

Reasons Supporting Determination

**Victor Crossing – Minor Subdivision and Site Plan Amendment,
Modifications to SEQR Findings and Approvals**

Town of Victor

Potential environmental impacts were identified with this action, and several of the impacts were found to be significant. The Town of Victor Planning Board has evaluated the Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project may have a significant adverse impact on the environment.

Information relied upon in evaluating impacts and determining significance. In general, in evaluating impacts and determining whether the action includes the potential for any significant adverse environmental impacts, the Town of Victor Planning Board, as lead agency, has relied upon and taken into account:

- September 8, 2014 letter to the Town Planning Board from Benderson Development; and
- Information provided in Part 1 and Part 2 of the completed Environmental Assessment Form, dated 9/10/14 (Part 1) and 1/30/15 (Part 2);

Potential Impacts Identified During Review and Comment. Several potentially significant adverse environmental impacts were identified during the review process for the proposed amendment to the site plan and subdivision. The record reveals comments relative to the following potential impacts:

- Potential visual impacts to adjoining residential neighborhoods due to increased lighting and increased sky glow during the hours of 11pm to 7am ;
- Potential noise impacts to adjoining residential neighborhoods, which impacts are directly related to increased volume of traffic during the hours of 11pm to 7am;
- Potential routine odor impacts lasting more than 1 hour per day, due to restaurants potentially being located at the edges of the property.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

The Planning Board finds that the Action is likely to cause significant adverse noise-related impact to neighboring residential neighborhoods, in that the proposed Action will likely create noise impacts that would be directly related to increased traffic volumes associated with the proposed increased operating hours between 11pm and 7am.

The proposed Action has the potential to produce routine odors for periods of time longer than one hour per day, as a restaurant would potentially be sited in both the central portion of the site as well as along the edge of the site where a restaurant was

not previously anticipated. The Planning Board has noted that the site on the edge was previously anticipated to be a bank.

The proposed Action is not anticipated to cause significant adverse change in existing air quality, ground or surface water quality or quantity, a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage patterns.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

The proposed Action is not anticipated to remove or destruct large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources

(iii) the impairment of the environmental characteristics of a Critical Environmental Area;

The proposed Action will not cause impairment to the characteristics of a *Critical Environmental Area* as designated under 6 NYCRR § 617.14(g).

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The proposed Action does not present a conflict with the Town of Victor's Comprehensive Plan or Strategic Plan.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The proposed Action is likely to have a significant adverse visual impact on the adjoining residential neighborhoods located in and around Meadowlark Lane and Sagem Trail. Increased lighting, visibility of project lights from neighboring houses, potential for increased light trespass, and increased sky glow during the proposed operating hours of 11pm to 7am would negatively impact the existing character of adjacent residential neighborhoods.

The adjacent residential neighborhoods enjoy the existing benefit of the Victor Crossing After Hours Lighting Plan that was intended to reduce lighting impacts on adjacent properties after 11pm. As a result of the After Hours Lighting Plan, lighting levels have been substantially reduced during nighttime hours, which are more sensitive times of the day for the adjacent residential neighborhoods.

(vi) a major change in the use of either the quantity or type of energy;

The proposed Action is not anticipated to create a major change in the quantity of electricity or natural gas to be used and will not affect the community's sources of fuel or energy supply.

(vii) the creation of a hazard to human health;

The proposed Action is not anticipated to create a hazard to human health.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The proposed Action is not anticipated to result in a change of use and/or intensity of use of land. There are no agricultural land resources that would be affected by the proposed Action.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The proposed Action is not anticipated to attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the proposed action.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

The proposed Action is not anticipated to create a material demand for any other actions that would result in one of the above consequences.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;

The proposed Action does not create impacts to two or more elements of the environment that when considered together would result in substantial adverse impact to the environment.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The proposed Action does not involve two or more related actions.