

There was a Planning Board workshop on September 27, 2016 to discuss the Draft Environmental Impact Statement for the Fishers Ridge project located on State Route 96 starting at 5:30.

PRESENT: Katie Evans, Jennifer Michniewicz, Kim Kinsella, Cathy Templar, Wes Pettee, Mike Schaffron, Heather Zollo, Al Gallina, Don Young, Ernie Santoro, Jack Dianetti, Joe Logan, Steve Metzger, Paul Colucci, Ashley Champion, Frank Sciremammano, Paul Powers, Shelby Persons, Mary Steblein, Ann Aldrich, Babette Huber, Joe Limbeck, Matt Matteson, Sue Stehling, Douglas Fisher and Mark Tayrien via phone.

Mr. Tayrien – Let me just remind everybody that SEQR doesn't require approval of a project that has impacts but it does require the board taking a hard look at the potential impacts and come up with a conclusion that the impacts have been avoided and/or mitigated to the maximum extent practicable. So avoidance in the mitigation are important. A SEQR intends any unavoidable or remaining impacts be weighed or balanced along with other considerations, social economics or whatever they might be in terms of whether to approve a project that does have some impacts or rather to perhaps approval with modifications.

So this document that we're reviewing is a proposed version of a Final EIS that incorporates the draft. Where the draft was the project's sponsor's document, the Final is really the responsibility of the Lead Agency which is the Planning Board in this instance.

It's really important the draft and the final EIS provide the factual basis for your decision making, not just whether to approve or disapprove a project but also if you do approve it and should there be any conditions that accompany it or is it an approval outright with modifications. The basis for all of those kinds of decisions and determinations should be in the document. What you have been reviewing at this point has really been a combination of consultants and the project sponsor, essentially putting words in your mouth, putting something in front of you that you can review rather than starting from scratch. It's really important that this document when all said and done, reflects the Planning Board view, in particular those things that are subject not just some sort of calculations.

Four things that if I was in your place that I'd be watching for when going through the process:

- Be sure the documents are fair and accurate
- Conditions of the facts surrounding the project
- Potential impacts and other factors that should be taken into account in the decision making process. If not, what portions of the document if any you feel need revisions or improvements. What are those; is something understated or overstated.
- Issuing the Findings Statement – making the decision whether to approve the project or not. If it is approved, what conditions should accompany it. You probably should be on the lookout for information or factors that are going to be key to you in your decision making or it might require a certain modification or condition. That's the part you'll need to come up with and be very clear about in the Finding Statement.

Cultural Resources reported by Paul Powers

We were hired by the town to take a look at the cultural resource investigations that were already

done by Rochester Museum and Science Center in 2007 as well as look at the general historic information that is available about the Denonville Expedition and how it may or may not have fallen into the project area.

If you're not familiar the Denonville Expedition in 1687 started at Irondequoit Bay. The French were coming down to punish the Seneca's for ---- with the English, supporting their Colonial causes. The reason its important to us is that in Victor there was an ambush by the Seneca on the French Army and there is a lot of debate as far as the actual number of casualties on each side and more so about the actual location of the ambush itself. One of the areas we looked at as possible location, Sheldon Fisher pointed out the project area itself.

The site to the north (showing a slide of the area which is a combination of sites that are on file at the RMSC and the NYS Office of Recreation), as reported by Douglas Fisher in the '80s. The green dot (on the slide) is an archeological site which has nothing to do with our study. The only reason we put it on there is this area is a "hot bed" for archeological sites. To find Native American Cultural material in the area is not uncommon.

The RMSC Map 104 is the area that was reported by Sheldon Fisher to another CRM who was doing work nearby and they in turn made a site file at RMSC. The ----- is another site that is both the RMSC and SHPPO has marked as what has been traditionally viewed as the site of the Denonville Ambush.

The point of our study, first and foremost is to appraise the RMSC work and second to see if we narrow down the location of the site location. (Slide 2) We put together a 3D map of the area and plotted the subject area on it to give you a sense of where it lays, geographically and the terrain. The ambush was said to happen in a ravine. Our project area can definitely meet those criteria. There's also other ravines which makes it a possibility that it could have been in other places as well.

