

**Appendix A**  
**SEQR Documents**

Environmental Assessment Form

Positive Declaration

Final Scope

February 2010 DEIS Review Correspondence

*Joe T  
2006*

RESOLUTION - Towne Square  
State Route 96

DATE: 10-16-07  
Appl. No. 21-SP-07

WHEREAS, on September 20, 2007, the Planning Board Secretary received a letter dated September 18, 2007, from Kimberly J. Thompson, of Bergmann Associates, as agent for DiMarco Group, requesting Site Plan review of the proposed Towne Square project; and,

WHEREAS, it is the intent of the applicant to construct a mixed use development on approximately 100 acres. The project is planned to be developed in stages and to ultimately include approximately 750,000 square feet of building floor area, including approximately 550,000 s.f. of commercial space, a 100,000 s.f. hotel and approximately 100,000 s.f. of office and residential space; and,

WHEREAS, the application is a Type I Action under State Environmental Quality Review Act; and,

WHEREAS, the Planning Board intends to proceed with coordinated review and a lead agency must be established prior to determination of significance; now, therefore, be it

RESOLVED, that the Planning Board declares its intent to act as lead agency and directs the Planning Board Secretary to mail the EAF, with Part I completed by the project sponsor, and a copy of the site plan application to all identified involved and interested agencies, notifying them that a lead agency must be agreed upon within 30 calendar days of the date that the Environmental Assessment Form (EAF) was mailed to them expressing the Planning Board's intent to act as lead agency. Notification shall be sent to the Town Board, the New York State Department of Environmental Conservation, New York State Health Department, New York State Department of Transportation, and US Army Corps of Engineers. The Conservation Board, Ontario County Planning Board, Town of Victor Highway Department, Town of Victor Water Department, and Town Engineer shall also be notified of the pending application as interested agencies and individuals.

Fishers Ridge

~~This is the form that we will complete~~  
617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance. The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Fishers Ridge  
Name of Action

Town of Victor Planning Board  
Name of Lead Agency

Marjorie Elder  
Print or Type Name of Responsible Officer in Lead Agency

Conservation Board Chair  
Title of Responsible Officer

Marjorie Elder/HV  
Signature of Responsible Officer in Lead Agency

Marjorie Elder/HV  
Signature of Preparer (if different from responsible officer)

November 6, 2007  
Date

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Town Square at Victor

Location of Action (include Street Address, Municipality and County)

Name of Applicant/Sponsor John L. DiMarco II, Rowley 96 LLC

Address The DiMarco Group, 1950 Brighton Henrietta Town Line Road

City / PO Rochester State New York Zip Code 14623

Business Telephone 585-272-7760

Name of Owner (if different) \_\_\_\_\_

Address \_\_\_\_\_

City / PO \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone \_\_\_\_\_

Description of Action:

Site Plan approval for and development of Town Square at Victor, including approximately 750,000 SF of Commercial Space on a 100+/- acre site located on the northeast side of NY Route 96 between Lane Road and Rowley Road in the Town of Victor.

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other Abandoned sand and gravel mining area

2. Total acreage of project area: 95 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>34.0</u> acres	<u>4.3</u> acres
Forested	<u>54.3</u> acres	<u>12.8</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24.25 of ECL)	<u>1.8</u> acres	<u>0.6</u> acres
Water Surface Area	<u>0</u> acres	<u>0.8</u> acres
Unvegetated (Rock, earth or fill)	<u>4.9</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>0.1</u> acres	<u>54.3</u> acres
Other (Indicate type) <u>Landscaped</u>	<u>0</u> acres	<u>22.2</u> acres

3. What is predominant soil type(s) on project site? Ontario and Palmyra

- a. Soil drainage:  Well drained 100 % of site  Moderately well drained      % of site.  
 Poorly drained      % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

- a. What is depth to bedrock > 50 (in feet)

5. Approximate percentage of proposed project site with slopes.

- 0-10% 10 %  10- 15% 50 %  15% or greater 40 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No

8. What is the depth of the water table? > 10 (in feet)

9. Is site located over a primary, principal, or sole source aquifer?  Yes  No  
 partially over principal aquifer

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

7/9/07 - Letter from NYSDEC states no records of known occurrences of rare or state-listed animals or plants near site.

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

- Victor hiking trails, Seneca Trail  
- ATV/Dirt Bike

14. Does the present site include scenic views known to be important to the community?  Yes  No

15. Streams within or contiguous to project area:

Unnamed intermittent drainage ways passing through the site.

a. Name of Stream and name of River to which it is tributary

Unnamed tributary of Irondequoit Creek

16. Lakes, ponds, wetland areas within or contiguous to project area:

Wetlands - three federal wetlands on site

b. Size (in acres)

Total area = 1.84 acres

17. Is the site served by existing public utilities?  Yes  No
- a. If **YES**, does sufficient capacity exist to allow connection?  Yes  No
- b. If **YES**, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No

20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 95.4 acres.
- b. Project acreage to be developed: 84.8 acres initially; 84.8 acres ultimately.
- c. Project acreage to remain undeveloped: 10.6 acres.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. NA %
- f. Number of off-street parking spaces existing 0; proposed 2900+/-
- g. Maximum vehicular trips generated per hour: 3000+/- (upon completion of project)?  
(includes pass-by trips)
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | <u>0</u>    |
| Ultimately | _____      | _____      | _____           | <u>30</u>   |
- i. Dimensions (in feet) of largest proposed structure: < 30' height; < 400' width; < 400' length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 3100+/- ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? nil tons/cubic yards.

3. Will disturbed areas be reclaimed  Yes  No  N/A

a. If yes, for what intended purpose is the site being reclaimed?

Former gravel mining area to be converted to Mixed-Use Development

b. Will topsoil be stockpiled for reclamation?  Yes  No

c. Will upper subsoil be stockpiled for reclamation?  Yes  No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 40+/- acres

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: NA months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 3 (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month 2008 year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month 2015 year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction 1000+/-; after project is complete 1000+/-

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount NA

b. Name of water body into which effluent will be discharged NA

13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? 20+/- tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name Approved local facility location to be determined

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

Building heating, cooling, lighting  
Parking lot lighting

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day 90,000 gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

**25. Approvals Required:**

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Site Plan Approval</u>	<u>9/2007</u>
			<u>Special Use Permit</u>	<u>3/2008</u>
			<u>Subdivision</u>	<u>5/2008</u>
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Variance Parking</u>	_____
			_____	_____
			_____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Sanitary &amp; Water</u>	_____
			<u>Extensions</u>	_____
			_____	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Town DPW - Water and</u>	_____
			<u>Sewer</u>	_____
			_____	_____
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Ontario County Planning</u>	_____
			<u>Board - 239 m</u>	_____
			_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>NYSDOH-Backflow Prevnt</u>	_____
			<u>NYSDEC-Wtr Quality</u>	_____
			<u>NYSDEC-GP-02-01</u>	_____
Federal Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>USACOE-Fed Wetlands</u>	_____
			<u>Permit</u>	_____
			_____	_____

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Zoning amendment     | <input checked="" type="checkbox"/> Zoning variance    | <input type="checkbox"/> New/revision of master plan | <input checked="" type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other                  |

2. What is the zoning classification(s) of the site?

Commercial/Light Industrial

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

40% x 95.4 acres = 1.66 million SF

4. What is the proposed zoning of the site?

Unchanged

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

1.66 million SF

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Commercial, residential, vacant

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? 2

a. What is the minimum lot size proposed? > 20 acres

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

Fire and police protection will require additional effort, to be funded by additional tax base.

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

It will be necessary to study network and determine where mitigation measures are needed.

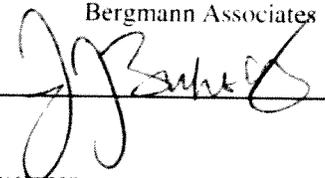
**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name F.J. Buholtz, PE Date 9/18/2007  
Bergmann Associates

Signature 

Title Agent for Developer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

### General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

### Impact on Land

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

#### Examples that would apply to column 2

Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.

Construction on land where the depth to the water table is less than 3 feet.

Construction of paved parking area for 1,000 or more vehicles.

Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.

Construction that will continue for more than 1 year or involve more than one phase or stage.

Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO     YES

• Specific land forms:

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO     YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland. (FEDERAL WETLANDS)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

*Tributary to Irondequoit Creek impacted - mitigated?*

4. Will Proposed Action affect any non-protected existing or new body of water?

NO     YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Other Impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO  YES

Examples that would apply to column 2

- |  | 1<br>Small to<br>Moderate<br>Impact | 2<br>Potential<br>Large<br>Impact   | 3<br>Can Impact Be<br>Mitigated by<br>Project Change       |
|--|-------------------------------------|-------------------------------------|--|
| Proposed Action will require a discharge permit.   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Construction or operation causing any contamination of a water supply system.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Proposed Action will adversely affect groundwater.   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Proposed Action would use water in excess of 20,000 gallons per day.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No ? |
| Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. — UNKNOWN   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Proposed Action will allow residential uses in areas without water and/or sewer services.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.                              | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Other impacts:   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |

POTENTIALLY A GAS STATION ON SITE.

