State Environmental Quality Review

Findings Statement

For

Fishers Ridge

Town of Victor, Ontario County, New York

NYS Route 96

(at Lane Road and NYS Route 251)

Adopted by Town of Victor Planning Board: April 11, 2017

Lead Agency:	Town of Victor Planning Board 85 East Main Street Victor, New York 14564 Contact: Katie Evans, Director of Development Phone: 585-742-5034
Project Sponsor:	Rowley 96 LLC
Applicant:	The DiMarco Group

THE PROPOSED ACTION

As described in more detail in the applications submitted to the Town of Victor Planning Board, as well as in both the Draft Environmental Impact Statement (DEIS) and the subsequent Final Environmental Impact Statement (FEIS) that incorporated the DEIS in its entirety by reference, the Fishers Ridge project is a mixed residential-commercial development proposed for an approximately 95 acre site in the Town of Victor, Ontario County, NY. The site is located on the north side of NYS Route 96, approximately 1.5 miles south of the interchange with the NYS Thruway (I-90) and approximately 1.0 mile north of the Village of Victor.

Fishers Ridge is anticipated to be developed in multiple phases over several years. The initial phase of construction would develop a 132,200 square foot retail sporting goods anchor, Bass Pro, with an attached 17,400 square foot restaurant and associated site work to support the use. Later construction phases of the project would consist of a 200-room hotel, a mixed-use Town Center with approximately 248,200 square feet of retail/restaurant uses, approximately 134,300 square feet of office/fitness space, 160 residential apartments, a multi-family residential complex on the west side of the site containing 250 dwelling units, and seven separate out parcels which together would total approximately 35,300 square feet.

PROCEDURAL BACKGROUND

The Town of Victor Planning Board (the Planning Board) classified the Fishers Ridge project as a Type 1 Action for the purposes of the environmental review required under the State Environmental Quality Review Act (SEQR) and its implementing regulations at NYCRR Part 617. Accordingly, the Planning Board then initiated a coordinated environmental review and declared its intent to act as Lead Agency by notice dated October 16, 2007 to all involved and interested agencies and the public.

With no objection from other agencies, the Town of Victor Planning Board declared itself Lead Agency and adopted a Positive Declaration for the application on November 13, 2007, thereby requiring the preparation of a Draft Environmental Impact Statement (DEIS).

Following their adoption of a Positive Declaration, the Planning Board elected to conduct scoping for this project. The Project Sponsor subsequently submitted a draft Scoping Document that was reviewed by the Town of Victor staff, Town consultants and State/Federal Agencies at a meeting on December 6, 2007. The Planning Board also conducted two public scoping meetings on December 18, 2007 and January 22, 2008 and received written comments regarding the draft Scoping Document. The Planning Board then issued a final Scoping Document dated February 12, 2008.

The Applicant submitted a revised application for site plan approval, subdivision approval and special use permit to the Town of Victor (received on December 22, 2014). The Project Sponsor exercised its option to prepare the required DEIS and submitted a proposed DEIS on December 22, 2014 that was subsequently accepted by the Town Planning Board as adequate to commence public review on May 12, 2015. A Public Hearing on the DEIS was conducted on June 23, 2015 and public and agency written comments were accepted during the comment period which ended on July 17, 2015.

The Town of Victor Planning Board, as the SEQR Lead Agency, prepared a Final Environmental Impact Statement (FEIS) that incorporated by reference the DEIS previously accepted as adequate on May 12, 2015. Following a number of Planning Board workshop meetings during which the content and implications of the FEIS were considered, a final version of the FEIS was formally adopted by the Lead Agency on December 20, 2016. A Notice of Completion of the FEIS was then published and copies of the FEIS were filed in accordance with 6NYCRR Part 617 State Environmental Quality Review Section 617.12

Section I of the FEIS presented an introduction. Section II of the FEIS included responses to all written comments submitted during the SEQR review period and Section III provided responses to all oral comments made at the June 23, 2015 Public Hearing. Appendices A and B contained copies of all the written comments and the transcript of the Public Hearing, respectively. Section

V of the FEIS presented additional information relative to Fiscal and Economic Effects. Section VI of the FEIS presented additional information regarding traffic mitigation measures proposed by the Project Sponsor. Section VII described unavoidable impacts anticipated from the project and related mitigation measures not proposed by the Project Sponsor. Section VIII of the FEIS presented additional information relative to reasonable alternatives considered by the Lead Agency. Supplemental information related to the foregoing sections of the FEIS was included in FEIS Appendices C through P.

THIS DOCUMENT

Pursuant to 6NYCRR Part 617 State Environmental Quality Review Section 617.11, this document presents the Town of Victor Planning Board's written statement of findings relative to the Fisher's Ridge project, including the requested Phase I Site Plan Approval, Subdivision Approval, and Special Use Permit..

SOCIAL, ECONOMIC AND OTHER CONSIDERATIONS

As summarized on pages 87 – 90 of the FEIS, the Project Sponsor intends for the Fishers Ridge development to provide a mix of residential and commercial/retail uses in a new community setting.

The Project Sponsor defines a mixed use project as a combination of retail, office, residential, hotel, recreation and other functions. The Project Sponsor has indicated that each of the components of such a project is vitally important to the other in the success of balancing the ability to deliver a true mixed use development. Finally, they have stated that such a project should be pedestrian oriented and contain all the necessary elements to enhance the work-live-play environment.

As stated on page 12 of the DEIS with respect to zoning and land use, all commercial uses proposed for the project are permitted under the current commercial/light industrial zoning of the property. Although residential uses are not permitted under the current zoning of the site, housing is incorporated into future phases of the project. According to the Project Sponsor, the included housing is intended to create a new planned walkable community and meet the existing need for

work force housing in the Town of Victor. As summarized on pages 87 – 90 of the FEIS, the Project Sponsor has indicated that the project would provide its residents with a variety of services in a walkable, urban style setting while also providing a unique commercial area for residents in the surrounding communities and region. In the DEIS, the Project Sponsor indicated their commitment to working with the Town of Victor to determine the best way to pursue the inclusion of the housing and that they may seek a rezoning of the property to Planned Development (PD) in the future to allow the housing component. At present, however, only approvals for Phase I of the project, the Bass Pro retail anchor, are being requested. This use is a permitted use under the current zoning.

Regarding impacts to the immediate surrounding neighborhood, as summarized on page 12 of the DEIS the project site is within the Route 96 retail/commercial corridor and lies at the southeastern edge of a commercial/light industrial zone between two major transportation corridors. The proposed mix of residential and commercial uses would provide some transition from the more intense light industrial uses located east of the site to the existing residential area along Lane Road. The proposed uses are less intensive than those that are permitted under the current site zoning and, when combined with the proposed setback and undisturbed buffer area, could assist in protecting and preserving the residential uses along Lane Road as well as any additional residential uses that might be developed within that area in the future.