The big take away we have from this is that looking at the historic material, the 3 major areas that could potentially be the Denonville Ambush (Slide 6) the northern most area, RMSC Map 104 and the Full Map 153. Unfortunately, because there wasn't GPS tech used at that time, we were finding a lot of contradictory text from different historian on where this site is located. Unfortunately too, there is not a lot of material evidence that we could come up with that was available to us as far as our vast association with site files, etc.

Those are the 3 prominent ones. The one that most archeologists in the area cling onto is actually the furthest most south which is probably the most possible as far as being the ambush site. With that said, we tried to look at it objectively, we really couldn't rule out anything.

The next thing we did, we looked at the RSMC report that was done in 2007 (Slide 7). Without getting into too many details, the RSMC excavated about 322 shovel tests which is standard procedure. (*They are in the areas that are shown brown on the map*) Their testing methodology fell within the criteria of what SHPPO usually requires. Standard methodology shovel tests every 50 ft. The areas they did not test consisted of areas that were disturbed by mining activities that was done on the property and areas that consisted on slopes of 15%-16%. That's a standard that SHPPO holds up as far as shovel tests. The likelihood of finding artifacts that haven't eroded away over time in those situations are very unlikely.

(Slide 8) We wanted to examine the areas that we could find that were least disturbed by mining which means if there was a site there, unfortunately its pretty much gone. We overlaid maps dating back to 1963 to 2013. We also made a couple of site visits ourselves to take a look around and observed these areas are pretty beat up from mining. The overall conclusion was the RSMC did what they were hired to do and did it adequately. There were some shortcomings in

sense they really didn't address the Denonville Ambush and knowing even with their own records that they had a site right next door that was labeled as such. I think that is one of the reasons it's being discussed right now as opposed to not in 2007. As far as the technique they employed and the things they wrote off is fairly standard practice in what we do.

Mr. Santoro asked if there were any artifacts found.

Mr. Powers – The artifacts they found had nothing to do with the Denonville Ambush and they weren't Native American either. They were a series of houses along Route 96 that over time disappeared. They were associated with those. So they were more modern than historic.

Ms. Zollo wanted to know if there was a reason the RSMC didn't address the Denonville Ambush. Mr. Powers didn't know why. They had been on this project since 2006 and had a fairly aggressive testing policy because of that. Not sure if the result would have been any different. Ms. Zollo thought it was a pretty glaring omission seeing that seems to be the most important issue that was being looked at.

Mr. Powers – This happens on occasion when doing cultural resource studies. We are often given a very short period of time to complete the survey.

Mark via phone – I'm looking at the proposed version of the FEIS and there is language that was offered by the project sponsor and in this instance I think I added some additional language and edited it. In our opinion, the project sponsor quoted one of your conclusions, "*Historical and archeological resources were examined by Powers Archaeology LLC in regards to Denonville ambush. As was previously stated, the vague and contradictory nature of the historical documentation and near lack of accessible material evidence makes it difficult to pinpoint the location of the ambush. While several prospective locations were identified, it is virtually impossible to decisively pinpoint the location of the ambush without further archaeological and historical research.*" It its report, Powers Archaeology recommended continued archaeological monitoring during the earth moving.

Then there was a OPRHP letter that came out September 2015. *The OPHOP has determined that the conclusion of the 2007 RMSC Phase IA/IB Archaeology Survey Report are valid and that there is no concrete evidence to suggest that the ambush occurred within the Fishers Ridge development project area.*"

"The OPRHP does not recommend any additional archaeological investigations. The OPRHP has concluded its review of the project and continues to recommend that this undertaking will have No Impact upon historic properties in or eligible for inclusion in the State and National Register of Historic Places."

Statement by Mark in the report: *The Project Sponsor concludes this response by noting that OPRHP contrary to Powers Archaeology does not recommend any further archeological monitoring during construction. According to the Project Sponsor, given that no concrete evidence indicates that the ambush or any other significant historic event occurred on this project site and the fact that the Town does not required continual archaeology monitoring on other properties in this area, there is no need to require such monitoring for the Fishers Ridge Development.*

The preceding conclusion offered by the Project Sponsor is understandable given the

findings of the various cited reports. On the other hand, it remains the case that Powers Archaeology has recommended further monitoring during construction, perhaps out of an abundance of caution and in deference to the remaining potential, albeit remote, for remains to be encountered during construction.

