I think, in part, because, as the university reported at the December 2005 Information Meeting at 'St Agnes', the River Rd Labs building, that their priorities right now are with the medical center which lies inside the city of Rochester, not with a south campus expansion in Brighton. It's not on the radar screen of this large organization. And so there we have it.

I call on the town to heed what its citizen boards decide to tell you. Consider zoning changes based only on actual need to build not vague and unreal speculation.

Why rezone if there are no plans to actually develop the land? How does this process work for town citizens who want to develop? Does the Town grant a permit to build an entire house when we come in with plans to merely build a bathroom: a bedroom? Of course not. I suggest the town consider taking actions on university needs in phases and act only on parts where the University believes they need to build.

At the end of the day, it is not the community that needs to become part of the University, it is the University that needs to become part of the community.

NOTE: I have a comment for the town. Even if the university should gain partial approval and fulfill its promise to pay its fair share of services, I would expect that 100% of fire service fees would go directly into the West Brighton Fire District, not general funds of the town.
Hi Jennifer,

Thank you for sending me your comments regarding the University of Rochester's environmental review. I will forward a copy to Susan Kramarsky, Town Clerk, to be entered into the record of the public hearing, and I will also send your email to the town board, Tom Low, and Bill Moehle.

Sincerely,
Sandy

—Original Message—
From: Jennifer Ries-Taggart
To: sfrankel@rochester.rr.com
Sent: Thursday, March 16, 2006 12:13 PM
Subject: Proposed U of R Rezoning

Hello, Sandy. Congratulations to you and the board on the recent completion of the new town lodge in Buckland Park. It looks beautiful; you all must be proud.

On to the business at hand...
I said the following at the 3/11/06 town hall meeting re: the proposed University of Rochester rezoning from residential to institutional planned development.

"Hello, Sandy, board members, counsel et al. My name is Jennifer Ries-Taggart and I live at 1400 Crittenden Road. I'm the new kid on the block, having lived there for five months now. Last summer, in the course of researching the University of Rochester presence in my potential backyard, a self leveling pond, called a SWM on the map (storm water management), was reflected in the map that was filed at that time at the town hall.

The current map at the town hall no longer shows the pond. Interestingly enough, the 50,000 square foot building, however, that was behind the pond is still there.

I would ask the town board to seriously consider if this kind of bait and switch is occurring during a time when the University of Rochester is pursuing a rezone, what kind of recourse will Brighton and its residents have once the rezone is a fait accompli?"

Note: During the break following the hearing, I spoke to the two University of Rochester representatives who were present. Although I do not recall their names, one was the white haired gent who is a University of Rochester attorney and the other man I believe is an architect with the University (not Paul T.). They told me that each map shows completely different things and that the July 2006 map and the current one are overlays of each other. I don't buy it. All I know is that the 50,000 SF building, with adjoining parking lot is present on both maps and that the most current map, however, does not reflect the pond I was initially led to believe would be in front of the building. I have copies of both maps if you'd like to see this interesting phenomena.

We also discussed the 100 foot buffer, which you and I know is absolutely nothing. The town hall meeting is probably 100 feet, from front to back. That works for a meeting room. It does not, however, work as a buffer for a 50,000 SF building/parking lot that's looming in your back yard.

I concluded that we would have to agree to disagree and that, although they have a job to do, I have a house

3/16/2006
and a lifestyle to protect.

I continue to bring up the disappearing SWM as an example of what we can expect in the future. Actually, upon reflection, this has already happened. What other negative changes can we expect?

Sandy, there are so many vital significant aspects to consider, including, but not limited to, biohazard, drainage, traffic pattern, wildlife and Lehigh Valley trail implications. I will leave this with the experts to report on for now; however, none of these concerns could possibly be positively impacted by 188 acres of planned institutional development. The area in question is a balanced ecosystem that needs to be protected by fair, clear minded leaders who are interested in protecting the rights of their constituents and the future of Brighton.

Sandy, please disseminate this message to the town board for their consideration, as well as place in the public record. As always, thank you for your time and attention in this matter.

Jennifer Ries-Taggart, Director
Chili Public Library
3333 Chili Avenue
Rochester, New York 14624
PH 585-889-2200 Ext. 110
FAX 585-889-5819
jtaggart@libraryweb.org
Mr. Timothy E. Keef, P.E., Town Engineer  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: University of Rochester – IPD Rezoning DGEIS  
Town of Brighton  
Monroe County Pure Waters’ (MCPW)  
Irondequoit Bay Pure Waters District (IBPWD) & Rochester Pure Waters District (RPWD)

Monroe County Pure Waters (MCPW) has been notified by FRA Engineering, P.C. of the proposed rezoning and reentive zoning of the University of Rochester’s (University) “South Campus” in the Town of Brighton. In addition, we have been informed that as a result of this proposal, the Town of Brighton is requiring the University to monitor sanitary sewer flows to determine available capacity in the Town’s sanitary sewer system that will be impacted by the University’s South Campus. The sanitary sewage from the area of the proposed rezone property is collected at the IBPWD “Brighton No.5” pump station near the corner of East River Road and Kendrick Road and is then conveyed through a 12” diameter force main to a RPWD 24” diameter sanitary sewer on the University’s property in the City of Rochester on the north side of the Erie Canal and west side of Kendrick Road. Please refer to the attached map. In conjunction with the flow monitoring study of the Town’s sanitary sewers, the RPWD will require the University to include the monitoring of the RPWD sanitary sewer flows downstream of the Brighton No. 5 force main to determine available capacity in the RPWD sanitary sewer. Suggested flow monitoring locations are noted on the attached map.

If you would like to discuss further, please contact me at 760-7610 x7066. Thank you.

Sincerely,

Kevin Quinn  
MONROE COUNTY PURE WATERS  
Office of Development Review
Supervisor Sandra Frankel  
Town of Brighton  
2300 Elmwood Ave.  
Rochester, NY 14618

Feb. 20, 2006

Dear Sandy,

Regarding the University of Rochester’s DGEIS and rezoning application for 180+ acres in west Brighton from RB to IPD:

It is clear that this is a large valuable wetland. As the DGEIS states: *The occurrence of this amount of wetlands not in a park system in an urban community as Brighton is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets.*

Much of our newly acquired open space in Brighton is devoted to athletic fields. Corbett’s Glen Park while wild and scenic, does not have the wide large variety of wild species especially the endangered amphibians, and does not have the surface water purification benefit of a large wetland as this parcel does.

The valuable wetlands on this parcel have not yet been classified or added to the DEC wetland maps.

I think it is essential for the Town Board to hold approval of the DGEIS and consideration of the U of R’s rezoning application at least until the DEC has had the opportunity to classify and add these wetlands to their wetland map.

Cheers,

cc Scott Jones DEC region 8
March 8, 2006

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, N.Y. 14618

RE: Planning Board comments regarding the DGEIS for the rezoning/incentive zoning of the University of Rochester south campus to Institutional Planned Development District.

Dear Board Members:

At the February, 15 2006 Planning Board Meeting, the Board requested that I forward the following comments regarding the DGEIS for the rezoning/incentive zoning of the University of Rochester south campus to Institutional Planned Development District (IPD).

The DGEIS has not sufficiently identified adequate conditions, standards or thresholds under which the Rezone Property can be developed and used in the future. The document does not provide sufficient environmental planning, particularly the identification of impacts and mitigation measures. The DGEIS has not demonstrated that the project as proposed minimizes or avoids environmental impacts to the maximum extent practicable.

The presentation of the proposed development is inconsistent with the specific review criteria listed in the Comprehensive Plan 2000 Land Use Plan. The Plan states:

"The Area north of the southern end of Whipple Park is recommended for institutional use compatible with the existing U of R facilities. Any institutional development of this area should be based upon a master plan for the entire area that has been approved by the town. The master plan should include: a buffer that is substantially wider than 50 feet currently required by town regulations between the institutional district and any surrounding residential development; a buffer along the abandoned Lehigh Valley Rail ROW; access only from East River Rd. (no access from Crittenden Rd.); building uses and orientation; a transition of intensity of building and impervious coverage from south to north; and a drainage plan."
The plan also states:

"The area to the south of Whipple Park is recommended for low density residential development with minimum 1/2 acre lots. This would allow for development compatible with surrounding residential areas and sensitive to the area’s environmental constraints."

A master plan for future development and use of the property has not been submitted. This information is needed to allow an adequate analysis of off-site and site-specific adverse impacts and mitigation measures.

The DGEIS notes on page 4 that it is not the intent of the University to restrict development to the Pod areas shown in many of the figures. The lands involved are part of a continuous ecosystem which is very important to the overall ecology of the area. This potential development will have major impacts on wetlands, drainage, overall hydrology, loss of woodlots and wildlife habitat, etc. Therefore it is crucial to identify precisely which areas are proposed for development.

A master plan, which includes building use, setbacks, building locations, construction phasing and building heights and their impacts on neighboring properties, should be prepared. The plan should show the location and details of the proposed buffer (including a buffer for the park and trail). It is important that all areas to be disturbed are shown on the plan. Areas that will not be disturbed should be clearly identified and mapped. These areas should be determined based on degree of environmental sensitivity and should be placed under conservation easements. The plan should include all proposed permitted and conditionally permitted uses along with performance standards. Any use not included should be deemed to be prohibited.

The plan should also show the Woodlot Environmental Protection Overlay District (EPOD) boundary. All information, including the required tree survey, should be submitted pursuant to the Town’s Woodlot EPOD regulations. All woodlot areas proposed for future disturbance shall be clearly delineated. The number of trees to be removed and the acreage of woodlot to be disturbed should be noted. A detailed tree mitigation plan should also be prepared. It is important to note that the Planning Board has serious concerns with allowing the applicant, as an incentive, to develop buildings and other structures within currently or future mapped woodlot EPOD districts without the need to obtain a woodlot EPOD permit pursuant to Town Code.

Based on comments received from NYSDEC, a portion of the wetlands (the southern half of wetland G) meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the intent of NYSDEC to initiate a Freshwater Wetland Map amendment to add this wetland to the map as BR-19. All wetland and 100-foot adjacent areas should be shown on the plan. All wetland areas, including 100 foot adjacent areas to be disturbed in the future should be clearly mapped. All undisturbed wetland areas and 100 foot adjacent areas should be placed under a conservation easement. It is important to note that all wetlands, including the undelineated potential wetland areas on parcel 3 may be jurisdictional for the Army Corps of Engineers under Sec.404(b) of the federal Water Pollution Control Act (Clean Water Act). The delineation report should be submitted to the Corps for a jurisdictional determination. A revised
map should be submitted that shows all federal and state wetlands, including 100 foot adjacent areas.

The DGEIS does not contain adequate stormwater mitigation measures that will need to be incorporated into the project. The DGEIS has not adequately addressed storm water quality. The plan should show mitigation for not only the proposed development, but that of the overall drainage area that the project is situated within.

The DGEIS has not demonstrated adequate justification for the proposed high density. The proposed density is inconsistently noted in the DGEIS. The gross square footage of all buildings currently existing on the Rezone Property and the proposed overall gross square footage for the entire rezone property should be included in the master plan. The additional gross square feet proposed and the overall gross square footage per acre should be submitted. The proposed amenities are inadequate in relationship to the incentives requested and do not adequately mitigate the adverse impacts of the project.

The proposed development has the ability to significantly impact the sanitary sewer capacity. Is there adequate capacity to handle the increased flow from the proposed project and for the future connection of the surrounding residential areas currently served by septic systems?

Based on the above comments, the community, Planning Board and the other involved and interested agencies should be given further opportunity to comment on the DGEIS once the requested information is received. The Town Board should consider requiring the preparation of a supplemental DGEIS (SDGEIS) that provides an analysis of significant adverse impacts inadequately addressed in the DGEIS. The SDGEIS should address all comments (including NYSDEC comments) and include a master plan for the Rezone Property. This information will allow an adequate analysis of off-site and site-specific adverse impacts and mitigation measures. The information requested by the Planning Board is important and very relevant to the future development of the area. The information contained in the DGEIS has not identified adverse impacts and mitigation measures in sufficient detail.

Implementation of the Institutional Planned Development District (IPD) circumvents many of the Town’s development regulations designed to promote adequate controls to protect the Town’s welfare. After implementation of the IPD, so long as the use is “institutional”, regardless of density or intensity, a project needs no more than a special use permit. The loss of adequate future controls is ameliorated when the applicant has proposed a detailed current plan containing detailed bulk, density and use regulations that must be used to guide implementation of future development. The failure of the applicant to submit an adequate current plan eviscerates the environmental and planning review of the IPD proposal.

If a plan for future development of the rezone property can not be adequately prepared as recommended in the Comprehensive Plan and as required by the IPD, the Town Board should take no further action. The project should not be allowed to be developed incrementally without a plan for future development. If the project moves forward, the Town Board should consider phasing the rezoning approval based on a master plan for future development.
The Planning Board would be glad to work with the applicant in developing a master plan for the Rezone Property. The Planning Board recommends that the Town Board take no further action regarding this matter until the requested information and revised plans are reviewed by the Planning Board.

Thank you for the opportunity to comment on this important project.

Respectfully Submitted,

Ramsey A. Boehner
Executive Secretary
Planning Board
January 17, 2006

Mr. Ramsey Boehner, Environmental Review Liaison Review Officer
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: University of Rochester - Proposed Institutional Planned Development (IPD) District
Town of Brighton Project # ER-20-04
Review of Wetland Delineation (Environmental Resources LLC, August 2005)

Dear Mr. Boehner:

I have reviewed the wetland delineation report prepared for the University of Rochester by Environmental Resources and recently (1/6/06) visited the site with Environmental Resources staff (John Hauber). Our purpose was to confirm wetland boundaries and to determine which of the delineated wetland areas meet the criteria in New York Environmental Conservation Law (6 NYCRR Part 664) for inclusion on the Freshwater Wetland Map of Monroe County. Our evaluation was limited to wetlands G, J & K on University of Rochester property (refer to Fig. 5, “Wetland Location Map,” in the delineation report) but did include additional contiguous wetlands on the adjacent Monroe County Park property to the west.

Results

The Department concurred with the boundaries of wetlands J, K & G as delineated on the U of R property but determined that wetlands in several areas extended beyond the property bounds:

Wetland G

At its northern end wetland G was found to extend beyond the delineated limits, in a northwesterly direction and off the U of R property, to a point within the electrical transmission ROW. The southern portion of the wetland was found to extend westward onto the Monroe County Genesee Valley Park. It is hydrologically connected via a culvert located near the southern edge of parcel 8.

Based on our assessment the southern portion of wetland G and the contiguous wetland off-property to the west comprise an approximately 17.8 acre wetland complex that meets the criteria for inclusion on the Freshwater Wetland Map (see attached aerial photo with approximate wetland boundary).

The northern portion of wetland G, although hydrologically connected with the southern portion by a southerly-flowing ditch, does not appear to meet the criteria for inclusion on the Map. The 2 wetland areas are greater than 50 meters (~165 feet) from each other and the ditch or unclassified intermittent stream is
an excavated feature flowing through uplands. The northern portion of wetland G is less than the 12.4 acres necessary to consider it as a separate Freshwater Wetland.

**Wetlands J & K**

These 2 wetlands are also less than 12.4 acres and are greater than 50 meters from other noncontiguous wetlands. They do not meet the criteria for inclusion on the Freshwater Wetland Map.

**Wetlands A-F, H, L-P**

We did not confirm the boundaries of these smaller disjunct wetlands as it was clear from the delineation report that they do not meet the requirements for inclusion on the Freshwater Wetland Map due to their small size and wide separation from other larger wetland areas.

**Possible Additional Undelineated Wetland Areas**

We observed a series of small vernal pool type wet areas within parcel 3 that had not been delineated. These areas appeared to be hydrologically connected via surface flows to the northern portion of wetland G. Environmental Resources concurred that these areas warrant further investigation to determine if they constitute additional jurisdictional wetlands for the US Army Corps of Engineers.

**Summary**

A portion of the delineated wetlands (the southern half of wetland G) meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the Department’s intent to initiate a Freshwater Wetland Map amendment to add this wetland to the Map as BR-18. The approximate limits of BR-18 are shown on the attached GIS-based aerial photo and show the approximate wetlands limits both on and off the University of Rochester South Campus property. For planning and development purposes, regulated activities as defined in NYS Environmental Conservation Law proposed within either BR-18 or its 100-foot adjacent area will require an Art. 24 (Freshwater Wetland) permit from the Department.

All delineated wetlands as well as the undelineated potential wetland areas on parcel 3 may be jurisdictional for the US Army Corps of Engineers under Sec. 404(b) of the federal Water Pollution Control Act (Clean Water Act). The delineation report should be submitted to the Corps for a jurisdictional determination.

Thank you for the opportunity to review the wetland delineation report and comment on the Department’s presumptive jurisdiction under ECL Article 24 (Freshwater Wetlands Act). Feel free to contact me if you have any questions or there is anything I can clarify.

Sincerely,

Scott Jones, Biologist I (Ecology)

encl

cc: Environmental Resources LLC
NYS DEC Div. Env. Permits (SEQRA file)
US Army Corps of Engineers Regulatory Branch (Buffalo)
Freshwater Wetlands Determination

<table>
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<th>NAME</th>
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<td>33 Kress Hill Dr.</td>
<td>Spencerport</td>
<td>NY</td>
<td>14559</td>
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| RE:                           | University of Rochester - South Campus Wetland Delineation Report (August 2005) |

This letter is in response to your inquiry regarding the applicability of Article 24 (Freshwater Wetland Act) regulations to the parcel of land in question. An investigation was conducted and, based on this determination, the Department of Environmental Conservation finds that the statements checked below apply to the subject property:

* A regulated Freshwater Wetland is located on or within 100 feet of this property, and regulated activities in the wetland or within the 100-foot adjacent area are subject to permit requirements.

There is no currently-mapped regulated Freshwater Wetland on or within 100 feet of this property. No wetland permit is required at this time.

The project, as described, is within 100 feet of a regulated wetland, and a wetland permit will be required prior to the commencement of the proposed project.

The property contains a regulated wetland and/or is within 100 feet of a wetland boundary, but the described project is located outside the regulated area and will not require a wetland permit.

Please contact the U.S. Army Corps of Engineers (Buffalo office) at 716-879-4330 regarding any federally protected wetlands in the vicinity.

The boundary of the regulated wetland located on this property has been precisely delineated as follows:

By Environmental Resources LLC (Aug. 2005 Wetland Delineation Report). Staff visited the site with John Hauber (Env. Res. LLC) and concurred with the boundaries as delineated.
**Note: A portion of the delineated wetlands meet the criteria for inclusion on the Freshwater Wetland Map for Monroe County. It is the Department's intent to initiate a Freshwater Wetland Map amendment to add this wetland to the Map as BR-18. The approximate limits of BR-18 are shown on the attached GIS-based aerial photo and show the approximate wetlands limits both on and off the University of Rochester South Campus property. For planning and development purposes, regulated activities as defined in NYS Environmental Conservation Law proposed within either BR-18 or its 100-foot adjacent area will require an Art. 24 (Freshwater Wetland) permit from the Department.

SIGNED: [Signature]

Scott Jones

TITLE: Biologist I (Ecology)

Department wetland field delineations remain in effect for a period of three years, after which they are subject to revision at the Department's discretion, due to changing site conditions. Measurement of the 100-foot adjacent area is done *horizontally* upland from the wetland boundary, not along the ground surface. The identification of the adjacent area boundary, if done, is the responsibility of the landowner or project sponsor.
-----Original Message-----
From: patricia c [mailto:granmapatty@hotmail.com]
Sent: Tuesday, February 07, 2006 4:33 PM
To: tlow@rochester.rr.com
Cc: smkaidy@rochester.rr.com
Subject: Laboratory Safe practices

From Robert and Patricia Levine
1015 Crittenden Road
Rochester NY 14623

RE: University Of Rochester

Tom,

The University should be required to engage in safe laboratory practices which include but
are limited to the following SUNY guidelines

www.suny.edu

http://www.esf.edu/ehs/hsa/safelabpr.htm

REQUIREMENTS

III. SAFE LABORATORY PRACTICES
A. General Principles

Everyone in a laboratory should observe the following rules:

Understand and utilize the safety procedures that apply to the work being performed.
Determine the potential hazards (physical, chemical, biological, or radiological), and the
appropriate safety precautions to be followed, before beginning any task.

Be familiar with emergency procedures, the location and use of emergency equipment, and
how to obtain help.

Be aware of types of protective equipment available. Use the proper type of personal
protective equipment for the particular task.

Call attention to unsafe conditions or work practices so that appropriate corrections can
be implemented.

Never consume food or beverages, or smoke in areas where chemicals are being used or
stored. Do not apply cosmetics or insert contact lenses while in the laboratory or
chemical storage area.

Always adhere to appropriate waste disposal procedures.

Be certain that all chemicals are correctly and clearly labeled. Post the designated
warning signs or labels when specific hazards, such as radiation, flammable materials,
biological hazards or other special hazardous conditions exist.

1
Check all burners and gas outlets to ensure that they are off before leaving the laboratory. Do not place gas burners by open windows or in a draft. No gas burner shall be left unattended while in operation.

Remain out of the area of a fire, chemical spill, or personal injury unless your assistance is required to help meet the emergency.

Use laboratory equipment only for its designated purpose.

Carefully position and secure equipment. Take the necessary steps to avoid the accidental jarring of an apparatus or piece of equipment. Use caution in handling hot objects.

Check all gas cylinders to ensure that they are securely fastened and that the straps are in good repair.

Keep laboratory doors closed to prevent escape of odors into hall.

Think, Act, and Encourage Safety.
B. Health and Hygiene

The following practices should be observed:

Wear appropriate eye protection, such as safety glasses, goggles, and/or a face shield at all times. Contact lenses should not be worn in the laboratory.

In the event that a chemical is splashed into the eye, a contact lens may serve to trap and concentrate the chemical, thereby increasing the potential for eye damage. In some cases, the lens may dissolve or in some way become "glued" to the eye.

"Soft" contact lenses can absorb organic solvent vapors and thus potentially damage the eye.

There may be exceptional situations in which contact lenses must be worn for therapeutic reasons. In these situations, employees who MUST wear contact lenses MUST inform their supervisor so that appropriate safety precautions can be devised.

Use protective apparel, such as gloves, gowns, lab coats, and other special clothing or footwear as needed. Wearing shorts, tank tops, halters, sandals, or clothing that exposes a large amount of unprotected skin is strictly prohibited. It is imperative that the possibility of skin contact with chemicals be minimized.

Confine long hair and loose clothing when in the laboratory.

Do not use mouth suction to pipette chemicals or start a siphon. A pipette bulb, aspirator or vacuum-assisted pipette must be used.

Avoid exposure to gases, vapors, particulates, and aerosols. Use of fume hood whenever such exposure is likely. Appropriate safety equipment must be used when work is not conducted inside a fume hood.

Frequently and thoroughly wash hands during the day, immediately before eating and always before leaving the laboratory. When appropriate, a shower should be taken before leaving campus.

Avoid the use of solvents for washing the skin. They may remove the natural protective oils from the skin and can cause irritation. Some solvents can facilitate absorption of toxic chemicals or have their own potentially adverse health effects. Do not attempt to identify chemicals by smell or taste.

Minimize your potential for exposure by protecting against inhalation, ingestion, injection and absorption of chemicals.

C. Food, Beverages, and Chemical Contamination

The contamination of food, drink and smoking material is a potential route for exposure to hazardous chemicals. Food and beverages must be stored, handled and consumed in an area
entirely free of hazardous chemicals. Smoking is prohibited in all buildings except in the designated room.

Well-defined areas must be established for storage and consumption of food and beverages. No food will be stored or consumed outside of this area.

Consumption of food or beverages, or smoking is not permitted in areas where laboratory operations are conducted or chemicals are handled.

Glassware or utensils used for laboratory operations must never be used to prepare or consume food or beverages. Laboratory refrigerators, ice chests, and cold rooms, are not to be used for food storage.

D. Housekeeping

There is a definite relationship between safety performance and orderliness in the laboratory. Where housekeeping standards are lax, safety performance inevitably deteriorates. The work area must be kept clean, with chemicals and equipment properly labeled and stored.

Work areas must be kept clean and free from obstructions. Cleanup will follow the completion of any equipment, laboratory session, or as soon as possible.

Spilled chemicals must be cleaned immediately and disposed of properly. Disposal procedures must be followed and all laboratory personnel be informed of them. Chemical accidents and spills are to be attended to promptly. Contact Public Safety (X6666) if the spill presents a health risk or is beyond your cleanup capabilities.

Unknown chemicals and chemical wastes are to be disposed of promptly using the appropriate procedures. Waste must be deposited in appropriate receptacles.

Floors are to be cleaned regularly and kept free of clutter. Keep aisles established for emergency egress.

Stairwells and hallways may not be used for storage.

Access to exits, emergency equipment, valves, controls, alarms, and electrical panels must not be blocked.

All glassware shall be properly disposed of in accordance with the appropriate procedure.

Bicycles and pets are not permitted in any laboratories. Used sharps such as needles and syringes must be stored in puncture-proof containers while awaiting disposal.

E. Laboratory Equipment Maintenance

Improperly functioning equipment may provide a false sense of safety and create hazardous situations.

Equipment must be inspected and tested regularly. Service schedules depend on both the possibility and consequences of failure.

Maintenance plans must include a lock out/tag out procedure to ensure that a device cannot be restarted while repairs are being conducted. (See Physical Plant Policy)

F. Glassware

Accidents involving glassware are a leading cause of laboratory injuries.

Careful handling and storage procedures must be used to avoid damaging glassware. Damaged items are to be discarded or repaired.

Equate hand protection must be used when inserting glass tubing into rubber stoppers or works, when placing rubber tubing on glass hose connections, or when picking up broken glass.
Glass-blowing operations are not to be attempted unless proper annealing facilities are available.

Vacuum-jacketed glass apparatuses are to be handled with extreme care to prevent implosions.

Only glassware designed for vacuum work is to be used for that purpose.

Proper instruction must be provided in the use of glass equipment designed for specialized tasks.

Designated "GLASS ONLY" waste containers must be used to dispose of glass. (See Appendix A)

G. Protective Apparel and Equipment

A variety of specialized clothing and equipment is available for use in the laboratory. The proper use of these items will minimize or eliminate exposure to the hazards associated with most laboratory procedures. All laboratory personnel must be familiar with the location and proper use of protective apparel, safety equipment and emergency procedures.

Each laboratory should include:

Protective apparel and equipment recommended for the substances being handled.

An accessible drench-type safety shower or means of providing flushing for chemical splashes as immediate first aid treatment.

An eyewash fountain or self-contained eyewash station.

An accessible fire extinguisher appropriate for the types of fire hazards present. Combustible metals require Class D fire extinguishers.

A chemical spill kit for small spills.

Access to a fire alarm and telephone for emergency use.