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?  
 NO  YES

Examples that would apply to column 2

- Proposed Action would change flood water flows    Yes  No
- Proposed Action may cause substantial erosion.    Yes  No ?
- Proposed Action is incompatible with existing drainage patterns.    Yes  No
- Proposed Action will allow development in a designated floodway.    Yes  No
- Other impacts:    Yes  No

IMPACT ON AIR

7. Will Proposed Action affect air quality?  
 NO  YES ~~DIRT~~

Examples that would apply to column 2 3000

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.    Yes  No ?
- Proposed Action will result in the incineration of more than 1 ton of refuse per hour.    Yes  No
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.    Yes  No
- Proposed Action will allow an increase in the amount of land committed to industrial use.    Yes  No
- Proposed Action will allow an increase in the density of industrial development within existing industrial areas.    Yes  No
- Other impacts:    Yes  No

DURING CONSTRUCTION, POSSIBILITY FOR BLOWING SAND/DIRT. ?

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?  
 NO  YES

Examples that would apply to column 2

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.    Yes  No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO  YES

Examples that would apply to column 2

- Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
- Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.
- Other impacts:

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

NO  YES

Examples that would apply to column 2

- The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)
- Construction activity would excavate or compact the soil profile of agricultural land.
- The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON AESTHETIC RESOURCES</b>			

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)  
 NO  YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

VICTOR HIKING TRAILS' SENECA TRAIL WILL BE SIGNIFICANTLY IMPACTED.

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?  
 NO  YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON OPEN SPACE AND RECREATION			

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?  
 NO  YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.    Yes  No
- A major reduction of an open space important to the community.    Yes  No
- Other impacts:    Yes  No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS			
--	--	--	--

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?  
 NO  YES

List the environmental characteristics that caused the designation of the CEA.

--	--	--	--

Examples that would apply to column 2

- Proposed Action to locate within the CEA?    Yes  No
- Proposed Action will result in a reduction in the quantity of the resource?    Yes  No
- Proposed Action will result in a reduction in the quality of the resource?    Yes  No
- Proposed Action will impact the use, function or enjoyment of the resource?    Yes  No
- Other impacts:    Yes  No

--	--	--	--

1 Small to Moderate Impact  
 2 Potential Large Impact  
 3 Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?  
 NO  YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.    Yes  No
- Proposed Action will result in major traffic problems.    Yes  No
- Other impacts:    Yes  No

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO  YES

INFORMATION UNAVAILABLE

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.    Yes  No
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.    Yes  No
- Other impacts:    Yes  No

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO  YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.    Yes  No
- Odors will occur routinely (more than one hour per day).    Yes  No
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.    Yes  No
- Proposed Action will remove natural barriers that would act as a noise screen.    Yes  No
- Other impacts:    Yes  No

DURING CONSTRUCTION.

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?  
 NO     YES    **UNKNOWN**

Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.

        Yes     No

Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)

        Yes     No

Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.

        Yes     No

Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

        Yes     No

Other impacts:

        Yes     No

**INFORMATION UNAVAILABLE.**

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?  
 NO     YES

Examples that would apply to column 2

The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.

        Yes     No

The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.

        Yes     No

Proposed Action will conflict with officially adopted plans or goals.

        Yes     No

Proposed Action will cause a change in the density of land use.

        Yes     No

Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.

        Yes     No

Development will create a demand for additional community services (e.g. schools, police and fire, etc.)

        Yes     No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO     YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

*See attached.*

Part 3 Long EAF for Fisher's Ridge (Victor Town Square) proposal.

1

Continuation of EAF comments by the Conservation Board

11/6/07

1. Impact on Land: Proposed action will result in a potentially large physical change to the project.
  - a. With the exception of a couple stands of trees, including a wetland area, the plan as it stands necessitates grading the entire site. The steep slopes on the site require extensive cut and fill in order to build. The project does not fit the topography of the site.
  - b. Once the site is changed as planned, it will never be returned to its existing condition. Questions have been raised as to role this site plays in its present condition related to the goal of maintaining the character of Victor. This is one of the last areas along 96 in the Town that appears rural and green and hilly.
  - c. Obviously NYS Storm Water management requirements necessitate controls on erosion control measures and mitigation of impact. However, plans are one thing; implementation and maintenance is quite another. Combination of slope and easily erodible soils on the site has the potential for getting out of hand.
  - d. The developer has put forth several ideas over the last year. He indicates that he has been making an effort to address the concerns from the Town. In this plan he is attempting to deal with the slope by stepping up the hill. Will this mitigate the impact? Perhaps to a certain extent, but it is clear that the developer is intending to make the site fit the project rather than the project fit the site.
2. Impact on Water:
  - a. The applicant intends to fill in the strip of Federal Wetlands located down the middle of the site.
    - i. This area is in the Irondequoit Creek Watershed, a protected trout stream. Water flowing from the site is a tributary to Irondequoit Creek.
    - ii. The intent is to mitigate the wetlands, possibly on site. Victor does not need to lose another wetland. If the Town and the Army Corps approve this proposal, any mitigation must be in Town.
    - iii. There is always a concern when wetlands are impacted, despite their quality or size. The Town must approach this issue with care.
  - b. The applicant indicated that the proposed action would use water in excess of 20,000 gallons of water a day. Engineers for the Town will have to determine whether this is a problem.
  - c. **The proposed action will alter surface water runoff and may cause substantial erosion. This issue is address in #1.** Question the ability to mitigate as much as will be needed, given the tendency of the soils in this area to slip. The applicant is replacing green space with impervious surface, reducing the potential for infiltration to occur.

**Part 3 Long EAF for Fisher's Ridge (Victor Town Square) proposal.**

**2 Continuation of EAF comments by the Conservation Board  
(cont'd)**

According to requirements, the amount of water coming onto the site is the same as that leaving the site, the its destination will not be changed with the project, the pattern of flow on the site itself is to be altered. Engineers will have to determine whether the mitigation is sufficient.

**3. Impact on Air**

- a. Proposed Action will induce 1000 or more vehicle trips in any given hour. According to applicant, it projects 3000 vehicle trips in any given hour. This is potentially a large impact to air quality. Only way to mitigate that is to reduce the size of the project.

**4. Impact on Plants and animals;**

- a. The Applicant says according to studies there are no endangered plant or animal species on the site. The site has not been indicated to have an endangered plant specie on it.
- b. Since the entire site (with a few acre exception) is to be graded, its plant and animal habitat will be eliminated. Do not know whether this site provides food and shelter for migrating birds. It is said animals can move elsewhere, but one wonders where elsewhere might be? Isn't elsewhere already populated with residents of its own? No mitigation possible.

**5. Impact on Historic and archaeological resources.**

- a. The applicant has had Rochester Museum and Science Center archeologist test the site. They found no artifacts in areas they dug. However, given the legend concerning Native American activity on this site, further study is warranted.



# TOWN OF VICTOR

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Michael J. Dollard  
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## BUILDING DEPARTMENT

742-5035

## WATER

DEPARTMENT  
924-5145

November 14, 2007

The DiMarco Group  
1950 Brighton -Henrietta Town Line Road  
Rochester, NY 14623

Re: Fishers Ridge  
Appl. No. 21-SP-07

Dear Group:

At a regular meeting of the Town of Victor Planning Board held on November 14, 2007, the following resolution was adopted:

WHEREAS, on September 20, 2007, the Planning Board Secretary received a letter dated September 18, 2007, from Kimberly J. Thompson, of Bergmann Associates, as agent for DiMarco Group, requesting Site Plan review of the proposed Fishers Ridge project; and,

WHEREAS, it is the intent of the applicant to construct a mixed use development on approximately 100 acres. The project is planned to be developed in stages and to ultimately include approximately 750,000 square feet of building floor area, including approximately 550,000 s.f. of commercial space, a 100,000 s.f. hotel and approximately 100,000 s.f. of office and residential space; and,

WHEREAS, the application is a Type I Action under State Environmental Quality Review Act; and,

WHEREAS, for all Type I Actions involving more than one agency, coordinated environmental review is mandated and a lead agency must be established prior to a determination of significance; and,

WHEREAS, on October 16, 2007, the Planning Board declared its intent to act as lead agency and on October 17, 2007 the Planning Board Secretary mailed the EAF, with Part I completed by the project sponsor, and a copy of the site plan application to all identified involved and interested agencies, notifying them that a lead agency must be agreed upon within 30 calendar days of the date that the Environmental Assessment Form (EAF) was mailed to them expressing the Planning Board's intent to act as lead agency. Notification was sent to the Town Board, the New York State Department of Environmental Conservation, New York State Health Department, New York State Department of Transportation,

and US Army Corps of Engineers. The Conservation Board, Ontario County Planning Board, Town of Victor Highway Department, Town of Victor Water Department, and Town Engineer were also notified of the pending application as interested agencies and individuals; and,

WHEREAS, the involved agencies have submitted responses indicating that they concur with the Planning Board acting as lead agency; and,

WHEREAS, the Planning Board has identified reasons for which the proposed action may have a significant impact on the environment and therefore requires an Environmental Impact Statement; and,

WHEREAS, the criteria for determining significance outline in 6 NYCRR Part 617.7 (Determining Significance) identify, among others, the following indicators of significant adverse impacts on the environment:

1. 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;
2. 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;
3. The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
4. The creation of a material conflict with a community's current plans or goals as officially approved or adopted;
5. The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
6. A major change in the use of either the quantity or type of energy;
7. The creation of a hazard to human health;
8. 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;
9. 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;
10. The creation of a material demand for other actions that would result in one of the above consequences;

11. 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; and,

WHEREAS, the Planning Board identified the following areas of environmental concerns that may have a significant adverse impact on the environment:

1. Impact on Land: Proposed action will result in a potentially large physical change to the project.
  - a. With the exception of a couple stands of trees, including a wetland area, the plan as it stands necessitates grading the entire site. The steep slopes on the site require extensive cut and fill in order to build. The project does not fit the topography of the site.
  - b. Once the site is changed as planned, it will never be returned to its existing condition. Questions have been raised as to role this site plays in its present condition related to the goal of maintaining the character of Victor. This is one of the last areas along 96 in the Town that appears rural and green and hilly.
  - c. Obviously NYS Storm Water management requirements necessitate controls on erosion control measures and mitigation of impact. However, plans are one thing; implementation and maintenance is quite another. Combination of slope and easily erodible soils on the site has the potential for getting out of hand.
  - d. The developer has put forth several ideas over the last year. He indicates that he has been making an effort to address the concerns from the Town. In this plan he is attempting to deal with the slope by stepping up the hill. Will this mitigate the impact? Perhaps to a certain extent, but it is clear that the developer is intending to make the site fit the project rather than the project fit the site.
2. Impact on Water:
  - a. The applicant intends to fill in the strip of Federal Wetlands located down the middle of the site.
    - i. This area is in the Irondequoit Creek Watershed, a protected trout stream. Water flowing from the site is a tributary to Irondequoit Creek.
    - ii. The intent is to mitigate the wetlands, possibly on site. Victor does not need to lose another wetland. If the Town and the Army Corps approve this proposal, any mitigation must be within the Town.
    - iii. There is always a concern when wetlands are impacted, despite their quality or size. The Town must approach this issue with care.
  - b. The applicant indicated that the proposed action would use water in excess of 20,000 gallons of water a day. Engineers for the Town will have to determine whether this is a problem.
  - c. The proposed action will alter surface water runoff and may cause substantial erosion. This issue is address in #1. Question the ability to mitigate as much as will be needed, given the tendency of the soils in this area to slip. The applicant is replacing green space with impervious surface, reducing the potential for infiltration to occur. According to requirements, the amount of water coming onto the site is the same as that leaving the site, its destination will not be changed with the project, the pattern of flow on the site itself is to be altered. Engineers will have to determine whether the mitigation is sufficient.

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  - a. Proposed Action will induce 1,000 or more vehicle trips in any given hour. According to applicant, it projects 3,000 vehicle trips in any given hour. This is potentially a large impact to air quality. Only way to mitigate that is to reduce the size of the project.
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  - a. The Applicant says according to studies there are no endangered plant or animal species on the site. The site has not been indicated to have an endangered plant specie on it.
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5. Impact on Historic and archaeological resources.
  - a. The applicant has had Rochester Museum and Science Center archeologist test the site. They found no artifacts in areas they dug. However, given the legend concerning Native American activity on this site, further study is warranted.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board assumes lead agency status; and, be it further

RESOLVED, that the Planning Board reviewed the environmental assessment form to identify the relevant areas of environmental concern and analyzed the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment and determined that the proposed Fishers Ridge project may have a significant impact on the environment and that an Environmental Impact Statement is required for reasons set out above. Following submission of a draft scope\* that contains the items identified in paragraphs 617.8 (f) (1) through (7) of SEQR regulations, the Planning Board will make a copy of the draft scope available to all involved agencies, and make it available to any individual or interested agency that has expressed an interest in writing to the lead agency. A scoping public meeting for the proposed Fishers Ridge is scheduled to be held on Tuesday, December 18, 2007 at 7:05 p.m.. The purpose of scoping is to narrow issues and ensure that the draft EIS will be adequate for public review; and, be it further

RESOLVED, that the Planning Board Secretary shall notify the above listed involved agencies of the scheduled scoping meeting; and, be it further

RESOLVED, that the Planning Board Secretary shall advertise for said scoping meeting in the official newspaper of the Town of Victor; and, be it further

RESOLVED, that the Planning Board Secretary shall notify all property owners within 1,000 feet of the project of the scoping meeting.

\*The applicant, pursuant to 6 NYCRR 6178.8 (b) is required to submit a draft scope that contains the items identified in 6NYCRR 617.8 (f)(1) through (7).

If you have any further questions, please do not hesitate to contact Cathy Templar, Planning Secretary at (585) 742-5040.

Respectfully,



Mr. John R. Accorso, Chairman  
Town of Victor Planning Board

JRA/ct

xc: Debra Denz, Town Clerk  
Leslie Bamann, Town Supervisor  
Building Department  
Sniedze Associates, Town Engineer  
Water Superintendent  
Conservation Department  
Highway Superintendent  
Fishers Fire Department  
Town of Farmington DPW  
Ontario County Planning  
EDR  
File



# TOWN OF VICTOR

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**BUILDING  
DEPARTMENT**

742-5035

**WATER  
DEPARTMENT**

924-5145

## SCOPING MEETING NOTICE

The Town of Victor Planning Board will be conducting a public scoping meeting for the proposed Fishers Ridge development located on State Route 96 and Lane Road on December 18, 2007 at 7:05 p.m. at the Temporary Town Hall, 1290 Blossom Drive, Victor, New York. It is the intent of the applicant to construct a mixed use development on approximately 100 acres. The project is planned to be developed in stages and ultimately include approximately 750,000 square feet of building floor area, including approximately 550,000 square feet of commercial space, a 100,000 square foot hotel and approximately 100,000 square feet of office and residential space. The purpose of the scoping meeting will be to identify the potentially significant adverse environmental impacts related to the proposed action that are to be addressed in the Draft Environmental Impact Statement including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant issues.

If you have any questions, please feel free to contact Kim Kinsella, Town of Victor Planning Department, at 742-5040.

**SCOPING OUTLINE  
for the  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
(DEIS)**

**Proposed Project:**

**Fishers Ridge  
Victor, NY**

**Project Location:**

**NYS Route 96  
(at Lane Road and NYS Route 251)  
Town of Victor, Ontario County, New York**

**Project Sponsor / Applicant:**

**Rowley 96 LLC  
(The DiMarco Group)  
1950 Brighton-Henrietta Town Line Road  
Rochester, NY 14623**

**Lead Agency:**

**Town of Victor Planning Board  
1290 Blossom Drive  
Victor, NY 14564**

**February 12, 2008**

SCOPING DOCUMENT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
(DEIS)

PROPOSED FISHERS RIDGE  
TOWN OF VICTOR  
ONTARIO COUNTY  
NEW YORK

Positive Declaration Issued:	November 13, 2007
Public Scoping Session Held (1 <sup>st</sup> ):	December 18, 2007
Public Scoping Session Held (2 <sup>nd</sup> ):	January 22, 2008
Final Scope Accepted:	February 12, 2008
Contact Person:	Kim Kinsella Town of Victor 1290 Blossom Drive Victor, New York 14564 Phone: (585) 742-5040

SCOPING DOCUMENT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
(DEIS)  
PROPOSED FISHERS RIDGE  
TOWN OF VICTOR

TABLE OF CONTENTS

Description	Page
1.0 Introduction .....	1
2.0 Description of the Proposed Action .....	1
3.0 State Environmental Quality Review (SEQR) Process .....	1
3.1 Project Classification and Lead Agency Designation .....	1
3.2 The Scoping Process .....	2
3.3 SEQR Review Agencies .....	2
4.0 Content of the Draft Environmental Impact Statement (DEIS) .....	3
4.1 Introductory Requirements .....	3
4.2 Executive Summary .....	3
4.3 Introduction .....	3
4.3.1 Project location and setting .....	3
4.3.2 Project description .....	3
4.3.3 Project purpose and need .....	3
4.3.4 SEQR process and chronology .....	3
4.4 Existing Environmental Setting, Potential Impacts, and Mitigation Measures .....	4
4.4.1 Geology, Soils and Topography .....	4
4.4.2 Surface Water and Ground Water Resources .....	4
4.4.3 Impact on Terrestrial and Aquatic Ecology .....	5
4.4.4 Historical and Cultural Resources .....	5
4.4.5 Impact on Air Quality .....	6
4.4.6 Impact on Aesthetic Resources .....	6
4.4.7 Impact on Transportation .....	8
4.4.8 Impact on Energy/Utility Facilities .....	10
4.4.9 Noise and Odor Impacts .....	10
4.4.10 Impact on Public Health .....	11
4.4.11 Impact on Growth and Community Character .....	11
4.5 Project Alternatives .....	12
4.6 Cumulative Impacts .....	13
4.7 Growth Inducing Aspects of the Project .....	13
4.8 Irretrievable Commitment of Environmental Resources .....	13
4.9 Concerns/Impacts Determined to be Irrelevant or Insignificant .....	13
4.10 Sources and Bibliography .....	13
4.11 Information to be Included in the Appendix of the DEIS .....	13
5.0 Appendix of the DEIS .....	