I may be wrong, but my reading of this whole issue, the report was very helpful, I think the point of contention is a need for and/or benefit of ongoing monitoring. I don't think that in the years that I've worked with the Planning Board I never found them to be a Board that would want to impose a costly or recommend some obligations such as monitoring from Project Sponsor if there is no benefit. On the other hand, what is the issue here? Why did you recommend monitoring, what is the downside should they decide it's not required and take up the Project Sponsor's position which is monitoring is not required? There's no benefit and would probably be over reaching. That, I think, is the big issue that we need help understanding.

Mr. Dianetti – Should the board establish some type of protocol if they do find something as far as reporting?

Mr. Tayrien – In either case, whether there'll be monitoring or not, we would want to have some protocol reference in the event they do discover something.

Mr. Powers – There are actually SHPPO guidelines for human remains if they are encountered. I don't know if you would like a copy of that to work with. It's pretty basic.

Ms. Zollo – It's just for human remains, not if they find some significant archeological evidence?

Mr. Powers – SHPPO has already given us the go ahead on the project. Their hand in it is really not going to be involved unless there are human remains found.

Ms. Zollo – So what if they do encounter some significant archeological remains? Arrow heads, spears, etc.

Mr. Powers – That is one of the reasons we recommended monitoring. We tend to go to the conservative side because until there is a shovel in the ground and things are exposed, we can't really say for certain whether something is there or not. Once the soil is opened up, we can see whether or not there is something there. Archeological monitoring is actually admittedly a compromise because if something is found we are obligated to get it out of the ground asap so development can continue. At that point, if something is found, we are basically a recovery tool to try to preserve whatever we can, photograph, excavate, curate whatever we can.

The reason we recommended monitoring is because we couldn't say for certain whether the site was the Denonville Ambush site. We couldn't just dismiss it either but SHPPO disagreed with us and they are the last say.

Mr. Logo – What is the practicality of actually monitoring a major earthwork site action like this? If you don't have someone digging very carefully, you're not going to see anything anyways except by happenstance. Is there a portion of the site that is steep slopes, for instance the ravine, that perhaps we should be looking to provide either better guidance on limiting the amount of earthwork or the scale of earthwork in that area and push the work in more broad

areas that have already been disturbed for that type of earthwork in case if there is a need of monitoring it would only be in a focused area that hasn't been explored yet.

How do you require the developer to monitor something when they are moving 15 to 30 ft of fill around a site?

Mr. Dianetti – You can't sift through every loader full of material.

Mr. Powers – When you get to the mild point of monitoring, you're not sifting anything. What we are basically looking for are features that come up in the topsoil. Things like parts, burials.....they're fairly evident. The sticking point usually for a developer is if something is found, development in that area has to come to a stop for a while.

Mr. Dianetti – There'll be activity probably on most of the site. How many monitors have to be there watching? Is it the operator that is the monitor?

Mr. Powers – Usually we have a couple of archeologists on site, you don't need a lot of people. We usually have a truck load of equipment that would come out where it's needed. We only look at the areas that have potential too. Areas that have been mined out really have no archeological research potential at all.

Mr. Dianetti - Would they be looking at areas that were not significant because of the terrain? It could end up being a small area.

Mr. Powers – That's usually the norm. You use all the material that you have to focus on the areas that most likely would contain what you're looking for.

Ms. Zollo wanted to know how long the earth moving process would take for this project.

Mr. Powers – We don't need to watch them push it around, it's just getting it off to begin with. Once they have an area cleared, it's clear and they can do whatever they want. The big thing that we're interested in is the topsoil. If there's going to be any archeological materials, it's going to be in that.

Mr. Logan – Don't they normally strip off of the topsoil in the areas they are going to do some work before they bring in more significant pieces of earthwork equipment?

Mr. Dianetti – If there is enough topsoil to warrant it.

Mr. Powers – If you're filling in an area, you're not going to impact it. There would be no reason for us to look because any archeological resources are going to be buried.