H. Cryogenic Hazards

The primary hazard associated with cryogenic materials is the extreme cold and potential for thermal burns. These burns can be severe.

Insulated gloves and a face shield are required when preparing and using dry ice or cold baths.

Neither liquid nitrogen nor liquid air will be used to cool a flammable mixture in the presence of air.

NEVER lower your head into a dry ice chest. Carbon dioxide is heavier than air and suffocation may result.

I. Systems Under Pressure

Reactions must only be conducted in apparatus that is designed to withstand pressures generated.

All pressurized apparatus MUST have an appropriate relief device.

Heat must never be added to apparatus which is not designed to withstand heating.

If a reaction system cannot be vented directly, an inert gas purge and bubbler system should be used to avoid pressure build up.

J. Warning Signs and Labels

Laboratory areas that have specific hazards must be posted with warning signs.

Use standard signs and symbols that have been established for special situations (i.e., radioactivity hazard, biological hazard, fire hazard and laser operations).
Waste containers must be labeled to indicate the type of waste that can be safely deposited.

Laboratory Directors shall ensure that all chemicals under their control are labeled in accordance with the ESP Hazardous Chemical Labeling Program. (See Appendix B)

Each laboratory must post signs identifying the Unit Safety Coordinator(s) and the Laboratory Director(s).

Chemical code sheets must be posted if cryptic codes are used for laboratory stock solutions. (See Appendix C) K. Unattended Operations

It may be necessary to conduct laboratory procedures over extended periods of time or to run equipment continuously.

Such unattended operations must be designed safely.

Contingency plans must provide for potential hazards which may result from interruptions of utilities, such as electricity or water.

Appropriate signs indicating that a particular laboratory operations is in progress MUST be posted with the name and phone number of the person to contact in an emergency.

L. Working Alone

Avoid working alone in a laboratory. If this is not possible:

- range with a co-worker to check in with you periodically.
- nights, weekends, and holidays contact Campus Public Safety (Dial-6666) and arrange for an officer on patrol to check in at your lab periodically.

Procedures known to be extremely hazardous may not be undertaken when working alone.

The Laboratory Director(s) and Unit Safety Coordinator(s) will determine which procedures have need for special precautions to be taken.

M. Laboratory Security

For the protection of employees, students, equipment, supplies, and the public, laboratories must be locked when unattended.

Security within the laboratory is also important. Locked storage cabinets are advised for sensitive or expensive supplies and equipment. Lockable storage areas or lockers for securing personal property are advised. Needles and syringes must be secured.

Computers, scientific equipment, and research data can be the object of theft, vandalism, or damage from fire or utility failure. Appropriate cabinetry designed to protect these items should be considered. Upon request, Campus Public Safety can assist laboratories with crime prevention surveys and recommendations.

If you observe suspicious persons or activities in your area, contact Campus Public Safety (Dial-6666) and an officer will be sent to investigate. Report any thefts or other crimes immediately. Information from these reports is used to adjust patrol activities and may prevent further problems.
This also for 3/8 public hearing

-----Original Message-----
From: Tom Low [mailto:tlow@rochester.rr.com]
Sent: Tuesday, February 07, 2006 10:45 AM
To: Susan Kramarsky
Subject: FW: university

-----Original Message-----
From: patricia c [mailto:grammapatty@hotmail.com]
Sent: Tuesday, February 07, 2006 10:39 AM
To: tlow@rochester.rr.com
Cc: mkaidy@rochester.rr.com
Subject: university

February 07 2006

Robert and Patricia Levine
15 Crittenden Road
Rochester, NY 14623

Dear Tom Low

RE: University Of Rochester Environmental Impact Statement (EIS)

We would request that the University of Rochester meet -- in addition to other requirements as defined in the EIS for rezoning in the South Campus -- all the requirements as set forth in the Cornell University Medical College for "DRAIN AND TRASH DISPOSAL OF CHEMICALS." The Cornell link to their document discussing this is:

http://www.med.cornell.edu/ehs/updates/drain_trash.htm

Sincerely

Robert and Patricia Levine
I'm Mitch Kaidy of 921 Crittenden Rd, where I've lived for over 47 years. For more than 20 years I was President of the West Brighton Property Owners Assn.

I'm not here to undermine progress either in this community or in our nation. The University of Rochester has proposed very weighty and consequential matters that have critical implications for the safety of our community and our nation.

After 9/11 nobody in this country can dispute the need to counter terrorism in all its forms—and I'm not here to do so.

The matters proposed tonight are so pervasive and so fraught with danger—with implications not just for the Town of Brighton or Monroe County or New York State—that it's clear they must be considered not only from a base of expert and reliable information, but explored for their total impact on the whole community—West Brighton, the rest of Brighton, and all of Monroe County—to say nothing of the nation.

But in accomplishing this, everybody will agree that the safety of the immediate neighborhood is paramount. Even today, our homes are located as close as a few feet from the University research labs that have already conducted longterm experiments into highly unknown, highly-dangerous fields, and then discharged some of its waste right in this community—maybe already left some waste behind in this community.
Will do and also sent to Larraine for inclusion in Board packets

---Original Message-----
From: Tom Low [mailto:tlow@rochester.rr.com]
Sent: Tuesday, February 07, 2006 10:03 AM
To: Susan Kramarsky
Cc: Ramsey Boehner
Subject: FW: chemicals

Pls. add to record as a comment for the 3/8 hearing.

Tom

---Original Message-----
From: patricia c [mailto:granmapatty@hotmail.com]
Sent: Tuesday, February 07, 2006 9:21 AM
To: tlw@rochester.rr.com
Cc: mkaidy@rochester.rr.com
Subject: chemicals

Com:

I could not locate the following disposal practice in the environmental impact statement from the University Of Rochester that is followed by Cornell University and others specifically the Non-hazardous chemical list and the acutely toxic chemical list.

LINK

http://www.med.cornell.edu/ehs/updates/drain_trash.htm

TEXT

Cornell University Joan and Sanford I. Weill Medical College

Drain and Trash Disposal of Chemicals Drain and Trash Disposal of Chemicals

Overview

The disposal of chemicals via a sink drain and/or normal trash is highly-regulated and subject to public concern and scrutiny. Federal, state, and city government agencies have established rules and regulations which strictly limit chemical disposal to the sewer and trash. These rules and regulations have been established to protect human health and the environment from an exposure to hazardous substances, as well as to prevent damage to the City's water treatment facilities.

In addition, all of the College's refuse waste is collected, handled, and processed by numerous persons prior to its ultimate disposal. During this period, the potential for containers to break and expose person(s) to an "unknown" chemical could be significant. Furthermore, with the increased public alarm and concern about chemical and biological agents being released to the public, it has been determined that it is in the College's public's best interests to not allow the disposal of containers of chemicals via the normal trash.

This Update shall provide instruction to determine if a chemical is acceptable for drain
or trash disposal.

Applicability
All persons employed by or working on behalf of the College that intend to dispose of chemicals via the drain or trash must strictly adhere to the procedures identified in this Update. These procedures shall identify the proper means for determining if a chemical is suitable for drain or trash disposal. Only non-hazardous chemicals, as determined by Environmental Health and Safety (EHS), may be suitable for drain or trash disposal.

Please note that this Update does not apply to the following categories of chemicals. Please refer to their respective EHS Update for pertinent disposal procedures and information. Furthermore, EHS reserves the right to approve the discharge and/or disposal of certain wastes on a case-by-case basis.

Disinfectants
Electrophoresis Gels and Solutions
Perfusion Wastes
Tissue Culture Media Wastes
Photographic Processing Waste Containing Silver

Responsibilities
Generators ensure that chemicals and empty containers are properly discharged, disposed, recycled, and/or otherwise processed in accordance with this procedure and the College’s Waste Disposal Procedures. Generators obtain current copies of the Non-Hazardous Chemical List and Acutely Toxic Chemical List from Environmental Health and Safety prior to disposing of a chemicals and/or empty containers in accordance with this procedure.

Environmental Health and Safety (EHS) ensures that the information provided to the generators is concurrent with the laws and regulations governing the specific means of disposal. EHS reviews and updates the Non-Hazardous Chemical list on an as needed basis.

Chemical Selection Criteria
Only the chemicals identified on the Non-Hazardous Chemicals list (Attachment B) are considered suitable for drain and trash disposal when following the procedures listed below. A chemical was determined to be acceptable for drain or trash disposal if it did not exhibit the following characteristics:

- toxic substance which may adversely affect human health or the environment (e.g., have an oral-rat LD50 toxicity value less than 500 mg/kg or identified as a toxic/priority pollutant by the EPA);
- carcinogenic substance according to the National Institute of Occupational Safety and Health (NIOSH) 1979 Registry of Toxic Effects of Chemical Substances;
- hazardous waste as defined in 6 NYCRR Part 371-Identification and Listing of Hazardous Waste;
- flammable (i.e., has flashpoint less than or equal to 140oF) or explosive liquids, solids, or gases;
- noxious or malodorous gas or substance (e.g., mercaptans);
- chemicals or substances containing any of the following metals:
  - Arsenic
  - Barium
  - Chromium
  - Copper
  - Lead
  - Mercury
  - Nickel
  - Selenium
  - Silver
  - Zinc
  - biological hazard; and/or
  - radioactivity.
Procedure

Chemical Disposal Flowchart (Attachment A) is available to assist in determining the proper means for disposing your chemicals. In addition, all chemicals can be managed and disposed as hazardous wastes in accordance with the College's Waste Disposal Procedures.

Liquids: Liquid chemicals to be disposed via a drain must:

(1) meet the following characteristics:

contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes; contains no biological hazards; chemical constituents listed on the Non-Hazardous Chemicals list (Attachment B); liquid not exceeding 5 gallons (19 liters); contains less than 10% solids or viscous substances which are insoluble in water; contains less than 50 mg/L (ppm) oils and greases; and have a pH greater than 5.0 and less than 11.0 or not have any other corrosive property likely to cause damage to structures or equipment of the sewerage system.

(2) discharge to the sewer via a laboratory sink drain only;

(3) flush with copious amounts of water (15-20 times the original volume); and

(4) allow the previous chemical to be completely flushed prior to discharging the next chemical waste.

Note: Other chemicals may be suitable for disposal via this procedure. However, the discharge of chemicals not specifically listed as a Non-Hazardous Chemical is strictly prohibited. Generators may submit requests for chemicals to be reviewed by contacting EHS. An EHS representative will review the request to determine if the chemical should be added to the list.

Solids: Though containers of chemicals are not approved for disposal via normal trash, standard laboratory articles (e.g., gloves, pads, etc.) contaminated with non-hazardous chemicals may be disposed via the trash. In order to dispose of contaminated laboratory articles via the trash, it must:

(1) meet the following characteristics:

contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes; contains no biological hazards; chemical constituents listed on the Non-Hazardous Chemicals list (Attachment B); and free of excess or free-flowing powders.

(2) if plausible, be consolidated into a bag or other container to minimize potential releases; and

(3) be placed in a normal trash receptacle for Housekeeping to collect.

Note: It is important to be conscious of the potential harm and alarm which may result from the disposal of contaminated laboratory debris with excess or free-flowing powders. If a contaminated item contains excess powders which may result in the forming of "dust clouds" during its handling, then these items should be managed and disposed as a hazardous waste in accordance with the College's Waste Disposal Procedures.

Empty Containers: A container is considered "empty" if it contains less than or equal to 3 percent by weight of its total capacity. In order to dispose of "empty" containers via the trash, it must:

(1) meet the following characteristics:

contains no radioactive materials. Contact Radiation Safety (212-746-6964) for the disposal of radioactive wastes; contains no biological hazards; contains less than or equal to 3 percent by weight of its total capacity; and originally did not contain an acutely toxic chemical. The list of acutely toxic chemicals is available via the EHS site. Acutely toxic chemical containers must be managed and disposed as a hazardous waste in accordance with the College's Waste Disposal Procedures.

attempt to recover, collect, or use all of the container's contents (e.g., no contents should be able to immediately spill from the open container if held upside-down);
(3) triple rinse with water and discharge the water down a laboratory sink drain;
(4) remove or deface labels; and
(5) discard in an appropriate refuse container with lids removed for Housekeeping to collect.

Glass in a rigid cardboard/glass collection box.
All others in a clear plastic garbage bag (double-bagged).

References
NYSDEC 6 NYCRR Part 371 - Identification and Listing of Hazardous Waste
NYCDEP Chapter 19 - Use of the Public Sewers
NIOSH 1979 Registry of Toxic Effects of Chemical Substances
USEPA 40 CFR 401.15 - Toxic Pollutants
March 8, 2006

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Conservation Board comments on the University of Rochester Draft Generic Environmental Impact Statement

Dear Honorable Board Members:

The very essence of an environmental impact statement is to assess the impacts of proposed development on an area and determine whether adequate mitigation will be provided. The University of Rochester Draft Generic Environmental Impact Statement (the document), in this Board's opinion, fails to provide the Town with the needed information and analysis necessary to grant rezoning of 188 + acres of land to Institutional Planned Development and to allow for 1,900,000 + additional sf of development. As stated in the document “The occurrence of this amount of relatively wild lands, not in a park system, in as urban a community as Brighton, is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets.”

As required by the Comprehensive Plan and requested by both this Board and the Planning Board, a Master Plan needs to be submitted. The document states “with no specific building program in place it is extremely difficult to assess what the impacts of future development might be.” Although the Pod Plan does make an attempt to assist with the visualization of the intensity of possible future development, only a Master Plan will provide the needed information to properly review the environmental impacts and determine whether adequate mitigation is provided. By approving 1,900,000 + additional square feet of building development with no specific idea where this development will take place within the rezone area, the Town is giving up meaningful oversight on a project which will have significant impacts not only on the project site but also on the abutting residential properties and the entire community. The fundamental question asked, but not answered, is if this site can support the amount of building square footage and necessary support infrastructure requested by the University of Rochester.

In addition to the concerns mentioned above, the Board offers the following comments:
1. A tree survey in keeping with code requirements should be submitted. Surveying only trees of 30 inches in caliper or greater provides little information in regards to the quality and significance of the woodlot.

2. Allowing for disturbance of 75% of the woodlot EPOD as an incentive should not be allowed; as stated in the document “...there would likely be far less than this disturbed.” Each development phase/project should be required to obtain a Woodlot EPOD permit since quality and significance of the woodlot will vary over time. This allows for a more thorough review of disturbance within the woodlot, protecting “quality” trees and determining necessary mitigation.

3. If disturbance of 75% of the woodlot EPOD were permitted the document needs to address:
   - a reforestation/tree mitigation plan;
   - loss of habitat mitigation plan; and
   - a pre-, during- and post protection plan for trees to be saved or moved.

4. As stated in the document areas of the site that currently include significant environmental features should be mapped and offered to be preserved through conservation easements, helping to mitigate site development.

5. Verify from NYS DEC that there are no state jurisdictional wetlands on site.

6. The document needs to address how existing wetlands and associated uplands will be protected and what impacts site development and stormwater drainage will have on these wetlands. The wetlands are perhaps the most valuable aspect of this whole parcel, and to cavalierly state in passing that some of the water will be removed is disingenuous. What then will happen to the wetlands? How will this affect the huge wetland system that extends all the way to the river? Will new drainage systems affect adjacent wetlands, will the whole ecosystem of the area be lessened? How will the water flow of the entire surrounding wetland be affected?

7. Figure 15 - Wetland Location Map is difficult to read. A wetland map with a Pod Plan overlay should be submitted.

8. A drainage study of the overall watershed should be completed prior to any approvals. Allowable additional square footage and associated infrastructure may be limited by the ability of the overall watershed to handle the additional runoff associated with total buildout of the project.
Also, the study should determine what improvements throughout the area will be required to help alleviate drainage problems. These improvements should be considered as an amenity.

9. Wildlife habitat mitigation needs to be analyzed further. The blanket statement “There is a significant amount of greenspace that will remain available even upon full buildout of the Rezone Property, as such there is room for wildlife to find suitable habitat within the Rezone Property,” does not adequately address loss of wildlife habitats. Wildlife corridors must be plotted and maintained throughout development providing contiguous and continuous belts of trees and brush to insure the free movement of birds and animals and offer them appropriate shelter area. Not all greenspace area (e.g. lawn area) is suitable habitat.

10. A landscaping plan should be submitted as per Section 203-138 of the Brighton Comprehensive Development Regulations. Greater specificity should be given to buffering of the Lehigh Valley Trail.

11. The document is unclear on what the total building square footage will be (both existing and proposed) at buildout.

12. As recommended in the Phase 1A Historical and Archeological Assessment (appendix C) A Phase 1B archaeological field investigation should be completed for the 161 acres of “dry project area” or at a minimum, those areas the that may be disturbed by development.

Thank you for the opportunity to comment on this important project.

Sincerely,

[Signature]

Rick DiStefano, Secretary
Conservation Board

cc: Dave Harrison, Chairman - Conservation Board
Thomas Low, Commissioner of Public Works
Ramsey Boehner, Environmental Liaison Officer
APPENDIX B

Public Hearing Transcripts
Dennis Kennelly

From: Greiner, Thomas [TGreiner@nixonpeabody.com]
Sent: Wednesday, February 22, 2006 6:11 PM
To: Tankel, Paul; Pifer, Richard; Dennis Kennelly
Subject: FW: transcript for January hearing

Gentlemen:

Here is the draft transcript of the SEQRA hearing of January 11. I thought there was going to be a final (see below) but this may be it. I'm also seeking any written comments from anyone (e.g., Planning Board, which I was told had comments--but so far, nothing)

Tom

Tom;

In copying this for e mail (the only way I could get it to you without the special reading software!!!) the spacing and some other stuff got very odd)

This is a draft, and there are some corrections- if you would like the draft hard copy please let me know )

Susan Kramarsky
Town Clerk

MATTER RE:
DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
PROPOSED REZONING FOR THE UNIVERSITY OF
ROCHESTER SOUTH CAMPUS.
JANUARY 11, 2006.
7:30 P.M.

BRIGHTON TOWN HALL.
2300 ELMWOOD AVENUE.
BRIGHTON, NEW YORK

PRESENT:
COUNCILMEMBER VOGEL
COUNCILMEMBER KRAUS
COUNCILMEMBER NOVROS
COUNCILMEMBER TIERNEY
SUPERVISOR FRANKEL
WILLIAM MOEHLE, ESQ.
TOWN ATTORNEY
SUSAN KRAMARSKY
TOWN CLERK

REPORTED BY:
JO-ANNE GALLOWAY, CSR.
REALTIME REPORTING SERVICE, INC.

SUPERVISOR FRANKEL: SOME PEOPLE HAVE ALREADY FILLED OUT CARDS AND INDICATED THEIR

8/20/2007
INTEREST IN SPEAKING THIS EVENING.

IF YOU WOULD LIKE TO FILL OUT A CARD, WE
HAVE SOME MORE FOR YOU. IF AT ANY TIME
DURING THE PUBLIC HEARING YOU WISH TO
COMMENT, EVENTHOUGH YOU HAVEN'T SIGNED A
CARD, WE CERTAINLY WILL WANT TO HEAR WHAT YOU
HAVE TO SAY. I WOULD ASK THAT YOU KEEP YOUR
COMMENTS BRIEF AND TRY NOT TO REPEAT WHAT
OTHERS HAVE SAID, GIVEN THE NUMBER OF PEOPLE
WHO ARE HERE THIS EVENING WHO DO WANT TO BE
HEARD.

I WILL ALSO NOTE THAT THE HEARING WILL
REMAIN OPEN. WE WILL NOT CLOSE THE HEARING
TODAY, BECAUSE WE HAVE HEARD FROM BOTH THE
STATE AND THE COUNTY WHO ARE REVIEWING THE
DOCUMENTS AND HAVE REQUESTED ADDITIONAL TIME.

AND TOWARDS THAT END, WE WILL, ONCE THIS
EVENING'S HEARING IS OVER, ADJOURN THE
HEARING UNTIL MARCH --

IS IT THE 9TH?

COUNCILMAN MOEHL: YES.

SUPERVISOR FRANKEL: THE MARCH 9TH TOWN

BOARD, MEETING, WHERE WE WILL CONTINUE THE
PUBLIC HEARING. SO, I DID WANT TO MAKE YOU
AWARE OF THAT.

WE HAVE RECEIVED SOME DOCUMENTS, SOME
COMMUNICATIONS RELATING TO THIS MATTER. THEY
WILL BE ENTERED INTO THE RECORD OF THE PUBLIC
HEARING. AND I WOULD ALSO INVITE ANYONE
HERE, AT HOME, OR OTHERWISE, WHO WISHES TO
COMMENT IN WRITING, YOU ARE MOST WELCOME TO
SUBMIT WRITTEN COMMENTS THAT WILL BECOME PART
OF THE RECORD, THE PUBLIC HEARING FOR THE
TOWN BOARD'S CONSIDERATION, AS WELL.

CERTAINLY, WE WILL TAKE THOSE COMMENTS
THROUGH THE MARCH 9TH CONTINUATION OF THE
PUBLIC HEARING.

SO, AT THIS TIME I DECLARE THIS PUBLIC
HEARING OPEN; AND, TOM, I'D LIKE TO ASK IF
YOU WOULD LIKE TO INTRODUCE --

MR. LOW: CERTAINLY. WITH US FROM THE
UNIVERSITY OF ROCHESTER TONIGHT -- I DO NOT
KNOW -- IT IS UP TO THEM AS TO WHO APPEARS IN
WHAT ORDER, BUT -- TOM GREINER IS AN ATTORNEY
REPRESENTING THE UNIVERSITY.

DENNIS KENNELLY IS WITH FRA

ASSOCIATES -- THEY'RE ENGINEERS, THEIR
CONSULTANT.

RICHARD PIPER, DIRECTOR OF FACILITIES,
IS HERE; AS WELL AS PAUL TANKEL, UNIVERSITY
OF ARCHITECT.

I THINK THE ONLY THING I WOULD ASK
BEFORE THEY MAKE SOME PRESENTATION OF WHAT
THEY HOPE TO DO WITH THE SITE, IS JUST TO
POINT OUT THAT THIS HEARING IS NOT ON THE
REZONING ITSELF, THE DECISION TO CHANGE THE
LAND USE MAP OF THE TOWN. THIS IS ON THE
IMPACT OF SUCH A CHANGE, IF IT WERE TO BE
MADE; THAT WE'RE LOOKING AT THE ENVIRONMENTAL
IMPACT. AND ONLY AFTER THAT IS FULLY

8/20/2007
UNDERSTOOD WOULD THE TOWN BE WILLING OR ABLE TO MAKE DECISIONS ON THE LAND USE CHANGE ITSELF.

WITH THAT BEING SAID, I GUESS I WILL TURN IT TO THE UNIVERSITY, WHOEVER --

MR. GREINER: GOOD EVENING, MEMBERS OF THE BOARD AND THE PUBLIC. MY NAME IS TOM GREINER. I AM AN ATTORNEY WITH THE FIRM OF NIXON, PEABoDY LOCATED HERE IN ROCHESTER, OR THERE IN ROCHESTER.

AS MR. LOW SAID, WE'RE REALLY HERE TO LISTEN, TO BE IN A POSITION TO UNDERSTAND WHAT COMMENTS, QUESTIONS, THAT THE BOARD MAY HAVE, THE PUBLIC MAY HAVE, OR ANY OTHER INTERESTED AGENCY OR PARTY WOULD HAVE TO THIS.

I WILL GO OVER THE PROJECT BRIEFLY -- VERY BRIEFLY.

THE UNIVERSITY HAS PROPOSED TO THE TOWN OF BRIGHTON A REZONING TO INSTITUTIONAL PLANNED DEVELOPMENT DISTRICT FOR ITS PROPERTY IN BRIGHTON.

BEHIND ME IS A PLAN SHOWING THE PROPERTY AND SOME OTHER FEATURES ON IT. BUT, BASICALLY, IT IS BOUNDED ON THE WEST BY THE FORMER LEHIGH RAILROAD RIGHT-OF-WAY, WHICH IS NOW TOWN TRAIL, AND TO -- IT COMES TO A POINT, BUT, BASICALLY, TO THE -- LIKE, IN THE SOUTHEASTERLY BOUNDARY IS ROUTE 390 AND THE CANAL; AND THEN GOING SOUTHWEST IS WEST HENRIETTA ROAD; AND, OF COURSE, ON THE SOUTHERN PART OF THE AREA IN QUESTION HERE IS CRITTENDEN ROAD.

WHAT IS AN INSTITUTIONAL PLANNED DEVELOPMENT DISTRICT? THE IDEA THAT THE TOWN HAD IN PROMULGATING THAT WAS FOR LARGER INSTITUTIONAL-TYPE USES; AND, IN FACT, IF YOU LOOK AT THE PURPOSE OF AN IPD IN THE TOWN CODE, IT SAYS THAT THIS DISTRICT IS INTENDED TO RECOGNIZE AND PERMIT THE UNIFIED AND ORDERLY DEVELOPMENT OF MAJOR CULTURAL, EDUCATIONAL AND MEDICAL INSTITUTIONS IN ORDER TO SUPPORT AND ENHANCE THEIR BENEFIT TO THE COMMUNITY.

IT GOES ON TO ALSO SAY THAT, IN DOING SO, THE TOWN RETAINS ADMINISTRATIVE CONTROL OVER THE DISTRICT WHILE AFFORDING A MECHANISM FOR CHANGE. SO, THAT'S WHAT WE'RE DOING. IT AROSE OUT OF THE TOWN'S OWN COMPREHENSIVE PLANNING PROCESS IN THE EARLY 2000 AND EARLIER; AND, BASICALLY, THE UNIVERSITY HAS BEEN WORKING WITH THE TOWN OVER THE LAST FEW YEARS TO TRY TO DEVELOP ITS OWN PLAN FOR THE PROPERTY.

AS MANY PEOPLE MAY KNOW, THOSE WHO HAVE ATTENDED THE NEIGHBORHOOD MEETINGS THAT HAVE BEEN HELD, ESPECIALLY THE ONE LAST YEAR AT SAINT AGNUS, OTHER NEIGHBORHOOD MEETINGS OR
ANY OTHER PLANNING BOARD OR TOWN BOARD
MEETINGS, AND THERE HAVE BEEN A NUMBER OF
THOSE OVER THE LAST YEAR-PLUS REGARDING THIS
PROJECT, THE PRESENT APPLICATION IS FOR A
REZONING FROM THE EXISTING ZONING DISTRICTS
to INSTITUTIONAL PLANNED DEVELOPMENT. IT IS
NOT AND DOES NOT CONTAIN A REQUEST TO PLACE A
SINGLE BRICK OR STONE ON WHAT THE UNIVERSITY
REFERS TO AS ITS BRIGHTON CAMPUS; I.E., THE
PROPERTY, BASICALLY, THAT I HAVE OUTLINED
HERE. THIS AREA HERE THAT I TALKED ABOUT.
Nonetheless, and even though the
APPLICATION IS SIMPLY FOR A MAP AMENDMENT
CHANGE TO THE CODE, THE TOWN, I THINK A
CREDIT TO ITS CITIZENS HERE, ARE SENSITIVE TO
THE CONCERNS OF RESIDENTS BOTH NEAR AND FAR,
HAS REQUIRED OF THE UNIVERSITY HERE TWO
FUNDAMENTAL IDEAS, I THINK, FOR THIS PROJECT.
ONE IS AN EXTENSIVE PUBLIC PROCESS. AGAIN,
STARTING LONG BEFORE AN APPLICATION WAS EVEN
MADE, AND THE APPLICATION ITSELF WAS WELL
OVER A YEAR AGO – A YEAR AND A HALF AGO, AND
HAS ALSO REQUIRED THE PREPARATION OF THIS
ENVIRONMENTAL IMPACT STATEMENT.