## **1.0 INTRODUCTION**

This Scoping Document has been prepared in accordance with the requirements of 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review (SEQR)). This Scope defines the content of the Draft Environmental Impact Statement (DEIS) that is being prepared at the direction of the Town of Victor Planning Board, as the designated Lead Agency for the proposed action.

This Scoping Document provides a description of the proposed action, an overview of the SEQR process and discussion of the potential environmental impacts that have been identified through the scoping process.

## **2.0 DESCRIPTION OF THE PROPOSED ACTION**

The DiMarco Group, on behalf of Rowley 96 LLC, intends to develop a mixed use project entitled “Fishers Ridge” on a 100± acre site in the Town of Victor on NYS Route 96, located west of Lane Road and north of NYS Route 251. The Project is planned to be developed in stages and to ultimately include approximately 750,000 SF of building floor area, including approximately 550,000 SF of commercial space, a 100,000 SF hotel and approximately 100,000 SF of office and residential space.

The Project is conceived to include a central portion portraying a “Lifestyle Center”, with layout and features similar to a village. The ‘main street’ will be flanked by retail uses on both sides on the ground floor level. A second floor level on the north side of the lifestyle center area is envisioned to comprise of office and residential space. This upper level will be accessed from the rear of the Center at grade, a feature consistent with the site grading.

The site is currently vacant, having been used as a gravel mining area for many years in the past. The site is largely devoid of topsoil or desirable trees or shrubs. It has been more recently used for unregulated dirt bike and other off-road vehicle activities.

## **3.0 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) PROCESS**

New York’s State Environmental Quality Review Act (SEQRA) provides a process for the consideration of potential significant adverse environmental impacts in the early planning stages of the approval, funding, or permitting process for proposed actions. By incorporating a systematic interdisciplinary approach to environmental review, impacts can be identified and projects can be modified, as needed, to avoid or minimize potential adverse impacts to the environment to the maximum extent practicable. All discretionary decisions of a state, regional, or local agency to approve, fund, or directly undertake an action that may affect the environment are subject to review under SEQR. It is the intent of SEQR that protection and enhancement of the environment and community resources be balanced with social and economic factors in the decision-making process.

### **3.1 Project Classification and Lead Agency Designation**

In accordance with 6 NYCRR Part 617 of the State Environmental Quality Review (SEQR) implementing regulations, the Town of Victor Planning Board has classified the Project as a Type I Action for the purposes of environmental review.

The Town of Victor Planning Board initiated a Coordinated Review of the proposed action on 10/16/07 to request Lead Agency designation and to solicit comments from all Involved and Interested Agencies and the public.

The Town of Victor Planning Board declared itself Lead Agency and, in accordance with 6NYCRR Part 617.7, adopted a Positive Declaration for the application on 11/13/07 thereby directing that a Draft Environmental Impact Statement (DEIS) be prepared.

### **3.2 The Scoping Process**

Scoping is an optional process under the SEQR regulations. The Town of Victor Planning Board, as SEQR Lead Agency, has decided to conduct scoping for this project. The purpose of the scoping process is to identify any potentially significant adverse environmental impacts to be addressed in the DEIS and eliminate consideration of those impacts that are irrelevant or nonsignificant.

The objectives of project scoping are to:

- § Identify/confirm significant environmental issues;
- § Identify limits or extent of DEIS;
- § Identify information needed to adequately address impacts;
- § Identify potential mitigation measures;
- § Identify the range of reasonable alternatives to be addressed; and
- § Eliminate irrelevant or insignificant issues.

The project sponsor submitted a Draft Scoping Document to the Town of Victor for purposes of a scoping meeting among Town Department staff, Town Consultants and State/Federal Agencies that was held on 12/6/07. The Planning Board conducted a public scoping hearing on December 18, 2007 and again on January 22, 2008 and received written comments to include an opportunity for public participation and input. The comments received through these efforts were considered in the development of this final Scoping Document.

The scoping session was conducted in order to gather public and agency input regarding the topics and methodology of study for the DEIS. The public scoping process ensures that the DEIS will be a concise, accurate, and complete document upon which all Involved and Interested Agencies can base their individual decisions regarding the proposed project. By including the public, as well as other agencies in the scoping process, the SEQR Lead Agency can obtain additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period for the DEIS. It is the responsibility of the Town of Victor Planning Board, as SEQR Lead Agency, to complete the scoping process, issue the final Scoping Document, and oversee the completion of the DEIS.

### **3.3 SEQR Review Agencies**

In the SEQR process, there are three types of agencies: the Lead Agency, Involved Agencies, and Interested Agencies. The Lead Agency is the one Involved Agency that has the responsibility, under SEQR, to coordinate the environmental review process for the proposed action. The Town of Victor Planning Board was designated as the Lead Agency for this action because this Board has the primary jurisdiction over the site plan review and approval of the Project. Through the coordinated review process, other agencies and other Town departments were provided the opportunity to submit comments on the proposed action and concur with the designation of the Planning Board as the Lead Agency.

Involved Agencies are agencies that have jurisdiction to fund, approve, or directly undertake an action. Known Involved Agencies for the proposed action include:

- § New York State Department of Environmental Conservation (NYSDEC)
- § New York State Department of Transportation (NYSDOT)
- § New York State Department of Health (NYSDOH)
- § United States Army Corps of Engineers (COE)
- § Victor Town Board (Note: At this time, there are no actions necessary by the Town Board.)

Interested Agencies are agencies that do not have (at the time of the environmental review) permitting, funding, or approval jurisdiction directly related to the proposed action, but may desire to participate in the review process because of their expertise or concern regarding the action. Interested Agencies also include agencies that may have jurisdiction over a permit or approval related to the action in the future. For this project, Interested Agencies include, but may not be limited to:

- § Town of Victor Conservation Board
- § Ontario County Planning Board
- § Town of Victor Highway Department
- § Town of Victor Water Department
- § Town Engineer (Sniedze Associates)

#### **4.0 CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)**

The proposed content for the DEIS is as follows:

##### **4.1 Introductory Requirements**

The DEIS shall include the introductory requirements including the Cover Sheet and Table of Contents.

##### **4.2 Executive Summary**

The DEIS shall include an Executive Summary that adequately and accurately summarizes the document with a brief description of the action, the existing environmental setting, potential significant adverse impacts, proposed mitigation and proposed alternatives.

##### **4.3 Introduction**

This section of the DEIS shall include subsections that discuss:

###### **4.3.1 Project location and setting**

Describe the Project's location with respect to local geography, adjoining roadways, site access, and location of nearby development. Identify the location, dimensions, and ownership of all land associated with the project, including ownership of any existing or proposed easements and rights-of-way. Provide the location and dimensions of all existing buildings and structures. The DEIS will separately identify residential, commercial, retail and industrial development in the general project area.

###### **4.3.2 Project description**

Analysis of developed acreage and undeveloped acreage; description of zoning, parking, access, lighting, landscaping, buffers, stormwater, water, utilities, building design, visual aesthetics.

###### **4.3.3 Project purpose and need**

State the Project Sponsor's purpose and objectives in developing the site. Discuss how it will provide services or enhance the community.

###### **4.3.4 SEQR process and chronology**

Discuss the history, purpose, process of the required SEQR review.

##### **4.4 Existing Environmental Setting, Potential Impacts, and Mitigation Measures**

This section of the DEIS should provide a discussion of each subject area to provide for a sufficient understanding of the existing setting, the potential impacts of the proposed action and how they may affect the environment, and opportunities for mitigation. This section should

provide a detailed discussion of the known and anticipated adverse environmental impacts of this project, the severity of the impact, and practical mitigation measures that would lessen the impact. The DEIS should address concerns raised during scoping and provide mitigation measures to reduce any potential impacts, to the extent practicable. Topic areas should include:

#### **4.4.1 Geology, Soils and Topography**

##### **A. Existing Environmental Setting**

This section should provide a detailed discussion of the existing physical site and adjacent land including, but not limited to:

- § A geotechnical analysis of soil types, depth to bedrock, etc.;
- § Existing topography, slopes and drainage, including existing erosion issues along Route 96 (slope failure and silt runoff); and,
- § Discuss the Town's Comprehensive Plan as it relates to landform issues.

##### **B. Potentially Significant Adverse Impacts**

- § Proposed grading and cut/fill requirements of the site, identifying the change in grade and landform;
- § Removal of existing vegetation, common earth, and topsoil;
- § Construction impacts and procedures, including temporary impacts;
- § Erosion issues along NYS Route 96; and,
- § Potential inconsistencies with the Town Comprehensive Plan.

##### **C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Avoid, as much as possible, disturbance of the existing wooded area to the east to act as a buffer to the adjacent residents;
- § Discuss the placement and design of buildings to complement the landform;
- § Provide a construction phasing plan, specifically to manage erosion and sediment control on-site due to the topography;
- § Discuss construction and post-construction slope management techniques; and,
- § Discuss mitigation of impacts resulting from any inconsistency with the Town Comprehensive Plan.