Regarding the mix and scale of proposed uses, as was stated on page 90 of the FEIS, the Project Sponsor has indicated their belief that the present proposal carefully balances the need for critical mass in the Town Center and that the surrounding residential development with the economic incentive provided by the presence of a large retail anchor and the smaller road-oriented restaurant uses would create an economically sustainable community providing benefits to the entire region.

Regarding anticipated fiscal and economic effects or benefits, Section IV of the FEIS, beginning on page 77, provided more detailed clarification. The primary economic effect anticipated from the Fishers Ridge project would be the creation of local jobs. According to a study summarized on pages 78-79 of the FEIS, during construction the project is forecast to generate more than 500 construction jobs on-site. Then, in the first year of operation, Fishers Ridge is forecast to generate

180 new positions in the Town of Victor at Bass Pro Shops followed by others that would lead to an eventual total of 1,250 new jobs at full build-out.

The primary fiscal effects of Fishers Ridge would be growth in sales tax and property tax revenues. According to a study summarized on page 77 of the FEIS, Fishers Ridge is forecast to generate $390,000 in additional sales tax revenue to the Town of Victor in the first year. Ontario County and New York State are each forecast to receive approximately $3 million of increased sales tax revenue in the first year. At full build-out, Fishers Ridge is forecast to generate $1 million in additional sales tax revenue to the Town of Victor and approximately $7.5 million of increased sales tax each to Ontario County and New York State.

As described on pages 77 – 78 of the FEIS, development like that proposed at the Fishers Ridge site should be expected to increase property tax revenues as a consequence of higher property values resulting in the developed state compared to those for vacant or undeveloped land. For example, using the following hypothetical property tax rates per thousand (Ontario County – 6.29; Town of Victor – 0.76; and, Victor School District – 16.53), the development of 1 million square feet of building space and associated improvements assessed at a hypothetical taxable value of $200 per square foot would be expected to yield additional annual property tax revenue of approximately $1.26 million to Ontario County, $152,000 to the Town of Victor and $3.31 million to the Victor School District. Property tax revenues for fire protection, sewer and water districts which are assessed separately would increase in a similar manner. In this instance, it is anticipated that the Project Sponsor may negotiate a Payment in Lieu of Taxes (PILOT) agreement with Ontario County that could either reduce or suspend the anticipated increase in property tax revenues from this property for a certain period subject to the review and approval of the Ontario County Industrial Development Agency.

The anticipated increases in sales and property tax revenues would be offset by the need for additional services, particularly at the local level. The FEIS, on page 78, described a Town of Victor study completed in 2012 regarding the costs of such services and how they compared with the property tax revenue derived from the properties being served. The study found that annual expenditures for services attributed to commercial properties in the amount of approximately $1 million were more than offset by additional revenue in the amount of $2.5 million when education

was not included and by additional revenue in the amount of approximately $5.8 million when education was included. Conversely, annual costs for services attributed to residential properties in the amount of $13.1 million were offset by additional revenue of only $8.4 million when education was not included. When education was included, annual costs for services attributed to residential properties in the amount of $40.9 million were offset by additional revenue of only $23.3 million. This and similar studies have found that, in general, commercial and industrial developments yield additional tax revenues that exceed, by a significant margin, the corresponding cost of additional services whereas residential developments yield additional property tax revenues that are much less than the corresponding cost for additional services. In this instance, as a consequence of the proposed inclusion of some residential development, the discrepancy between the additional anticipated revenue and the cost for additional services would not be as great as that expected from a purely commercial project. Additional positive social impacts of the Project include the availability of more retail and restaurant options, the availability of more boarding options and the availability of more housing options. Additionally, the Project presents a unique benefit in that it would allow employees of the businesses within it to work and live within the Project, providing convenience to those people as well as reducing the need to travel through Town to and from the workplace.

Finally, it should also be noted that the Fishers Ridge project is anticipated to result in some impacts that have been found to be unavoidable and that would be characterized by many Victor residents as degrading the quality of life within their community. These unavoidable impacts all involve Transportation or Traffic impacts, namely increased traffic congestion within the Route 96 corridor which would result despite the implementation of the proposed and required mitigation measures. This is so despite the Planning Board's finding that this action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable. These unavoidable impacts are summarized in Section VI of the FEIS which begins on FEIS page 84 and are also reviewed in more detail below in the following section of this document.

POTENTIAL IMPACTS AND MITIGATION – TRAFFIC

A Traffic Impact Study (TIS) and subsequent updates completed by Bergmann Associates were submitted on behalf of the Project Sponsor: DEIS Appendix J, Traffic Impact Study and Related

Correspondence; FEIS Appendix K, Supplemental Traffic Calculations; FEIS Appendix O, Bergmann Table: Route 96 at Main Street Fishers – Phase I Fishers Ridge – 10/13/2016 [1]; and, DiMarco Group letter to Town of Victor Planning Board dated February 18, 2017 and the exhibits attached thereto [which letter is attached hereto and made a part hereof][2]). In general, the DEIS narrative described potential impacts related to traffic, proposed mitigation and anticipated unavoidable impacts in DEIS Section 3.7, Transportation, pages 66 – 87. The FEIS also presented additional information related to traffic in responses to multiple comments received on the DEIS. A listing of such traffic comments and the associated responses presented in the FEIS can be found on FEIS pages 2 -4.

Additionally, and as referenced in this document in both the foregoing Footnote 2 and the following Footnote 3, the FEIS, on page 87, provides that "it should be noted that the traffic impact analysis includes traffic that could hypothetically be generated by development of an adjoining 30 acres controlled by the project sponsor and therefore likely overstates the impact anticipated from the presently proposed project alone by an estimated 30%". Because the developer has not applied for the development of those 30 acres and thus because this SEQR review did not and does not include the review of potential environmental impacts associated with those 30 acres, the conclusions herein relating to traffic impacts do not include the impacts which may result from the hypothetical development of those 30 acres. Thus, the additional potential traffic impacts

[1] It is important to understand that "Phase I" of the project, as that term is used in the context of traffic impacts, includes a very specific segment of the overall development program that is not necessarily the same as the segments included when referencing the initial construction phase or other impacts from the initial project phase. More detail relative to this point is included below in Footnote 3.

[2] As is described in more detail below in Footnote 6 and as noted in the FEIS, the estimates of traffic generation provided by the Project Sponsor in the TIS appended to the DEIS include trips that could theoretically be generated by development of an adjacent 30 acres under the Project Sponsor's control that has not been proposed for development as part of this or any other application submitted as of the date of this Finding Statement. The February 18, 2017 DiMarco Group letter and attachments referenced above describe their rationale for that inclusion and further clarify how the anticipated traffic from the adjacent 30 acres contributed to the trip generation, levels of service and delay estimates reported in the DEIS and reiterated in the FEIS – which information was generally addressed in the FEIS at page 87, concluding that the 30 acres resulted in overstating traffic impacts by an estimated 30%. In addition, the same attachments also reconcile and clarify several minor inconsistencies (unrelated to hypothetical development of the adjacent 30 acres) between the development program that was incorporated within the DEIS TIS and the development program as it was subsequently defined in the FEIS.

associated with the 30 acres as included in the TIS a part of the EIS for purposes of conservative analysis are not included as part of the analysis in this Findings Statement. This is more fully described and explained in the section of this Finding Statement entitled "Other Traffic Mitigation Proposed by the Project Sponsor for Development Program Future Phases" which begins below on page 12.