THE ENVIRONMENTAL IMPACT STATEMENT,
AGAIN, AS – WE'RE AT THE BEGINNING OF THE
PUBLIC PROCESS REGARDING IT, BUT WE'RE ALSO
LONG INTO DISCUSSING WHAT THE CONTENTS WOULD
BE.

ALMOST A YEAR AGO THE TOWN SETTLED ON
THE FINAL SCOPE FOR THE ENVIRONMENTAL IMPACT
STATEMENT, AND IT BASICALLY COVERS SOCIAL,
ECONOMIC ISSUES. IT COVERS ZONING AND LAND
USE CONSIDERATIONS. IT COVERS TOPOGRAPHY,
GEOLOGY, SOILS, WATER RESOURCES, STORM WATER
RUNOFF, TERRESTRIAL AND AQUATIC ECOLOGY,
HISTORIC ARCHAEOLOGICAL RESOURCES, TRAFFIC
AND TRANSPORTATION NETWORKS, UTILITIES,
ENERGY NEEDS AND AVAILABILITY, COMMUNITY,
NEIGHBORHOOD CHARACTER, POLICE, FIRE,
AMBULANCE.

THERE ARE, IN FACT, FOR THOSE WHO HAVE
HAD A CHANCE TO LOOK AT IT, AND AS MANY OR
HOPEFULLY ALL OF YOU KNOW, IT'S POSTED ON THE
TOWN'S WEBSITE. IT ALSO HAS QUITE A NUMBER
OF APPENDICES DEALING WITH DRAINAGE. THERE'S
A WOOD LOT QUALITY ASSESSMENT REPORT.
THERE'S A PHASE 1-A HISTORICAL AND

ARCHEOLOGICAL ASSESSMENT. THERE IS A TRAFFIC
IMPACT STUDY THAT MR. LOW REFERRED TO
EARLIER. THERE IS A WATER SUPPLY REPORT, A
SANITARY SEWER REPORT. THERE'S A WETLAND
DELINEATION REPORT. THERE'S A WASTE
MANAGEMENT PROGRAM REPORT. THERE IS AN
ECOLOGICAL ASSESSMENT REPORT. THERE ARE ALSO
PHOTO SIMULATIONS. THESE ARE
COMMUTER-GENERATED SIMULATIONS SHOWING FROM
OFF THE PROPERTY WHAT A TWO-STORY OR A
THREE-STORY BUILDING MIGHT LOOK LIKE FROM OFF

8/20/2007
THE PROPERTY, INTO THE PROPERTY, OR WHAT YOU
MIGHT NOT SEE BECAUSE OF THE EXTENSIVE WOODS
THAT ARE THERE. BUT, ANYWAY, THAT KIND OF
ANALYSIS IS ALSO INCLUDED IN THE EIS.
AS MR. LOW ALSO SAID, FOR TONIGHT
WE'RE HERE TO LISTEN, WE'RE HERE TO TAKE
DOWN COMMENTS, QUESTIONS AND THE PROCESS
WOULD THEN REQUIRE US TO TAKE DOWN EVERY
COMMENT, EVERY QUESTION, AND ADDRESS IT IN
WHAT'S CALLED, "FINAL ENVIRONMENTAL IMPACT
STATEMENT," WHICH THE TOWN, AS IT HAS WITH
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT,
WOULD HAVE TO ACCEPT AS COMPLETE.

FOR PURPOSES OF CLARIFICATION, YOU MAY
HAVE READ IN ONE OF THE LOCAL NEWSPAPERS THAT
THE TOWN HAS ALREADY APPROVED THE
ENVIRONMENTAL REPORT. NOTHING COULD REALLY
BE FURTHER FROM THE TRUTH HERE.
WHAT THE TOWN DID BACK IN – I BELIEVE
THERE WAS A MEETING IN THE BEGINNING OF
DECEMBER. THE TOWN ACCEPTED AS COMPLETE AS
ADDRESSING THE ISSUES AND THE ITEMS THAT WERE
CONTAINED IN THE SCOPE THAT THE TOWN
FINALIZED LAST YEAR, AND ACCEPTED THIS
DOCUMENT AS AT LEAST ADDRESSING EVERYTHING IT
WAS SUPPOSED TO ADDRESS. THE TOWN BOARD DID
NOT COMMENT ON THE ADEQUACY OF THE DEPTH OF
ANALYSIS OR OF THE COVERAGE OF THE ISSUES,
BUT IT ACCEPTED THAT THE ISSUES -- ALL OF THE
ISSUES THAT WERE SUPPOSED TO BE COVERED ARE
AT LEAST, IN THE UNIVERSITY'S THINKING, ARE
COVERED; AND IT'S FOR MEETINGS SUCH AS THIS
WHEN PEOPLE, AGENCIES, AND OTHERS HAVE A
CHANCE TO COMMENT, WHICH ARE INTENDED TO TEST
WHETHER, IN FACT, THESE ISSUES HAVE BEEN
ADDRESS SATISFACCTORILY. BUT, AGAIN, THE
TOWN HAS APPROVED NOTHING TO DATE.

AND, FINALLY, I REALLY AM CLOSING
HERE, ONCE THE TOWN IS DONE WITH THE
ENVIRONMENTAL IMPACT STATEMENT PROCESS, IT
WILL THEN MOVE, AS MR. LOW HAS INDICATED,
INTO THE FURTHER PUBLIC PROCESS OF
CONSIDERING THE APPLICATION FOR THE REZONING.
WITH THAT, I HOPE THAT HAS BEEN ENOUGH
TO ADDRESS WHAT THE PROJECT IS, WHAT THE
PROCESS IS: AND, AS I SAID, WE'RE HERE TO
LISTEN, TAKE DOWN ALL THE COMMENTS AND WORK
THEN ON OUR FEIS.
THANK YOU VERY MUCH.
SUPERVISOR FRANKEL: THANK YOU. IS
THERE ANY OTHER ASPECT OF THE UNIVERSITY'S
PRESENTATION THAT YOU HAVE AN INTEREST IN
HAVING DONE NOW, OR WILL PEOPLE SIMPLY BE
AVAILABLE TO RESPOND IF WE REQUEST?
COUNCILMAN TIERNEY: SANDY –
SUPERVISOR FRANKEL: LET HIM ANSWER
THAT, AND THEN YOU CAN SPEAK.
MR. GREINER: I THINK IT WOULD BE OUR
INTENTION, SUPERVISOR, ACTUALLY NOT TO
ADDRESS QUESTIONS TONIGHT, UNLESS THEY WERE
8/20/2007
THE UNDERSTANDING OF WHAT IS THE PROJECT --
THE REZONING, IN TERMS OF SPECIFIC ISSUES
DEALING WITH ALL OF THE ENVIRONMENTAL ISSUES
THAT HAVE BEEN IDENTIFIED IN THE SCOPE. I
THINK IT WOULD BE OUR INTENTION TO VERY
COMPREHENSIVELY TAKE DOWN EVERY COMMENT AND
QUESTION, AND THEN BEGIN WORKING ON OUR
RESPONSES THAT WOULD BE CONTAINED IN THE
FINAL OR FEIS.

SUPERVISOR FRANKEL: ALL RIGHT.

MR. TIERNEY?

COUNCILMAN TIERNEY: ALL I WANT TO DO IS
JUST EXTEND YOUR REMARKS A LITTLE BIT.
YOU SAID AT THE END THAT ONCE WE ARE
DONE WITH THIS ENVIRONMENTAL IMPACT, AND WE
GET TO A FINAL ENVIRONMENTAL IMPACT, THE ONE
THING YOU DIDN'T SAY IS, THIS BOARD WOULD
DECIDE WHETHER TO PROCEED, AND --

MR. GREINER: THAT'S CORRECT.

MR. TIERNEY: THIS IS NOT A FAIT
ACOMPLI.

MR. GREINER: ABSOLUTELY NOT.

COUNCILMAN TIERNEY: OKAY. FINE.

MR. GREINER: YOU COULD DECIDE TO REFUSE
TO ENTERTAIN THE APPLICATION. I WAS TALKING
JUST IN TERMS OF TRYING TO DIFFERENTIATE
BETWEEN THE ENVIRONMENTAL PROCESS AND
ANYTHING ELSE. BUT YOU'RE PERFECTLY CORRECT.
COUNCILMAN TIERNEY: I'M JUST SAYING
THAT TO LET THE PEOPLE KNOW THE PROCESS HAS
DIFFERENT STEPS, AND IT DOESN'T
NECESSARILY -- TAKING ONE STEP, DOESN'T
NECESSITATE THE BOARD TO TAKE STEP TWO AND
STEP THREE.

MR. GREINER: ABSOLUTELY CORRECT. THANK
YOU.

SUPERVISOR FRANKEL: AT THIS TIME WE
INVITE COMMENTS FROM THE AUDIENCE. I AM
GOING TO CALL UPON PEOPLE IN THE ORDER IN
WHICH THEY SUBMITTED THEIR NAMES. AFTER
WHICH, ANYONE WHO HAS A COMMENT, WE CERTAINLY
WILL BE HAPPY TO HEAR FROM YOU AS WELL.

THE FIRST PERSON IS MITCHELL KAIDY, 921
CRITTENDE ROAD. I WOULD ASK, ALTHOUGH, I'M
SAYING THE NAME, WOULD YOU PLEASE STATE NAME
AND ADDRESS FOR THE RECORD.

MITCHELL KAIDY: FOR THE RECORD, I AM
MITCH KAIDY, AND I LIVE AT 921 CRITTENDE
ROAD.

I'VE LIVED IN BRIGHTON 47 YEARS; AND,
FOR OVER 20 YEARS, I WAS THE PRESIDENT OF THE
WEST BRIGHTON PROPERTY OWNERS' ASSOCIATION.
AS I UNDERSTAND IT, WE'RE HERE TO PAVE
THE WAY FOR MAJOR DEVELOPMENT, WHETHER THE
TOWN SHOULD APPROVE A 188-ACRE REZONING THAT
PERMITS FUTURE CONSTRUCTION OF SEVERAL LARGE
BUILDINGS FOR THE UNIVERSITY OF ROCHESTER IN
WEST BRIGHTON.

AND, ACCORDING TO THE UNIVERSITY, IT'S
PRETTY SIMPLE AND PRETTY STRAIGHTFORWARD,
NOTHING COMPLEX; AND, YET, SO FAR I WENT TO A
PUBLIC HEARING -- PUBLIC MEETING AT THE OLD
SAINT AGNUS HIGH SCHOOL RECENTLY. VERY
LITTLE INFORMATION WAS FORTHCOMING ABOUT HOW
THE UNIVERSITY INTENDS TO USE THESE
BUILDINGS. BUT I, WHO HAVE LIVED IN WEST
BRIGHTON FOR ALMOST 50 YEARS, FOR VERY GOOD
REASONS DON'T LOOK AT IT THE WAY THE
UNIVERSITY LOOKS AT IT.

I WANT TO KNOW HOW THEY WILL USE THOSE
BUILDINGS. WHAT HAPPENED TO ME AND MY FAMILY
IN 1972 DURING HURRICANE AGNES OFFERS

EXPERIENCE FOR TOWN BOARD MEMBERS AS THEY
DECIDE WHETHER TO GRANT THE REZONING PERMIT
ON WHICH, IN THE FUTURE, HIGHLY DANGEROUS
EXPERIMENTS WILL BE CONDUCTED.
WHAT ARE THESE DANGEROUS EXPERIMENTS?
ON GOOGLE I EASILY OBTAINED INFORMATION
THAT THE UNIVERSITY OF ROCHESTER IS
CONDUCTING FEDERALLY-FINANCED RESEARCH,
RECEIVING MILLIONS OF DOLLARS, INTO
HIGH-YIELD EXPLOSIVES, AS WELL AS
ANTI-ANTHRAX AGENTS.
NOW, SUCH EXPERIMENTS, OBVIOUSLY,
INVOLVE THE SAFETY AND FUTURE WELFARE OF ALL
AMERICANS; AND, THEREFORE, THEY SHOULDN'T
LIGHTLY OR NARROWLY BE CONSIDERED. BUT I
POINT OUT TO YOU, AND I UNDERSCORE THIS, THAT
THESE EXPERIMENTS WILL BE CONDUCTED VERY NEAR
THE 100-YEAR, 300-YEAR, AND 500-YEAR
FLOODPLAINS THAT ARE OUTLINED AND PROTECTED
IN WEST BRIGHTON BY THE FEDERAL GOVERNMENT.
THE LAST MAJOR PROJECT TO HAVE BEEN
ERECTED ADJOINING THE FLOODPLAINS WAS
MARKETPLACE MALL. IT REQUIRED WEEKS OF
HEARINGS SPONSORED BY BOTH STATE AND FEDERAL

AUTHORITIES TO MOVE THE PROJECTS AHEAD, AND
THEN ONLY WITH CHANGES -- MAJOR CHANGES MADE
IN THE PROJECTS, WHICH I AM AWARE OF, BUT I
AM NOT GOING INTO RIGHT NOW -- THE FEDERAL
AUTHORITIES THAT CONDUCTED THE HEARINGS WERE
THE ARMY CORP OF ENGINEERS, BECAUSE IT IS MY
BELIEF THAT THIS PROJECT, BECAUSE OF THE FACT
THAT THE ARMY ENGINEERS REGARDED THE GENESEE
RIVER AND ITS TRIBUTARIES UNDER THE
PROTECTION OF THE FEDERAL ENVIRONMENTAL
CONSERVATION -- NATIONAL ENVIRONMENTAL
CONSERVATION ACT, THAT THESE AREAS ARE
PROTECTED, AND THERE WILL HAVE TO BE HEARINGS
BY THE FEDERAL, AS WELL AS THE STATE
GOVERNMENT.

I HAVE EVERY REASON TO BELIEVE THAT, IN
ADDITION TO THE TOWN OF BRIGHTON'S
CONSIDERATION OF THIS PROPOSED CONSTRUCTION,
STATE AND FEDERAL AUTHORITIES MUST REVIEW IT,
NOT ONLY BECAUSE IT IS SO CLOSE TO THE

8/20/2007
THE PLANS TO DISCHARGE WASTE FROM ANTHRAX
EXPERIMENTS, AS WELL AS HIGHLY TOXIC,
HIGH-YIELD EXPLOSIVES INTO LOW-LYING SEWERS

17

17

THAT COULD EASILY OVERFLOW TO OTHER PARTS OF
BRIGHTON.

NOW, I'LL REFERENCE HURRICANE AGNES IN
1972, BECAUSE IT GIVES US A BASE OF
INFORMATION AS TO WHAT HAPPENED IN MY PART OF
WEST BRIGHTON.

IN 1972 BOTH THE GENESEE RIVER AND ITS
TRIBUTARY, RED CREEK, BOTH PROTECTED BY
FEDERAL LAW, OVERFLOWED DURING HURRICANE
AGNES, DAMAGING HOMES AND PROPERTIES IN
HENRIETTA AND BRIGHTON, AND I UNDERSTAND
CHILI.

AS I UNDERSTAND IT, THE UNIVERSITY OF
ROCHESTER PROPOSES TO SEWER A SECTION OF WEST
BRIGHTON THAT NOW OPERATES WITH SEPTIC TANKS.
I PUT IT TO THE TOWN BOARD WHETHER THIS IS A
PRUDENT MOVE THAT WOULD ALLOW HIGHLY-TOXIC
SEWAGE TO FLOW PERILOUSLY CLOSE AND PERHAPS
OVERFLOW IN FLOODPLAINS, WHICH HAVE IN THE
PAST REPEATEDLY OVERFLOWED, AND THIS IS LANDS
I HAVEREFERRED TO HAVE TAKEN PLACE IN WEST
BRIGHTON, DESPITE THE PRESENCE OF MOUNT
MORRIS DAM TO THE SOUTH.

IF THIS PROJECT GOES FORWARD, I FEEL

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IT'S CRITICAL AS A LONG-TIME RESIDENT AND
LONG-TIME PRESIDENT OF WEST BRIGHTON PROPERTY
OWNERS ASSOCIATION TO INVOLVE BOTH THE
FEDERAL AND THE STATE AUTHORITIES TO WEIG
THE ISSUES I HAVE RAISED TONIGHT. YOU HAVE
THE SAFETY AND HAPPINESS OF THOUSANDS OF WEST
BRIGHTON RESIDENTS IN YOUR HANDS. I KNOW YOU
WILL BE THINKING OF THEM AS YOU MAKE YOUR
DECISION, AND I THANK THE BOARD VERY MUCH.
SUPERVISOR FRANKEL: THANK YOU. THANK
YOU.

(APPLAUSE.)

KEVIN O'CONNELL NOW.

KEVIN O'CONNELL: I WILL DIRECT MY
QUESTIONS TO MR. GREINER.
COUNCILMAN MOEHLE: COULD YOU JUST STATE
YOUR NAME AND ADDRESS.

KEVIN O'CONNELL: YES. KEVIN O'CONNELL,
BASTIAN ROAD. I'M SORRY.

I WILL DIRECT MY QUESTIONS TO
MR. GREINER, SO HE CAN TELL US ABOUT THIS.

I AM GIVEN TO UNDERSTAND THAT THE
DEPARTMENT OF TRANSPORTATION HAS REQUESTED
AND/OR REQUIRED THAT CERTAIN DOCUMENTATION

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THEY HAVE PREPARED IN ANTICIPATION OF THESE
CHANGES BE INCLUDED IN THE ENVIRONMENTAL
IMPACT STATEMENT, WHICH HE HAD HERE ON THE
DESK, WHICH IS ABOUT TEN INCHES HIGH.

AND ONE OF THOSE DOCUMENTS THAT'S COME

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TO MY ATTENTION, AND THAT IS REFERRED TO AS
THE "SEAR-BROWN DRAWING, ALTERNATIVE NUMBER
5," REGARDING THE INTERCHANGES OF I-390,
I-590 AND NEW YORK 15 AND NEW YORK 15-A.
I NOTE ON THAT DRAWING, ALTHOUGH IT'S
RATHER DIFFICULT TO MAKE OUT, THAT AMONG THE
THINGS THAT ARE BEING SUGGESTED, AND I
HAVEN'T SEEN ALL THE ALTERNATIVES, IS THAT
PART OF THE TRAFFIC PLAN FOR THIS WOULD
REQUIRE THAT THERE BE NO LEFT TURN FROM WEST
HENRIETTA ROAD ONTO EAST RIVER ROAD. THAT IS
A VERY SUBSTANTIAL IMPACT.
THAT MEANS THAT ANYBODY WHO WANTS TO GO
UP EAST RIVER ROAD, ANYBODY AT ALL, HEADED
NORTH ON 15, HAS TO COME BY THE END OF MY
STREET ON EAST RIVER ROAD. YOU WILL HAVE TO
GO UP CRITTENDEN, OR YOU WILL HAVE TO GO UP
252 TO THE END OF EAST RIVER ROAD, AND
PROCEED DOWN EAST RIVER ROAD THROUGH THE
PARK, PAST THE THREE DEAD-END STREETS, PAST
IDLE LANE AND SO FORTH.
I KNOW THAT ALTERNATE 5 CONTAINS THAT
PROHIBITION. I DON'T KNOW IF THE OTHER
ALTERNATES CONTAIN THAT PROHIBITION AS WELL.
I WOULD LIKE THAT VERY PARTICULAR QUESTION TO
BE ADDRESSED. IF THERE IS GOING TO BE A VERY
SIGNIFICANT CHANGE IN THE TRAFFIC PATTERNS,
WE GOT TO KNOW ABOUT THAT.
THERE IS ALSO NOTED IN THAT ALTERNATIVE
THAT THE ENTRANCE RAMP CURRENTLY ON 390 ONTO
EAST RIVER ROAD, IN THE DIRECTION HEADED
TOWARDS -- FROM SCOTTSVILLE TOWARDS WEST
HENRIETTA ROAD, IS GOING TO BE INCREASED BY
AT LEAST ONE LANE. THAT'S ANOTHER VERY
SIGNIFICANT IMPACT.
THE BRIDGE ON KENDRICK DRIVE NOW IS ONE
OF THE BUSIEST BRIDGES IN THE COUNTY. THE
U OF R IS THE LARGER EMPLOYER THAT WE HAVE.
THAT TRAFFIC ALREADY HEAVILY IMPACTS US. IF
THEY ARE GOING TO MAKE THESE CHANGES, THAT
ISN'T GOING TO GET BETTER. I WOULD LIKE
ANSWERS TO THOSE QUESTIONS. I WOULD LIKE
THEM BEFORE A FINAL ENVIRONMENTAL IMPACT

STATEMENT IS PREPARED.
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
ROBERT LEVINE TO BE FOLLOWED BY JENNIFER
RIES-TAGGART. I HOPE I SAID IT RIGHT.
ROBERT LEVINE: ROBERT LEVINE, 1015
CRITTENDEN ROAD.
FIRST, I'D LIKE TO THANK LOUISE FOR
SHOWING UP AT SAINT AGNES SCHOOL, EVEN
BEFORE, WITH REGARD TO THE U OF R, EVEN
BEFORE SHE WAS SEATED AS AN OFFICIAL
COUNCILWOMAN.
COUNCILWOMAN NOVROS: YOU'RE WELCOME.
ROBERT LEVINE: IT SHOWED YOUR
DEDICATION. I WOULD LIKE EVERYBODY IN WEST
BRIGHTON TO REALLY KNOW THAT. OF COURSE, RAY
I HAVE A FEW ISSUES --
COUNCILMAN TIERNEY: SANDY WAS THERE.
SPEAKER: OH, SANDY, I'M SORRY. ACCEPT
MY APOLOGY. I'M SORRY.
SUPERVISOR FRANKEL: NOT TO WORRY.
ROBERT LEVINE: I WOULD LIKE TO ADDRESS

THE HAZARDOUS WASTE ISSUE, BECAUSE I ALSO DID
A GOOGLE RESEARCH WHEN I RECEIVED THE LETTER,
WHICH ONE OF THE MENTIONS IN THE LETTER, AND
I DON'T KNOW EXACTLY WHAT U OF R HAS ON THEIR
CAMPUS AT THIS POINT WITH REGARD TO
 BIOLOGICAL, CHEMICAL AND RADIATIONAL WARFARE
PROJECTS. BUT I DO KNOW THAT ANY OF THESE
MATERIALS SHOULD NOT BE SEATED IN THE CENTER
OF A RESIDENTIAL COMMUNITY, BECAUSE THERE
COULD BE ACCIDENTS. THERE COULD BE
DISCHARGES INTO THE ATMOSPHERE -- INTO THE
ENVIRONMENT, I SHOULD SAY -- WHICH INCLUDES
BOTH THE ATMOSPHERE AND THE GROUND. WHETHER
THEY ARE DOING RESEARCH IN THAT, THEY SHOULD
BE DOING IT IN A MORE REMOTE PLACE. IT
REPRESENTS A LOT OF PROBLEMS.

IN ADDITION TO THE MATERIALS BEING
THERE, THE U OF R JUST RECEIVED, I THINK IN
SEPTEMBER, OR SEPTEMBER THEY ANNOUNCED IT,
ACCORDING TO MY GOOGLE RESEARCH, A $21
MILLION CONTRACT RELATED TO TERRORISM. I
HAVE THE PAPER HERE, AND THESE TYPES OF
MATERIALS BECOME A MAGNET FOR TERRORISTS.

SO, TO HAVE SOME TYPE OF SHOOT-OUT, IF THE

TERRORISTS DO DECIDE TO ENGAGE THE UNIVERSITY
OF ROCHESTER WITH THESE TYPES OF DANGEROUS
BIOLOGICAL, CHEMICAL AND RADIATIONAL PROJECTS
THAT ARE GOING ON, IS GOING TO BE A LARGE
IMPACT ON THE COMMUNITY, ALSO.

I HAD MENTIONED THIS TO THE FACILITY --
I THINK HE WAS THE FACILITY DIRECTOR AT THE
U OF R AT THE SAINT AGNES SCHOOL, THAT THOSE
TYPES OF THINGS SHOULD BE DONE AT A REMOTE
LOCATION, AND HE SAID THAT HE WOULD -- HE
COULD PROVIDE BETTER PROTECTION, IF
EVERYTHING WAS IN A CONTIGUOUS AREA. AND
RIGHT AWAY MY THOUGHT WENT, "GEE-WHIZ, HE IS
GOING TO TAKE ON THE TERRORISTS, AND
EVERYTHING IS GOING TO BE IN OUR AREA."

AT LEAST THAT WAS MY THOUGHT, AND HE
MIGHT COMMENT AT SOME TIME CONCERNING THAT.

SO, IN SUMMARY, BECAUSE THE U OF R HAS
BEEN DOING THOSE TYPES OF THINGS ON THE
UNIVERSITY -- AND I RECEIVED THIS FROM A
DOCUMENT THAT THE U OF R HANDED THE TOWN OF
BRIGHTON WHEN RAY TIERNEY CORRECTLY ADDRESSED
THE PROBLEM OF WHAT'S GOING TO GO ON IN THOSE
TYPES OF BUILDINGS, WHAT IS GOING ON NOW AT

THE UNIVERSITY OF ROCHESTER, AND I'LL READ
SOME OF THE VERY SUMMARIES THAT THIS DOCUMENT

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HAS WITH REGARD TO THE RELEASING INTO THE
ENVIRONMENT HAZARDOUS MATERIALS RIGHT NOW --
RADIONUCLIDE, EXPLOSIVE, WASTE BYPRODUCTS --
WHATEVER THAT MEANS, THAT DOESN'T SOUND TOO
ENCOURAGING TO ME -- AND DISCHARGING INTO THE
SEWER. AND, AS MITCH KAUDY SAID, IF WE HAVE
A FLOOD, AND THESE THINGS ARE BEING
DISCHARGED INTO THE GROUND, AND THE FLOOD
WATERS BRING UP THESE TYPES OF CHEMICALS, AND
THEY START ENCROACHING INTO THE HOUSES, WE'RE
ALSO GOING TO HAVE A PROBLEM.
I JUST DON'T WANT ANY OF THESE THINGS IN
OUR NEIGHBORHOOD. I MEAN, IT'S NOT WARRANTED
COMMUNICATION -- TELECOMMUNICATION IS NOT A
STATE OF THE ART. WE COMMUNICATE WITH THE
HUBBLE SATELLITE. WE COMMUNICATE ALL AROUND
THE WORLD. IF THE U OF R WANTS TO ESTABLISH
BUSINESS TYPES OF BUILDINGS, OR BUILDINGS
WHERE PEOPLE COULD HAVE COMPUTERS, AND THERE
IS A REMOTE LOCATION, I SEE ABSOLUTELY NO
PROBLEM WITH THE COMPUTERS COMMUNICATING IN
SOME WAY AND ORGANIZING EXPERIMENTS FROM

COMPUTER TERMINALS. IT'S DONE ALL THE TIME.
I MEAN, WE CONTROL THE HUBBLE SPACECRAFT FROM
A REMOTE LOCATION. THE UNIVERSITY COULD DO
THIS.