Mr. Logan – The argument might be that if there is a ravine of significant features that was part of this ambush, do we want to let them fill it in? No one can pinpoint where this is and is very difficult to figure out where it is. If the majority of the site is not archeologically significant, there might be a way to focus our intention on getting limited monitoring requirements without eliminating it all together. If they do that first, it's done or if they wait until a later phase. I

don't see them reshaping the entire site at the beginning, just the area where Bass Pro is wanting to go.

Mr. Powers – The problem that we encounter is there are often a lot of stories that tell different versions of the same story.

Ms. Evan's summary -

- The Board wishes to monitor during the initial construction
 - Need to establish a focused monitoring program

Mr. Tayrien was wondering how to do this without inconveniencing the applicant. The next step would be for Paul to come up with some sort of work plan that would be as limited as possible but also productive in terms of the scope. Then provide it to the project sponsor and give them an opportunity to comment on it. Not to have the project sponsor come back and state why it's not necessary but maybe suggest some tweaking that wouldn't diminish the usefulness of it. Comments from them on how it may or may not be modified. That type of thing would be very helpful to provide to the Board and the Board could make a final decision whether to incorporate into their requirements or not.

Ms. Evans – After the Board makes that decision on whether or not to incorporate it, we can come up to the specifics as to what would happen if an artifact or a remain is found on site.

Mr. Tayrien stated that Paul could provide that reference if there is something already written and it could be referenced in the findings in the final decision.

Ms. Evans suggested that that could be referenced in a findings and state that it would be reviewed to the Town's Historian and Board's satisfactory as a future approval. This is not something a document or plan that needs to be done now but in the future to move forward to the final decision on construction. This wouldn't be for SEQR as a finding of SEQR but would be whether or not this would be appropriate and then perhaps condition it on your next approval.

Mr. Tayrien stated he would like to see this head in this direction rather than delay the FEIS. He suggested inserting something in the FEIS referencing the fact that this process is on going, the plans are being developed and reviewed by the project applicant, Historic Advisory Committee and the Planning Board will take a look at it after all parties have reviewed it and their comments and make their final decision. He suggested that this go in the FEIS but not necessary to have the final product in the FEIS. The final product would need to be in the findings or at least referenced in the findings and be part of the final approval.

Mr. Logan wanted clarification if something was found, does that put a halt to that work? Mr. Powers stated yes in that particular location of work. Mr. Logan stated that looking at the map, seeing where the mining had taken place and where the Bass Pro is located appears to be in a cultivated field which is not an area of disturbance unless it includes farming. Mr. Powers stated that farming doesn't constitute disturbance to them but this area had already been shovel tested and examined and there is no reason to look at the area again. Mr. Logan wanted to know if this should be monitored anyways. Mr. Powers didn't think it was necessary, that if you've dug 50 ft

already and nothing was found that wouldn't justify monitoring the area.

Mr. Power's discussion was complete at this point and left the meeting.

Ms. Evans explained to the public that was present that the action the board would be taking is to deliberate the responses to the comments received during the comment period. At this point, the board is not accepting additional comments, rather reviewing the responses.

WETLANDS

Shelby Persons from LaBella Assoc who delineates wetlands, wild life and other environmental issues summarizes.

Mr. Tayrien stated there is a group of comments that were classified as stormwater management that are in yellow on the response listing and then there are some that appear strictly as wetlands that are coded green. One of the major issues concerning wetlands is the potential for the proposed stormwater management practices to deprive the wetlands of their base flow and damage them as a consequence.

Ms. Persons – We basically started with reviewing multiple sites for the actual project and found most of the sites were considered total wetlands and came to the conclusion of the Fishers Ridge site. TES went to the site and delineated streams and wetlands and calculated impact areas based on site plans. There are 4 different alternatives of site plans; moving things around, turning things, facing Bass Pro in different locations, etc. This is how we came up with the site plan we are looking at today due to it being feasible to how they wanted Bass Pro to look and the least environmental impact on wetlands and streams. That brought us to 1.61 acres of wetlands that would be impacted by the site plan with approximately 3,000 linear ft of streams that would be impacted.