#### **4.4.2 Surface Water and Ground Water Resources**

##### **A. Existing Environmental Setting**

This section should provide a detailed discussion of the existing water resources and drainage/stormwater management of the site including, but not limited to:

- § Describe existing surface waters, watersheds, and floodplain;
- § Location, type, and discussion of existing stormwater management facilities and/or drainage patterns;
- § Description of existing wetlands (federal and state); and,
- § Depth to the water table.

##### **B. Potentially Significant Adverse Impacts**

- § Potential impact to State-regulated wetlands to the south & other water resource;

- § Impact to on-site Federal wetlands;
- § Stormwater pollution and sediment control;
- § Compliance with Irondequoit Creek Management Plan;
- § Maintenance of stormwater basin;
- § Any temporary impacts to surface waters due to construction; and,
- § Impacts, if any, in existing site drainage.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Provide a Stormwater Management Plan/Engineering Report that meets the State's stormwater requirements (SPDES), the Town of Victor requirements, and the Irondequoit Creek Stormwater Management Guidelines. The report shall demonstrate the proposed action does not exacerbate existing drainage conditions;
- § Evaluation of stormwater management and treatment facilities for development of all phases;
- § Provide alternatives for stormwater management of the site that reduce the amount of runoff and reduce the size of the stormwater basin;
- § Avoid disturbance of wetland areas as much as possible and evaluate mitigation of wetlands if disturbed;
- § List any required environmental permits;
- § Process for snow and ice removal and location of snow storage; and,
- § Investigate the opportunity for infiltration.

**4.4.3 Impact on Terrestrial and Aquatic Ecology**

**A. Existing Environmental Setting**

This section should provide a detailed discussion of the existing site vegetation, habitat, wildlife species, and site topography.

- § Investigate and describe the vegetation and wildlife resources on the site, and in conjunction with the NYSDEC, Natural Heritage Program and US Fish and Wildlife Services.

**B. Potentially Significant Adverse Impacts**

This section should discuss how and where the Project impacts vegetation. Provide discussion on habitat that may be displaced and potential impacts to the ecology of the site. Describe impacts, if any beyond elimination of habitat.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project.

**4.4.4 Historical and Cultural Resources**

**A. Existing Environmental Setting**

This section should provide a discussion of the inventory of existing historical, archaeological, and cultural significance on-site and adjacent to the Project site.

- § Identify the location and discuss the history of 'Ambush Hill';

- § Identify the significance of the Seneca Trail, and as it relates to the ‘Denonville Campaign’; and,
- § Provide summary of the meeting with: Town Historian, Applicant’s archaeologist, and Ganondagan representative. The DEIS shall include, but not be limited to, information from the Town Historian, representatives from Rochester Museum and Science Center (RMSC), Ganondagan, and Douglas Fisher regarding archeological and/or historic significance of the project site and adjacent lands.

**B. Potentially Significant Adverse Impacts**

This section should address specific concerns and potential impacts brought up during the scoping process. Assess impacts to any identified resources.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project.

- § Provide comments from the New York State Office of Parks, Recreation and Historic Preservation;
- § Investigate opportunities to incorporate awareness plaques or markers;
- § Discuss pre-construction excavation of artifacts and on- or off-site archives of historical or archeologically significant material; and,
- § Obtain assistance from RMSC to develop other or additional strategies to mitigate adverse impacts.

**4.4.5 Impact on Air Quality**

**A. Existing Environmental Setting**

This section should discuss the existing site conditions that attribute to air quality, and adjacent uses that contribute to air quality in the Project area.

**B. Potentially Significant Adverse Impacts**

This section should provide a detailed discussion of all new potential discharges to the air (traffic, truck loading/ unloading, equipment, other), and assess their potential impact to the air quality of the area.

- § Potential pollution caused from the daily operations at the site;
- § Potential pollution caused from additional vehicular traffic to the site; and,
- § Potential release of dust during construction.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Truck anti-idling loading/ unloading areas;
- § Pollutant abatement, improvements to traffic movements; and,
- § Erosion control measures during construction to control dust and other airborne particles.

**4.4.6 Impact on Aesthetic Resources**

**A. Existing Environmental Setting**

This section should provide a discussion of the existing aesthetic and visual quality of the project site and the surrounding neighborhood including, but not limited to:

- § Description of the existing visual setting of the region, neighborhood, site location, adjoining properties, and existing lighting conditions;
- § Describe the existing character of the corridor along NYS Route 96;
- § Provide a 3-mile viewshed analysis that includes an inventory of any statewide and local resources; and,
- § Photographic simulations of the project showing existing views of the site from the following locations:
  - NYS Route 96 at the western access drive;
  - NYS Route 96 at the eastern access drive (at NYS Route 251);
  - Southern-end of Lane Road, looking west into the site;
  - NYS Route 251 looking north;
  - High Street west of Lane Road, looking south;
  - Rowley Road;
  - Ganondagan site;
  - Travelers on the NYS Thruway; and,
  - Residential subdivision to the north, across the Thruway.

**B. Potentially Significant Adverse Impacts**

This section should address specific concerns and potential impacts brought up during the scoping process, including:

- § Analysis of the Town Comprehensive Plan/Route 96 Overlay District and how the Project conforms to those guidelines (specifically the 3 design objectives: landform, vegetation, wetlands);
- § Discuss the visibility to nearby property owners and the public, including: buildings, architectural styles, landscaping, lighting, outdoor storage, proposed signage;
- § Provide details of the buffers such as materials used, potential disturbance to adjacent properties, drainage impacts, etc.;
- § Plans and descriptions of proposed landscaping and screening, including location, types of plantings, size, and how the amount of greenspace corresponds to zoning requirements;
- § Location, type, & height of site lighting, including its impact on nearby residences;
- § Location and screening of dumpster and garbage compactors;
- § Photographic simulations of the project (to include both summer and winter views to depict appearance with and without vegetation) showing future views of the site from the following locations:
  - NYS Route 96 at the western access drive;
  - NYS Route 96 at the eastern access drive (at NYS Route 251);
  - Southern-end of Lane Road, looking west into the site;
  - NYS Route 251 looking north;
  - High Street west of Lane Road, looking south;
  - Rowley Road;
  - Ganondagan site;
  - Travelers on the NYS Thruway; and,
  - Residential subdivision to the north, across the Thruway.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Incorporate building design features to minimize the appearance of large blank walls;
- § A discussion of the design of the buildings including elevation sketches, architectural elements, construction materials, colors, etc.;
- § The use of hardscape and landscape in pedestrian areas to add to the experience and feel;
- § Incorporate types of lighting, such as LED lighting, and the use of shielded lights that reduce the impact of lighting on neighboring properties and roadways;
- § Avoid, as much as possible, clearing of mature trees on the site and disturbing environmentally sensitive areas; and,
- § Describe landscaping, buffering, screening, and any architectural theme to mitigate any identified potential significant impacts.

#### **4.4.7 Impact on Transportation**

##### **A. Existing Environmental Setting**

This section should provide a discussion and analysis of the Traffic Impact Study (TIS) for the proposed project identifying existing transportation systems in the vicinity of the project site including, but not limited to:

- § Collect traffic volume data at intersections (as identified in Section 4.4.7.B) in the vicinity of the study area during peak travel periods;
- § Obtain and analyze data on the existing transportation system within the study area, including traffic accident history using data obtained from the Ontario County Sheriff's Department;
- § Create and explain an existing 'baseline' of traffic conditions on NYS Route 96;
- § Evaluate existing operating conditions (Levels of Service) at intersections within the immediate study area (using SYNCHRO 6);
- § Background conditions shall include traffic specific to the following developments: High Point Business Park, Victor Commerce Park (Victor Crossing), Fisher's Landing, and The Fairways; and,
- § Describe and locate the existing hiking trail (Seneca Trail) as well as pedestrian and bicycle traffic on and around the site.

##### **B. Potentially Significant Adverse Impacts**

This section should address specific concerns and potential impacts brought up during the scoping process, including:

- § Conduct the analysis for both the weekday AM and the PM peak periods and Saturday Midday under current traffic conditions and in build years 2008, 2013, 2018;
- § Traffic projections from the ITE manual;
- § Information on proposed trip generation and distributions, intersection operations, available right-of-way (ROW) for roadway improvements, site access routings, cross access, transit operations, bicycle and pedestrian operations, and safety;
- § The impact of the construction of turn lanes on NYS Route 96 and the resulting traffic queuing that may block driveways;
- § Impacts of truck traffic and the circulation of truck traffic within the site;
- § Analyze a complete build-out of the project;
- § Illustrate how cars, trucks, and people will move within the site;
- § Discuss alternative methods of providing and maintaining access to the site via State and Town roads;