I DON'T THINK THEIR CONTINUOUS
EXPLANATION OF THEM BEING ABLE TO DEFEND
AGAINST A TERRORIST ATTACK IS A REASON ENOUGH
TO PUT THESE VERY HAZARDOUS THINGS WITHIN OUR
NEIGHBORHOOD.

NOW, ANOTHER ISSUE IS THAT THE DEMOCRAT
AND CHRONICLE CAME OUT WITH A REPORT
RECENTLY, ON DECEMBER 14TH, AND IT SAID,
"DATA SAYING MONROE HAS STATE'S UNHEALTHIEST
AIR." AND THEY PROVIDED A LINK TO THE
ENVIRONMENTAL PROTECTION AGENCY WHERE YOU
COULD TYPE IN AN ADDRESS AND HAVE THE LINK --
IF ANYBODY WANTS IT, I COULD SEND IT TO
STEVE, AND HE COULD BE THE CONDUIT FOR
DISTRIBUTING IT.

BUT YOU CAN TYPE IN ANY ADDRESS,
INCLUDING THE TOWN HALL, AND GET A SCORE
WHICH TELLS YOU WHAT THE UNHEALTHY AIR IS AT
THAT LOCATION WITH REGARD TO THE AVERAGE
ACROSS THE UNITED STATES.

NOW, CRITTENDEN ROAD, IT TURNS OUT, THAT
WE HAVE 4.2 TIMES THE AVERAGE OF
NEIGHBORHOODS NATIONWIDE IN THIS COUNTRY OF
UNHEALTHY AIR -- 4.2 TIMES WHAT THE AVERAGE
IS IN THIS COUNTRY.
ON BASTIAN ROAD I THINK -- I HAVE IT
HERE -- TURNED OUT -- AND THE ASSOCIATED
STREETS, IT TURNED OUT TO BE 5.1.
AT SOUTH LAND DRIVE AND THEIR ASSOCIATED
STREETS, IT TURNED OUT TO BE 4.9.
AND AT THE U OF R, AROUND STRONG
HOSPITAL ON ELMWOOD AVENUE -- I TYPED IN THE
ADDRESS -- IT TURNED OUT TO BE 6.3.
NOW, I CAN'T REALLY STATE WITH CERTAINTY
PROBLEM WE HAVE -- ALL THESE PROBLEMS WITH AIR, BUT I CAN STATE THAT THE CLOSER YOU ARE TO THE U OF R, THE HIGHER THE LEVEL OF UNHEALTHY AIR.

NOW, IF THEY PUT -- AND WITHIN THE SOUTH AREA, WITHIN THE BRIGHTON AREA, AND THEY START DISCHARGING, BECAUSE THAT'S WHAT THEY ARE DOING IN THE UNIVERSITY, THESE LEVELS ARE GOING TO JUST GO UP.

SO, THESE ARE OTHER REASONS WHY THERE SHOULDN'T BE ANY OF THAT, ANY OF THOSE TYPES OF FACILITIES THAT HAVE ANY TYPES OF HAZARDOUS MATERIAL, AND I'LL DEFINE THE WORD "HAZARDOUS" MYSELF, BECAUSE WE KNOW THAT THE CLEAN AIR ACT, WHICH PROBABLY COULD BE LABELED "THE DIRTY AIR ACT," IS ALSO POLITICALLY MOTIVATED, AND OUR OPPOSITION TO KYOTO WAS ALSO A BUSINESS ORIENTED.

SO, ANY HAZARDOUS MATERIAL, AS I LABEL IT, IS SOMETHING THAT YOU WOULDN'T WANT TO BRING HOME, YOU WOULDN'T WANT TO EAT, YOU WOULDN'T WANT TO SLEEP WITH. I THINK IF SHOULD HAVE NONE OF THAT, RFCAIFRF WE HAVE A NEIGHBORHOOD NOW, AND WE DON'T HAVE ANY OF THAT NOW, AND THE U OF R SHOULD NOT -- WHETHER THEY ARE DOING ANY WORK IN THAT RIGHT NOW OR NOT, THAT IS M UPRIGHT. THEY SHOULD NOT BE ABLE TO PUT ANY OF THOSE TYPES OF FACILITIES WITHIN THE SOUTH BRIGHTON CAMPUS.

OKAY. I WOULD LIKE TO ALSO -- I HAVE ALSO A COUPLE OTHER THINGS HERE.

OKAY. SPORTS COMPLEXES. I MEAN, UNIVERSITIES ARE ENGAGED IN SPORTS, BUT I

DON'T THINK A SPORTS COMPLEX IS ALSO WARRANTED FOR OUR NEIGHBORHOOD. SO, I DON'T THINK THAT SHOULD BE APPROVED.


NOW, AS FAR AS THE VARIOUS SERVICES ARE CONCERNED, FIRE SERVICES, POLICE SERVICES, AMBULANCE SERVICES, EVERY TIME THEY PUT UP A BUILDING THAT INCREASES OUR RISK. I MEAN, A BUILDING ISN'T THERE NOW, BUT, ONCE THEY PUT UP A BUILDING, IF A FIRE OCCURS, AND THE FIRE TRUCKS ARE RESPONDING TO THAT FIRE, AND THEN LET'S SAY MY HOUSE STARTS BURNING, I HAVE BEEN DILUTED WITH REGARD TO THE SERVICES BECAUSE THEY BUILT THE BUILDING.

NOW, HERE'S AN INSTITUTION THAT JUST GOT A $21 MILLION CONTRACT, AND I ASSUME HOMELAND DEFENSE IS GOING TO GIVE THEM MANY MORE

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CONTRACTS BECAUSE BIOLOGICAL, RADIATIONAL, ET CETERA, IS A BIG DEAL WITH THEM. SO, I THINK IT WON'T BE ANY STRAIN FOR THEM TO DO THE MORAL AND FAIR THING, AND FOR EVERY BUILDING THAT GOES UP, THEY SHOULD PAY THEIR FAIR SHARE, AS EVERYBODY ELSE DOES, BECAUSE THEY ARE INCREASING OUR RISK, AND WE DON'T HAVE TO WAIT UNTIL WE HAVE TO HIRE SOMEBODY. THEY ARE GETTING THE SERVICE. THEY'RE INCREASING OUR RISK. IF AN AMBULANCE GOES THERE, AN AMBULANCE CAN'T COME TO ME; AND, FOR THAT, THEY SHOULD PAY JUST LIKE EVERYBODY ELSE PAYS.

AS FAR AS ACCOUNTABILITY IS CONCERNED, THEY SHOULD NOT BE SORT OF AN ENTITY IN THEMSELVES. IF A BUILDING IS APPROVED AND TOM SAYS, THAT, YES, THEY HAVE TAKEN CARE OF THE NECESSARY DRAINAGE, AND THINGS LIKE THAT; BUT, THEN, IT TURNS OUT THAT THERE IS SOME VARIABLES, BECAUSE I ASSUME THERE IS A VERY COMPLEX THING. IF YOU WANT TO PLUG IN EVERY SINGLE VARIABLE INTO THE EQUATION, IT TURNS OUT THAT NOW FLOODING OCCURRED WHERE IT DIDN'T OCCUR BEFORE, THAT THEY HAVE THE

RESPONSIBILITY, U OF R, JUST LIKE IF I BUILT A BUILDING, AND I WAS CAUSING SOMETHING, THAT THE TOWN SHOULD HAVE THE RIGHT TO SAY "HEY, YOU HAVE TO FIX THE PROBLEM." THAT IT SHOULDN'T JUST BE A FINALIZED THING, IT WOULD BE OKAY; AND, THEREFORE; WE DON'T HAVE TO DO ANYTHING ABOUT IT.

OKAY. I'M FINISHED. THANK YOU VERY MUCH.

(APPLAUSE.)

SUPERVISOR FRANKEL: THE NEXT PERSON IS JENNIFER RIES-TAGGART; AND FOLLOWING HER, LAURA O'CONNELL.

JENNIFER RIES-TAGGART: SUPERVISOR FRANKEL AND THE ENTIRE BOARD, JENNIFER RIES-TAGGART.

SUPERVISOR FRANKEL: I'M SORRY.

SPEAKER: THAT IS FINE. NOBODY REALLY KNOWS HOW PRONOUNCE THAT.

OKAY. MY NAME IS JENNIFER. I AM AT 1400 CRITTENDEN ROAD. I AM ACTUALLY A VERY RECENT BRIGHTON RESIDENT AS OF THREE MONTHS. AND I SHOULD ADD, A HIGHLY CONCERNED RESIDENT.

WHEN I INITIALLY LOOKED INTO PURCHASING OUR HOME, I WENT TO THE TOWN HALL AND GRACIOUSLY RECEIVED THIS COPY (INDICATING). NOW, THERE IS A NEW COPY, AND I NOTICE, TO MY ALARM, THAT THE STORM WATER MANAGEMENT POND THAT WAS GOING TO BE NEAR US IN THIS ONE (INDICATING) IS NOT IN THIS ONE.

I'M VERY CONCERNED BECAUSE, OF COURSE – ONE OF MY MAJOR CONCERNS IS THE DRAINAGE ISSUE.

MY UNDERSTANDING -- AND; AGAIN, I SHOULD
WANTS TO REZONE TWO INSTITUTIONAL PLAN
DISTRICTS. WHAT IS IT NOW? IS IT A WETLAND?
MR. LOW: IT'S ZONED SINGLE-FAMILY
RESIDENTIAL.
JENNIFER RIES-TAGGART: OKAY. THANK
YOU.
TO GET BACK TO IT, THE TWO MAPS AND THIS
LACK OF THE SWM, AS IT'S CALLED, "STORM
MANAGEMENT WATER POND," IS ON ONE MAP, BUT
NOT ON ANOTHER. THAT IS A MAJOR CONCERN TO
ME ON SO MANY LEVELS.
ONE, MY UNDERSTANDING IS THAT THIS SWM

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ALLOWS FOR WATER DRAINAGE. IT'S NOT A
CONSTANT LEVEL, BUT A LEVEL THAT GOES UP AND
DOWN. BUT THAT IS SOMETHING THAT WOULD MAKE
SENSE TO ME. IT'S WETLANDS BEHIND OUR HOUSE.
I MEAN, RIGHT NOW, THERE IS A SMALL VERSION
OF A POND GOING. I CAN ONLY IMAGINE, BY THE
TIME WE GET HOME, IT WILL BE BIGGER.
HOWEVER, I WAS THINKING THIS SWM WOULD HELP
THIS WHOLE WATER ISSUE.
SO, LIKE I SAID, I HAVE ACTUALLY THREE
MAJOR CONCERNS. ONE IS -- AND NOT IN ORDER
OF PRIORITY.. ONE IS A DRAINAGE CONCERN; A
SECOND, OF COURSE, IS PRIVACY CONCERN; AND
THE THIRD IS BIOHAZARDS.
I HAVE SOME SPECIFIC ISSUES. I DON'T
KNOW IF THEY ARE PERTINENT NOW. ACTUALLY,
SOME SPECIFIC QUESTIONS.
I NOTICE ON THIS -- HAS TO DO WITH
MYSELF AND A FEW OTHERS ALONG MY 1400 AREA, I
NOTICE THAT THERE IS A 500,000-SQUARE FOOT
FOOTPRINT. I WONDER HOW MANY STORIES THAT
WILL BE, WHAT IS THE USE, HOW MANY PEOPLE
WILL BE IN THE BUILDING AND/OR ADJACENT
PARKING LOT, THE HOURS OF OPERATION, AND THE

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TIME FRAME WHEN THIS IS GOING TO HAPPEN.
AGAIN, I WOULD LIKE TO SAY, WHEN I
PURCHASED THE HOUSE THREE MONTHS AGO, I WAS
THINKING THAT I KNOW THAT THE U OF R IS
ENCROACHING, AND IT MIGHT BE, YOU KNOW,
20 YEARS OR SOMETHING THAT I WOULD HAVE TO
WORRY ABOUT SOMETHING LIKE THIS, AND THREE
MONTHS LATER, IT'S IN MY BACKYARD.
I GUESS, I WOULD LIKE TO CONCLUDE WITH,
I UNDERSTAND THAT IT BEHOOVS THE TOWN OF
BRIGHTON TO WORK WITH THE U OF R. HOWEVER, I
WOULD ALSO LIKE TO STRESS THAT WE ARE THE
ONES WHO ARE PAYING BRIGHTON TAXES AND NOT
THE U OF R.
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
LAURA O'CONNELL: FOLLOWING LAURA, ED
AND DAWN BARANOWYCK.
LAURA O'CONNELL: HI. I'M LAURA
O'CONNELL, 111 BASTIAN ROAD.
I WOULD LIKE TO ASK FOR AN EXPLANATION
OF A DRAFT "GEIR" AND A GENERAL AND GENERIC,
SO, I WOULD LIKE SOMETHING BACK ON THAT. IT DOESN'T HAVE TO BE TONIGHT. IT CAN BE IN WRITING.
AND, THEN, WHAT HAPPENS IN BETWEEN? WHO MAKES THE DECISION? AND TELL ME WHAT INFORMATION IS SUBMITTED TO THE TOWN, U OF R AND FUTURE APPROVALS ARE HANDLED -- AND THINGS LIKE THAT.
ALSO, I SPOKE TO SOMEONE AT THE DEC ABOUT, MAYBE TWO MONTHS AGO, AND ASKED IF THE DELINEATION OF THE WETLANDS NOTED IN THE ASSESSMENT THAT THE COMPANY THAT THE U OF R HIRED -- MAY BE IT'S FRA; I'M NOT SURE -- IF THEY WERE ACCURATE, AND IF THE AREA ONLY CONTAINED FEDERAL WETLANDS. AND I'M FAMILIAR WITH THE AREA AND COULD NOT BELIEVE THIS WAS THE CASE.
THE PERSON I SPOKE TO SAID THERE WAS INDEED AN ERROR ON THE DELINEATION OF THE WETLANDS SHOWN IN THE DGEIF. I ASKED ONE OF SPEAKERS, WHOM AS I RECALL WORKED FOR THE AGENCY THAT THE U OF R HIRED, AT THE MEETING AT SAINT AGNES, AND HE SAID THAT THERE WAS NOT AN ERROR. HE WAS NOT AWARE OF AN ERROR.

AND I SUGGESTED YOU CALL THE DEC AND ASK ABOUT IT, BECAUSE, YOU KNOW, IF IT IS TRUE, THEY SHOULD KNOW.
TODAY I CALLED THE DEC AGAIN, I SPOKE TO SCOTT JONES -- HE'S A WETLAND BIOLOGIST -- AND I ASKED THE SAME QUESTION. HE TOLD ME THAT HE WENT OUT TO THE SITE THE OTHER DAY, AND THAT HE DID FIND ONE AREA THAT A FORMAL ASSESSMENT SHOULD BE DONE ON, AS IT MAY NEED TO BE RECLASSIFIED AS A STATE WETLAND. IT BOARDERS MONROE COUNTY PROPERTY.
I'M NOT SURE IF THAT IS THE ONLY WETLAND AREA WHERE THERE IS AN ERROR, BUT I THINK THE TOWN AND THE STATE SHOULD DO A FORMAL STUDY ON THIS TOPIC.
I ALSO ASKED SCOTT JONES WHAT WOULD HAPPEN TO THE WILDLIFE THERE, THE TURKEYS, DEER, WHATEVER. AND HE SAID THAT THERE WAS NO DOUBT THERE WOULD BE AN ADVERSE IMPACT TO THE WILDLIFE IN THE AREA WITH SUCH A LARGE DEVELOPMENT, AND THAT THAT SHOULD BE LOOKED AT. AND I WOULD LIKE TO REQUEST YOU PROVIDE INFORMATION ON THIS ASPECT. WHAT IS LIKELY TO HAPPEN TO THESE ANIMALS, AND WHERE WOULD

THESE ANIMALS MIGRATE, ET CETERA.
SHOULD THE LAND BE DEVELOPED? I MEAN, I DON'T KNOW WHY WE WOULD BE LOOKING AT A REZONING, IF THERE IS NO BRICKS THAT'S GOING TO BE PUT UP. BUT, ANYWAY, NOT IMMEDIATELY, APPARENTLY. I AM CONCERNED ABOUT THE TRAFFIC AS WELL SHOULD THIS HAPPEN. I UNDERSTAND EAST RIVER ROAD MAY NEED TO BE WIDENED, AND A
PUT IN, AND THAT THE EXTRA TRAFFIC WOULD NOT
BE HANDLED WITH THE CURRENT DEVELOPMENT PLANS
THAT ARE PUT IN PLACE.
I UNDERSTAND MOST OF THE TRAFFIC IMPACT
WOULD BE ON EAST RIVER ROAD, AND THAT ONLY
EMERGENCY VEHICLES WOULD USE CRITTENDEN ROAD,
I DO NOT BELIEVE THERE WOULD BE ANY -- OR AN
ENTRY FROM WEST HENRIETTA ROAD, BUT I'M NOT
SURE ABOUT THAT.
SO, BASICALLY, I WOULD LIKE FURTHER
INFORMATION ON THE TRAFFIC ISSUE AND THE
COSTS ASSOCIATED WITH MAKING THESE CHANGES.
ALSO, I HAVE NOT HEARD MENTIONED
WHETHER -- ANOTHER THING I HAVE NOT HEARD
MENTIONED IS WHETHER OR NOT THERE WOULD BE
MORE STUDENTS THAT WOULD HAVE CHILDREN
ATTENDING THE RUSH-HENRIETTA SCHOOL, SUCH AS
WHIPPLE PARK. AND I AM WONDERING IF
RUSH-HENRIETTA SCHOOL DISTRICT HAS BEEN
FORMALLY NOTIFIED OF THIS POSSIBLE CHANGE,
BECAUSE THIS IS A NON-BRIGHTON ISSUE.
FURTHERMORE, I REQUESTED THE TOWN NOTIFY
RESIDENTS BY MAIL AS TO THE DIFFERENT WAYS
THEY CAN VIEW THE ENVIRONMENTAL IMPACT
STATEMENT, BECAUSE IT'S KIND OF HUGE. IT'S
VERY HARD TO FIND ON THE TOWN'S WEBSITE. I
HAD TO FINALLY CALL THE TOWN AND ASK FOR
HELP. IT IS REAL TRICKY FINDING IT. AND I
KNOW IT'S YOUR FIRST TIME DOING IT. IT'S A
NEW LAW. BUT EVEN TRYING TO DOWNLOAD IT, IT
TOOK ME FOREVER TO BRING IT UP. IT TOOK ME
FOREVER TO PRINT A FEW PAGES. I COULD ONLY
PRINT A FEW AT A TIME, AND THEN I HAD TO GO
BACK IN AND TRY TO PRINT MORE. SO, I THINK A
LOT OF RESIDENTS CAN'T DO IT THAT WAY.
AND I THINK WHAT I'LL DO LATER, I
UNDERSTAND THERE IS COPIES AT THE TOWN HALL
WE COULD BORROW FOR A FEW DAYS. I'LL
PROBABILITY WOULD HAVE TO DO THAT. I AM LOOKING
FOR AN IMPROVEMENT IN THE FUTURE.
LASTLY, I PLANNED TO ASK FOR AN
EXTENSION, BUT WE HAVE ALREADY GOT THAT,
BECAUSE I DON'T THINK THERE HAS BEEN ENOUGH
TIME FOR EVERYBODY TO VIEW THESE DOCUMENTS.
AND, WHEN YOU HAVE A LARGE MALL-SIZE
DEVELOPMENT, SUCH AS WHAT COULD BE PUT IN
THERE, I THINK WE NEED THE TIME.
THAT'S IT.
SUPERVISOR FRANKEL: THANK YOU VERY
MUCH.
(APPLAUSE.)
DAWN, AND FOLLOWING THEM -- OR ED -- JIM
HOOPER.
ED BARANOWYCZ: DAWN IS GOING TO SIT IN
THE AUDIENCE.
MY NAME IS ED BARANOWYCZ. MY WIFE IS
DAWN. WE LIVE AT 1180 CRITTENDEN ROAD. I
HAVE BEEN A RESIDENT THERE FOR 17 YEARS, AND
MY WIFE NINE.

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I CAME PREPARED WITH A PRESENTATION, BUT
DID NOT COME PREPARED WITH THE PROJECTION
SYSTEM. SO, I HAVE SOME HANDOUTS FOR THE
BOARD, IF YOU DON'T MIND. SOME ARE COLOR AND

SOME ARE BLACK AND WHITE. THERE’S A LOT
PICTURES I WOULD LIKE TO DEPICT -- I WOULD
LIKE TO SHOW YOU, AND ONCE I GET
STARTED HERE, SOME PICTURES THAT ARE A LITTLE
BIT CLEARER, AND FLIP THROUGH THOSE.
FIRST OF ALL, I WOULD LIKE TO THANK THE
TOWN BOARD FOR HAVING THIS AND ALSO THE
U OF R.
WE HAVE A GREAT NEIGHBORHOOD. WE HAVE A
BEAUTIFUL NEIGHBORHOOD. WE HAVE A
CHALLENGING ISSUE WITH DRAINAGE, AND THE
FACT THAT THE U OF R IS LISTENING TO US, I'M
AWARE OF SEVERAL OF THE PEOPLE FROM U OF R
THAT HAVE CAME OUT AND SPOKEN TO ME. I THINK
THIS IS MOST IMPORTANT TO GO ON A PROCESS
LIKE THIS.
WHAT I WANT TO FOCUS TONIGHT ON IS THE
DEVELOPMENT AND DRAINAGE IN THE SOUTHERN
PORTION OF THE AREA, WHICH IS NORTH OF
CRITTENDEN AND IMMEDIATELY SOUTH AND WEST OF
THE U OF R'S CURRENT DEVELOPMENT, KNOWN AS
WHIPPLE PARK. I AM JUST GOING TO BORROW THIS
MAP. THIS IS THE AREA. THIS IS CRITTENDEN
ROAD.

COUNCILMAN MOEHL: COULD YOU TAKE THE
Mike WITH YOU.
ED BARANOWYCEZ: SO THE AREA IS RIGHT
HERE, THE SOUTHERN PORTION OF THE PROPOSED
DEVELOPMENT (INDICATING). OKAY?
THIS AREA IS ALSO A PORTION OF THE
TRIBUTARY AREA FOR FURLONG CREEK, OR WHAT IS
KNOWN AS FURLONG CREEK. AND THAT TRIBUTARY
AREA GOES ALL THE WAY OVER TO WEST HENRIETTA
ROAD. IT INCLUDES WHIPPLE PARK. IT REALLY
KING OF INCLUDES THIS WATER AREA YOU SEE
HERE. IT ALSO INCLUDES THE AREA SOUTH OF
CRITTENDEN ROAD THAT ALL FEED THIS ONE CREEK,
OR I LIKE TO CALL IT A DRAINAGE DITCH.
ON THE PAGE YOU CAN SEE, I HAVE
HIGHLIGHTED WHAT AREA I AM DISCUSSING IN
BLUE. THE AREA I AM CONCERNED IS THE
DEVELOPMENT, AND I AM ALSO HIGHLIGHTING THE
TRIBUTARY AREA.
THE FOLLOWING MAP WAS TAKEN FROM A STUDY
THAT WAS DONE IN 1969 THAT ALSO SHOWS THE
TRIBUTARY AREA AND ITS SIZE.
TO GET STARTED, THE REQUESTS I HAVE TO
THE TOWN, THE TOWN OF BRIGHTON IS, ONE, DO

NOT ACCEPT THIS DRAFT ENVIRONMENTAL IMPACT
STATEMENT OR DRAINAGE REPORT AS CONCLUSIVE.
WHY? I FEEL THERE'S CONCLUSIONS THAT
HAVE BEEN MADE ALREADY. I DON'T THINK THEY
ARE SUPPORTED BY REALITY, AND I ALSO THINK
I WOULD LIKE TO REQUEST THE TOWN AND THE
U OF R TO, FIRST, TAKE STEPS TO CORRECT THE
EXISTING DRAINAGE. THE U OF R ALREADY HAD A
DEVELOPMENT HERE CALLED WHIPPLE PARK. IT'S
BEEN HERE FOR QUITE SOME TIME. IT
CONTRIBUTES TO THE CURRENT DRAINAGE PROBLEMS
TODAY, AND MANY OF THE LANDS WHERE THE
PROBLEMS ARE HAVE BEEN UNDER THE U OF R'S
CONTROL.
I AM ALSO ASKING NOT TO ALLOW ANY
DEVELOPMENT RIGHT NOW IN THIS AREA OF
CONCERNS, PLAIN AND SIMPLY, BECAUSE HOW CAN
WE BUILD MORE IN THIS SENSITIVE AREA IF WE
CANT FIX OUR PROBLEMS TODAY?
AGAIN, FOR THE REZONING, HOW CAN REZONE
TO INDUSTRIAL, IF WE CANT EVEN HANDLE
RESIDENTIAL AND WHAT'S THERE?
SO WHAT IS THE PROBLEM?