Regardless of whether or not they are constructed in the initial construction phase, "Development Program Phase 1", as the term is used herein, refers to the following project components identified in the TIS as comprising "Phase 1": the Bass Pro 132,000 SF store; the associated 17,400 SF restaurant; a 200 room hotel; 214 apartments; and, 36 town homes.[3] In fact, it is the Project Sponsor's intent to build only the Bass Pro 132,000 SF store, the associated 17,400 SF restaurant, the Road 'A' Bass Pro Drive at the North Site driveway, plus all improvements necessary to mitigate the traffic impacts associated with *Development Program Phase 1* as part of the initial construction phase, despite the fact that the developer plans to leave the 200 room hotel, the 214 apartments and the 36 town homes for development in future *construction* phases.

Development Program Phase 1 Traffic Mitigation

With respect to Development Program Phase 1 impacts and as was summarized in the response presented on page 10 of the FEIS, the Development Program Phase I project traffic is projected to be substantially less than that of full build out. The Percentage of Traffic Volume Impact to individual intersections was presented in the FEIS in two tables on included on FEIS pages 10 and 11.

Accordingly, and in general, the proposed and required mitigation for these Development Program Phase 1 impacts includes the following, which are conditions required as part of these Findings

[3] See page 79 of the FEIS for clarification regarding the distinction between the program elements included in Development Program Phase 1 for traffic impact analysis and mitigation purposes and the program elements that would likely be included in the initial phase of construction. Whereas only the Bass Pro retail outlet and associated restaurant would likely be completed in the initial construction phase, the Traffic Impact Study (attached to the DEIS as Appendix J) included in addition a 200 room hotel, 214 apartments, and 36 town homes for purposes of analyzing "Phase 1" traffic generation and impacts and to identify measures proposed to mitigate those impacts.

pursuant to SEQR, shall be completed prior to the issuance of a Certificate of Occupancy for the Bass Pro anchor, and which are more fully detailed below:

- Widening of Route 96 to provide a southbound left turn lane into the site at the Road A North Site driveway, as well as two southbound and two northbound through lanes;
- Full signalization of the Road A North Site driveway;
- Coordination of the new signal with the existing signal at Victor-Mendon Road (Route 251); and,
- Retiming of the existing signal at Victor-Mendon Road (Route 251).

A more detailed description of the measures above (which were proposed by the Project Sponsor) to mitigate the impacts of Development Program Phase 1 impacts was presented on pages 79 and 80 of the FEIS and is also repeated in more detail directly below in this document.

Development Program Phase 1 Traffic Mitigation Proposed by the Project Sponsor. The traffic mitigation proposed by the Project Sponsor for completion prior to the opening of the Bass Pro anchor, is hereby incorporated herein as conditions required as part of these Findings pursuant to SEQR and required mitigation measures that must be completed prior to the issuance of a Certificate of Occupancy for the Bass Pro anchor. Such required mitigation, includes the following:[4]

1. Construct two additional through lanes on Route 96, one in each direction. The additional lanes on Rt.96 will extend from the existing 5-lane section just west of Omni Tech Drive to a location south of and approximately 500 feet beyond the Phase I Entrance/Exit (Road A North Driveway) intersection.
2. Construct one exclusive southbound left turn lane, providing approximately 450-feet of storage, on Route 96 at the Phase I Entrance/Exit (Road A North Driveway) intersection
    a. On the Fishers Ridge Road A driveway entrance, two enter lanes will be constructed to accept the Phase I single left turn lane from Route 96 (as well as a

[4] It should be noted that the listing that follows describes only mitigation proposed by the Project Sponsor and that additional traffic mitigation beyond that proposed by the Project Sponsor for Development Program Phase 1 is also being imposed herein as a condition. The additional mitigation is described in a section of this document that follows on page 10.

second left turn lane that is anticipated to be developed as part of subsequent phases).

3. Two exit lanes will be constructed at the Fishers Ridge Road A driveway exit: one lane for left turns onto Route 96 and one for right turns onto Route 96.
4. Signalize the Phase I Entrance/Exit (Road A North Driveway) intersection with a multi-phase traffic signal.
    a. Coordinate the new Phase I Entrance/Exit (Road A North Driveway) intersection signal with the signal at Victor-Mendon Road (Route 251).
    b. The new Phase I Entrance/Exit (Road A North Driveway) intersection signal will provide a protected and then permissive southbound left turn phase (green left turn arrow indication followed by a green circle for the left turn)
5. Retime the signal at Route 96 Main Street Fishers intersection
6. Retime the signal at Route 96 – Route 251 intersection to achieve LOS D or better while the development is accessed via a single driveway (Road A)

The foregoing measures enumerated here as 1 through 6 (as they were described in the FEIS) as they are listed in detail immediately above, are hereby designated as required mitigation measures that were identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

Additional Development Program Phase 1 Traffic Mitigation. In addition to the traffic mitigation *proposed* by the Project Sponsor for completion prior to the opening of the Bass Pro anchor, additional measures have been identified by those other than the Project Sponsor as practicable mitigation measures that would serve to minimize adverse impacts from Development Program Phase 1 to the maximum extent practicable.[5]

As described on pages 85 and 86 of the FEIS, both development and review of the TIS included in DEIS Appendix J incorporated an erroneous assumption that others were already under an obligation to install a signal at Omnitech Place. That being so, although the TIS did indicate that the Fishers Ridge project would impact intersections along Route 96 including those at Main Street

[5] Additional traffic mitigation that was not proposed by the Project Sponsor but is nonetheless being imposed herein as a condition is identified in this section.

Fishers and Omnitech Place, subsequent discussions and related mitigation proposals gave very little consideration to the potential need for signalization of this intersection. More specifically, the TIS indicated that the Main Street Fishers intersection with Route 96 would be subject to significant congestion and delay and that there would be long backups as well at the Omnitech Place intersection for those waiting to exit to Route 96. More recently, and in response to a different development proposal in the vicinity (ironically, one that would direct traffic primarily to the Main Street Fishers intersection with Route 96 and that would consequently have much less direct impact upon the Omnitech intersection), NYSDOT has stated that signalization of the Omnitech Place intersection would improve conditions at the Main Street Fishers intersection as well by reducing the "signal load" at the Main Street Fishers intersection. As stated in the FEIS, it seems reasonable to assume that such an observation would be equally relevant to the Fishers Ridge project which has been shown to have direct impacts upon both the Omnitech Place and Main Street Fishers intersections.