- § Provide the Town's newly retained traffic consultant an opportunity to refine the scope of potentially impacted traffic related concerns;
- § Per the letter from the Town's former traffic consultant, provide intersection studies for the following:
  - NY Route 96 / Main Street Fishers
  - NY Route 96 / Omnitech Drive
  - NY Route 96 / Rowley Road
  - NY Route 96 / Route 251
  - NY Route 96 / Lane Road
  - NY Route 96 / High Street, (south at the Village)
  - NY Route 96 / School Street
  - NY Route 96 / Maple Avenue
  - NY Route 96 / Lynaugh Road
  - High Street / Gillis Road
  - High Street / Willowbrook Road
  - High Street / Aldridge Road
  - High Street / Lane Road
  - County Road 9 / Lynaugh Road / Lane Road
- § Additional intersection identified during scoping includes NYS Route 96 / High Street, (north at the Mall), NYS Route 96 / NYS Route 332;
- § Identify approved projects within the Town of Farmington in the vicinity of the Finger Lakes Race Track and discuss those potential impacts to traffic along NYS Route 96 into the Village/Town of Victor;
- § Public Transportation
  - The Traffic Impact Study must also consider coordination with the public transportation system. The discussion should include reviewing the potential of bringing public transportation on site;
- § Pedestrians
  - Discuss and illustrate proposed pedestrian access to/from the site and internal walkability;
- § Parking
  - The analysis should include a full assessment of parking for the project, which includes:
    - Number of parking spaces proposed;
    - Compliance of parking areas with zoning requirements in terms of the number and size of parking spaces and drive aisles; and,
    - Number and dimensions of handicapped accessible parking spaces;
- § Emergency Services
  - An emergency services access plan needs to be provided. The plan should address both on- and off-site circulation for all potential emergency services.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Alternative layouts and access plans for the project should be provided;
- § Determine what roadway improvements are needed to mitigate the effects of the proposed development on intersections and corridors (traffic signals, turn lanes);

- § Site circulation enhancement providing safe access for all user groups on site;
- § Creation of a cul-de-sac on Lane Road, preventing access from NYS Route 96;
- § Realignment of Lane Road intersection at High Street and NYS Route 96;
- § Provide for the ability to use the hiking trail (Seneca Trail) through the site; and,
- § Other traffic control devices and improvements.

#### **4.4.8 Impact on Energy / Utility Facilities**

##### **A. Existing Environmental Setting**

This section should provide a detailed discussion of the existing utility system and whether capacity exists for this project including, but not limited to:

- § Location, description and existing capacity of on-site and off-site utilities; and,
- § Investigate and describe the two water pressure zones, and their capacity.

##### **B. Potentially Significant Adverse Impacts**

This section should address specific concerns and potential impacts brought up during the scoping process, including:

- § Potential impacts to the stormwater and sanitary sewers, including wastewater generation numbers;
- § Adequate water pressure for fire fighting & fire protection; location of hydrants;
- § Proposed energy usage and impact to electric grid; and,
- § Confirm water usage (per day) / water demand figures and the effect on the Town water system.

##### **C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Identify utility improvements as needed;
- § Identify dedication and easements proposed; and,
- § Discuss “green energy” as a strategy to mitigate energy impacts.

#### **4.4.9 Noise and Odor Impacts**

##### **A. Existing Environmental Setting**

This section should provide discussion on the existing conditions for noise and odor including, but not limited to:

- § Measure and evaluate existing noise generators and receptors at the adjacent property line with Lane Road residents.

##### **B. Potentially Significant Adverse Impacts**

This section should address specific concerns and potential impacts brought up during the scoping process.

- § Qualitatively identify and evaluate potential noise and odor sources such as vehicular and truck traffic, mechanical equipment, construction, HVAC units, dumpster and garbage compactors, parking lot sweepers, snow removal, garbage collection, restaurants, etc. and the hours of noise generation;
- § Consider the impact of adjacent property owners in the line of prevailing winds;

- § Investigate how noise from the Project compares to existing background noise from highway generators (Thruway & Rt. 96) that residents experience currently.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Placement of odor causing products for sale and other odor causing facilities in a way that reduce impacts on neighboring properties;
- § Provide a discussion of alternative noise reduction barriers such as walls, vegetation, etc; and,
- § Discuss the application of systems including, but not limited to, venting systems to manage odors for any proposed restaurants.

**4.4.10 Impact on Public Health**

**A. Existing Environmental Setting**

Describe existing public health and safety issues associated with the site.

**B. Potentially Significant Adverse Impacts**

This section should provide a detailed discussion of how the public health, safety, and welfare of local residents in the surrounding areas will be affected by this project including, but not limited to:

- § Impact on vehicular and pedestrian safety;
- § Impact on police, fire, and emergency service response time;
- § Procedure for security and monitoring of the site for safety;
- § How impacts on neighboring properties will be mitigated;
- § Provisions for stormwater basin safety; and,
- § Describe the potential for gasoline pumps to be placed on this site.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Address pedestrian safety concerns; and,
- § Maintenance of the stormwater facility areas, parking areas, dumpster areas, and other outdoor areas.

**4.4.11 Impact on Growth and Community Character**

**A. Existing Environmental Setting**

- § Describe existing population and trends, employment conditions, economic development and median household income of the area;
- § Identify the density of uses in the area (approximately 2-3 mile radius), and compare to the project;
- § Provide a comparative assessment of other developments in the town (acreage, square footage, etc.);
- § Discuss existing police and fire protection, emergency medical services; and,
- § Discuss existing site zoning, land uses, and community character in the vicinity.

**B. Potentially Significant Adverse Impacts**

This section should provide a detailed discussion on how the project fits into the context of the surrounding area and how it will impact the character of the community including, but not limited to:

- § A description of how land use on the project site will change and how that may affect the surrounding neighborhood;
- § A summary of how activities on the project site, such as the location of the buildings and parking areas, construction of access roads and driveways, truck loading/unloading areas, lighting, odors, noise, etc., will impact surrounding residences;
- § How this project is in compliance with the Comprehensive Plan and meets the goals of the community;
- § Identify any areas in which the Project is not in compliance with the Comprehensive Plan;
- § The consistency of the proposed project with the existing zoning and site plan requirements, including a description of known zoning variance requests along with the reasoning for such requests;
- § Impacts on community services such as fire and police protection, schools, parks & recreation, etc.;
- § How this project could potentially impact future development trends;
- § Impact on local government finances and tax revenues;
- § Number of jobs the project will create;
- § Any tax incentives or public money to be used for this project or any improvements related to this project; and,
- § Describe the potential uses of the property, both proposed and as permitted by the Town Zoning Code.

**C. Potential Mitigation Measures**

This section should identify potential ways to lessen the negative impacts of the project. Mitigation measures that should be considered include:

- § Maintain and replace any landscaping and screening as necessary;
- § Provide alternative designs of the buildings and layouts of the site as previously described;
- § Provide additional aesthetic improvements as needed; and,
- § Visual and architectural modifications to make it more compatible with the community character.

**4.5 PROJECT ALTERNATIVES**

This section of the DEIS shall identify, describe and evaluate the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The description and evaluation of each alternative shall be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. Specifically, the DEIS shall include a discussion of the alternatives listed below:

- § No-Action Alternative – an evaluation of the potential adverse and beneficial impacts that would result in the reasonable, foreseeable future if the proposed action was not undertaken.
- § Alternate Uses on the Subject Site – An evaluation and assessment of other possible uses or developments of the subject site.

- § Alternative Site Designs – A discussion of other potential site layouts and/or designs of the proposed program. Assess the environmental advantages and disadvantages of alternate site layouts, alternate site access, parking configurations, and circulation patterns. Include alternative layouts which cluster buildings primarily at the front of the site, cluster primarily at the rear of the site, and also which avoid or minimize disturbance of the linear wetlands traversing the center of the site. Discuss what impacts are reduced or eliminated by each alternate site layout. Discuss phasing of the project.
- § Alternate Size Design – A discussion of other potential sized design programs (down-sized). Assess the environmental advantages and disadvantages of alternately sized layouts, alternate site access, parking configurations, and circulation patterns. Include alternatively sized layouts which cluster buildings primarily at the front of the site, cluster primarily at the rear of the site, and also which avoid or minimize disturbance of the linear wetlands traversing the center of the site. Discuss what impacts are reduced or eliminated by each alternate sized layout.
- § Alternate Uses & Mixed Uses for the Project – A discussion of the potential for a ‘destination-type’ use to the Project (i.e. Wellness Center, sports complex).

#### **4.6 CUMULATIVE IMPACTS**

The impacts of the proposed action must be considered in relation to other projects proposed in the vicinity of the subject property.

#### **4.7 GROWTH INDUCING ASPECTS OF THE PROJECT**

This project could potentially result in impacts on the growth and character of the surrounding neighborhood and community as a whole. An analysis of the possible growth inducing aspects of this project will be presented, that includes:

- § A discussion on the growth inducing impacts the project may have on nearby commercial and residential areas; and,
- § Anticipate what lands are likely to develop and how they would likely be developed or redeveloped. Discuss potential impacts on the growth and character of the surrounding neighborhood and community as a whole, (and specifically: future development of the Route 96 corridor east of Lane Road).

#### **4.8 IRRETRIEVABLE COMMITMENT OF ENVIRONMENTAL RESOURCES**

Describe the irretrievable commitment of resources that may result from this action. Consider natural and man-made resources that are consumed, converted, and made unavailable for future uses such as the filling of a wetland, the use of construction materials and/or non-recyclable materials, the land committed to development, and the use of labor, capital, utilities, and fossil fuels both during and after construction.

#### **4.9 CONCERNS / IMPACTS DETERMINED TO BE IRRELEVANT OR INSIGNIFICANT**

Under 6 NYCRR Part 617, State Environmental Quality Review (SEQR), the Lead Agency is responsible for eliminating consideration of those impacts and concerns that have been identified during the scoping process that are determined to be irrelevant or insignificant either because they are not legally relevant to the environmental review of the proposed action, they are not environmentally significant, or they have been adequately addressed prior to the scoping process. These issues and concerns should not be included in the DEIS.