THE TRIBUTARY AREA THAT I DESCRIBED,
THAT LARGE AREA, IT ALL COLLECTS IN ONE PLACE
KNOWN AS MY BACKYARD AND A FEW OTHERS.
(I AIGHT FR )
IT IS 1166; IT'S 1180, IT'S 1192 AND
IT'S 1200. TO SOME OF THE OTHER PEOPLE ON
CRITTENDEN, WHAT YOU MAY OR MAY NOT KNOW, IS,
WHEN THIS PLUGS UP, YOU MAY ALSO BE AFFECTED.
SO, THEN, IT STARTS GOING DOWN STREAM,
BECAUSE YOU HAVE DRAINS THAT COMES THROUGH
YOUR BACK AREA, AND YOU'RE COUNTING ON THIS
DRAINAGE TO WORK HERE.
ALL THIS WATER MUST PASS THROUGH ONE
CULVERT. THAT'S ONE. THERE IS A SECOND
CULVERT. IT CAN'T GET TO THE SECOND UNTIL IT
GETS TO THE FIRST ONE.
SIGNIFICANT FLOODING HAS BEEN
EXPERIENCED FREQUENTLY DURING WHAT, I
BELIEVE, ARE ONE- TO FIVE-YEAR STORMS, AND MY
FEAR IS LARGER STORMS WILL PRESENT A GREATER
RISK TO THE PROPERTY IN THIS AREA.
ALSO, ADDITIONAL DRAINAGE NORTH OF THIS
AREA, AND WHAT I AM TALKING ABOUT IS THIS
WATER SHOWN HERE; HOWEVER, WE WERE ABLE TO

PULL A SATELLITE PHOTO OF THIS AREA; AND, IF
YOU LOOK CLOSELY, THE WATER SHOWN ON THIS MAP
IS ABOUT ONE QUARTER OF THE WATER SHOWN IN
THIS PHOTO.
LAST YEAR THIS WATER AREA WAS MUCH
LARGER. IT IS A LITTLE LESS TODAY; BUT, IF
YOU WALK OUT THERE TODAY, YOU WILL SEE THIS
WATER AREA IS MUCH GREATER.
WHY AM I CONCERNED WITH THAT?
WELL, IT DOES FLOW INTO THIS AREA AS
WELL, AND A LOT OF PEOPLE DON'T REALIZE THAT.
IT GOES TO THAT ONE CULVERT.
AGAIN, I'M SORRY. I'M NOT SURE IF I
MESSED UP THE ORDER, BUT THE MAP IS SHOWING
FURLONG CREEK FROM THE FURLONG CREEK STUDY IN
1969.
NOW, TO HIGHLIGHT THE DRAINAGE PROBLEMS

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TODAY, WHERE THE WATER IS COMING FROM, THERE IS ONE THAT YOU WILL SEE ON THE MAP, THERE IS WATER COMING FROM DEVELOPMENT IN THIS AREA. THERE IS WATER COMING FROM WHIPPLE PARK. THERE IS A CULVERT, A PIPE, THE AREA THAT I DESCRIBED SOUTH OF CRITTENDEN ROAD IS COMING THIS WAY (INDICATING), AND WHEN THIS LAKE OVERFLOWS, OR POND, IT FLOWS INTO HERE AS WELL.

NOW, EXCUSE ME FOR A SECOND. AS YOU'LL SEE, WE HAVE A PICTURE -- WE HAVE TALKED ABOUT THIS FOR A WHILE. I THINK IT'S HARD TO UNDERSTAND, BUT IT'S A PICTURE OF A BATHTUB. THE BATHTUB IS FULL. THE WATER IS RUNNING, AND YOU HAVE ONE DRAIN.

MY POINT IS THIS: IT'S ALREADY FULL. THERE IS ONLY ONE DRAIN, AND WE CAN'T CHANGE THAT DRAIN, BEING THE CULVERT. IF YOU HAVE ONLY ONE DRAIN, WHERE IS THE LOGIC IN INSTALLING MORE WATER SOURCES, FROM IMPERVIOUS SOURCES, COMING THIS WAY? AND I ASK, WHY PROPOSE MORE RISK TO THE CURRENT PROPERTIES, IF WE CAN'T FIX WHAT WE HAVE TODAY?

SO, WHAT DOES THE PROBLEM LOOK LIKE? IN THE REPORT THEY DID A GOOD JOB OF LOOKING AT THIS AREA AND COMMENTING ON IT. ONE COMMENT THAT KIND OF STRUCK ME WAS THAT PROPERTY OWNERS IN THIS AREA HAVE EXPERIENCED SOME OCCASIONAL FLOODING DURING WET PERIODS. I AM GOING TO SHOW YOU PICTURES OVER THE PAST 11 YEARS WHERE I'VE TAKEN PICTURES. I HAVEN'T TAKEN PICTURES OF EVERY EVENT.


IF I LOOK AT WHAT WAS IN THE DRAINAGE REPORT, A ONE-YEAR STORM IS 2.2 INCHES, AND ALL OF THESE ARE LESS THAN TWO INCHES.

NOW, I KNOW THERE IS A FACTOR OF RATE HERE. OKAY? I HAVE BEEN TOLD, NO, IT IS NOT A ONE-YEAR STORM IT, MIGHT BE A 50-YEAR STORM. REGARDLESS, IN THE PAST TEN YEARS, I'VE HAD FIVE OR SIX OF THESE EVENTS, AND THOSE ARE THE PICTURES THAT ARE CIRCULATING NOW.

THE FIRST PICTURE IS FROM THE SPRING OF 1994, MY BACKYARD, WHERE A SIGNIFICANT PORTION OF THE YARD IS FLOODED.

WILL YOU WILL SEE THE FIRST PICTURE GOES
THROUGH MY NEIGHBOR’S YARD, WHERE HE TRIES TO
GARDEN EVERY YEAR, BUT YOU WILL SEE IS A
SHEET OF WATER. THE OTHER PICTURES OF OUR
BACKYARD WHERE WE TRIED TO HAVE A TRAIL, AND
THERE’S A SMALL SHED THERE.
THE NEXT PAGE, I WOULD JUST LIKE TO
SUGGEST THIS CONCLUSION -- DOES THE
CONCLUSION REFLECT REALITY? OR MAYBE THE
CONCLUSIONS MADE HERE DO NOT REFLECT REALITY.
MAYBE I MISUNDERSTOOD THE REPORT, BUT IT SAID
THE AREA BETWEEN THE REZONED PROPERTY AND THE
HOUSES ON CRITTENDEN IS A LOW-LYING AREA AND
HAS CREATED A BOWL EFFECT, WHEREBY, WATER
FROM THE SOUTH AND EAST -- AND I AM ASSUMING
WE ARE TALKING ABOUT THIS AREA AND THIS AREA
HERE THAT IS SOUTH, (INDICATING) -- AND TO A
LESSER EFFECT, THE NORTH IS DIRECTED.
WELL, I DON'T KNOW IF YOU MEAN THE NORTH
HERE OR THE NORTH WHIPPLE PARK. WHAT I AM
TRYING TO SUGGEST IS, THIS FLOW COMING FROM
WHIPPLE PARK IN THIS AREA, WHICH IS

NORTHEAST, HAS A SIGNIFICANT EFFECT.
THE FIRST PICTURE TO THE LEFT WILL SHOW
YOU -- IT'S A LITTLE DIFFICULT TO SEE, BUT I
CAN SHOW YOU A CLEAR PICTURE. THE WATER
COMING FROM THE SOUTH -- OKAY? -- COMES
THROUGH A CONDUIT, THROUGH A DITCH AND IS
CONTAINED IN THE DITCH. THE WATER COMING
FROM HERE IS NOT CONTAINED IN A DITCH AND IS
JUST AS MUCH FLOW, IF NOT MORE.
IF YOU WILL LOOK CLOSELY AT THOSE
PICTURES, THE PIPES ARE ABOUT THE SAME. THE
WATER FLOW IS MUCH GREATER COMING FROM THIS
AREA.
THIS IS HOW THE BOWL GETS FILLED. IT
DOESN'T GET FILLED BECAUSE THE WATER FROM
OVER HERE IS OVERFLOWING. THE WATER FROM THE
U OF R PROPERTY JUST COMES ACROSS OUR
PROPERTY AND FILLS THE BOWL. IT HAS NO WAY
TO GET TO THE DITCH, BUT TO GET THROUGH OUR
PROPERTY.
IT'S NOT FLOWING IN ANY -- IS NOT
FLOWING IN OR PROPERLY DIRECTED TO ANY
SYSTEM. WATER DIRECTLY COMES FROM THE NORTH,
PROPERTY GOING TO THE U OF R OR WHERE WHIPPLE

PARK IS LOCATED, AS WELL AS NEARBY
SUBDIVISIONS.
ANOTHER CONCLUSION THAT I HAVE A PROBLEM
WITH IS, "THE LACK OF RELIEF SLOWS
CONVEYANCE, AS HAVE OBSTACLES SUCH AS
OVERGROWN DRAINAGE CHANNELS AND DEBRIS."
YOU CAN CLEAN THE DITCHES ALL DAY LONG.
THE WATER IS STILL GOING TO FLOW THROUGH THE
WOODS AND INTO OUR YARDS. IT IS STILL GOING
THROUGH THE YARD. CLEANING OUT THE DITCHES
IS NOT GOING TO FIX THAT PROBLEM.
SO, IT IGNORES THE FACT THAT THERE IS
CURRENTLY NOT A DRAINAGE SYSTEM FOR THAT
FLOW. AND, BASICALLY, WE HAVE TO SACRIFICE
OUR YARDS FOR CURRENT DEVELOPMENT TODAY.
HERE YOU HAVE A PICTURE -- THIS IS MY
FAVORITE. MY NEIGHBORS LOVE TO LAUGH AT IT.
JULY OF 1998, WE HAD FLOW OF 1.36 INCHES. I
AM STANDING IN MY BACKYARD WAIST DEEP IN
WATER. I'M NOT IN A DITCH. IF I WAS IN A
DITCH, I WOULD BE MORE LIKE CHEST HIGH, BUT
I'M WAIST DEEP IN WATER.
THIS IS WHAT THE PROPERTY OWNERS IN THIS
AREA HAVE EXPERIENCED. SOME EXPERIENCE

FLOODING DURING WET PERIODS.
WHAT ABOUT THE ONE CULVERT?
THE REPORT QUOTES, AND I HAVE SEEN THIS
IN OTHER DRAINAGE REPORTS, THE ERROR GETS
REPEATED, THAT THERE IS A 30-BY-36-INCH
CULVERT HERE. I MEASURED IT. IT'S 28 INCHES
WIDE. THE DIFFERENCE BETWEEN 30 AND 28
INCHES IS A PERCENTAGE THAT IS OBVIOUSLY
GOING TO REDUCE FLOW. IT IS 38 INCHES HIGH.
HOWEVER, DURING THE EVENT WHERE YOU SEE ME
STANDING IN WAIST-HIGH WATER, THAT CULVERT
ISN'T OVERTOP YET. THERE IS STILL HEIGHT TO
THAT CULVERT. SO, IF WE USE THAT WHOLE
CULVERT, THAT WATER IS PROBABLY DEFINITELY IN
MY HOUSE.
AFTER THIS CULVERT, THERE IS ANOTHER
CULVERT THAT IT MUST PASS THAT'S EVEN
SMaller. IT'S ONLY 22 INCHES BY 29 INCHES.
DURING THIS PARTICULAR EVENT, IT WAS
OVERTAKEN BY THIS.
MY QUESTIONS ARE, ARE THESE CALCULATION
CORRECT ON QUOTING THE WRONG TYPE OF CULVERT?
OR DO THEY REALLY AGREE WITH THE REALITY?
WE'RE SAYING, HEY, IT'S GOING TO CONTROL IT;

THEY ALL GOING TO LOOK THE SAME. BUT THIS
WHAT WE EXPERIENCE TODAY.
THERE HAS BEEN A LOT OF TALK ABOUT WE
NEED TO STUDY IT AGAIN. THE QUESTION IS:
CAN WE CHANGE THE CULVERT? YOU ALL HAVE SEEN
HOW THERE IS A LOT OF WATER COMING THROUGH
THIS WAY TRYING TO GO THROUGH THE CULVERT.
IN 1969, THE STATE RECOMMENDED THAT
FURTHER DEVELOPMENT BE CAREFULLY CONTROLLED.
MAY 1995 STUDY, COUNTY PROJECT 77943,
PROPOSED TWO ALTERNATIVES -- OPEN, CUT
THROUGH THE RAILROAD EMBANKMENTS. THEY SAID
THIS WOULD DECREASE FLOODING ELEVATIONS,
EXCEPT WHEN RED CREEK IS HIGH, IT WILL BACK
UP. IT WOULD ALSO CAUSE DOWNSTREAM FLOODING.
SO, HARM PEOPLE DOWNSTREAM.
SO, CONTROLLING THE FLOW THROUGH THE
CULVERT DOES HELP THOSE PEOPLE. AND THE
U OF R WAS INVOLVED, BUT THEY SAID WE DO NOT
WANT THIS CLEAR-CUT, BECAUSE IT WOULD LIMIT
FUTURE USE. AND IT DIDN'T FULLY SOLVE THE
PROBLEM, ANYWAY. SO, THAT IDEA WAS DROPPED.
THE NEXT SOLUTION WAS, PROVIDE A NEW
CULVERT PIPE UNDERNEATH THE RAILROAD BEDS;

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AND, AFTER THEY STUDIED IT, THERE WAS NO
IMPROVEMENT ANTICIPATED IN THE WINTER AND
SPRING FLOODING SINCE RED CREEK LEVELS ARE
HIGH AND GROUND IS SATURATED.

IN TODAY'S REPORT, YOU WILL SEE
THROUGHOUT THE DRAINAGE REPORT, IN THIS AREA
THE SOIL IS Drained PoorLY, THERE IS POORLY
DRAINED SOIL AND THE AREA IS RELATIVELY FLAT.
SO, I JUST HAVE TO THINK, AFTER 35 YEARS, AND
I KNOW THERE'S MORE STUDIES, WE COME TO THE
SAME CONCLUSION -- WE NEED TO LIMIT THE WATER
TO THIS AREA. I THINK LIMITING THE WATER MAY
ALSO BE LIMITING DEVELOPMENT.

IF YOU LOOK AT THE MAP AGAIN IN YOUR
PACKAGES, I TALK A LITTLE BIT ABOUT THE FLOW
FROM THIS LAKE -- THIS OVERFLOW FROM THE
POND. THIS HAS HAPPENED SEVERAL TIMES OVER
THE PAST TEN YEARS. IT COMES AND GOES. IT'S
ANOTHER WATER SOURCE. THE DRAINAGE REPORT
DIDN'T CONSIDER THIS (INDICATING).

WHY AM I SO CONCERNED OVER THIS POND?
BECAUSE, IF YOU STAND IN MY BACKYARD, YOU
HAVE TO GO UPHILL TO GET TO THE POND. BUT IT
DOES OVERFLOW THIS WAY THROUGH A DITCH THAT

IS DUG HERE (INDICATING). WHY? LACK OF
MAINTENANCE.

IN THE REPORT THAT WAS DONE, IT SAYS
"THIS WATERCOURSE --" AND A FEW OTHER
WORDS "-- ULTIMATELY DISCHARGES TO RED CREEK
VIA AN 18-INCH CULVERT. THE 18-INCH CULVERT
COULD NOT BE LOCATED DUE TO STANDING WATER
AND BRUSH OVERGROWTH."

SO, YOU GOT ALL THIS WATER, AND YOU
DON'T KNOW WHERE THE CULVERT IS.
YEARS AGO WHEN I HAD THIS PROBLEM, I
ASKED THE U OF R -- THEY WERE VERY HELPFUL.
THEY CLEANED OUT THE CULVERT CLOSEST TO MY
HOUSE. I SAID, "THERE IS THIS OTHER CULVERT
YOU NEED TO DRAIN, THAT WATER IS FLOWING OVER
THERE." I DON'T REMEMBER THE GENTLEMAN'S
NAME. "I SENT SOMEBODY UP AND DOWN THE
TRAIL. I CAN'T FIND IT."

SO, SEVERAL TIMES IT HAS RISEN ENOUGH,
AND LAST WINTER IT SPILLED CONTINUOUSLY INTO
OUR YARD, OVER THAT HILL.

I AM CONCERNED THIS POND IS LARGE DURING
WET SEASONS OR WET YEARS. IT CONTAINS A
GREAT DEAL OF WATER, SINCE IT ALSO HANDLES A

CONSIDERABLE AMOUNT OF RUNOFF AND OVERFLOW
INTO MY YARD, IT IS GOING TO BE VERY PROBABLE
DURING AN EXTREME EVENT, AND PROBABLY PRETTY
CATASTROPHIC. TAKING ALL OF THIS WATER, AND
IF THIS POND HAS NOWHERE TO GO BUT MY
BACKYARD, I AM CONCERNED.

BRIGHTON, RG&E, RESIDENTS, FOR THE PAST FEW
YEARS, WE STRUGGLED OVER RESOLVING THE FLOW
OF THIS POND. RG&E IS CONCERNED BECAUSE
THEIR POWER TOWERS ARE IN THERE. ONE OF THE

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COMMENTS THAT MADE TO ME ONCE, "TRUST ME, IF THAT POWER TOWER COMES DOWN, WE'LL CUT THAT THROUGH REAL QUICK TO YOUR YARD, BECAUSE POWER WOULD BE MORE IMPORTANT." IT WAS AN OFF-THE-CUFF COMMENT, BUT OBVIOUSLY I AM CONCERNED.

WE HAVE BEEN TALKING ABOUT THIS -- IT IS NOT EASY TO SOLVE, AND IT IS A DIFFICULT DRAINAGE AREA, BUT WE DO HAVE TO FIGURE THIS OUT.

MY QUESTION IS: WHY ARE WE LOOKING AT MORE DEVELOPMENT, IF WE HAVE A POOR TRACK RECORD OF DRAINAGE AND MAINTENANCE HERE?

HOW DO WE BUILD THE BELIEF AND CONFIDENCE IN THE CURRENT PROPERTY OWNERS, INCLUDING MYSELF, THAT ARE ALREADY -- HOW DO WE BUILD THE BELIEF AND CONFIDENCE IN THE CURRENT PROPERTY OWNERS ALREADY SUFFERING THE EFFECT OF INSUFFICIENT DRAINAGE THAT FOUR MORE PONDS THAT ARE PROPOSED HERE, AND 100 PERCENT MORE IMPERVIOUS SURFACE AREA, WILL FIX THE PROBLEM. HOW? I SAY, START BY MAKING THE CURRENT PONDS WORK AND KEEP THEM MAINTAINED.

THE NEXT PAGE, I HAVE A FEW MORE EXAMPLES, IN OUR BACKYARDS, MY NEIGHBORS' BACKYARDS, OF WATER COMING FROM THE PROPERTY. THIS WAS APRIL 28, 2002. YOU CAN SEE THE WATER COMING THROUGH WOODS THAT IS IMMEDIATELY ADJACENT TO THE PROPERTY, AND YOU CAN SEE THE SHEETING RIVER THROUGH OUR BACKYARDS.

SO, JUST IN SUMMARY, IF YOU WILL, THE AREA IS SERVED BY ONE CULVERT WITH LIMITED CAPACITY. CURRENT FLOW FROM U OF R LAND AND DEVELOPMENTS IS NOT ADEQUATELY CAPTURED IN THE SYSTEMS, AND INSTEAD FLOWS ACROSS PRIVATE BACKYARDS.

MAINTENANCE HAS BEEN LACKING TO CONTROL POND OVERFLOW.

SOLUTIONS HAVE BEEN DISCUSSED FOR 35 YEARS, AS FAR AS I KNOW. PREVIOUS STUDIES RECOMMENDED REDUCING FLOW, CONTROLLING DEVELOPMENT.

THE FLOODS DO OCCUR REGULARLY. GREATER EVENTS CAN LEAD TO GREATER PROPERTY DAMAGE, SINCE THE LEVELS WILL BE CLOSER TO HOMES. I AM CONCERNED ABOUT RAINFALL GREATER THAN TWO INCHES.

PROVIDING INCENTIVE ZONING AND ENCOURAGING FURTHER DEVELOPMENT SHOULD NOT BE THE CAUSE OF CORRECTIVE ACTION FOR THESE PROBLEMS.

I THINK ACTION TO CORRECT THE CURRENT PROBLEMS SHOULD BE THE PREREQUISITE BEFORE WE CONSIDER INCENTIVE ZONING.

THANK YOU.

(SUPERVISOR FRANKEL: JIM HOOPER. I HAVE NO MORE CARDS FOLLOWING JIM HOOPER, SO I WILL)

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JIM HOOPER: GOOD EVENING. I'M JIM HOOPER OF 191 BASTIAN ROAD. I WANT TO THANK THE TOWN FOR THIS PROCESS. IT'S, I HOPE, ONE, THAT'S GOING TO GIVE US MUCH MORE OPPORTUNITY TO PARTICIPATE. I FEEL, AS MANY PEOPLE HAVE SPOKEN TONIGHT, ABSOLUTELY OVERWHELMED BY THE VOLUME OF INFORMATION WE ARE BEING CHALLENGED TO DIGEST, AND I WOULD HAZARD TO GUESS, SO IS THE TOWN.

I WAS GREATLY RELIEVED THIS AFTERNOON WHEN I HEARD THIS HEARING WOULD BE CONTINUED INTO THE NEXT MEETING. I STILL FEEL CHALLENGED ABOUT EVEN GETTING OUR ARMS AROUND SOME OF THE VERY BASIC FUNDAMENTALS IN THIS MATERIAL BY THEN.

SUPERVISOR FRANKEL: MAY I CORRECT WHAT YOU HAVE JUST SAID. THE HEARING WILL RESUME MARCH 9TH. SO, WE WON'T BE TAKING THIS UP AT THE NEXT TOWN BOARD MEETING ON JANUARY 28TH OR 5TH, WHATEVER. IT WILL BE IN EARLY MARCH.

SPEAKER: MARCH 9TH IS A THURSDAY.

SUPERVISOR FRANKEL: WELL, I WILL DOUBLE CHECK THE DATE.

JIM HOOPER: SO, TWO MORE MONTHS, SOUNDS LIKE IT. THANK YOU.

AS AN EXAMPLE OF HOW IMPORTANT I THINK THIS IS TO THE NEIGHBORHOOD, I AM JUST GOING TO CITE SOME OF THE THINGS MR. GREINER MENTIONED THAT ARE IN THE STUDY THAT ARE, TO ME, ABSOLUTELY PARAMOUNT AREAS OF CONCERN. LAND USE, OF COURSE, ON THE TOP OF THE LIST. WHAT IS THE UNIVERSITY GOING TO DO WITH THE LAND? I WILL COMMENT A LITTLE MORE IN A MOMENT ON THAT.

TRAFFIC IS AN ABSOLUTELY HUGE ISSUE FOR MAJOR PARTS OF WEST BRIGHTON.

WETLANDS, DRAINAGE, SANITARY SEWERS, AND TAXES. IN OTHER WORDS, PAYMENTS THE UNIVERSITY WILL PROBABLY NEED TO MAKE TO OFFSET THE COSTS THAT WOULD OTHERWISE BE BORNE BY RESIDENTS OF BRIGHTON AND, IN SOME CASES, SOLELY BY RESIDENTS OF WEST BRIGHTON.

I WAS A STUDENT AT THE UNIVERSITY AND RECEIVED MANY GRADES FROM THEM, SO THIS MAY BE MY ONLY OPPORTUNITY TO ISSUE A GRADE. I WILL DO SO NOW. THREE AREAS. THE QUANTITY, EXPENSE AND AMOUNT OF FUNDS, AND EVEN THE POUNDAGE OF THE REPORT, I GUESS I WILL GIVE THEM A PASS. THE STEPS THE UNIVERSITY HAS TAKEN, PARTICULARLY RECENTLY, TO OPEN LINES OF COMMUNICATION WITH THE NEIGHBORS, I WILL GIVE THEM A PASS. THE CREDIBILITY TO DATE, JUDGING PAST BEHAVIOR OF THE UNIVERSITY, IS A DEFINITE
INCOMPLETE. WHY DO I SAY THAT?