When you submit this to the board, the Corps will come back and state that you need some mitigation to compensate for the impacts that you're having on site. Different mitigation options were looked at. On site mitigations; Stream B (located to the far east) along with Wetland B that is adjacent to Stream B would not be impacted at all. TES recommended that area be enhanced because the wetland areas that are on the site now are very low quality so to enhance those areas would be a way to compensate and get mitigation credits from the Corp.

With the relocation of Stream A (located in the center), they were planning on enhancing this as well. This mostly flows underground and it's been proposed by the applicant to have it flow through the site in a more natural way bringing in substreams, adding curves, vegetation, shrubbing, trees, reducing areas to the wetland to provide diversity. Basically making the stream better than it is today.

TES also proposed off site mitigation options in addition to the on site mitigations. They looked at 4 different sites where they could either enhance or construct new wetlands. In their letter dated October 2015 listed the different alternatives.

Fishers Park was the best option that they could do the most with. This has a tributary to Irondequoit Creek and they plan to enhance this stream by stabilization, increase diversity, plantings as well as create vernal pools on either side. You can find this in the stream mitigation plan, Appendix C goes into the details. On the map in the Appendix, the white line is the

stream they intend to enhance and stabilize the bank. The 2 black areas are where they would construct the vernal pools. The wetlands that are on site now would be impacted. They are stand alone wetlands, flooded areas to filter before the streams.

What the Army Corp does to figure out how many mitigation credits that you need as they rate the wetlands. They rated all the wetlands on site aside from Wetland BB as being very low quality, was a 1 to 1 ratio. You are basically putting in the same amount of credits that you're impacting. Wetland BB has a portion that is forested which is higher quality because it's more diverse, has better habitat so that is a 1 to 2 ratio. You need to mitigate twice as much as you are impacting. This is how they come up with how many credits for on site and off site mitigation. It appears that because most of the off site mitigation areas were not viable aside from Fishers Park, that in addition the Ducks Unlimited credits need to be purchased to fill in the gap.

It looks like the comment to the FEIS was concerned with the purchasing of Ducks Unlimited credits and I'm not sure if its because people don't understand how the program works or if the improvements that are done won't have an affect on Victor. *Shelby brought documentation that explains what the program is. If anyone wanted a copy, they were asked to email Shelby and she would send it out.* Basically the Corp sets hierarchies, mitigation options and the Ducks Unlimited programs are always top priority and the Corp will always recommend these options over off site private mitigation plans. The reason they do this is because in 2008 they made a rule that basically streamlined lined all of these programs and had Ducks Unlimited to have guidelines of how you are going to do this and monitor this. They broke NYS down into water sheds. So your project in Victor, you are technically in the Irondequoit Nine Mile Creek watershed. So if this project was to purchase credits from Ducks Unlimited, they would have to be used in a project in our watershed. They would recommend a project in the Town of Victor but if Ducks Unlimited doesn't have a project in the area, you can at least know the bigger picture is benefiting the watershed that affects all of the wetlands that are located in the Town of Victor, all of the creeks, tributaries. These are large scale projects, not building a wetland on a vacant piece of farmland and hope that 10 years down the road it's still viable. These are large projects that have major impacts on wetland communities.

Mr. Dianetti had a question regarding the rating of the wetlands that are being disturbed. It's a qualitative rating not just a quantitative rating. Is the same standard applied to the mitigation areas in terms of the quality of the wetlands being created? Do they get the same type of treatment? Can it possibly go from 1 to 2, to a 1 to 1 as far as the area?

Ms. Preston – So what you're saying is if you disturb 2 acres of low quality can you go to 1 acre of high quality and have it be equal.

Mr. Dianetti – Or if you disturb 1 acre of quality and they want 2 acres. If you did a higher quality effort on 1 acre, could you get a 1 to 1 by doing that? Does it always have to be more area as well as creating another wetland because to me creating more low quality wetland is not the same as creating a high quality wetland?

Ms. Preston – You definitely need to be equal to but to go over isn't necessarily going to be giving you more credits. If you want a substitute for that wetland, you can build the same size wetland. I think the issue when constructing a high quality wetland is getting it to that point. So

you are building in an area that is a wetland and you're trying to make it the highest quality. Trees take a long time to establish, dealing with evasive, you're dealing with a 10 year monitoring period, if anything goes wrong, you're adding on and on.....