There were no specific issues identified during the scoping process that were determined to be irrelevant or insignificant. If there are any impacts learned to be irrelevant or insignificant, they will be identified in the DEIS.

#### **4.10 SOURCES AND BIBLIOGRAPHY**

#### **4.11 INFORMATION TO BE INCLUDED IN THE APPENDIX OF THE DEIS**

The main body of the DEIS shall provide sufficient detail to enable the reader to understand, interpret, and evaluate the existing conditions, potential impacts, mitigation measures, and alternative project scenarios. The Appendix shall contain back-up studies and technical reports that supplement and support the narrative in the DEIS. The following are examples of documents to be included in the Appendix:

- § Environmental Assessment Form (EAF), and Positive Declaration;
- § Final Scoping Document;
- § Site plans for proposed action;
- § Traffic Impact Study and correspondence;
- § Stormwater Management Plan and Engineering Report and drainage calculations;
- § Irondequoit Creek Watershed Report;
- § Wetland Delineation Report;
- § Geotechnical Report; and,
- § Cultural Resources Investigation Report.

**MEMORANDUM**

**To:** Town of Victor Planning Board  
**From:** Boylan Brown, Town Attorney  
**Subject:** Re: Fishers Ridge Draft Environmental Impact Statement  
**Date:** 2/19/2010

Please find below our comments regarding the adequacy of the Fisher Ridge Draft Environmental Impact Statement (the "DEIS") which is on the Town of Victor Planning Board (the "Planning Board") agenda for discussion at the February 23, 2010 meeting. At the outset, we would note that Boylan Brown reviewed this DEIS in close collaboration with the Town consultants, particularly the Town Engineer, Labella Associates, P.C. We felt it appropriate to ensure that the consultants worked together to create a consistent understanding of the adequacy of this elaborate and lengthy DEIS.

**A. General Adequacy of the DEIS as related to the Proposed Action**

SEQR regulations at 6 NYCRR Section 617.9(b) require that the DEIS include "a concise description of the proposed action" and furthermore that the DEIS "assemble relevant and material facts upon which an agency's decision is to be made." Whether the DEIS now before the Planning Board satisfies these specific requirements, or perhaps whether the DEIS satisfies the overall intent of SEQR, is questionable as described below.

It has come to our attention that perhaps the proposed action has evolved or otherwise changed into an action which is distinct from the original, proposed action. This is in part evident in the Executive Summary, subpart "A" entitled "Description of Action" of the DEIS, wherein the applicant appears to describe two distinct proposals. Initially the applicant sets out a proposal that reflects the "Initial Site Plan Application" (this proposal is hereinafter referred to as the "Original Proposal"). However, shortly thereafter the applicant sets out what it refers to as the "Preferred Alternative Plan." This plan significantly differs from the Original Proposal in that, for example, it adds distinct residential areas, includes an extensive trail system, eliminates the gas station, and incorporates a water fall (among numerous other changes). The Description of Action section of the DEIS indicates that the applicant appears to prefer the Preferred Alternative Plan to the Original Proposal.

The applicant's apparent preference for the Preferred Alternative Plan became acutely evident during the meeting held with the applicant and the town consultants on Thursday, February 11<sup>th</sup>. During the meeting which was rather lengthy, detailed and elaborate, the applicant focused heavily, if not entirely on the presentation of the Preferred Alternative Plan. Indeed, there was extensive discussion between the applicant and the Town consultants regarding confusion between the Preferred Alternative Plan and the Original Proposal, including questions about which of the plans the DEIS actually addressed. The

applicant informed that the body of the DEIS addresses the Original Proposal, and the Preferred Alternative Plan is addressed in the Alternatives Section of the DEIS.

Apparently, the Preferred Alternative Plan incorporates a number of comments from the Town and other sources that the Town and the general public would generally consider improvements – for this, the applicant should be commended. However, the intent of SEQR is to address the proposed action – that is, the action before the Town. The Preferred Alternative Plan differs significantly from the Original Proposal – that plan set out in the applicant's site plan application.

As a result of A. a review of the DEIS and B. attendance at the consultants meeting, it is our understanding and belief that the applicant has changed its proposal to that set out in the Preferred Alternative Plan. Apparently, this understanding is shared by the other Town consultants as well. If this is the case, the current DEIS before the board does not sufficiently address the actual proposed action which appears to be the "Preferred Alternative Plan," and *not* the Original Plan.

Again, the intent of SEQR is to address environmental concerns of the "proposed action." If the Planning Board agrees (or if the applicant submits that) the proposed action has changed from the Original Proposal to the Preferred Alternative Plan, we feel that the current DEIS inadequately addresses the proposed action given that the Preferred Alternative Plan is addressed in approximately twenty pages in the Alternatives section, while the Original Proposal (which is arguably obsolete) is addressed in the remaining hundred plus page body of the DEIS. If the Preferred Alternative Plan is the proposed action, it should undergo a full SEQR review and should be the subject of the DEIS body – a brief discussion in the Alternatives section is not enough.

In sum, if the proposed action has changed, we feel that the DEIS is inadequate in its current form. Instead, the DEIS should clearly reflect that the Preferred Alternative Plan is the proposed action and address it comprehensively in the body of the DEIS. Additionally, the site plan application should be amended to accurately reflect the changes set out in the Preferred Alternative Plan, if indeed the Preferred Alternative Plan is the proposed action.

#### **B. Adequacy of DEIS as related to Clarity and Public Understanding**

This issue is generally reflective of the initial issue set-out above, except that it speaks to the substantive adequacy of the actual contents current DEIS assuming the Original Proposal is the actual proposed action (as opposed to the issue set out above – namely, that the DEIS addresses an action that is not currently before the Planning Board).

If indeed the applicant and the Planning Board agree that the Preferred Alternative Plan is simply an alternative and that the applicant is submitting the Original Proposal as the

subject proposed action, the DEIS is sufficiently ambiguous regarding the distinction between the two plans that it would merit some revision.

Though the body of the DEIS generally speaks to the Original Proposal and much of the commentary and analysis of the Preferred Alternative Plan is limited to the Alternative section of the DEIS, it is rather unconventional to comment (especially so extensively) on an alternative in the Project Description of the DEIS (as is the case here). The primary concern with this issue is that it creates unnecessary confusion and ambiguity. One reading the Project Description Section of the DEIS may come away with the sense that, indeed, the proposed action is the Preferred Alternative Plan and thusly, the discussion in the body of the DEIS addresses the Preferred Alternative Plan (as opposed to the Original Proposal). Indeed, a number of the Town consultants voiced this concern and their own uncertainty about which plan the body of the DEIS (and its appendices) actually addresses.

Pursuant to SEQR regulations at 6 NYCRR Section 617.9(b)(1), the DEIS “must be clearly and concisely written in plain language that can be read and understood by the public.”

For the reasons set forth above, we feel that the current DEIS is not sufficiently clear so that it can be read and understood by the public. As a result of the discussion regarding the Original Proposal and the Alternative Plan in the outset of the DEIS, we are concerned that ~~the public may be uncertain about which plan the body of the DEIS actually addresses.~~ Therefore, we would advise that the applicant more clearly articulate that the DEIS, including the body and the appendices concerning various studies, addresses the Original Proposal and that commentary on the Preferred Alternative, although introduced in the Summary Project Description, is generally if not exclusively limited to the Alternatives Section of the DEIS.

The remaining issues in this memorandum relate to the current DEIS with the assumption that the proposed action is the Original Proposal. Though this is not our understanding, given the similarity of the Original Proposal to the Preferred Alternative Plan (they share the same site, similar concepts, etc.), these comments may prove useful to discuss at this point despite the fact that an significantly different DEIS (addressing the Preferred Alternative Plan as the proposed action) may eventually end up before the Planning Board.

### **C. Adequacy of the Alternatives Section**

SEQR regulations at 6 NYCRR Section 617.9(b)(5)(v) require that the DEIS describe and evaluate reasonable alternatives of the proposed action.

Despite the inclusion of the Proposed Alternative Plan, the other alternatives are rather sparse in content and scope. We would advise that other alternatives warrant a more comprehensive review.

#### D. Accuracy of Parking Requirements Discussion

The DEIS at page 17 states that the “Current Parking Ratios for shopping centers and malls require 4.5 parking spaces/1000 SF of leasable floor area.” However, the Town Code states that the 4.5 ratio applies to shopping centers and malls with leasable area less than or equal to 400,000 square feet. Though it is not entirely clear whether the proposal envisions more than 400,000 square feet of *leasable floor area*, if it does, the DEIS should reflect that for shopping centers that have more than 400,000 square feet of leasable area, the parking ratio is 5.0 parking spaces/1000 SF per the Victor Town Code at Section 211-32(b).

Further, the DEIS suggests that 4.0 parking spaces per 1000 SF would be appropriate. However, the DEIS doesn’t appear to cite any foundation providing that 4.0 parking spaces per 1000 SF would be allowable under the law. This issue should be clarified. Notably, the Town Code provides that the Town may have the discretion to adjust parking space requirements. Perhaps this is what the applicant was alluding to.