1 I AM A BELIEVER THAT THE BEST WAY TO
2 JUDGE FUTURE BEHAVIOR IS BY PAST BEHAVIOR. I
3 AM VERY CONCERNED ABOUT THE SIZE OF OUR
4 NEIGHBORHOOD BEING LITERALLY HUNDREDS OF
5 PEOPLE AND TRYING TO COPE WITH A VERY
6 IMPORTANT NEIGHBOR. AND I WOULD ACKNOWLEDGE,
7 WE HAVE UNIVERSITY FACULTY LIVING IN WEST
8 BRIGHTON. WE HAVE A UNIVERSITY ADMINISTRATOR
9 HERE TONIGHT, WHO IS LIVING IN WEST BRIGHTON.
10 THERE ARE MANY LINES AND OPPORTUNITIES FOR US
11 TO SEE COMMONALITIES. BUT WE'RE DEALING WITH
12 A VERY LARGE BUREAUCRACY, AS SOMEONE
13 MENTIONED EARLIER, A LARGEST EMPLOYER IN THE
14 CITY, A HUGELY ENDOWED UNIVERSITY, AND WE'RE
15 A VERY, VERY SMALL ENTITY. AND I DON'T THINK
16
17 WE ARE GETTING THE RESPECT THAT WE MUST HAVE
18 IN ORDER TO WORK WITH THE UNIVERSITY.
19 I WOULD CITE THREE OPPORTUNITIES FOR THE
20 UNIVERSITY TO GAIN SOME CREDIBILITY.
21 ONE IS, INSTEAD OF OFFERING TO, ONCE
22 THIS PACKAGE IS ADVANCED TO THE STAGE WHERE
23 THEY ARE READY TO MOVE FORWARD, COMPLETED
24 FINAL EIS, THEIR DESIRE TO HAVE REZONING, AND
25 THEN, AS THE REPORT SAYS, THEN ENTERTAIN
26 BUILDING BUFFERS AND BARRIERS, SUCH AS TREES,
27 FOR PROTECTING THE LINES BETWEEN THE TOWN
28 RESIDENTS AND THE UNIVERSITY, I SUGGEST THE
29 UNIVERSITY TAKE UNILATERAL ACTION WITHOUT
30 WAITING FOR THAT.
31 I BET THAT THE PLANNING BOARD AND THE
32 TOWN BOARD HAS HAD A LONG, LONG HISTORY OF
33 SEEING LARGE PARCELS OF LAND LIKE THIS NEXT
34 TO RESIDENCES, AND I DON'T THINK IT WOULD BE
35 VERY HARD TO PREDICT SOME GOOD PLACE TO PUT
36 TREES. I KNOW THE UNIVERSITY DOES THAT ALL
37 THE TIME, AND I THINK IT WOULD BE A GREAT
38 SIGN OF CREDIBILITY THAT THEY RECOGNIZE,
39 WITHOUT TAKING STEP ONE, WITHOUT EVEN
40 COMPLETING THIS PROCESS. THEY DO OWN THE
41
42 LANDS. THEY DO INTEND TO USE THE LAND. THEY
43 ARE NEXT TO THE RESIDENTS. PUT IN PINE
44 TREES. THEY WORK IN THE WINTER AS WELL AS
45 THE SUMMER, AS FAR AS CREATING A BARRIER AND
46 YOU WILL BUILD CREDIBILITY.
47
48 NUMBER TWO, MENTIONED EARLIER TONIGHT,
49 PAYMENT IN LIEU OF TAXES. THE UNIVERSITY HAS
50 ALREADY ACKNOWLEDGED IN A VERY BRIEF, BUT
51 FORTHCOMING PAGE IN THIS 638-PAGE DOCUMENT,
52 THAT THERE ARE FIRE SERVICES, AMBULANCE
53 SERVICES, AND POLICE SERVICES THAT ARE LIKELY
54 TO BE UTILIZED BY THOSE AREAS OF THE
55 UNIVERSITY WILL EXPAND INTO WEST BRIGHTON.
56 THEY ARE OFFERING, IN GENERAL LANGUAGE, I
57 WOULD SAY, NOT SPECIFIC, TO ENGAGE IN
58 DISCUSSIONS WITH THE TOWN ABOUT WAYS TO MAKE
59 SURE THOSE ARE NOT A BURDEN ON THE TOWN.
60 I WOULD SAY HERE IS THE SECOND
61 OPPORTUNITY FOR CREDIBILITY. THE UNIVERSITY
62 ALREADY HAS PROPERTY IN WEST BRIGHTON,
WHIPPLE PARK IS A GREAT EXAMPLE AS WELL AS
THE OTHER BUILDINGS. WHY NOT ENTER INTO
DISCUSSIONS NOW ABOUT THOSE USES AND BEGIN TO

61
61
ASSESS FEES FOR THOSE AS WELL?
I WOULD ALSO MENTION SOMETHING I SAID IN
THE DECEMBER INFORMATION MEETING, JUST REPEAT
IT NOW FOR THE RECORD, THE UNIVERSITY HAS AN
AGREEMENT WITH RUSH-HENRIETTA SCHOOL
DISTRICT, OUR SCHOOL DISTRICT, TO COMPENSATE
FOR THE ABSENCE OF SCHOOL TAXES FOR CHILDREN
THAT LEAVE WHIPPLE PARK AND GO TO
RUSH-HENRIETTA SCHOOLS, AND THAT OFFSET IS
SCHOLARSHIPS FOR SPECIFIC QUALIFYING
RUSH-HENRIETTA STUDENTS, SUCH AS THOSE THAT
LIVE WEST BRIGHTON. THERE ARE PRECEDENTS
THERE, OF COURSE, FOR PAYMENT AND A VERY
SUITABLE METHOD USED BY THE UNIVERSITY TO
TAKE ITS FINE RESOURCES. I WOULD SEE MORE
OPPORTUNITY FOR CREDIBILITY IN THIS AREA.
THE LAST AREA OF CREDIBILITY THAT
ACTUALLY CONCERNS ME THE MOST HAS TO DO WITH
STORM WATER MANAGEMENT. OF ALL THE LIST OF
TOPICS THAT I NAMED, WATER IS THE ONE THAT
CONCERNS ME THE MOST, AND I REMEMBER BEING A
NEW RESIDENT IN THE AREA, 30 YEARS AGO, AND
BEGINNING TO TRY AND UNDERSTAND THAT. AND IT
DOES TAKE YEARS TO FEEL LIKE YOU HAVE GOT

62
62
SOME SENSE OF WHAT YOU ARE DEALING WITH.
THE FLOODPLAIN IS THE DOMINANT FEATURE
OF WEST BRIGHTON. IT'S SURROUNDED BY RIVER
MEADOW THAT ABSORBS A GREAT DEAL OF WATER.
EVERYONE IS LOOKING TO THE GOVERNMENT, THE
TOWN, AND IN THIS CASE THE UNIVERSITY, TO
SOMEHOW STEWARD THE STORM WATER MANAGEMENT,
AND I THINK IT'S A FUNDAMENTAL PRINCIPLE TO
UNDERSTAND, THAT THE REAL STEWARD OF THE
FLOODPLAIN IS, IN FACT, THE WATER. IT ISN'T
THE GOVERNMENT, AND IT IS NOT THE UNIVERSITY,
NO MATTER HOW POWERFUL ITS REPRESENTATION IS.
AND I THINK ED'S ILLUSTRATION OF THE BATHTUB
IS A PERFECT EXPLANATION OF HOW YOU COME
RIGHT BACK DOWN TO SOME VERY FUNDAMENTAL
BASICS THAT THE WATER IS REALLY IN CHARGE.
SO, YOU PROCEED CAUTIOUSLY.
TO CLOSE, I WANT TO TALK ABOUT THE FACT
THAT I PROMISED THE UNIVERSITY THAT I WOULD
MENTION TONIGHT. I TOLD THEM THIS A MONTH
AGO.
FOR FIVE YEARS, THE CITIZENS HAVE BEEN
ASKING FOR ANSWERS ABOUT WHY THE DRAINAGE
DETENTION POND THAT WAS PUT IN A UNIVERSITY

63
63
PARKING LOT IS NOT FUNCTIONING, AND THE
COMMUNICATION ON THIS AREA IS VERY POOR.
THE UNIVERSITY HAS SINCE ACKNOWLEDGED
THAT IT HAS HEARD ABOUT THIS PREVIOUSLY,
YEARS AGO, AND DID NOTHING.

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I WILL TELL YOU, WHEN I HAD THESE
DISCUSSIONS YEARS AGO, I WAS TOLD WE NEVER
KNOWED THAT; THE TOWN NEVER TOLD US THAT YOU
HAD THAT COMPLAINT.
AND A MONTH AGO, UNIVERSITY
REPRESENTATIVES SAID, "I'VE NOT HEARD THIS
COMPLAINT BEFORE."
FOR THE LAST FOUR WEEKS, THERE HAVE BEEN
EFFORTS TO COMMUNICATE ON THIS ISSUE, AND I'M
VERY DISAPPOINTED THE UNIVERSITY HAS NOT YET
EVEN GONE TO THEIR PARKING LOT AND LOOKED AT
THE RETENTION POND.
WE HAVE TO HAVE CREDIBILITY FROM THE
UNIVERSITY, AND I'M GOING TO CONTINUE TO
JUDGE THEIR FUTURE BEHAVIOR BY PAST BEHAVIOR,
AND I AM LOOKING FORWARD TO PROGRESS TO
REPORT TO YOU IN MARCH ON THIS PARTICULAR
ISSUE. IT'S SMALL; BUT, FOR ME, IT
REPRESENTS THE REALITY THAT WE ARE DEALING
WITH THE REALISTIC ISSUE OF WATER IN THE
NEIGHBORHOOD. WE DON'T WANT TO HEAR ABOUT
WHAT A STUDY TOLD YOU FIVE YEARS AGO, WHAT A
DESIGN SAID, WHAT YOUR EXPERTS TOLD YOU. WE
WANT YOU TO LOOK WITH US, AND I AM PLEASED TO
HEAR ED SAID HE HAS HAD SUCCESS WITH THE
UNIVERSITY GOING WITH HIM TO PROPERTIES.
THOSE ARE THE THINGS THAT MEAN SOMETHING TO
THE CITIZENS.
THANK YOU VERY MUCH.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
I WILL CORRECT WHAT I SAID EARLIER, THE
NEXT TOWN BOARD MEETING AT WHICH THIS MATTER
WILL CONTINUE IS MARCH 8TH, NOT MARCH 9TH.
IT IS WEDNESDAY, MARCH 8TH.
I KNOW THERE IS ONE GENTLEMAN HERE WHO
WISHES TO SPEAK. PLEASE COME FORWARD.
KEITH GRISWOLD: MY NAME IS KEITH
GRISWOLD. I LIVE AT 1442 CRITTENDEN ROAD. I
HAVE BEEN THERE FOR 18 YEARS. AND, SINCE
OCTOBER OF LAST YEAR, I HAVE HAD STANDING
WATER ON ONE DEGREE OR ANOTHER, NOT ON THE
UNIVERSITY'S PART OF THE SIDE OF THE
PROPERTY, BUT ON MY PART OF THE PROPERTY.
EIGHT YEARS AGO THAT DID NOT EXIST.
IT'S A SITUATION THAT HAS PROBABLY BEEN
EXASPERATED OVER THE LAST THREE TO FIVE
YEARS, SINCE THE DEVELOPMENT OCCURRED. ANY
FURTHER DEVELOPMENT I THINK WOULD REALLY BE
DETRIMENTAL.
BEFORE I GO ON TO HIGHLIGHT SOME
CONCERNS THAT I FOUND WITH A CURSORY EXAM
THROUGH THEIR DRAFT PROPOSAL, I WANT TO THANK
THE BOARD FOR HAVING US, WEST BRIGHTON
RESIDENTS, BACK HERE TO DISCUSS ONE OF OUR
FAVORITE SUBJECTS, WATER AND DRAINAGE
PROBLEMS. YOU MUST BE EXCITED TO HAVE US
HERE THE THIRD OR FOURTH TIME IN FIVE OR SIX
YEARS.
LET ME BEGIN. SOME OF THE STUFF I AM
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SOME MY NEIGHBORS AND FRIENDS ALREADY SAID.

PAGE 25 STATES, "NO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WETLANDS ARE SHOWN TO BE PRESENT ON THIS SITE." THAT'S AGAIN STATED ON PAGE 69. "IT IS OUR --" I'M ASSUMING THIS IS FROM THEIR

ENGINEERS "-- IT IS OUR PROFESSIONAL OPINION THAT THE SIX OF THESE, REFERRING TO A, C, D, J, K AND N, PORTIONS OF THEIR PROPERTY ARE NON-JURISDICTIONAL ISOLATED SYSTEMS THAT EXHIBIT NO SURFACE CONNECTIONS. EVIDENCE OF OVERLAND FLOW OR ECOLOGICAL CONTINUING TO WATERS OF THE U.S. AND, THEREFORE, ARE NOT PART OF THE INTERSTATE WATERWAYS REGULATED SECTION 404 OF THE CLEAN WATER ACTS."

MY ONE QUESTION IS: DOES THE STATE OF NEW YORK AGREED WITH THAT? HAS THE STATE OF NEW YORK ACTUALLY GONE OUT AND SURVEYED THIS LAND THEMSELVES, AND NOT TAKEN THE REFERENCES OF A HIRED CONSULTANT FOR THAT?

AS SOME OF MY OTHER NEIGHBOR FRIENDS HAVE ALREADY STATED, I FIND THIS HARD TO BELIEVE DUE TO THE FACT THAT THERE ARE CONTINUOUS WATER SECTION THAT FALL WITHIN THE STATE'S LANDS SOUTH OF CRITTENDEN AND CERTAINLY SOME WITHIN THEIR BOARDERS. SO, I HAVE TO IMAGINE THAT THERE ARE MORE AREAS THAT ARE WET -- STATE WETLANDS THAN WHAT ARE BEEN INDICATED IN THE STUDIES I HAVE EVEN SEEN SO FAR.

PAGE 19, THEY ASK, THE UNIVERSITY OF ROCHESTER WILL PARTICIPATE IN A FUTURE DRAINAGE STUDY OF THE OVERALL WATERSHED TO IDENTIFY THE PROBLEM AREAS TO IMPROVE STORM WATER FLOW THROUGH THESE AREAS. THEY ALSO RESTATE SUCH AN OFFER ON PAGE 53.

AS, AGAIN, SOME OF THE PEOPLE, I THINK ED SAID THIS, WE HAVE BEEN STUDIED TO DEATH AND STUDIED AND STUDIED. I DON'T KNOW WHAT MORE WOULD BE SHOWN. MY REQUEST WOULD BE, IF WE ARE GOING TO DO ANY MORE STUDIES, WE NEED TO HAVE SOME FINALIZED IDEAS, IMPRINTS STATING THIS IS WHAT CAN BE, THIS IS WHAT CANNOT BE DONE; AND IT IS NOT UNTIL THEN THAT I WOULD ASK THIS BOARD TO EVEN CONSIDER ACCEPTING A FINAL IMPACT STATEMENT.

WE HAVE TO SEE FINALIZED STUDIES, NOT SOMETHING THAT IS GOING TO BE "MAYBE'S" OR "WHAT MIGHT HAPPENS."

RELATED TO THIS, AGAIN AS I MENTIONED AND HAS BEEN MENTIONED BEFORE, THE IDEAS OF REPORTED FLOODING, HEAVY RAIN, ONLY OCCURRING FLOODS AT THOSE TIMES. AS I SAID, I HAVE STANDING WATER THAT'S BEEN IN MY BACKYARD FOR THREE, ALMOST FOUR, MONTHS NOW. IT HAS COME AND GONE, BUT IT IS THERE. IT HAS NOT BEEN

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HEAVY RAINS.
I THINK WE HAVE ISSUES THAT HAVE BEEN
EXASPERATED BECAUSE OF THE DEVELOPMENT, AND
WE ARE GOING TO PROBABLY ONLY SEE IT WORSEN
IF ANY DEVELOPMENT OCCURS TO THE SOUTH OF
WHIPPLE PARK OR TO THE SOUTHWEST OF WHIPPLE
PARK.
IF YOU LOOK AT APPENDIX J, ONE OF THEIR
AERIAL PHOTOGRAPHS, AND I DO NOT KNOW EXACTLY
WHICH PAGE THE SYSTEM PRINTED OFF, IT IS JUST
AN AERIAL PHOTOGRAPH STATING, "FULL CITY
INFORMATIONAL LOCATION MAP," ABOVE THEIR
PHOTO, ITEM 12, THE SOUTHERN END OF THEIR
PROPERTY IS A SUPPOSED FOOTPRINT OF A
BUILDING.
FROM JUST LOOKING AT THIS SUPPOSED
FOOTPRINT OF THE BUILDING, IT WOULD BE ON
WHAT IS KNOWN AS FURLONG CREEK OR RIGHT NEXT
TO IT, BECAUSE FURLONG CREEK IS WITHIN
PROBABLY A STONE'S THROW OF ONE OF THE
BUILDINGS OF WHIPPLE PARK. IT WOULD CONCERN
ME GREATLY IF THERE IS ANY BUILDING SOUTH OF

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WHIPPLE PARK AND NORTH OF CRITTENDEN ROAD,
BECAUSE THAT WOULD BE IMMEDIATELY ON TOP OF
THIS DRAINAGE AREA THAT ED HAS ALREADY
HIGHLIGHTED FOR YOU.
SO, THOSE WOULD BE MY AREAS OF CONCERN
THAT I WOULD WANT TO DRAW YOUR ATTENTION TO.
SO, AGAIN, THANK YOU FOR YOUR TIME AND
CONSIDERATION.
(APPLAUSE.)
SUPERVISOR FRANKEL: FIRST, LET ME SEE
IF ANYONE WHO HAS NOT YET ADDRESSED THE BOARD
ON THIS MATTER WISHES TO DO SO NOW, AND THEN
I WILL COME BACK AND CERTAINLY GIVE YOU AN
OPPORTUNITY TO MENTION IT.
YES?
KATHY SMITH: MY NAME IS KATHY SMITH,
AND I LIVE AT 33 SOUTHLAND DRIVE.
USUALLY, WE ARE COMING HERE TO TALK
ABOUT DRAINAGE. THAT IS NOT MY PROBLEM
TONIGHT. WE KNOW WE HAVE A LOT OF SYMPATHY
FOR OUR NEIGHBORS ON CRITTENDEN ROAD, BECAUSE
WE CERTAINLY HAVE BEEN THERE.
MY CONCERN, WHEN I WAS PLOWING THROUGH
THIS DOCUMENT — AND I HAVE TO CONFESSION.

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ONLY GOT TO PAGE 340. I WOULD PROBABLY GET
AN F FOR THAT.
A LOT OF STATISTICS IN THERE, THE
TRAFFIC STATISTICS, WERE QUOTED FROM THE
SOUTHERN CORRIDOR STUDY THAT WAS PUBLISHED IN
2001. IT STATED IN THERE THAT THE DATA WAS
RECORDED IN 1997. THEY WORKED IN A
1.5 PERCENT GROWTH RATE INTO THESE FIGURES.
AND I WAS JUST WONDERING IF THERE IS ANY
WAY THAT THERE MAY BE MORE UPDATED AND
CURRENT FIGURES, BECAUSE I REALLY DO QUESTION
WHETHER 1.5 PERCENT GROWTH RATE EVERY YEAR IS
GIVING US A TRUE AND ACCURATE — IT DOESN'T
REALLY IMPACT THE INTERSECTIONS, BECAUSE THEY
INTERSECTIONS DURING RUSH HOUR. I WAS JUST
WONDERING IF THERE WAS ANY WAY WE COULD GET
SOME MORE CURRENT DATA.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
IS THERE ANYONE ELSE WHO WISHES TO
ADDRESS THE BOARD WHO HAS NOT YET SPOKEN?
YES?
MR. VOGUE: THERE IS SOMEONE BACK THERE.

KAREN PANOSIAN: HI. I'M KAREN
PANOSIAN, AND I LIVE AT 260 BASTIAN ROAD.
AND I AM HERE TO SPEAK ABOUT THE
ENVIRONMENTAL IMPACT ON ME FROM MY HEART.
I ABSOLUTELY LOVE WHERE I LIVE. I LOVE
THAT I LIVE IN A WET AREA. I LOVE THE DUCKS.
I LOVE THE BIRDS. I LOVE THE TURKEYS THAT
COME TO MY YARD. I LOVE THAT I HAVE A
TELESCOPE, AND I CAN TAKE IT OUT ON MY DECK
AND LOOK AT THE STARS. I WANT TO MAKE SURE
THAT THE ENVIRONMENTAL IMPACT FOR ME AND MY
SPOUSE IS PROTECTED.

AND I'M ASKING THE BOARD, WHEN YOU'RE
LOOKING AT 600 BAZILLION PAGES OF
ENVIRONMENTAL IMPACT STUDIES, THAT YOU ALSO
THINK ABOUT THE RESIDENTS, THE PEOPLE WHO
LIVE HERE AND WHO LOVE IT, AND WHO WANT TO
BE ABLE TO STILL SEE THE STARS, HEAR THE
DUCKS, AND ENJOY THE PLACE THAT THEY LIVE.

THANK YOU.

(APPLAUSE.)
SUPERVISOR FRANKEL: YES?
VICKI BURKE: I'M VICKI BURKE, AND I
LIVE AT 82 NORMAN ROAD. AND WHILE I HAVEN'T

HAD A CHANCE TO READ ALL THE STUDIES AND
EVERYTHING, I'M CONCERNED, LIKE SHE IS, FOR
THE WILDLIFE THAT LIVES THERE. THAT IS PART
OF THE REASON WHY WE MOVED TO THE
NEIGHBORHOOD. YOU HEAR BIRDS, AND WE HAVE
HEARD TURKEYS. I HEARD DEER FIGHTING IN THE
PINES BEHIND MY HOUSE. I SEE A LOT OF
WILDLIFE, AND WE LOVE IT. THAT'S WHY WE ARE
THERE.

WE DON'T HEAR A LOT OF TRAFFIC. I DON'T
WANT TO HEAR TRAFFIC. AND I AM CONCERNED
THAT, IF THERE IS TOO MANY CHANGES BEHIND US
THERE, WE'RE GOING TO LOSE OUR BUFFER -- OUR
BUFFER OF BIG MATURE TREES THAT MAYBE MUFFLE
SOUND, BUT THEY ALSO PROVIDE HABITAT AND
PLACES FOR WILDLIFE.

I KNOW THE TRAILS BACK THERE, THE ONE
THAT THE TOWN BUILT, BUT THERE IS ALSO ONE UP
AT MY END OF NORMAN ROAD THAT IS BETWEEN ME
AND THAT TRAIL THAT PEOPLE USE, BUT SO DO THE
WILDLIFE. THE DEER COME TO MY YARD EVERY
DAY. THEY COME TO MY APPLE TREES. AND I
DON'T WANT TO SEE THAT DISTURBED.

AND ALSO, I SPEAK TO WHAT I AM BEGINNING
TO HEAR ABOUT THE CHANGES IN POSSIBLE TRAFFIC
PATTERNS. THOSE INTERSECTIONS, ESPECIALLY
THE ONE AT EAST RIVER AND WEST HENRIETTA
ROAD, I WOULD VENTURE TO SAY THERE IS TWO OR
THREE ACCIDENTS A WEEK THERE, PERHAPS MORE,
BUT I'M IN AND OUT OF THERE AN AWFUL LOT, AND
I HAVE BEEN DELAYED. SOME ACCIDENTS ARE
MINOR, BUT SOME HAVE BEEN, I THINK, QUITE
SERIOUS. SO, I DON'T DOUBT THAT THERE NEEDS
TO BE SOMETHING DONE AT THAT INTERSECTION.
IT IS VERY CONGESTED AND WHATNOT.
BUT I CERTAINLY HOPE THAT WE CAN
CONTINUE TO TURN LEFT ON THAT ROAD. I
COULDN'T BELIEVE WHEN I HEARD THAT AS A
POSSIBILITY.
BUT I KNOW THAT THE U OF R HAS -- I KNOW
THERE ARE PROBLEMS. THEY ARE TRYING TO BE A
GOOD NEIGHBOR, AND I CERTAINLY APPRECIATE
THEM COMING BEFORE US HERE AND OUR CHANCE TO
BE ABLE TO VOICE SOME CONCERNS.
I GUESS THAT IS ABOUT ALL I WANT TO SAY.
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.

JUDY MCMASHER-HOBSON: HI. I'M JUDY
MCMASHER-HOBSON, 98 SOUTHLAND DRIVE.
I WAS JUST WONDERING, IF WE ARE TALKING
ABOUT GESTURES OF GOOD FAITH, I WAS WONDERING
IF WE COULD DO A JOINT PROJECT BETWEEN THE
UNIVERSITY AND THE PEOPLE WHO AT LEAST LIVE
ON SOUTHLAND AND HAVE LIKE A CLEANUP DAY,
BECAUSE THAT AREA OF WOODS BETWEEN OUR TWO
PROPERTIES HAS GOT OLD TIRES AND TRASH, AND
THINGS LIKE THAT, AND I THOUGHT MAYBE IT
WOULD BE SOMETHING WE COULD WORK ON TOGETHER.

COURT REPORTER: COULD YOU REPEAT YOUR
NAME, PLEASE?
JUDY MCMASHER-HOBSON: JUDY
MCMASHER-HOBSON, H-O-B-S-O-N.
COURT REPORTER: THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: YES, IN THE BACK.
BETTY VOROJAKINA: MY NAME IS BETTY
VOROJAKINA, AND I AM LIVING AT 15 FURLOONG
ROAD.
SUPERVISOR FRANKEL: COULD YOU SPELL
THAT?

BETTY VOROJAKINA: OKAY.
(LAUGHTER.)
BETTY VOROJAKINA: LET'S START AGAIN.
SUPERVISOR FRANKEL: THANK YOU.
BETTY VOROJAKINA: THIS NEW DEVELOPMENT
IS GOING TO BE 100 YARDS FROM MY HOUSE. I
ASK THE SAME QUESTION AGAIN AND AGAIN. HOW
MANY BUILDINGS IS GOING -- ARE GOING TO BUILD
IN THIS NEW AREA, AND WHAT IS GOING TO BE IN

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IMPORTANT TO KNOW, BECAUSE TWO-STORY BUILDING
USED AS A LIBRARY THERE IS VERY DIFFERENT
THAN A TWO-STORY BUILDING THAT IS GOING TO BE
USED LIKE DORM, PATIENTS CARE FACILITY,
OUTPATIENT OR INPATIENT, HOSPITAL, OR WHAT.
WHAT IS GOING TO BE BUILT?
MY QUESTION IS, I REALLY WANT TO KNOW,
AND I WANT TO KNOW WHEN WE ARE GOING TO KNOW
WHAT WE HAVE -- WHAT ARE WE GOING TO HAVE IN
OUR BACKYARD? ACTUALLY, THAT IS ONE OF MY
QUESTIONS.
THE SECOND MY QUESTION IS ABOUT PROPERTY
TAXES, FIRE DEPARTMENT TAXES, SCHOOL TAXES.
BUT THIS QUESTION ALREADY WAS ASKED. AND
WHEN ARE WE GOING TO KNOW ABOUT IT?
THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: YES, SIR?
JEFF GARDNER: HI. JEFF GARDNER. 118
SOUTHLAND DRIVE.
I JUST WANTED TO ADDRESS -- A LOT OF
GOOD THINGS HAVE BEEN Addressed TODAY --
DRAINAGE, TRAFFIC, WILDLIFE, AND THOSE ARE
ALL GOOD POINTS.
ONE POINT THAT WAS BRIEFLY MENTIONED
THAT I WANTED TO MAKE SURE WAS ON THE RECORD
WAS THE KIND OF AN INDICATION OF THE AMOUNT
OF LIGHT POLLUTION THAT WOULD BE GENERATED BY
A CHANGE IN THIS REZONING, YOU KNOW, LIGHT
FROM NOT ONLY BUILDINGS, BUT PARKING LOTS,
WHICH WOULD PUT OUT A LOT OF LIGHT.
THE BUFFER THAT IS PROPOSED, I DON'T
THINK WOULD PREVENT THAT LIGHT POLLUTION FOR
HITTING SOUTHLAND DRIVE, AND I'M SURE OTHER
RESIDENTIAL AREAS, BECAUSE IT IS MOSTLY
DECIDUOUS TREES. A LOT OF THE SITE PICTURES
AND SITE LINE STUDIES THAT WAS IN THE DRAFT
IMPACT STATEMENT WAS DONE IN SUMMER, WITH
LEAVES ON THE TREES; AND, YES, YOU CAN'T SEE
A BUILDING WHEN YOU HAVE A NICE FULL
DECIDUOUS TREE; BUT, IN WINTER, THAT IS NOT
MUCH OF A PROTECTION.
SO, I DON'T THINK 100 FEET WOULD BE, YOU
KNOW, 100 FEET OF TREES WITHOUT LEAVES ON
THEM ISN'T THAT MUCH OF A BUFFER. AND I JUST
WANTED TO KNOW, IF A STUDY COULD BE DONE OR
TAKEN INTO CONSIDERATION AT THE MINIMALIST
POINT OF SITE LINES, WHICH WOULD BE IN
WINTER, I THINK THAT WOULD BE -- SHOULD BE
TAKEN INTO CONSIDERATION.
AND ALSO SOMEONE HAD MENTIONED ABOUT
THE, YOU KNOW, TAKING AN ASSESSMENT OF HOW
MUCH LIGHT WOULD BE CAST OFF FROM THIS
PROJECT.
I THINK, AGAIN, WINTER WOULD BE THE --
FALL, WINTER AND SPRING, WHEN THERE IS NO
LEAVES, WOULD BE THE TIME TO KIND OF MEASURE
IT, NOT IN THE MID-SUMMER WHEN YOU HAVE A
LITTLE -- VERY LITTLE -- YOU HAVE FULL
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THANK YOU.
(APPLAUSE.)