As described in the FEIS, the installation of a signal at Omnitech Place would require prior completion of a warrant analysis and consequent approval of NYSDOT. Although no formal offer or commitment has been made, the Project Sponsor has indicated that they are open to cooperating with NYSDOT to address any signalization needs at the Omnitech Place intersection arising as a consequence of their project.

Accordingly, and given the project's anticipated impacts to both the Omnitech Place and Main Street Fishers intersections as well as the potential for signalization of the Omnitech Place intersection to improve conditions at both of these intersections, the following are identified as practicable and required mitigation measures:

1. Completion by the Project Sponsor of a warrant analysis for signalization of the Omnitech Place intersection taking into account Development Program Phase I of the proposed Fishers Ridge program and submission of the analysis to NYSDOT for their review, all prior issuance of a C/O for any component Development Program Phase I, and
2. Signalization of the intersection should NYSDOT conclude that such is warranted based upon impacts associated with the Development Program Phase 1 of the Project, prior to issuance of Certificates of Occupancy for Development Program Phase 1 of the Project.

The foregoing two measures, enumerated here as 1 through 2, as they were described in the FEIS and as they are listed in detail again immediately above, are hereby designated as required mitigation measures that were identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

Traffic Mitigation for Development Program Future Phases

For the sake of clarity, as has been described above in this document as well as on page 79 of the FEIS, there is an important distinction to be made between the program elements included in "Development Program Phase 1" for traffic impact analysis and mitigation purposes (as the term is defined and used herein) and the program elements that would likely be included in the initial phase of construction. For purposes of analyzing "Phase 1" traffic impacts and identifying measures proposed to mitigate those impacts, the Traffic Impact Study (attached to the DEIS as Appendix J) included the Bass Pro retail outlet, the associated restaurant, a 200 room hotel, 214 apartments, and 36 town homes. Therefore, and regardless of how those same elements might be allocated to construction phases, *the need for further mitigation of traffic impacts beyond the Development Program Phase 1 mitigation measures listed above under the preceding heading would only be triggered by development of program elements not included in Development Program Phase 1* (in other words, by any development other than the Bass Pro retail store, the associated restaurant, the 200 room hotel, the 214 apartments, and the 36 town homes). Accordingly, with respect to traffic mitigation, the term "Development Program Future Phases" is used herein to refer to the development of program elements described within the TIS as part of the overall project program that are not also included within Development Program Phase 1.

Traffic Mitigation Proposed by the Project Sponsor for Development Program Future Phases: The traffic mitigation proposed by the Project Sponsor for completion prior to issuance of a Certificate of Occupancy for any development program elements not included in Development Program Phase 1 includes the following:

1. Construct a second exclusive southbound left turn lane on Rt.96 at the Phase I Entrance/Exit (Road A North Driveway) intersection, adjacent to the exclusive southbound left turn lane constructed as a part of Phase I, also providing approximately 450-feet of storage.
2. Extend the two additional through lanes constructed on Route 96 which were constructed as part of Development Program Phase I. The two additional lanes constructed on Route 96 (one in each direction) as part of subsequent phases and/or full build-out will extend from south of the Road A through the Route 96 intersection with Route 251 and beyond a distance of approximately 250 feet, to the Route 96 intersection with Lane Road.
3. Construct Road B intersection with Route 96 in alignment with present Route 96 / Route 251 intersection.
4. In addition to the extension of northbound and southbound through lanes that are referenced immediately above as item 2 and that that will result in two such lanes in each direction, construct, maintain and provide turn lanes at the Route 96 / Route 251 intersection as follows:
    a. Route 96 southbound towards the Village:
        i. Add two left turn lanes on Route 96 for southbound traffic turning into the Fishers Ridge site via "Road B"
        ii. Maintain a single right turn lane on Route 96 for southbound traffic turning onto Route 251
    b. Route 96 northbound towards I-90 and I-490:
        i. Maintain a single left turn lane on Route 96 for northbound traffic turning onto Route 251
        ii. Add a single right turn lane on Route 96 for northbound traffic turning into the Fishers Ridge site via "Road B"
    c. Route 251 eastbound:
        i. Maintain one existing left turn lane and add a second left turn lane on Route 251 for eastbound traffic turning onto Route 96 north towards I-90 and I-490
        ii. Maintain a single right turn lane on Route 251 for eastbound traffic turning onto Route 96 south towards the Village
    d. "Road B", exiting the Fishers Ridge site
        i. Provide two left turn lanes on "Road B" for traffic exiting the Fishers Ridge site and turning onto Route 96 south towards the Village
        ii. Provide a single right turn lane on "Road B" for traffic exiting the Fishers Ridge site and turning onto Route 96 north towards I-90 and I-490
        iii. Provide a single southbound through lane on "Road B" and through the intersection with Route 96 for traffic exiting the Fishers Ridge site and continuing south directly onto Route 251

5. Update the signalized intersection at Route 96 and Route 251 to provide a protected only left turn phase for each of the left turn lanes referenced in the immediately preceding item. The protected left phases shall overlap with protected right turn phases for traffic turning to the right from the opposing direction on the same roadway.
6. Construct turn lanes at the Route 96 / Lane Road intersection (in addition to the additional northbound and southbound through lanes that will result in two such lanes in each direction):
    a. Add a single left turn lane on Route 96 for southbound traffic turning onto Lane Road
    b. Add a single right turn lane on Lane Road for westbound traffic turning onto Route 96 north towards I-90 and I-490
7. To the extent the same are deemed acceptable to and permitted by the NYS DOT, add real time traffic measures (traffic sensors and real time messaging) to monitor and report on traffic conditions within the Route 96 Village corridor, and make signal adjustments as necessary.
    a. Add traffic measuring devices throughout the Route 96 corridor within the Village to measure delay.
    b. Adjust traffic signal timings on Route 96 within the village based on the delay.
    c. Add real time traffic message signs at the entry to the Route 96 corridor, specifically on I-490 approaching the Route 96 exit and on Route 332 approaching the Route 96 intersection (there will be no real time message signs added on I-90) that indicate real time travel times through the Village and I-90.
8. In addition to those Route 96 intersections referenced above (Main Street Fishers, Fishers Ridge "Road A", and Route 251), also adjust signal timing within the corridor at the following Route 96 intersections: High Street, School Street, and Maple Avenue.

The foregoing measures, enumerated here as 1 through 8, as they were described in the FEIS and as they are listed in detail again immediately above, are hereby designated as required mitigation measures that were identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in future decisions in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable. Should changes be proposed for the project, new information be presented or discovered, or should there be a change in circumstances related to the project, additional SEQR analysis may be required.