They actually break it down for fees for wetland credits and fees for linear ft of streams disturbed in order to compensate for the credits purchased. This is all calculations from the Army Corp and they are making the decision of whether it meets the criteria or not.

Mr. Dianetti – How much impact do we have on it if this is something the Corp is dictating? Do we really have any input?

Ms. Preston –That's a valid question. I think you have a say in how it's mitigated because the Corp would accept multiple versions. It just depends on what you are comfortable with. If you stated that you wanted to go "all" Ducks Unlimited, the Corp is going to accept that plan as well as monitoring for an off site mitigation. The Corp is going to accept different options, you just have to figure out what is acceptable for Victor.

Mr. Tayrien to Ms. Preston – If we used all of the mitigation that is being proposed as a whole, do you have a sense of how much obligation is proposed to be met by Ducks Unlimited credits and how much is being met by the projects mentioned? Is almost all of it actual construction mitigation projects and only a small fraction of it Ducks Unlimited?

Ms. Preston- The feel that I got out of it is that the majority is being met by on-site and off-site. The stream mitigations are being completely satisfied by the on-site stream mitigation and off-site stream mitigation. The left over gap is the wetland acreage that is being impacted because you're not actually preserving any wetlands on site except Wetland B around Stream B. So I don't think it would be a large portion that is left over that Ducks Unlimited credits would need to be purchased. I think TES looked at as many options as they could to fill mitigation plans without considering Ducks Unlimited.

Mr. Tayrien to Ms. Preston – I think I heard a wetland scientist about to say this concept, the mitigation should really be constructed projects within the Town of Victor from a wetlands perspective. When you buy the Ducks Unlimited credits, you are indirectly funding projects, although they may not take place within the Town of Victor, they are actually benefiting the wetlands and/or the watershed which is also a good thing.

Ms. Preston- I agree with what you're saying. I think people get scared of the Ducks Unlimited because they think its going to be a project that has no affect on the community but it is the watershed that is directly affecting all of Victor's water source; your wetlands, streams, tributaries. So any project that these credits fund through this program, in the bigger picture is going to benefit the Town of Victor even though it's not directly happening in Victor.

Mr. Dianetti – Another way to say that is to think regionally in terms of promoting the environment to protecting the watershed.

Mr. Paul Colucci – When we initially looked at the wetlands impacts, we had the option of going 100% Ducks Unlimited (DU) by Army Corp of Engineers. We didn't want to be the community

funding developers, local, some residents perceived as writing a blank check to DU and turning our back on Victor and saying we'll obliterate everything. We could have. We could have impacted Wetland B and said where we can preserve, where can we avoid and then we reached out to the Town to start with. We reached out to some of the town's resources, the Town Engineer, Parks & Rec and asked if they had areas in the town that they need help with. Fishers Park immediately rose to the surface. There was an existing area that is a much higher resource than what we are impacting on site. It's a recreational area. It's part of what is active park land. We started looking at how we could make it a better park. How can we add based on what we're doing on site and yes we do need to off set credits, what can we do to benefit the community. We fought hard for that. We had to bring out the US Official Wildlife, NYS DEC. Town representatives were at that first meeting with the Army Corp of Engineers and we got them to all to endorse Fishers Park. Then we went back and looked hard to create a plan that satisfied all of the credits but we were still short. Again, we reached out to the town and there were no other viable sites. Once the DEIS was in, we got comments from the Conservation Board and Town Engineer and there were 3 or 4 other sites that we looked at and that's when the whole idea of the DU came up. The Conservation Board recommended not pursuing the DU, could we find other areas. We explored them exhaustively and it was determined that the best approach was to participate for that head gap with DU. I'm pleased to hear your review. I just wanted to offer that we really took a hard look at how we could best invest back to the community rather than to just pay a fee a walk away.