SUPERVISOR FRANKEL: MITCH?
MITCH KADY: WHY DID I THINK SOMEONE ELSE WAS GOING TO POP UP?
SUPERVISOR FRANKEL: SOMEBODY DID.
MITCH KADY: I'M MITCH KADY, AND I LIVE ON 921 CRITTENDEN ROAD. I JUST HAVE ONE OTHER POINT TO MAKE. I THINK IS A MAJOR POINT, NOBODY HAS RAISED. THAT IS SAFETY.
NATIONAL ENVIRONMENTAL POLICY, DESPITE WHAT HAPPENED IN NEW ORLEANS, IS NOT TO POPULATE FLOOD ZONES OR EVEN ADJACENT TO FLOOD ZONES. AND HERE WE'RE GOING TO HAVE A HUGE MAJOR DEVELOPMENT THAT IS GOING TO BRING A LOT OF PEOPLE INTO WEST BRIGHTON WHO WANT TO LIVE NEAR THIS NEW FACILITY.
WELL, IF WE HAVE ANOTHER FLOOD IN WEST BRIGHTON, TAKE A STREET LIKE CRITTENDEN ROAD, IF CRITTENDEN ROAD SUDDENLY IS POPULATED BY HOUSES AND CARS AT A CRITICAL MOMENT DURING A STORM, DURING A FLOOD, THE PEOPLE AT THE EXPOSED END WILL NOT BE ABLE TO GET OUT. AND THAT'S THE REASON FOR NOT POPULATING

FLOODPLAINS OR AREAS ADJACENT TO FLOODPLAINS. THAT, TO ME, THE SAFETY ISSUE IS PARAMOUNT AND OVERRIDING PRACTICALLY ALL OTHER CONSIDERATIONS. I WOULD LIKE TO LEAVE IT WITH THE BOARD TO JUDGE THAT FOR THEMSELVES.

THANK YOU.
(APPLAUSE.)
SUPERVISOR FRANKEL: THANK YOU.
IS THERE ANYONE ELSE WHO WISHES TO ADDRESS THE BOARD ON THIS MATTER THIS EVENING? YES, SIR?

HOWARD NOVACK: I JUST WANT TO CHIME IN ON SOMETHING.
SUPERVISOR FRANKEL: MAY I ASK THAT YOU GET TO THE PODIUM FIRST?

HOWARD NOVACK: YES, I'M COMING. I'M A LITTLE SLOWER THAN IT USED TO BE.

(LAUGHTER.)

HOWARD NOVACK: HOWARD NOVACK, NUMBER 38 SOUTHLAND DRIVE. AND I AM CONCERNED ABOUT THE COMMENT THAT MITCH JUST MADE. I REMEMBER VERY WELL WHEN THE WATER WAS WITHIN A COUPLE OF FEET FROM THE TOP OF MOUNT MORRIS DAM A

NUMBER OF YEARS AGO, AND THEY ARE GOING TO RELEASE THE WATER DOWN THE GENESEE RIVER, AND WE WERE TOLD TO PACK OUR STUFF AND BE READY TO GO.
WELL, WE DIDN'T HAVE TO GO, BUT IT WAS VERY CLOSE. MY WIFE AND I AND FOUR KIDS HAD STUFF PACKED TO BE ABLE TO GO FOR WEEKS.

THE THING THAT BOTHERS ME IS JUST WHAT
WE HEARD A MINUTE AGO. YOU HAVE MORE PEOPLE,  
MORE CARS, MORE EVERYTHING. THIS EVACUATION  
BECOMES THAT MUCH MORE DIFFICULT. IT'S HARD  
ENOUGH TO GET OUT OF OUR STREET AT RUSH-HOUR  
TIMES AS IT IS. EVEN THOUGH THE THING RUNS  
TO WHIPPLE PARK, THERE IS REALLY ONLY ONE  
OUTLET, AND THAT IS WEST HENRIETTA ROAD,  
WHICH IS JAMMED WITH CARS EVERY NIGHT AT RUSH  
HOUR. SO, I WOULD GUESS THAT PUTTING ANY  
MORE PEOPLE INTO OUR AREA IS BAD.  
NOW, AS THE U OF R PUTS UP BUILDINGS,  
IT'S PEOPLE THERE THAT ARE HEADING FOR THEIR  
CAR AND LEAVING AT 5:00, AND THAT JAMS THE  
STREETS UP EVEN MORE.  
SO, IT'S -- TO ADD A LIGHT NOTE TO THIS  
THING. FIFTY YEARS AGO WHEN WE MOVED INTO

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THAT HOUSE, WE WERE JOKING THAT THE U OF R  
WAS GOING TO BUILD A FOOTBALL STADIUM OUT  
THERE JUST NORTH OF SOUTHLAND DRIVE, BECAUSE  
WE FIGURED THAT THE RIVER CAMPUS WAS GOING TO  
BE SO CI, UTERED THAT THEY WOULD HAVE TO TAKE  
FULLER STADIUM DOWN AND BUILD A FOOTBALL  
STADIUM BETWEEN SOUTHLAND DRIVE AND THE  
RIVER. I AM STILL WAITING FOR A CHANCE TO  
SNEAK IN THERE AND WATCH FOOTBALL GAMES FOR  
NOTHING.

(LAUGHTER.)  
IT HASN'T HAPPENED.

THANK YOU.

(APPLAUSE.)

SUPERVISOR FRANKEL: IS THERE ANYONE  
ELSE WHO WOULD LIKE TO ADDRESS THE BOARD THIS  
EVENING?

THEN, AT THIS TIME WE WILL ADJOURN THIS  
HEARING UNTIL MARCH 8TH, AND I THANK YOU FOR  
COMING.

COUNCILMAN TIERNEY: I HAVE SOME  
QUESTIONS HERE.

SUPERVISOR FRANKEL: OH, I'M SORRY.

BEFORE WE DO THAT, RAY HAS SOME QUESTIONS. I

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WILL REMIND EVERYONE HERE, AND PLEASE SHARE  
THIS WITH YOUR NEIGHBORS, IF YOU HAVE  
ADDITIONAL INFORMATION OR COMMENT THAT YOU  
WOULD LIKE TO SHARE WITH THE BOARD, PLEASE  
COME BACK ON MARCH 8TH; AND, ALSO, ANYONE CAN  
SUBMIT WRITTEN COMMENTS TO THE BOARD AS PART  
of THE RECORD OF THE HEARING AS WELL.

RAY?

MR. LOW: I'M VERY SORRY, RAY. BUT JUST  
AS ALONG WE'RE TALKING ABOUT WRITTEN  
COMMENTS, IT'S VERY IMPORTANT TO UNDERSTAND  
THAT WRITTEN COMMENT PERIOD WILL END 10 DAYS  
AFTER THAT NEXT HEARING, WHICH WILL ACTUALLY  
BE THE 20TH OF MARCH. THE WRITTEN COMMENTS  
WOULD BE TAKEN TO the 20TH OF MARCH.

COUNCILMAN MOEHLE: ASSUMING WE CLOSE  
THE HEARING.

MR. LOW: ASSUMING WE CLOSE THE HEARING  
ON THE 8TH OF THE MARCH.

RAY?

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COUNCILMAN TIERNEY: THE REASON I WANT TO SPEAK AT THIS TIME ON RAMSEY AND THE U OF R, IN THE WEDNESDAY, DECEMBER 28TH, WALL STREET JOURNAL, THERE IS AN ARTICLE CALLED,

"BUILDING BOOM FOR LABS," AND THE REASON WHY I THINK THIS IS IMPORTANT, EVERYBODY IS ASKING -- AND I HAVE HEARD A LOT OF PEOPLE ASKING ABOUT, WHAT ARE THE USES GOING TO BE, AND IF THERE IS GOING TO BE RESEARCH, WHAT KIND OF RESEARCH.

THIS ARTICLE OUTLINES THE LEVELS OF RESEARCH, THE TYPES OF LABS. NOW, I DON'T KNOW WHETHER THE U OF R CURRENTLY HAS A BSL-1 LAB OR BSL-2, AND GOES TO LEVEL 4. THESE ARE BIO-SAFETY LABS. FROM THIS ARTICLE -- RAY, HELP ME WITH THIS, I WILL GIVE IT TO YOU, YOU CAN COPY IT AND GIVE IT TO THEM.

I THINK IT'S IMPORTANT THAT WE ASK THE QUESTION WHETHER THERE IS ANY OF THOSE TYPE LABS EXISTING ON THE U OF R AND THE STRONG MEMORIAL CAMPUS NOW, AND, MORE IMPORTANTLY, THAT WE GET SOME FORMAL DEFINITION OF WHAT THESE LEVELS ARE. WE MAY WANT TO LOOK AT THOSE LEVELS, WHEN WE DETERMINE WHAT KIND OF USES ARE APPROPRIATE.

SO, I THANK YOU, AND I WILL TURN THIS ARTICLE OVER AND HAVE SOMEBODY TAKE A LOOK AT IT. AND MAYBE, RAY, AFTER LOOKING AT IT, YOU CERTAINLY CAN, IF IT DOESN'T APPEAR TO BE APPROPRIATE, I WON'T BE OFFENDED, IF YOU SAY IT IS NOT SOMETHING THAT WE NEED TO EXERCISE AT THIS TIME.

THANK YOU.
SUPERVISOR FRANKEL: THANK YOU. ARE THERE ANY OTHER COMMENTS OR QUESTIONS THIS EVENING?
OKAY. THANK YOU VERY MUCH.
WE ARE NOW GOING TO MOVE TO THE SECOND PART OF THE HEARING OF THE EVENING, THE PROPOSED TECHNICAL CODE AMENDMENTS TO NUMBER 11 AND 12 OF CHAPTER 201 AND 203. I WOULD LIKE TO ASK -- DO YOU NEED A BREAK?

COURT REPORTER: NO, I'M ALL RIGHT SO FAR.
SUPERVISOR FRANKEL: OKAY. I WOULD LIKE TO ASK THE CLERK, SUSAN, DO YOU NEED A BREAK?
(THERE WAS AN OFF-THE-RECORD DISCUSSION.)
SUPERVISOR FRANKEL: WE ARE GOING TO TAKE A TWO-MINUTE RECESS.
WE ARE GOING TO MOVE FORWARD WITH THE SECOND PUBLIC HEARING ON THE PROPOSED TECHNICAL CODE ON NUMBER 11 AND 12 OF CHAPTERS 201 AND 203. I WOULD ASK THE CLERK -- YOU OKAY?
COURT REPORTER: THE NOISE -- I CAN'T
SUPERVISOR FRANKEL: THE NEXT PUBLIC

COMMITTEE FOR WEDNESDAY THE 8TH.
SUPERVISOR FRANKEL: THANK YOU.
THEN AT THIS TIME, I DECLARE THIS PUBLIC
HEARING CLOSED, AND I WOULD NOTE THAT WE HAVE
A RESOLUTION.
COUNCILMAN: THE MATTER REGARDING THE
PROPOSED TECHNICAL CODE AMENDMENTS TO 11 AND
12 OF CHAPTERS 201 AND 203, I MOVE ON THE
RESOLUTION AS PREPARED BY THE ATTORNEY AT
THIS TIME.
SUPERVISOR FRANKEL: IS THERE A SECOND?
COUNCILWOMAN: SECOND.
SUPERVISOR FRANKEL: SO MOVED.
(THE PROCEEDING ENDED.)
MATTER RE:

Proposed Rezoning for the
University of Rochester South Campus

March 8, 2006
7:00 p.m.

Brighton Town Hall
2300 Elmwood Avenue
Brighton, New York

PRESENT:

COUNCIL MEMBER VOGEL
COUNCIL MEMBER KRAUS
COUNCIL MEMBER NOVROS
COUNCIL MEMBER TIERNEY
SUPERVISOR FRANKEL

WILLIAM MOEHLE, ESQ.
Town Attorney

SUSAN KRAMARSKY
Town Clerk

Reported By: Jo-Anne Galloway, CSR.
Realtime Reporting Service, Inc.
SUPERVISOR FRANKEL: This evening we have four public hearings. The first public hearing on the agenda this evening -- and, by the way, before we -- I just want to -- because I know that the public hearings may take some time, I just want to mention something.

Christine Sevilla (phonetic) provided this book. She has done a study and presentation of wetlands, some wonderful natural environmental areas in Monroe County. We had a display in Town Hall for quite some time of the photographs and descriptions, and just know that we have a copy of this. It's available. She was -- I don't know if she is still here, but she was -- yes, she is.

Would you stand up so folks can see who you are. Okay. Thank you.

I wanted to acknowledge your publication work that you've done to highlight these important environmental features.

Thank you.

Okay. We're going to begin now with the first public hearing, which is on the Proposed Rezoning for the University of Rochester South
Campus.

I need to ask the Town Clerk, has the necessary legal notice been published on this matter?

MS. KRAMARSKY: Supervisor Frankel, this is a continuation of the public hearing, but we took the extra step of re-publishing this public hearing.

SUPERVISOR FRANKEL: Thank you.

At this time we are going to continue, but for those who haven't been here -- who weren't here, rather, for the earlier hearing, I'd like to ask Commissioner of Public Works, Tom Low, to very briefly describe the purpose of this hearing.

MR. LOW: Certainly, Madam Supervisor.

The University of Rochester proposes to rezone its land within the Town of Brighton. Those lands total about 190 acres -- 188 acres located south of East River Road and to the east of the Lehigh Valley Trail.

A fair amount of those acres are currently undeveloped. The University proposes to rezone that to a zoning classification called,
"Institutional Planned Development," a zoning classification in the Town Code that would allow for a wide variety of University-related uses.

Before any such decision is made, however, the Town Board policies and state law require careful examination of the environmental impacts of such a rezoning. For that purpose, the Town Board established, after an earlier public session that -- it looks like a number of you attended -- a scope of the study, and then turned the University and its consultants loose on what is called, "A Draft Environmental Impact Statement." That impact statement was accepted back in December of last year.

This hearing is to collect your comments and questions, and also this process will collect the comments and questions of the other agencies, like the State DOT, County DOT, on these environmental impacts -- these potential environmental impacts.

We're building a record, just as you would in court, building an environmental record. At the conclusion of this process, the Town Board will have to make some determinations based on
that record; and then, based on those
determinations on what they find, then they may
proceed or may not with rezoning of some or all
of these lands.

SUPERVISOR FRANKEL: Thank you.

I will note for your consideration that, if
you spoke at the public hearing in December, and
you do not have anything new to add to your
comment, we do have that as part of the public
record of this hearing, and those comments will
be included in the Town Board's consideration.
So, there isn't a need to reiterate what you may
have already said earlier, but we're certainly
interested in hearing whatever you may have to
say that's new or for those who haven't had an
opportunity to speak before to hear from them as
well.

The process here this evening is one in
which we will hear comments from you, the public,
and we also will hear questions and comments from
members of the Town Board. It's not a time for a
debate or dialogue or question-and-answer mode
with the University representatives. They will
provide answers to all of our questions in the
final Environmental Impact Statement that is yet to be completed, and it can't be completed until they hear what's on our minds.

I will also note that the Town Board held a workshop to hear from the New York State Department of Transportation, Monroe County Department of Transportation and Town on traffic considerations related to the proposal.

And so at this time we're going to begin with the hearing.

Tom, do you wish the U of R to make a brief presentation?

MR. LOW: Yes, Sandy. I do think it would be useful. I know we do have to get the public's comments, but there are a couple particular issues that the University has done some additional work on, as I understand it, and I believe they're prepared or willing to make a few comments on the issues of a plan to mitigate some drainage problems, as well as the University's reaction to the State's intent to map the wetland around the pond there in the middle of the property.

SUPERVISOR FRANKEL: Okay. Thank you.
Whomever addresses the Board during the open forum, we ask that you state -- I mean -- hearing, the public hearing -- we ask that you state your name and address; and, if you have an affiliation, that too for the record.

MR. GREINER: Good evening. My name is Tom Greiner of the law firm of Nixon, Peabody here on behalf of the University; and, of course, I have with me tonight the same gentlemen who were here back on January the 11th, Richard Piper, Paul Tankel from the University; and Dennis Kennelly of FRA Engineering, the firm that took the lead in preparing the Draft Environmental Impact Statements.

As Mr. Low indicated, there were a couple items that we just wanted to briefly mention. One is, we did receive a letter dated January 17, 2006, from the DEC. This was as a result of their investigation of the property. And, of course, back last year, we had submitted delineations to the DEC, and they had those delineations, and armed with those they made an investigation on site, and basically they confirmed everything in the report, but also
thought that part of one of the wetlands that was identified -- and it is Wetland G -- part of that wetland actually connected to an off-site wetland which cumulatively were in excess of the 12.4-acre jurisdictional threshold for State wetlands. And so they intend to map that -- start mapping proceedings to add that to the official wetlands' maps. And we, of course, don't disagree with that.

They will also, as you know, State wetlands have a 100-foot buffer area around them, which are treated pretty much the same as the wetlands themselves. Again, we don't disagree. In fact, that was not unanticipated.

And if you followed over the last while, our map and plan of the area showing where we could potentially put buildings, we were careful to actually avoid that area, plus the 100 feet.

So we -- again, it was not unanticipated that they might map it; and so our, again, development areas, which are not actual plans to build anything, but when we did indicate where we could build, we actually anticipated and stayed away from that area.
The other point that I want to raise before sitting down is, again, as Mr. Low indicated -- and this doesn't simply result from the January 11th hearing and the comments there, but certainly there were some punctuation and reinforcement from that hearing and the concerns that people had about drainage, water drainage problems. And what I wanted to say, on behalf of the University, is that the University in any development that it would intend to do -- and, in fact, would do in the future -- would take care, as any responsible institution or developer would take care, of any drainage issues that would be created or resulting from that. But, in addition, the University has looked at the drainage issues in that whole area.

And you may recall that, as one of the things that we mentioned that we would be willing to do -- I say "we" -- the University would be willing to do would be to participate in a study, an overall study to look at the whole area. But beyond that, the University has also looked at the drainage issues and, as part of the IPD intent of zoning proposal, would be willing to
also in a phase-way take care of drainage issues that are not driven or resulting from any University action or proposed development or existing development, but actually are from off-site and is working on a plan to -- again, as part of an amenity in connection to the zoning -- to actually deal with or resolve off-site drainage issues.

SUPERVISOR FRANKEL: Thank you.

MR. GREINER: And with that, I think that's really it. We're here to, as you said, Madam Supervisor, to take down comments and, as part of the FEIS, respond to not only the oral comments raised at the hearings, but we will -- I was just handed, as a matter of fact, some of the written materials that have come in; and, hopefully, at the end of this process -- at the end of the comment period, we will have all written questions, comments, submissions, and we will also, as part of our duty in preparing the FEIS also respond to them as well.

Thank you.

SUPERVISOR FRANKEL: Thank you. At this time I want to invite anyone who wishes to speak
on the matter of this public hearing to do so.
I'm going to call on individuals who have already
signed up first, and then anyone else who wishes
to speak to the matter, certainly, is welcome to
do so.

Ed Baranowycz has an overhead presentation,
and I know wants to begin to get that set up.
So, I'm going to ask if he would do that; and,
while he's doing that, if Ann Jones would please
come forward as well.

MS. ANN JONES: Thank you. My name is Ann
Jones. I live on Pelham Road in the Town of
Brighton, which I love.

I'm chair of the Natural Resources Committee
of the League of Women Voters locally, and the
League has several positions that have developed
over the years on caring for the environment, and
some of these positions definitely apply to the
University's proposal. So, I feel safe in saying
that I represent the League of Women Voters
besides just myself.

The acres proposed for the IPD designation
are mostly undeveloped. There are two
buildings -- the Laser Lab and the former St.
Agnes High School -- some roadways and some parking lots. They are in the northern section of this acreage, as I gather. That leaves a lot of contiguous space undeveloped. The Environmental Impact Statement points out that, "The occurrence of this amount of relatively wild lands, not in a park system, in as urban a community as Brighton, is indeed unusual. The myriad habitats and variety of wildlife species residing here are considerable assets." I think that's a wonderful statement and many people here agree with that.

Naturally, being an environmentalist, my recommendation to the Town is just don't re-zone it. And perhaps there is some sort of land swap that could be managed by some conservancy group. Brighton could keep the wilderness area, and the University can build on land that has already been developed, perhaps across the river from the River Campus. That would make everyone happy, I think.

But suppose the Town does rezone this land as Institutional Planned Development. In that case, we should all read the DGEIS very
carefully.

The material that, from my point of view, is most interesting in the Environmental Impact Statement was the discussion of drainage and wetlands. Identification of wetlands from the biggest to the smallest, one-tenth of an acre, I don't know how many of you noticed, that is a really small wetland -- seems to have been done carefully. At one point, the document says, there are no federal wetlands on the property, but at another point it's noted that two medium-size -- this just came up -- wetlands are connected, and together they became about -- I think I figured maybe 13 or more acres, and thus they are a significant wetland. This leaves me wondering whether there is or is not a federally-protected wetland on the property. But I wrote this before I heard the statement over here.

Also, since almost all of the surface waters on the South Campus drain into Red Creek, and since Red Creek drains into the Erie Canal, at least it does on my map -- is that correct?

Since the Erie Canal is a navigable
waterway, wouldn't those upstream wetlands qualify the region as a federal wetland region? I don't know. I'm not up on all of the codes.

At the least, the surface water in the proposed development area should be thought of as a possible source of non-point source pollution in the watershed of the Great Lakes. Therefore, the University must be sensitive to its role in keeping the ground and surface water clean if and when it considers the use of pesticides and herbicides on newly-developed land. If that land is developed, it drains into the Great Lakes, like everything else around here, and I think we should be careful about how we handle it.

The document discusses the difficulties of constructing a building near or on a wetland. The official view of our committee is that all wetlands should be protected, however small. However, avoiding wetlands completely may not be an option when building on the property under review. That leaves the possibility of moving a wetland before construction, which is to say mitigating.

In regard to mitigating, there is reference
made in the DGEIS to a recent wetland mitigation
done on the South Campus in response to the
identification -- last year I think it was -- of
an unusual population of chorus frogs -- I had
never heard chorus frog; they are unusual -- in a
wetland behind the old St. Agnes High School
building. We are watching with great interest to
see whether the frog population will survive the
move and thrive in its new, but nearby, location.
And that's the trouble. When a wetland is
destroyed, an extremely complicated habitat goes.
You may attempt to move one of the species, A,
only to find that the several species, B, C and
D, that A depended on were left behind. And so
A, of course, fails to thrive in its new home. I
believe there was a very sincere effort to
prevent this problem in the case of chorus frogs,
but we shall see. Although I don't want wetlands
to be moved and created, I must commend the
University for recognizing and studying the
problem and for preparing to take various options
under consideration, and for trying to devise
better mitigation procedures.

About those frogs, as I understand it,
amphibians all over the world are declining in numbers. Some species are already extinct and many are endangered. The United States, being part of the world, is experiencing this same decline. Some attribute it to loss of wetlands worldwide. Others think one of the persistent toxic chemicals of concerns or acid rain, or something, may be to blame. But whatever is happening would, it seems to me, allow us to classify all frogs as threatened. If so classified, their habitats should be protected.

The South Campus wetlands are part of a regional drainage system which has needed help for years. I was pleased to see how much study has already gone into with this challenging problem. The University did not cause these problems. They are long-standing. Many culverts need cleaning out. One junction of drain pipes, I understand from the EIS, forces water into too small a space to accommodate flood water levels. We agree with the University that the drainage problems between the Genesee River and West Henrietta Road can only be manage through the study and cooperation of the University, the Town
and the County. In short, this area of concern is a regional problem. The University has begun a thorough study of soils, surface water, runoff pathways, and the volume of runoffs on its property. We commend this work and hope the Town and the County will make similar studies. We commend the statement that, "Primary water courses or drainage ways should be avoided during development so that existing drainage patterns are not significantly altered."

On page 45 a statement says, "Development within 100 feet of the jurisdictional wetland areas would likely be off limits." My comment is, shouldn't the word "likely" be eliminated, but I think that was covered earlier in the evening.

I commend the University for its gift of 25 acres to the Town for establishment of part of the Lehigh Valley Hiking Trial, for its donation to the Town of the Lilac Park Subdivision, for its proposal to create a 50-foot buffer area with landscaping, and for its plan to restrict access to Crittenden Road, except for emergency vehicles.
In summary, I would rather the South Campus were not developed at all. But if it is zoned IPD, I hope the University and the Town will plan for minimum environmental impact.

Thank you for giving me this opportunity to speak.

SUPERVISOR FRANKEL: Can you leave a copy of your comments so we may enter it into the record as well; and, if you don't have something handy, please then, if you could, provide us with a copy.

MS. ANN JONES: To whom should I give it?

MS. KRAMARSKY: We can make a copy right now. Thank you very much.

SUPERVISOR FRANKEL: Thank you.

MR. ED BARANOWYCZ: My name is Ed Baranowycz. I live at 1180 Crittenden Road. I have been a resident here for 17 years.

Tonight I'd ask you to consider the impact that the University of Rochester's proposed rezoning and development will have on the Furlong Creek Watershed.

Within the 600 plus page EIS document, you'll find some pages that studied the Furlong
Watershed. I assume a few engineers spent a few weeks, maybe months, running a few computer models and making some technical conclusions.

What I am about to show you is based on over 10 years of real-life experience. At some point we must marry engineering assumptions with real-life results.

Here is the map that the University of Rochester supplied in their Environmental Impact Statement showing their proposed development.

What they haven't shown is the Furlong Creek Watershed, which we have drawn on the map, and that is that large light blue area.

Now, start to imagine all of the water in that area coming to one small area.

I live in that area, and here you can see the water from adjacent U of R property spilling into our backyards. This is obviously not a drainage system as the report has claimed. These are our backyards.

Here are more pictures showing how the water flows in an uncontrolled fashion from U of R's property and sheets across our yards. In fact, the only way the water can get to Furlong Creek
is to turn our yards into a swamp. And, yes, bring your own boots.

It bothers me to read conclusions in the EIS drainage study, while knowing from living here for 17 years that these conclusion just do not align with reality. And I quote, "The area between the rezone property and the houses on Crittenden Road is a low-lying area and has created a bowl effect, whereby water from the south and the east and, to a lesser effect, the north is directed."

On the left is flow that comes from the south, while on the right is flow from the north, which is from the U of R property. The report not only claims the flow on the left is greater, if you can see it there, in that controlled ditch, but goes so far to calculate it at five times greater in a one-year storm.

What do you think? Does the right look lesser, and does the left look five times greater?

The problem in the Furlong Watershed is actually quite simple and let me illustrate it to you with a simple bathtub.
Restrict the flow in your bathtub drain and turn your faucet on. Soon you will have a full bathtub looking just like this. Now, you might ask, why is this like the Furlong Watershed?

Well, first of all, there is one drain in the tub, and we have just one culvert that allows water to exit our bowl.

Keep that faucet on and it's just like today's development during a heavy rain. The result, a full tub or in our case a swamped yards on a regular basis. Pretty simple, eh?

Now, what if the U of R adds more development to the Furlong Watershed?

You now have taken an already sensitive drainage area and pushed it over the edge.

More development is like more faucets to that full tub. Throw in a few retention ponds and, oops, a big storm comes and a pond fails. Now we many faucets; and, uh-oh, we still just have one drain, folks. The tub overflows and our homes are now flooded.