Traffic Mitigation Relating to Omnitech Place for Development Program Future Phases: If the warrant analysis and associated consultation with NYSDOT required as mitigation for Development Program Phase 1 did not merit or otherwise result in the signalization of the

Omnitech Place intersection previously described herein, the following additional traffic mitigation shall be completed prior to issuance of a Certificate of Occupancy for any development program elements not included in Development Program Phase 1:

1. Completion by the Project Sponsor of a warrant analysis for signalization of the Omnitech Place intersection taking into account all project components, including those not included in Development Program Phase 1, and submission of the analysis to NYSDOT for their review, all prior issuance of a C/O for any component not included in Development Program Phase 1, and

2. Signalization of the intersection should NYSDOT conclude that such is warranted, prior to issuance of Certificates of Occupancy for project components not included in Development Program Phase 1.

The foregoing measures, enumerated here as 1 through 2, as they were described in the FEIS and as they are listed in detail again immediately above, are hereby designated as required mitigation measures that were identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in future decisions in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

Additional Traffic Mitigation Proposed by the Project Sponsor for Development Program Future Phases. The traffic mitigation proposed by the Project Sponsor for completion prior to issuance of a Certificate of Occupancy for any additional development program elements [6] that are not included in Development Program Phase 1 additionally includes:

[6] The Project Sponsor included in its TIS estimates of traffic generation, trips that could hypothetically be generated by development of an adjacent 30 acres under their control despite the potential development of that land not having been included in their applications, proposals, or the environmental review which this present document addresses. The Project Sponsor has indicated that this was done in an effort to present a very conservative (in other words, worst case) estimate of potential traffic impacts associated with the proposed project. That being so, and as potential development of the adjacent 30 acres has not been proposed or reviewed in any way, including any consideration whatsoever of existing conditions on that other site or the potential for impacts, the development program elements that are considered as mitigated to the maximum extent practicable by the above measures and that might therefore be considered for future approval pursuant to this Findings Statement do not include any

1. After the issuance of the C/O for the Bass Pro and any other Development Program Phase 1 components then completed, the completion and submission of a new and updated traffic analysis that measures then-current and actual traffic volumes and resultant impacts vs. the volumes and impacts predicted in the TIS and related documents included in the DEIS and FEIS, including analysis of the following scenarios:
    a. the actual and existing conditions prevailing at the time of the new and updated study, including any segments of the Development Program in operation at the time;
    b. the conditions anticipated in the "no-build" (or perhaps more aptly, the no-"more"-build) scenario (which would include the then existing conditions [including all components of Development Program Phase 1] and any future background growth; and
    c. conditions anticipated in the proposed full build scenario (which would include existing conditions prevailing at the time including any segments of the Development Program in operation at the time, plus anticipated background growth, plus contributions anticipated from segments of the Development Program Phase 1 yet to be put into operation, plus contributions from Development Program Future Phases). The new traffic analysis shall include updated trip generation and distribution projections for segments of the Development Program Phase 1 yet to be put into operation as well as for future development.

The purpose for requiring submission of the new traffic analysis described above is to enable an evaluation as to whether the then-current reality and experience proved to be consistent with the assumptions and expectations inherent in the traffic information that was taken into account in this Findings Statement and relied upon to determine both the need for mitigation and the anticipated magnitude of unavoidable impacts. A comparison between the expected and projected traffic volume and impacts (including the expected background growth and the

development that might later be proposed on the adjoining 30 acre property, which, if it were later proposed for development, would be subject to its own distinct and full SEQR review, for traffic and all other potential environmental impacts.

project volume and impacts resulting from the development of the proposal subject of this SEQR review) and the then-actual impacts will enable the Planning Board, as Lead Agency, to determine whether there has been any changes in circumstances or new information relative to this project that would merit further evaluation, pursuant to SEQR, via a Supplemental Environmental Impact Statement.

This will also assist the Planning Board by providing a capacity analysis relative to the existing and anticipated Levels of Service and delay at affected intersections and the ability of both "Road A" and Route 96 to accommodate future traffic related to development being proposed at the time.

Again, should the updated traffic analysis reveal information relating to anticipated background growth, project trip generation, existing and expected traffic volumes, levels of service, or delay that is materially new or different from that relied upon in this Findings Statement, further SEQR analysis may be required to address additional mitigation measures and the magnitude of unavoidable impacts remaining after mitigation.

To determine the consistency and accuracy of the then-actual situation with the projections and assumptions a part of the traffic information considered in this Findings Statement and relied upon to determine both the need for mitigation and the anticipated magnitude unavoidable impacts – and thus to determine whether there has been a material change in circumstances or whether there is new information meriting further SEQR review - the new traffic analysis described in the foregoing paragraphs shall be compared against the following data, which reflects information in the TISs a part the DEIS and FEIS, but without the addition of hypothetical traffic impacts associated with the additional 30 acres (for which no development has been proposed or applied for and thus for which SEQR assessment would be inappropriate as overly speculative).[7] This allows for an accurate assessment of traffic impacts and volumes

[7] The exercise in removing the hypothetical 30 acres and otherwise focusing on the actual proposed project at hand is further described in clarifying correspondence provided by the Project Sponsor in the attached "DiMarco Group letter to Town of Victor Planning Board dated February 18, 2017," which exercise and correspondence reiterates that the full build analysis was very conservative due to the inclusion of the adjacent land and indicates that the inclusion therefore led to projected intersection delays that were much greater than was actually anticipated as a consequence of the actual proposed development. Specifically, as stated by the Project Sponsor, the hypothetical

against data accurately representing impacts and volumes actually produced by the proposed and reviewed project (as opposed to assessing then-current impacts and volumes against artificially inflated projected volumes and impacts which would represent the project *plus* volume and impacts from the 30 acres which are not part of the project or this SEQR assessment).

Projected Traffic a Result of the Fishers Ridge Proposal

Land Use	Size	Trip Type	Proposed Program		
			AM Peak	PM Peak	Mid-day Peak Hour
Sports Retail	130,129 SF Increased to 132,200	Total	62	440	1,058
		Shared within Site	0	70	190
		External to the Site	62	370	868
Shopping Center	387,265 SF reduced to 300,900 SF	Total	295	1,331	1,754
		Shared within Site	15	213	316
		External to the Site	280	1,118	1,438
Supermarket	120,197 SF reduced to 0,000 SF	Total	0	0	0
		Shared within Site	0	0	0
		External to the Site	0	0	0
Office	107,500 SF increased to 134,300 SF	Total	237	229	55
		Shared within Site	12	37	0
		External to the Site	225	192	55
Hotel	200 Units	Total	112	118	144
		Shared within Site	0	0	0
		External to the Site	112	118	144
Apartments	374 Units increased to 410 Units	Total	209	254	213
		Shared within Site	10	41	38
		External to the Site	199	213	175
		Total	0	0	0

scenario for the adjacent land included the potential for a 120,197 square foot (SF) Grocery Store and retail expansion for a "Neighborhood Center". The Project Sponsor also noted that, on a trip generation basis, when compared to the proposed development program described in the FEIS, the inclusion of the adjacent land accounted for approximately one-third of the total traffic entering and exiting the Fishers Ridge site. In the table, as well as in those that follow, the anticipated trip generation, levels of service and delays developed without the inclusion of traffic from the hypothetical development of the adjacent 30 acres is presented in the right-most column labeled "Proposed Program" or "2022 Proposed Program". The tables that follow were also provided by the Project Sponsor and describe the anticipated levels of service and delays at four key intersections without inclusion of hypothetical traffic from the adjacent 30 acres.