Mr. Dianetti – I think the same way in regards to finding a solution within the boundaries of the town but over the last 10 years I've soften up to where I try to think a little more outside the boundaries and what the overall impact is on what we're doing. If the overall impact is positive and greater by expanding outside those boundaries drawn on a map for governing purposes, I've gone the other way. The same thing with transportation and other infrastructure. I appreciate everything that has been done and I'm glad that it's affecting a portion of the Irondequoit Creek and it's also a park within the community and is used by a lot of people outside the community just as Dryer Rd is used by other people. You said that you had a hard time finding projects within Victor and maybe it's because we're doing more or we disturb less, not sure. But in the future we'll probably be looking outside the town more and more to define mitigation for projects. I don't have a problem with what's being proposed. I don't want to turn my back on the fact that sometimes regional improvements are more important than the local ones and being good neighbors and try to what's best for the greatest positive impact.

Ms. Evans – It sounds as though we are zooming in on pg 7 of 10, specifically LaBella comment #9.

Ms. Evans asked the Board members how they felt about this mitigation plan and if they were comfortable with the DU approach. Did anyone have questions or concerns?

Mr. Tayrien – I just want to make sure the document reflects the sense of the Board. What I'm hearing is not to have the document emphasize as much the demand for all of the mitigation to be within the Town of Victor and add some language in tune with Jack's statement that it may not all be local but there may be a regional benefit. I hear the Board giving direction to abandon the demand for all of the mitigation to be within the town's political boundaries.

Mr. Gallina – I would suggest the maximum benefit to the Town of Victor with the balance within the Irondequoit Creek watershed.

Ms. Evans stated that Donna Clements, Paul Colucci and Steve Metzger were working through those possibilities to see if there was another local area and they didn't find one.

Mr. Tayrien – The Conservation Board submitted a comment requesting some direction regarding the level of a conservation easement. They were concerned about which level to select to conserve the wetland mitigation areas. In my opinion, the Conservation Board should actually be making a recommendation in that regards to the Planning Board. Unless the Board feels differently about it, what we really need is to solicit the Conservation Board for a more specific recommendation as to which levels would be more suited to conserve these areas. Are the areas all the same in different areas, sort of a mapping.

Ms. Evans stated that would be an action item to be referred back to the Conservation Board. *There were 2 members of the Conservation Board in attendance.*

STORMWATER MANAGEMENT/WETLAND reported by Mary Steblein

Ms. Steblein – My involvement in this project started with the environmental statement when I reviewed the stormwater prevention plan (SWPP) from Costich that was prepared in December 2013. In the FEIS there was a revised SWPP from February 2016. Now we're looking for general performance of the current permit and we were ensuring that the document meets the NYS DOT requirements for stormwater construction activities also the Town's Design and Construction Standards and the Irondequoit Creek Water Shed requirements. There are different thresholds that trigger those items. They are certainly over the 1 acre disturbance for the DEC permit and the thresholds for the Irondequoit Creek Water Shed guidance.

In general we found the document conforms to the DEC requirements. There are some outstanding issues that remain and we suggested those get clarified prior to the final approval and they could be conditions so they don't need to be addressed at this time but they will need to be addressed.

There was a concern that the development with the 72 acres of impervious on top of the -- disturbed site but it may change the base flows to wetlands that are downstream of the site. The green infrastructure practices required by the DEC aim to replicate the predevelopment hydrology. It may be that the developed condition through the use of infiltration practices enforced pavement below ground water recharge and that would contribute to not changing the base flow significantly in a way that would negatively impact the wetlands. We don't have a way to quantify that exactly. These are our best interpretations with the information that we have and the guidance supplied by DEC. We're not looking at the volume as it changed from predevelopment to post development. We're looking at the pond situation with the continuation of the peak flow. We're making sure that after development you're not discharging at a higher rate than what you were at predevelopment but we never really quantified the volume change.

Mr. Logan – You specified the extent of porous pavement. If you specify the extent of porous pavement, is it in all of the parking spots on the entire site? Is it pieces of it surrounding the

corridor of wetlands?

Ms. Steblein – The DEC requires you to have a certain amount green infrastructure practices that restrict run off to wetlands. The DEC recommends that you treat all of your water quality volumes using green infrastructure practices to put back into the soil. But sometimes you can't meet those. You meet the minimum, 33% of water volume using green infrastructure practices so they do have quantities that go along with these.

Mr. Logan – So they've done enough engineering to get to that point? (Yes) To help you determine that they've gone far enough?