The Town of Brighton's 2000 Comprehensive Plan recommended this area to remain low density residential and that a drainage plan be drafted.
Instead, where we are now is more risk is being proposed with higher density development, and we do not yet have a drainage plan.

And here's the ultimate understatement in this so-called drainage report.

The property owners in this area have experienced some occasional flooding during wet periods.

Well, to whoever wrote that statement, I welcome you to my backyard, stop by with your canoe sometime, and we can experience this one together.

So let's see. Strike one, miscalculations and misrepresentations of actual conditions.

Strike two, we don't have a drainage plan.

Strike three, and I appreciate that you are willing to study this, but we still need to study it.

But what bothers me is that somehow this report boldly concludes this:

The potential development, as shown, should have little or no impact to Furlong Creek.

Thank you.

SUPERVISOR FRANKEL: Do you have a copy of
this for the clerk?

MS. KRAMARSKY: I’ve got them. Thank you.

SUPERVISOR FRANKEL: Good.

MS. KRAMARSKY: Thank you.

SUPERVISOR FRANKEL: Bob Levine. And following Bob will be Jennifer Ries-Taggart.

MR. ROBERT LEVINE: My name is Robert Levine. I live on Crittenden Road in West Brighton, and I'm going to repeat some things that I said the last time. I am going to try to keep it at a minimum, because I have other points, and I studied the problem.

I find the Environmental Impact Statement lacking for one major reason. We do not know at this point what type of structures the University is going to build, and I don't know if the University knows at this point. But what they're asking us to accept on possible office buildings, which I don't have a big problem for, but there are other problems that could be caused because of that, as the previous speaker just related to us. But, in addition, we could have biological, radiational and chemical types of office buildings there also, and these will have a very
severe impact on the environment, and there was absolutely no discussion of this.

Moreover, as I pointed out the last time, in a Democrat & Chronicle article entitled, "Davis says Monroe has State's unhealthiest air," we have to take that into account before an environmental statement could be made.

In other words, if the U of R decided to build their structures in an area or part of the country that might have been labeled a clean part of the country with regard to the quality of air, it would have a different impact on the residents that live in that area than if there's already a very high level of unhealthy air that encompasses this portion of the country. And this wasn't discussed at all.

And now we have to deal with, if the U of R decides to build chemical facilities that have emissions associated with it and to the ground and into the environment, that these are going to be aggregated with the problems that already exist, being that Monroe has the State's unhealthiest air. And this wasn't discussed at all.
So, what I would like with regard to the Environmental Impact Statement, and this particular issue with regard to Monroe County, with regard to what we already have, in addition to what we already may have, that we do not approve the Environmental Impact Statement for a general type of term; such as, whatever the University does now, they have the right to do in this area, because it just doesn't meet the requirements of analysis.

The other points I'd like to bring out, which were brought out with regard to the fire district being a burden to the entire community of West Brighton, that the U of R should proactively pay immediately for any structures that they build in our area. They be required to do that from the get-go with regard to all of the emergency services, which may include the police, the fire, health types of emergency services, and so forth.

Also, the -- I did some research into what other universities and medical centers are doing with regard to allowing -- allowing chemicals to be drained into the environment, which the
University of Rochester didn't discuss because, as they claimed, they don't know if they are going to have these things. And one of them was related to Cornell University Medical Center, and they have requirements that nothing be emitted into the environment unless we have something called, "The Approved List."

The University of Rochester in their Environmental Impact Statement stated that there are two basic sets of requirements:

One is the -- those chemicals that are labeled "hazardous," and those chemicals that meet certain properties that would include them in the hazardous list but are not labeled directly hazardous, and they might include or could cause a lot of problems with metals and things like that.

But the Cornell University Medical Center goes one step further, and they insist that there be another list called, "The Approved List of Chemicals," and you cannot drain anything that isn't on the approved list.

This would prevent problems, for example, that occurred with the DS chemical explosion
where the chemicals released into the atmosphere in Holley were not classified as hazardous or could not be determined by the various properties they have to be hazardous, but created all kinds of health problems with regard to the inhabitants there.

So, the University, in their Environmental Impact Statement, never considered this other list. And I would like the Town to have overview of this list, because releasing chemicals into the environment in a residential area, I wouldn't feel safe about.

The other issue, which I discussed with our fire director, was related to how easy it is to have accidents in chemical labs which will really impact the environment. And, for example, here, we have a picture of a centrifuge, and the centrifuge, which was no fault of the University lab, had a bearing failure, and the bearing failure caused a catastrophic explosion of parts into the laboratory, and these parts injured people, they injured equipment. But it could easily have severed a natural gas line, and the natural gas line could have emitted natural gas,
which could have been impacted with a Bunsen burner and exploded.

So, we have real problems here that were never discussed; and, therefore, for simple structures such as office buildings that contain computers, I don't have problems with, except with regard to their impact on our neighbors with regard to water and things like that.

But with regard to the other issues that I just described, the Environmental Impact Statement falls far short.

Thank you.

SUPERVISOR FRANKEL: Thank you. Do you have a copy of your comments?

MR. ROBERT LEVINE: What I will do is type it up, and I'll put it on the computer and I'll e-mail it to Tom Low.

SUPERVISOR FRANKEL: Thank you. And then we will enter it into the record.

MR. ROBERT LEVINE: Thanks very much.


MS. JENNIFER RIES-TAGGART: Hello, Sandy, Board members, counsel, et al. My name is
Jennifer Ries-Taggart, and I live on 1400 Crittenden Road.

I'm the new kid on the block, having lived there for about five months now.

Last summer in the course of researching the U of R presence in my potential backyard, a self-leveling pond, known as an SWM -- Storm Waste Management -- was reflected in the map that was filed at that time with the Town Hall. The current map at the Town Hall, however, no longer shows that pond. The 50,000-square-foot building, however, that was behind the pond is still there.

So, I will make this short and sweet and ask Sandy and the Town Board to seriously consider if this kind of bait-and-switch is occurring during a time when the U of R is pursuing a rezone, what kind of recourse will Brighton and its residents have once that rezone is accomplished?

Thank you.

SUPERVISOR FRANKEL: Thank you.

MR. MITCHELL KAIMY: Members of the Town Board and ladies and gentlemen:

I'm Mitch Kaidy, and for 20 years I was the
president of the West Brighton Property Owners' Association. I have lived in Brighton for 47 years.

I was treated today and for several days by the 638-page U of R Environmental Impact Survey that is posted on the internet. And it's impressive and it reads like a thoroughly-informed and analyzed proposal.

I have studied most of its 638 pages, yet I find, as authoritative as the document sounds, its analysis in my judgment is seriously flawed mostly by omission.

For instance, I didn't find a single reference to Hurricane Agnes of 1972 that damaged homes in West Brighton, including mine.

My house is 140 years old, and I had to have the foundation repaired. I got it with a loan that was made available through the federal government by former Congressman Frank Horton.

In Hurricane Agnes, it was not the rains that accumulated behind the Mt. Morris Dam that forced West Brighton residents to flee their homes on both sides of Genesee River in Brighton and Chili. It was the rains that churned from
north of the dam and reversed the course of the two creeks, Red Creek and Black Creek in Chili. They became swollen and driven to become raging torrents.

Both creeks reversed direction and both creeks -- and the Genesee River -- flooded into the damaged homes on both sides of the river and on both sides of the two creeks.

The University's Environmental Impact Statement does not touch on this, does not understand that Crittenden Road residents west of the creek had to flee through a foot of overflow from Red Creek to reach higher ground on Crittenden and West Henrietta Roads.

One reason there is apparently no mention of these extreme conditions -- and this is admitted in the 638-page study -- is that the federal government has not yet become involved. I certainly expect it to.

It's predictable that this extensive proposal adjoining a floodplain will impact that floodplain in other indirect ways, but life-threatening ways. If, for example, the University extends sanitary sewers into one part
of West Brighton, their availability in one sector will absolutely touch off housing development in other sectors, perhaps many other sectors adjoining both the 500-year floodplain and the 100-year floodplain.

It doesn't take an astrologer to note that hurricanes have become a part of life in the United States. No one can deny that recently they've become more frequent. As the 1972 storm underscored in West Brighton, the more populated a floodplain area, with cars and other vehicles and people, the greater the danger to fleeing residents. So clearly, if indirectly, this mammoth project in one sector of the Town creates conditions basically not unlike the epochal storms in our South recently, and if we were visited by a storm that overtopped Mt. Morris Dam the tragedy would be dramatic and it would be extensive.

I have added this note to the Town Board that I have called and e-mailed FEMA, that well known protector agency, that proved itself in New Orleans and Mississippi.

Thank you very much.
SUPERVISOR FRANKEL: Cathy Smith, followed by Jim Hooper.

MS. CATHY SMITH: I'm short. My name is Cathy Smith. I live at 33 Southern Drive. I am a 30-year resident of West Brighton. Boy, that sounds like a long time.

I would like to request that the Town move very cautiously when accepting this report.

One of the questions we have to ask ourselves is: How will this rezoning enhance or benefit our neighborhood? How will this rezoning and eventual build-out keep my neighborhood safe, accessible and maintain my property values?

I feel that our neighbor is at a serious crossroads at this point in time.

It's very hard to comment on this document, because we don't know exactly what the U of R is going to put on this property. It's hard to think of how is the traffic going to impact us, because if there is more residential, people will be going to work in the morning and coming home at night. If it is research or other types of facilities, the traffic patterns will be reversed.
This is also not an issue just for West Brighton. I think we also have to look at some of the surrounding communities. I was reading with great interest in the study about the 381,000 square feet, adding approximately 5,000 trips a day to our roadways, that are happening on the other side of the Barge Canal by already-approved projects within the county, in addition to the medical centers, emergency rooms, the parking garage, Elmwood Hall, and also the Iola complex that is up for development.

Roads and failed intersections need to be fixed before any building can possibly be placed on this land. The traffic studies in this document are from 1997. Nothing on the roads has gotten any better in nine years. The gridlock -- one accident in the rush area puts traffic at a gridlock.

Intertwined with the traffic issue is also our emergency services. I came at the tail end of our fire chief's report to you to catch the statistics from MCC. One can only imagine what the calls for service will be when a build-out of this magnitude is completed. That means my
district fees go up, and the services are less available to me. So I will be paying more for less potential service.

I feel that the U of R really needs to come up with some kind of a plan to compensate the Town for the use of the fire and emergency services. They are understaffed now, the fire department, and to be adding the potential for so many more calls is a very dangerous situation. With the increase in the traffic, can they even get to us when we need them?

As Mitch was commenting about sewer district, the drainage from our street empties into the field besides the laser lab into a pond. My concern is, any development in that field is one of their -- right on the corner of River Road and West Henrietta Road, asphalt and rooftops don't absorb water. So, I don't know how inadequate that drainage pond is going to become.

I guess as a resident, I am asking you to, please, remember the nature of our neighborhood. The final outcome on how this would effect me is an outcome I really don't want to even have to think about, and that's a for sale sign.
Thank you very much.

SUPERVISOR FRANKEL: Thank you.

Jim?

MR. JIM HOOPER: Good evening. I'm Jim Hooper. I live at 191 Bastian Road. I'm the president of the Westfall Height Association in West Brighton, but I speak tonight as an individual.

In 1978 I served on the town-wide drainage study committee. I think that's somewhere around 28 years ago. It's amazing to pull through that also rather large document and see history repeating itself. You will find at the back a survey of over 70 residents describing each one the problems with water and drainage and runoff and floodplains throughout West Brighton. It's not new.

And yet here I stand tonight, 28 years later, absolutely astonished at the pictures I saw tonight. I hope you were, too.

I'm also a member of the University Community, and I'm deeply embarrassed. I'm concerned about the statements made by the University tonight. I'm encouraged when anyone
says they want to be a partner. But to be a partner, you need to come to the table with a responsible reputation, and in this case it has to do with embracing what West Brighton is and doing something now, not telling us how good you will be later.

We need a detailed drainage plan from the University, and we do not have it. Nothing like it, in fact. And what's worse, the report does not match the experience of the citizens that live in the adjacent lands. I would ask the Town Board to heed the words that you're hearing from ordinary residents most impacted by the University action and inaction and draw your own conclusions about the accuracy of the statements and the DGEIS.

Most importantly the Town needs to know more, much more about the actual intentions of the University. What do they actually plan to do? We don't know. After 600 pages, we still know almost nothing that we can hang our hats on. Why?

I think in part because, as the University reported at a Information Meeting in December at
St. Agnes, their priorities right now are in the medical center, and they're not addressing the South Campus. It's not on their radar screen as a very large organization, and so there it is.

I call on the Town to heed what your citizens boards decide to tell you. Consider zoning changes based only on actual need, not vague and unreal speculation.

Why rezone if there are no plans to actually develop the land?

How does this work for citizens? Does the Town grant us a permit to build an entire house when we plan to merely put in a bathroom, a bedroom? Of course not.

I suggest the Town consider taking action on University need in phases, and act only on parts where they believe, the University believes, that it needs to build.

At the end of the day, it's not the job of the community to become part of the University. It is for the University to become part of the community.

Thank you.

SUPERVISOR FRANKEL: I don't have any cards
from anyone else who wishes -- who may wish to speak to the matter of this public hearing; but, if you would like to comment, please raise your hand, and you will certainly have that opportunity.

Yes. Please come forward.

DAWN BARNOWICH: My name is Dawn Barnovich (phonetic). I live at 1180 Crittenden Road. I just want to give a couple quick comments about what it really is like living there with the different habitat and the nature that is right in our backyard. And I guess I would hate to see that disappear. I would hate to see it impacted.

There is quite a variety of birds, over 20 species just in my own backyard, and herds of deer I see on a regular basis, which I am wondering where they are going to go, because I know that they do spend a lot of time in the property that the U of R would like to develop.

The fact that the trail is there now, it is a great place to walk and see all this nature, so it's not just the people in the neighborhood who can enjoy, it is many other people in the Town that can enjoy it as well.
I just want to let everybody know that it's a great neighborhood. Some lovely houses, all different types of architecture, just a great natural surrounding, and I guess I would hate to see that just be destroyed.

Thanks very much.

SUPERVISOR FRANKEL: Thank you.

Yes, sir, in the back.

ROGER JANSIC: Thank you. My name is Roger Jansic (phonetic). I am a resident of the City of Rochester. I have spoken before on this topic, and I want —

SUPERVISOR FRANKEL: Could you give us your address, please?

ROGER JANSIC: Sure. It's 54 Crawford Street in Rochester.

I felt it important to just, following the words of the last speaker, to reiterate the value of the undeveloped property along the trail and the value of the trail to the Town of Brighton. It's a remarkable place. It's a beautiful place. In any proposal, in any deal, it is usually not all or nothing. I hope that the Town considers portions of the proposal, perhaps off limits or
portions of the property that the University
would like to develop off limits, and protecting
that trail as a resource to the Town of Brighton
I think should be a relatively high priority.
That's all I want to say.

Thank you very much.

SUPERVISOR FRANKEL: Thank you.

Is there anyone else that wishes to address
the Board on this matter?

MR. MITCHELL KAIDY: Sandy --

SUPERVISOR FRANKEL: First let me see if
there is anyone else who has not yet had an
opportunity to speak.

Okay, Mitch? I need you to come to the
microphone, please.

MR. MITCHELL KAIDY: Mitch Kaidy, 921
Crittenden Road.

Just to give some information to the last
speaker, in the 630-something page Environmental
Impact Statement you can find on the web, they do
touch on the question you raised about preserving
that environmental walkway, and they say they
only -- they are only going to be pressing fairly
close to that walkway, according to their
projections, but they say that they're only going to use that walkway in emergencies.

Now, anybody here who feels that that walkway should not be used except for the objective for which it was designed, may object to the University using it as an emergency exit for its development. You can find that on the web.

Thank you.

SUPERVISOR FRANKEL: Thank you.

Are there any other comments or questions at this time from the audience?

Then I would like to turn to the Town Board and invite questions and comments from the Board. I'll start.

And I would like to talk about traffic, and ask if the southern corridors, Alternative 5, is a realistic picture of the New York State Department of Transportation's current plans and schedules. In particular, is the proposed ramp and its modifications from I-390 to East River Road realistic? Will these modifications from East River Road require the right-of-way be reserved from the University of Rochester.
properties along the East River or Kendrick? If so, how much? How much does that effect the proposed development of those pods? Can Alternate 5 accommodate the full $1.9 million square foot build-out as proposed by the University? What effect will increased traffic have on the accident rate at West Henrietta Road and East River Road, and what mitigations are proposed?

Will the residential streets along East River Road and West Henrietta Road have adequate gaps in traffic to enter and exit these roads safely?

COUNCIL MEMBER KRAUS: I'd like to -- we can go ahead with the questions?

SUPERVISOR FRANKEL: Yes.

COUNCIL MEMBER KRAUS: I'd like to move to a subject that I have a great deal of interest in, which is the wood lot E pod that is on the property. The question is:

Why did you request the disturbance of 75 percent of the wood lot E pod? Why do you need that amount?

The further question is, which specific pods
when developed will disturb the most wood lot area? And can your board detailed master plan include a tree mitigation plan?

SUPERVISOR FRANKEL: Ray?

COUNCIL MEMBER TIERNEY: I'm going to touch on some land use questions that I would like on the record. And to begin with, I'm going to exercise a master plan question, and this is -- the question would be like this:

Is the University of Rochester prepared to present a master plan for the parcels meeting the requirements of our IP deregulations in showing building uses setbacks? I put the emphasis on "uses." I think we have in the existing documents some idea of the buildings and building placement. We are short on uses.

Further, is the University prepared to supplement its DGIS to address any issues identified in this master plan? Will that master plan show all the areas to be disturbed and the areas that will be preserved? Will this plan show the buffer locations and planting details? Will the plan include all proposed required and conditional uses, along with performance
standards? Will the plan include proposed area requirements, height setbacks, et cetera?

Would you, the University of Rochester, be willing to work with the Planning Board in developing this master plan for the property to be rezoned? If the University must wait for the major New York State Department of Transportation improvements, where would those 25,000-square foot likely to be built --

SUPERVISOR FRANKEL: 250.

COUNCIL MEMBER TIERNEY: 250,000-square foot likely to be built on which pods?

Are there particulars uses that you must quickly act to house? Are there existing needs for research labs or anything that might be in the pipeline, Grant A Project, et cetera, that you cannot wait for a future rezoning hearing before the Town Board?

And, lastly, the area south of Crittenden Road that in the plan today is shown as being transferred to the Town of Brighton as part of the incentive zoning, if that isn't accepted, how would you use that property? What would you propose to construct? And how does that change
the density north -- the density limitations north of Crittenden Road?

Thank you.

COUNCIL MEMBER VOGEL: My questions really have to do with especially some of the issues that have been identified by the residents, neighbors, in terms of a comprehensive plan that would address the drainage issues that were presented here tonight.

Along that line is, what are the potential impacts of this -- if there are drainage improvements, what are the potential impacts on the wood lots and the wetlands area there in West Brighton?

I'm concerned that what could be a developmental plan could exacerbate these issues, not properly mitigate them and address them.

The -- and with regard to wetlands, this wetland G may be of sufficient size and character to be protected by New York State DEC, but will the -- how will this affect future development of the rezoned property?

And Ray touched on the fact that, you know, would you be willing to provide a conservation
easement to the Town over the wetlands or the wetland buffer?

But in the spirit of good neighborly, you know, approach to any proposal here, these concerns really need to be upfront in terms of addressing these type of issues.

With regard to the sanitary sewers, is there adequate capacity now to handle both the increased flow from the proposed project and the possible future flow from the neighborhood to the west?

So, again, we have not just storm drainage in the way of pure water, we've got sanitary concerns as well.

SUPERVISOR FRANKEL: I would add a question related to the impact on Town services, including but not limited to emergency services.

Would the University be willing to pay a pilot agreement, apply a pilot agreement to the existing development as well as future development?

COUNCIL MEMBER KRAUS: Sandy, I would like to just continue with Jim's line of inquiry on the drainage and ask two more specific questions.
Can flows downstream like a small pond on
the west property line, near the end of Norman
Road, be improved? That's number one.

And number two, what are the costs of the
identified improvements located upstream of
Crittenden Road? To what extent are these
improvements simply mitigation for their future
development?

COUNCIL MEMBER VOGEL: The other thing I
would say on my line of questioning before, if
you have a draft -- a plan drafted for dealing or
addressing drainage issues, I'd like to see it.

SUPERVISOR FRANKEL: Are there any other
questions or comments from members of the Town
Board?

Are there any additional questions or
comments at this time from members of the
audience?

MS. JENNIFER RIES-TAGGART: What is the next
step?

SUPERVISOR FRANKEL: I need you to come to
the microphone so that people in the home-viewing
audience and our video record can record this.

MS. JENNIFER RIES-TAGGART: Hello again.
Jennifer, Crittenden Road. What is the next step? When will we meet again?

SUPERVISOR FRANKEL: Tom?

MR. LOW: Certainly. The next step is the closing of a period for written comments. So, this isn't your last chance, or other agencies or other people's chance. Written comments will be taken by the Town through the 20th of March.

Once those comments then are all received and assembled, they go back into the hands -- well, certainly, the Town will retain copies of them. They go back into the hands of the University and its consultant team to prepare what's called, "The Final Environmental Impact Statement," where they take all those comments and questions and address them, try to provide the answers to your questions, the Board questions, and the like.

That might well be a period of several months, to put all those together. There were some big issues mentioned here. They will then return to the Town Board to say, we think we have a final, that we're ready. The Town Board will then have to decide whether in fact that final is
complete. And with any project we've found, they usually have a couple iterations of -- they get it 90 percent right the first time, and then it takes a second review to make sure they have addressed all of the issues.

And then they -- the Town Board would have to make a finding, a decision to accept that final impact statement. Once they think the record is complete, all the questions have been answered, have been answered thoroughly and completely, and then there would be a waiting period. And then the Town Board would have to make determinations to say here are the impacts. Here's the impacts, the mitigation measures, what problems perhaps can't be mitigated or haven't been mitigated, or whatever.

And only then would the Town Board return to the question of should they set a hearing on the rezoning itself, and then conduct a hearing and make a rezoning decision of some sort.

MS. JENNIFER RIES-TAGGART: Okay. So this would be the last public forum until at least the final Environmental Impact Statement.

MR. LOW: No, there wouldn't be a public
hearing on that Environmental Impact Statement.

MS. JENNIFER RIES-TAGGART: Once the record is completed?

MR. LOW: The record is complete, then the next public hearing would be on the rezoning of the property, if the Town Board believes the project has merits and warrants a rezoning hearing.

MS. JENNIFER RIES-TAGGART: Okay. Thank you. Thanks, Tom.

SUPERVISOR FRANKEL: To reiterate, if anyone watching, or neighbors or others who may have an interest in this issue, who have not had an opportunity to address the Board, for anyone here who wishes to do so, certainly, please, let folks know that they have until March 20th to submit written comment, which will be considered along with all of the other comment that have been received to date.

And you may note on your agenda that we have received reports from the Planning Board, the Conservation Board, from the New York State Department of Environmental Conservation, and New York State Department of Transportation, as well
as correspondence from residents. We will be continuing to receive communications on this matter.

Ray?

COUNCIL MEMBER TIERNEY: Yes. The first question to you, Tom.

Jim Hooper mentioned and brought up phasing, and my question to you is: How specific do we have to be in directing an exploration of that in this further review? Example, if the traffic, as Sandy outlined, is problematic or traffic mitigation is going to be problematic, is going to be controlled by outside forces, and the uses are not able to be identified, I think -- and I don't mean to read anything into Jim Hooper's statement, but -- should there be some or could there be some specific direction to the U of R to come up with an alternative, which would be phasing of the rezoning based upon these specific events that I mentioned: the determination of use, traffic improvements?

And I know that we've talked about different uses that would be permitted and those not to be permitted, but I'm talking about overall phasing,
where subsequent Town Boards would be looking at specific rezoning of parcels or phases as the needs are identified. Have I done enough in just talking about this to have this explored? Does it make sense to ask that?

MR. LOW: It makes sense to ask that. You've done a great deal to have that explored, and all I would offer is that I, with obviously a great deal of help from Ramsey, may try to capture your thoughts or make a few passes at the thoughts, if you would want to then make them as a separate written --

COUNCIL MEMBER TIERNEY: I appreciate that. I will meet with you both, and we'll do it and submit it within the ten days.

Thank you.

Thank you, Jim, for bringing it up.

SUPERVISOR FRANKEL: Please come to the microphone and restate your name as well, please.

MR. ED BARANOWYCZ: I'm Ed Baranowycz from 1180 Crittenden Road. I won't talk about water. Real short.

Right now the land we're talking about on the southern part is zoned low density,
residential, half acre. While I was doing my research, I came across something that, U of R, you have on your website, and I was learning about Whipple Park, and it says, "Whipple Park is in a park-like setting bordered by wooded areas. Whipple Park has landscaped grounds, space for vegetable gardens and low street noise. What a great place for the people that go to the University -- for the people that go to your University to live at.

Okay? I see them on the trails all the time. You know there is a demand in this area of Brighton for houses. People are bulldozing old ones to build new ones, because they like the area. Can you imagine if you just took that land that's currently zoned for low residential, low density, half-acre lots, build some nice homes, you will have people lined up, because it will be some of the best homes in the best area in this place. That's all I wanted to say. Consider it.

SUPERVISOR FRANKEL: Thank you.

Mitch?

MR. MITCHELL KADY: I want to ask the --

SUPERVISOR FRANKEL: Please.
MR. MITCHELL KAINY: I was headed this way.

I'd like to ask, since I think I'm the only one who raised the issue of safety, whether this will be one of the issues that the Board will tangle with. Will you come to grips with the possibility that there will be another storm, and that people will try to evacuate under stressful conditions? I haven't heard anything about that. Will that be an element of your consideration?

SUPERVISOR FRANKEL: Well, Mitch, your having raised the question makes it an issue.

MR. MITCHELL KAINY: Thank you. Anybody else got any ideas?

SUPERVISOR FRANKEL: Any other comments or questions?

Well, then, at this time I declare the public hearing closed. Please know that we will be continuing to accept written comments until March 20th, and we thank you very much for coming and sharing your questions, your thoughts and your concerns, and more to come. As you realize, there is no action to be taken tonight. The purpose of the public hearing was to get input from all of you.
COURT REPORTER'S CERTIFICATION

I, Jo-Anne Galloway, do hereby certify that.

I am a court reporter of Monroe County, Rochester, New York;

That I reported in machine shorthand the proceedings held at the Brighton Town Hall, Brighton, New York, on March 8, 2006, in the Matter Re:

"Proposed Rezoning for the University of Rochester South Campus."

That the transcript, herewith numbered pages 2 through 56, is a true, accurate and correct record of those machine shorthand notes.

Dated at: Rochester, New York
This 7th day of April, 2006.

Jo-Anne Galloway, CSR