Townhouses	76 Units reduced to	Shared within Site	0	0	0
		External to the Site	0	0	0
Total		Total	**915**	**2,372**	**3,224**
		Shared within Site	**37**	**361**	**544**
		External to the Site	**878**	**2,011**	**2,680**

Village Intersections Level of Service and Delay Table – AM Peak Hour

Intersection	Approach			2022 No Build		2022 Proposed Program	
				LOS	Control Delay (seconds/ vehicle)	LOS	Control Delay (seconds/ vehicle)
Route 96 at **High Street** Signalized	High Street	Eastbound	LR	D	39	D	41
		Eastbound	Approach	D	39	D	41
	Route 96	Northbound	Through	D	40	D	45
		Northbound	Right	A	0	A	0
		Northbound	Approach	C	29	C	34
	Route 96	Southbound	Left	E	71	E	69
		Southbound	Through	B	16	B	13
		Southbound	Approach	C	21	B	18
		Overall		C	28	C	30
Route 96 at **School Street** Signalized	School Street	Eastbound	Left	E	66	E	78
		Eastbound	Right	A	4	A	5
		Eastbound	Approach	E	59	E	70
	Route 96	Northbound	Left	B	13	A	9
		Northbound	Through	D	49	D	53
		Northbound	Approach	D	47	D	50
	Route 96	Southbound	Through	C	28	C	21
		Southbound	Right	A	0	A	0
		Southbound	Approach	C	20	B	15
		Overall		D	42	D	43
Route 96 at **Maple Avenue** Signalized	Maple Avenue	Eastbound	Left	D	45	E	74
		Eastbound	TR	A	5	A	5
		Eastbound	Approach	D	36	E	60
	Moore Avenue	Westbound	LTR	C	29	C	29
		Westbound	Approach	C	29	C	29
	Route 96	Northbound	Left	B	19	B	15
		Northbound	TR	C	34	C	32
		Northbound	Approach	C	32	C	30
	Route 96	Southbound	Left	A	8	A	6
		Southbound	Through	D	39	C	21
		Southbound	Right	A	3	A	4
		Southbound	Approach	C	31	B	17
		Overall		C	32	C	33

Village Intersections Level of Service and Delay Table – PM Peak Hour

Intersection	Approach			2022 No Build		2022 Proposed Program	
				LOS	Control Delay (seconds/ vehicle)	LOS	Control Delay (seconds/ vehicle)
Route 96 at **High Street** Signalized	High Street	Eastbound	LR	D	36	C	31
		Eastbound	Approach	D	36	C	31
	Route 96	Northbound	Through	F	139	F	198
		Northbound	Right	A	0	A	0
		Northbound	Approach	F	99	F	146
	Route 96	Southbound	Left	E	59	C	33
		Southbound	Through	F	130	F	196
		Southbound	Approach	F	128	F	191
		Overall		F	99	F	147
Route 96 at **School Street** Signalized	School Street	Eastbound	Left	E	72	E	77
		Eastbound	Right	B	12	A	14
		Eastbound	Approach	E	56	E	61
	Route 96	Northbound	Left	A	9	B	16
		Northbound	Through	F	165	F	231
		Northbound	Approach	F	156	F	219
	Route 96	Southbound	Through	C	30	D	51
		Southbound	Right	A	0	A	0
		Southbound	Approach	B	19	C	34
		Overall		E	76	F	109
Route 96 at **Maple Avenue** Signalized	Maple Avenue	Eastbound	Left	F	117	F	119
		Eastbound	TR	A	8	A	8
		Eastbound	Approach	E	76	E	77
	Moore Avenue	Westbound	LTR	D	49	D	47
		Westbound	Approach	D	49	D	47
	Route 96	Northbound	Left	D	49	D	49
		Northbound	TR	C	25	C	32
		Northbound	Approach	C	30	D	36
	Route 96	Southbound	Left	A	8	B	11
		Southbound	Through	D	51	D	49
		Southbound	Right	A	4	A	9
		Southbound	Approach	D	43	D	41
		Overall		D	46	D	47

Village Intersections Level of Service and Delay Table – Saturday Peak Hour

Intersection	Approach			2022 No Build		2022 Proposed Program	
				LOS	Control Delay (seconds/ vehicle)	LOS	Control Delay (seconds/ vehicle)
Route 96 at **High Street** Signalized	High Street	Eastbound	LR	C	23	C	27
		Eastbound	Approach	C	23	C	27
	Route 96	Northbound	Through	D	41	F	84
		Northbound	Right	A	0	A	0
		Northbound	Approach	D	36	E	74
	Route 96	Southbound	Left	B	13	B	15
		Southbound	Through	E	56	F	105
		Southbound	Approach	E	55	F	102
		Overall		D	43	F	84
Route 96 at **School Street** Signalized	School Street	Eastbound	Left	C	27	C	31
		Eastbound	Right	A	5	A	7
		Eastbound	Approach	C	22	C	26
	Route 96	Northbound	Left	A	10	A	6
		Northbound	Through	B	19	D	43
		Northbound	Approach	B	18	D	41
	Route 96	Southbound	Through	C	30	E	65
		Southbound	Right	A	0	A	0
		Southbound	Approach	C	21	D	46
		Overall		C	20	D	42
Route 96 at **Maple Avenue** Signalized	Maple Avenue	Eastbound	Left	C	28	E	67
		Eastbound	TR	A	4	A	5
		Eastbound	Approach	C	21	D	51
	Moore Avenue	Westbound	LTR	C	33	C	25
		Westbound	Approach	C	33	C	25
	Route 96	Northbound	Left	C	28	C	24
		Northbound	TR	C	26	D	36
		Northbound	Approach	C	26	C	34
	Route 96	Southbound	Left	B	18	A	2
		Southbound	Through	F	94	F	114
		Southbound	Right	B	12	A	1
		Southbound	Approach	E	73	F	85
		Overall		D	44	E	58