Ms. Steblein – They will have to justify fully in the SWPP why they can't meet the 100% quality line. One of the issues here is there are so many topographic changes across the site, infiltration practices are limited to 15% slope. It's hard to find an area where you don't have an extreme amount of slope even though there are areas that will infiltrate. Obviously, there are areas that don't infiltrate very well because you have wetlands here as well.

Mr. Gallina – One of the ways to mitigate would be to somehow reduce the amount of development. Is that a fair statement?

Ms. Steblein – The DEC's guidance has many steps and you have to look at each one of those to say whether you could make a reduction in the driveway area or parking area, all of those things. They need to be addressed but there is no quantitative way to say if that is enough. It's a judgment call.

Mr. Gallina – If there is a short fall of how much we can mitigate, you always take the amount of development as a given. I'm saying part of the way to close a gap, if there is a gap is to reduce the amount of development and the impervious surfaces, etc. To me that should at least be part of the mitigation option.

Ms. Steblein – Usually my review tends to be reactive to what is given to me. *The rest of Ms. Steblein's comments were inaudible.*

Mr. Dianetti – Will we be looking at land banking parking spaces?

Mr. Colucci – Some of the challenges are parking. So we are trying to demonstrate that we're satisfying town code. We have on the site plan and in the application demonstrated that we do show some land banked parking should we need to develop or construct all of that, that we could. We also are looking at subsurface parking, underneath some of the structures in the town center. Those are multi storied bldgs that have subsurface parking thereby reducing impervious area. We've taken more of an urban land institute view of parking ratios versus just town guidelines. We wanted to demonstrate that we could meet those town guidelines by land bank parking. In a mixed use development of this nature, there's going to be offsetting peaks, different co-tenancy, different portions are going to be retail, residential. It's truly a mixed use project. So to answer your question Jack, yes there is land banked parking. Aside from the stormwater practices and the infiltration, we were able to provide porous pavement and

infiltration in zones where we had favorable infiltration rates. It's a little differential across the site. For those areas that are larger parking fields, we designed the site so they are over the soils that were favorable in nature as there were other soils that were very unfavorable.

Also the implementation of covered parking and the parking index where we think we'll ultimately be will reduce that overall impact of the site relative to impervious coverage.

Mr. Dianetti – Are the ponds that you are creating designed more for infiltration or just from retention and then letting it out gradually or a combination of both? (Both) Where it's impervious, you go more with slowing down the outlet?

Mr. Colucci – Yes, you give the stormwater an opportunity to infiltrate. There is a series of pipes that should groundwater conditions be unfavorable, I can still convey the stormwater. We don't want to have floods and have everything cascading down the hill. We can contain all of the stormwater up to the 100 year event in the stormwater pond that is at the base.

Mr. Dianetti – Are you controlling that flow of water down that stream that goes down the center?

Mr. Colucci – The only thing that goes into that is off site, off of I-90 in a very small water shed north of the Thruway.

Mr. Dianetti – It's not collecting water off of the main site? (No)

Mr. Colucci – Part of the condition of our wetland permit is we're not directing untreated stormwater to it, we're actually pre-treating it before it enters into it. It's mainly salt containing runoff during the winter off of I-90.

Ms. Zollo – How many parking spaces are you talking about?

Mr. Colucci – I think we land banked quite a few. I would have to pull up the site but we do show what's required by code, what we have as land banked and what we're providing. We would rather construct fewer parking spaces because there is a cost constructing those, more stormwater features, pavement, more maintenance, etc. So we looked at the amount of parking spaces we need to satisfy the project knowing the differentiation of what we're providing for the multi residential component vs what the town code requires.

Ms. Evans – I think we can conclude this portion. I don't think we're done with stormwater yet. I need to coordinate with Paul Powers to find out what that monitoring plan looks like and get to you as well as the Town Historian and product sponsor. The question of what happens if an artifact or remains is found, that plan is in place as the board moves through the FEIS process. Mark is going to do some editing on the wetland portion to indicate that as long as it's in the Irondequoit Creek watershed, the board is comfortable with mitigating to the fullest extent possible within the actual town municipal boundaries. We've got more stormwater and constructability items to discuss at a future date.