Specifically, the notes to Section 211-32 of the Town Code state that the Planning Board may make parking requirement adjustments for dual use of parking spaces where assembly use is constructed in conjunction with shopping center. Additionally, the Town has even greater discretion with respect to parking space adjustments given that the project is within the Route 96/251 Corridor Overlay District. Per Town Code Section 211-27.1, for projects in the Route 96/251 Corridor Overlay District, the Town Board has the discretion to approve a “reasonable reduction in the size and number of parking spaces.”

We feel that the above discussion is relevant to this DEIS with respect to parking and therefore should be addressed therein.

#### E. Zoning Requirements

The DEIS states at the outset that the project is zoning compliant. Initially, this assertion is questionable given that the Preferred Alternative Plan, discussed in the very same section which states that the project is zoning compliant, clearly requires variances, at the very least for the residential portions referred to as the “Bluffs” and the “Hillside.” However, this issue is more of a clarity/ambiguity issue that would likely be resolved by addressing the issue set out at Section B. of this memorandum.

Nevertheless, the Original Proposal itself is not necessarily zoning compliant. As we understand it, the Original Proposal provides for a Lifestyle Center with commercial or retail uses on the lower floor, and residential quarters on the top floors. Though the applicant would submit that the residential use in this context is clearly zoning compliant (and requires only a special use permit), we believe that the residential use on the top floor is questionable under Town of Victor’s zoning regulations. Specifically, the Town Code at

**MEMORANDUM**

Section 211-23 provides that residential uses are allowed in this zone only if “the residential use [is] clearly subordinate to the use of the structure.”

Whether uniform residential housing set atop retail and commercial uses is what was envisioned by this section of the Code is not entirely clear. We believe the issue of whether the Lifestyle Center residential units meet zoning requirements under the cited Section warrants further consideration. It is not entirely clear whether the proposed residential uses are “clearly subordinate” to the use of the structure.

**F. Clarification Regarding Sequencing/Phasing**

The DEIS anticipates that the project “will be completed in multiple phases” at page 33. However, there is very little discussion as to the details of the phasing. We would submit that a more detailed discussion of the phasing would be preferable and would likely benefit the overall SEQR discussion.

In closing, we anticipate a detailed review of these comments as well as the other consultants’ comments during the February 23, 2010 Planning Board meeting. However, if you have any questions in the mean-time, please do not hesitate to contact us.

Sincerely,



Donald A. Young, Esq.  
John M. Wilson, Esq.  
Boylan, Brown, Code, Vigor & Wilson, LLP



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February 17, 2010

Kim Kinsella  
Planning Zoning Coordinator  
85 E. Main Street  
Victor, NY 14564

**RE: Fisher's Ridge DEIS  
EDR Project No. 10013**

Dear Kim:

As requested by the Town of Victor, Environmental Design & Research, Landscape Architecture, Planning, Environmental Services, Engineering and Surveying, P.C. (EDR) has reviewed the Fisher's Ridge Draft Environmental Impact Statement (DEIS). As you are aware, the DEIS currently addresses the originally proposed project and alternative identified by the Applicant as the "preferred alternative". Following a conversation with Mark Tayrien, it is our understanding that the Town's legal counsel is advising that the document be revised to address only the project the Applicant is currently proposing, so that there is no confusion regarding the proposed action and its associated environmental impacts. We agree with the position that the DEIS and all support studies should address a single, clearly defined project. Consequently, EDR believes that the DEIS should not be accepted as complete at this time. Once the revisions described above have been made, a careful review of the DEIS in comparison to the Scoping Document can be made and a recommended completeness determination provided to the Board. In the mean time, EDR offers the following observations that may be helpful to the Applicant in their revision of the DEIS.

#### GEOLOGY, SOILS, AND TOPOGRAPHY

1. The description of the existing topography only mentions the steep to near vertical slopes left behind due to the previous mining operations. The Applicant should provide a more detailed analysis of the existing slopes on-site.
2. The Applicant indicates that the project may result in the creation of steep slopes and require the installation of retaining walls. The degree to which this will occur needs to be accurately described and quantified.
3. The infiltration rates of the existing soils are described, but the DEIS indicates the need for further testing in the areas designated for storm-water management. The Applicant should provide a brief description of how they plan to construct the proposed storm-water management basins if subsequent testing reveals that the dense native soils required to meet NYSDEC requirements are not present on site.
4. The proposed grading and cut/fill calculations are not provided.
5. The description of consistency with the Town Comprehensive Plan only describes how the former mining operations have left the site in a state of non-compliance. The Applicant

Environmental Design & Research,  
Landscape Architecture, Planning,  
Environmental Services,  
Engineering and Surveying, P.C.

should describe in more detail what inconsistencies with the Comprehensive Plan might exist after the construction of the proposed project. The Applicant should describe the existing landform at a macro level (i.e., as it is perceived by the majority of viewers using either the Route 96 corridor or NYS Thruway).

6. The applicant should include a construction phasing plan in the discussion of Potential Mitigation Measures.
7. While not specifically required by the Scoping Document, the Applicant should consider providing cross section elevations through the site to clarify their project's proposed relationship to the site's existing topography. The quantity and location of section elevations should be determined in consultation with the Town and their consultants.
8. Typically the County Soil Survey provides information regarding construction/engineering limitations and opportunities for each soil type. While not specifically required by the Scoping Document, the Applicant should include this information in the DEIS to fully describe existing soils characteristics and any constraints they present.

#### SURFACE WATER AND GROUNDWATER RESOURCES

1. The description of the existing storm-water management facilities describes surface runoff traveling to existing structures along the south property line. One can assume that the existing storm-water infrastructure is acceptable due to the NYSDEC regulations mandating that the rate of runoff from the developed site not exceed the existing conditions. However, for clarity, the Applicant should include discussion of the capability of the existing storm-water infrastructure to convey the post-construction runoff from the site, and that no improvements to the existing storm-water system are proposed.
2. It appears that the depth of water table was not established based on the borings and test pit results. The Applicant should clearly indicate that the depth of the water table is unknown. The depth at which testing was terminated, and the reason why it was terminated prior to determining the water table depth should be explained. The Applicant also states that groundwater levels will be influenced by construction activities but does not describe or provide any quantitative analysis of the anticipated fluctuations.
3. The DEIS indicates that the methodology of handling surface water runoff includes a piped network system, vegetated swales and concrete gutters. In an effort to minimize impacts from storm-water, and possibly reduce the size of the detention basin, the Applicant should commit to providing alternative solutions to a piped or concrete gutter storm system whenever it is practical to do so.
4. In the description of potential significant adverse impacts to ground water resources the Applicant should describe the project's relationship to the aquifer, and any associated impacts.

#### IMPACT ON TERRESTRIAL AND AQUATIC ECOLOGY

1. At this point in the document the reader is well aware of the site's history as a gravel mine, and the continuous reference to it is distracting and does not assist in the description of site ecology. The Applicant should focus on describing the current ecological characteristics of the project site.
2. The three amphibian species observed on site should be identified.
3. The applicant has not included a detailed description of wildlife and plant species, either noted on site or having the potential to exist there based on range and habitat conditions. The existing terrestrial and aquatic ecology discussion should be strengthened, and a cover type map and species list should be provided.
4. While not required in the Scoping Document, a brief summary of the wetland mitigation proposed in section III.B.3.b would be helpful.

#### AESTHETIC RESOURCES

1. While the basic components required by the Scoping Document are included in the Visual Impact Assessment (VIA), the report does not address the visual impact of the project comprehensively. In order to improve the VIA the following guidelines should be followed:
  - a. The methodology used for all of the VIA procedures, including the visual simulations, should be fully and accurately described.
  - b. The proposed condition of the vegetation needs to be accurately depicted in the simulations of the proposed views, consistent with clearing and planting proposals indicated on the submitted site plans.
  - c. Areas of greatest predicted impact as made evident by the simulations, (e.g., views from residential backyards), should be discussed in the report.
  - d. Lack of potential project visibility from viewpoints stipulated in the Scoping Document can be documented through the use of cross sections. Where a cross-sectional analysis determines potential project visibility, a simulation will be required.
2. The description of proposed mitigation measures is vague. The Applicant should provide more detailed descriptions of material selections and specific design solutions used for the sole purpose of mitigating aesthetic impacts.
3. Reference to the VIA and the results of this assessment need to be included in the body of the DEIS.

## GROWTH AND COMMUNITY CHARACTER

1. We disagree with the Applicant's assertion that the project design is compatible with the rural forms described in the NYS Route 96/250 corridor overlay district. Specifically, the proposed development does not appear to preserve a large vegetated area that will benefit the community aesthetically or functionally.

We anticipate providing a detailed completeness review upon receipt of the revised DEIS. In the mean time, please contact me if you have any questions or require additional information.

Sincerely,

David

G.

Prizzi

David G. Prizzi  
Project Manager

Digitally signed by David  
G. Prizzi  
DN: cn = David G. Prizzi,  
c = US, o =  
Environmental Design and  
Research, ou = Project  
Manager  
Reason: I am the author of  
this signature  
Date: 2010.02.18 07:51:07  
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