Level of Service and Delay Table – Route 96 at Main Street Fisher

Peak Hour	Approach			2022 No Build		2022 Proposed Program	
				LOS	Control Delay (seconds/ vehicle)	LOS	Control Delay (seconds/ vehicle)
AM PEAK HOUR	Main Street Fishers	Eastbound	Left	D	39	E	57
		Eastbound	LT	D	45	E	67
		Eastbound	Right	A	6	A	7
		Eastbound	Approach	D	40	E	58
	Rowley Road	Westbound	Left	C	35	D	46
		Westbound	TR	D	40	E	72
		Westbound	Approach	D	39	E	68
	Route 96	Northbound	Left	C	20	C	30
		Northbound	T TR	E	65	D	43
		Northbound	Approach	E	61	D	41
	Route 96	Southbound	UL	B	19	B	17
		Southbound	T T	C	32	C	32
		Southbound	Right	A	6	A	7
		Southbound	Approach	B	19	C	22
		Overall		D	38	D	37
PM PEAK HOUR	Main Street Fishers	Eastbound	Left	D	45	F	129
		Eastbound	LT	D	54	F	144
		Eastbound	Right	A	5	C	24
		Eastbound	Approach	D	48	F	122
	Rowley Road	Westbound	Left	D	41	E	80
		Westbound	TR	D	38	F	150
		Westbound	Approach	D	39	F	135
	Route 96	Northbound	Left	C	29	F	176
		Northbound	T TR	F	109	E	66
		Northbound	Approach	F	100	E	77
	Route 96	Southbound	UL	F	96	F	169
		Southbound	T T	F	211	F	90
		Southbound	Right	A	1	A	2
		Southbound	Approach	F	156	F	84
		Overall		F	110	F	91

Level of Service and Delay Table Continued – Route 96 at Main Street Fisher

Peak Hour	Approach			2022 No Build		2022 Proposed Program	
				LOS	Delay (seconds)	LOS	Delay (seconds)
SATURDAY PEAK HOUR	Main Street Fishers	Eastbound	Left	C	32	D	54
		Eastbound	LT	D	37	E	59
		Eastbound	Right	A	5	B	18
		Eastbound	Approach	C	31	D	46
	Rowley Road	Westbound	Left	D	37	E	55
		Westbound	TR	C	34	E	76
		Westbound	Approach	C	35	E	72
	Route 96	Northbound	Left	B	14	C	24
		Northbound	T TR	C	33	E	57
		Northbound	Approach	C	32	E	55
	Route 96	Southbound	UL	B	16	C	26
		Southbound	T T	C	32	D	52
		Southbound	Right	A	1	A	1
		Southbound	Approach	C	24	D	42
		Overall		C	28	D	49

The foregoing measure, enumerated here as 1, namely the completion and submission of an updated traffic analysis prior to issuance of a Certificate of Occupancy for any additional development program elements that are not included in Development Program Phase 1, as the same is described on page 81 of the FEIS and immediately above, is hereby designated as a required mitigation measure that was identified during the review as practicable and is therefore hereby imposed as a condition to be satisfied prior in order to support the Lead Agency's present certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable. This condition will enable the Planning Board, as Lead Agency, to determine, at a later time when components of Development Program Future Phases are then being constructed, whether there has been any material changes in circumstances or new material information relative to this project that would merit and require further evaluation, pursuant to SEQR, via a Supplemental Environmental Impact Statement.

UNAVOIDABLE IMPACTS – TRAFFIC

The Planning Board was unable to identify practicable mitigation measures that would avoid all impacts related to traffic. As a consequence, although the Planning Board finds that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable, some impacts will remain nonetheless. As summarized on pages 84-86 of the FEIS, the unavoidable traffic impacts that are anticipated to remain and related comments are as follows:

- Congestion and delay at the intersection of Rte 96 / Main Street Fishers:
    - Retiming will not address this issue.
    - Lanes cannot be added due to existing physical and structural constraints.
    - NYSDOT has no capital improvement project planned here.
- Congestion and delay at signalized intersections within the Village:
    - Real time signal adjustments will not address this issue.
- Congestion on Route 96 within the Village of Victor including traffic flowing through the Village (approximately 30%) of the peak period flow):
    - Real time traffic message signs on I-490 approaching the NYS Route 96 exit and on Route 332 approaching Route 96 that would be based on real time traffic delay measured within the Village could advise motorists who might consequently use the alternate route between I-90 Thruway exits 44 and 45 during times when congestion is present.
    - NYS DOT has indicated that this mitigation will not provide significant results as toll booths for I-490 are at capacity.
- Congestion and delay at the intersection of Rte 96 / Lynaugh:
    - Diminished level of service.
    - But NYSDOT is reviewing this intersection.
- Congestion and delay at other intersections could have diminished levels of service during some peak hours:
    - Lane/Church, Lane/High, High/Willowbrook, High/Gillis.

In addition to the foregoing unavoidable traffic impacts, the FEIS also identified impacts at the Omnitech Place intersection with Route 96 that are described below. In order to support the Lead

Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable, this Findings Statement (see above) imposes as practicable mitigation measures to be incorporated in the decision as conditions, the Project Sponsor's development and submission of a signal warrant analysis of the intersection at both the Development Program Phase 1 stage as well as at the Program Development Future Phases stage together with the subsequent installation of appropriate signals should they be warranted. Should NYSDOT's review of the signal warrant analysis result in their finding that a signal is warranted, the impact at this intersection would then be minimized to the maximum extent practicable only by signalization of the intersection in accordance with the warrant. Should the NYSDOT review result in a finding that no signal is warranted, or should the intersection remain un-signalized for other legitimate reasons that make signalization impracticable, then the unavoidable impact to that intersection described below would remain:

- Congestion and delay at Omnitech Place
    - Without a signal, the level of service and delay on Omnitech Place waiting to exit to Route 96 is expected to diminish dramatically during peak hours with the project as compared to without.
    - It should be noted that the DEIS assumed that others had already been obligated to install a signal at Omnitech Place when the need arose – that has proven to not be the case.
    - It should also be noted that installation of a signal here would require prior completion of a warrant analysis and consequent approval of NYSDOT.

POTENTIAL IMPACTS AND MITIGATION – SANITARY SEWER

Sanitary sewer load calculations for Phase 1 of the project and for the full build out were presented in the Supplemental Engineers Report attached to the FEIS as Appendix L. As described in the report, whereas the Farmington Wastewater Treatment Plant has sufficient capacity to accept wastewater flows from the full project, the collection system does not. However, and as is generally described in the responses to comments identified as LaBella 1, 2a, 2b, 2c and 3, found

on pages 13 – 18 of the FEIS, the Town has confirmed that the "Phase 1" [8] wastewater flows can be accommodated by the existing collection system following the completion of some minor improvements (for details of this conclusion and the underlying study see the LaBella memo attached to the FEIS as Appendix N). Wastewater flows greater than those anticipated from Phase 1 would exceed the capacity of the existing collection system nonetheless, even despite the completion of any minor improvements. In fact, acceptance of flows greater than those anticipated from Phase 1 would require the prior completion of a major improvement expanding the capacity of the collection system in the vicinity (for details of this conclusion and the underlying study see the draft report attached to the FEIS as Appendix M).

The Town, on behalf of the Town's Consolidated Sewer District, has initiated, and anticipates completing, such an improvement, now known as the "New Pump Station and Auburn Trail Forcemain Project" (for details of this conclusion and the underlying study see the draft report attached to the FEIS as Appendix M)[9]. Although the Town anticipates completing the project, it is conceivable for circumstances beyond the Town's control that the project will be delayed, or possibly even abandoned. Either abandonment, which is considered an unlikely outcome, or project delay, a less remote possibility, could lead to a scenario in which the collection system available at the time has insufficient capacity to accept wastewater flows from newly completed elements of the project beyond Phase 1.

Phase 1 Sanitary Sewer Mitigation

The mitigation identified as necessary for completion prior to issuance of a Certificate of Occupancy for the Bass Pro anchor includes the following:

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[8] It is important to note that the term "Phase 1" as it is used here has a different meaning from the same or similar terms used elsewhere in this document, such as those used to describe phases of the Development Program or phases of construction. As the term "Phase 1" is used in this discussion of sanitary sewer requirements and impacts, it is defined here to include only the Bass Pro sporting goods outlet as well as the associated bowling alley and restaurant as the same are referenced in the LaBella October 11, 2016 memo attached to the FEIS as Appendix M.

[9] The Project Sponsor remains responsible for the cost and completion of off-site improvements necessary to connect to the existing system, either presently or following its improvement on behalf of the Consolidated Sewer District.

1. Completion, at the expense of the Project Sponsor, of the minor system improvements described in the Town Engineer's memo attached to the FEIS as Appendix N which include pump station upgrades necessary to increase pump station capacity.

The foregoing measure, enumerated here as 1, and as it is described in FEIS Appendix N, is hereby designated as a required mitigation measure that has been identified during the review as practicable and is therefore also hereby imposed as a condition to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

Sanitary Sewer Mitigation for Future Phases beyond Phase 1

The mitigation identified as necessary for completion prior to receiving final signatures on the site plan for any project elements beyond those included in Phase 1:

1. The Town's prior completion of the "New Pump Station and Auburn Trail Forcemain Project" is essential to accepting wastewater flows from Future Phases. If at the time of any future development beyond Phase I the anticipated Town sewer improvements along the Auburn Trail have not been completed, then, prior to issuance of a Certificate of Occupancy for the relevant development, the Project Sponsor and the Town will complete an examination of the ability of the existing Town sewer infrastructure system to accommodate such development. If such future development cannot be accommodated, then the Project Sponsor will be required during the site plan approval process to identify an alternative method to accommodate the flows related to the development at issue, which method must be acceptable to the Town Engineer.

The foregoing measure, enumerated here as 1, as it is described in the FEIS on page 18, is hereby designated as a required mitigation measure that has been identified during the review as practicable and is therefore also hereby imposed as a condition to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – STORMWATER RUNOFF AND DRAINAGE

Section 3.1.1.2 of the DEIS described the surficial soils encountered on the site as being rated to hydrologic group "B" and as consisting primarily of gravelly loam and fine sandy loam of the Ontario, Palmyra, Howard, and Phelps units (see Table 3-1 on DEIS page 24). Figure 2.1-2 of the DEIS showed the existing topography of the site. As described on page 26 of the DEIS, surface elevations generally drop from north to south across the project site. The total drop is approximately 160 feet from the northern frontage along the NYS Thruway to the southern frontage along Route 96. In addition, a portion of the project site has been mined in the past for sand and gravel extraction, leaving a somewhat variable topography with some steep to near vertical slopes. As described on page 20 of the FEIS, water from the site is currently channeled down sloped terrain and enters culverts under NYS Route 96. There are four sub-basins on the project site and no treatment for water quality is present. Water discharging from the site eventually flows to off-site wetland complexes. The foregoing conditions describe a site on which proper management of stormwater runoff and drainage, during construction as well as post-construction, will be essential to avoid erosion, sedimentation and damage to downstream drainage improvements as well as to downstream wetlands.

The FEIS, on page 20, indicated that post-construction, there would be green infrastructure practices and that the practices would include stormwater infiltration, porous pavement, enhancement of on-site wetlands (Wetland A) and stormwater retention/detention basins. All of these features would assure that the water quality of storm drainage reaching the off-site wetlands would not be degraded as compared to the existing condition.

A Stormwater Pollution Prevention Plan (SWPPP) dated December 2013 was included as Appendix D to the DEIS. The Project Sponsor subsequently provided an updated SWPPP, with revision date February 2, 2016, that was attached to the FEIS as Appendix C. The Project Sponsor has indicated that the update was prepared consistent with the 2015 DEC standards and requirements. In the response to Comment VCB 6 presented on page 61 of the FEIS, it was stated that a major condition of preparing these plans is that all stormwater be directed into the same basin pre- and post-development and that there be no increase in post-construction runoff.

In the response to Comment LaBella 4a included in the FEIS on page 19, the Town Engineer indicated five technical items that were missing or unclear and that would consequently need to be provided or clarified prior to any Final Approval or construction in order to confirm that potential stormwater and runoff impacts would be mitigated to the maximum extent practicable. The five technical items that were identified are as follows:

- Inconsistencies between the SWPPP narrative and the NOI. The narrative indicates use of conservation of natural areas, tree planting, rain gardens, etc and these are not included in Table 1 of the NOI. The narrative indicates CPV of 6.47 provided, and the NOI indicates 8.74 acre-feet.
- Dates in the NOI should be updated as we are well past the anticipated start date.
- NOI Question 16 indicates that the municipality that owns the separate storm sewer system that receives site runoff is the Town of Victor. All identified discharge points converge at NYS Route 96. It is noted that the runoff from the site, therefore, appears to enter the NYSDOT's MS4. The NYSDOT should be given the opportunity to review and comment on the SWPPP.
- The "Channel Protection Volume Provided" in NOI question 36 does not match with the calculations for Ponds A & B, nor does it match the narrative text (as noted in comment 1).
- It is not clear how the runoff reduction volume required or provided was calculated. The report indicates that GI calculations are provided in Appendix II, but the reviewer was unable to locate RRV calculations.

<u>Construction Phase 1 Stormwater Runoff and Drainage Mitigation</u>

The mitigation identified as necessary for completion prior to Final Approval by the Planning Board of the project's initial phase includes the following:

1. Provision of missing information and/or clarification of unclear aspects referenced in the five technical items listed in the bullet list immediately above.

<u>The foregoing measure, enumerated above as 1 and as it is described both above as well as on page 19 of the FEIS, is hereby designated as a required mitigation measure</u> that has been identified during the review as practicable and is therefore also hereby imposed as a condition to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

Stormwater Runoff and Drainage Mitigation for All Phases Including Construction Phase 1 and All Subsequent Construction Phases

The mitigation identified as necessary for completion prior to issuance of a Certificate of Occupancy for any project elements beyond those included in the initial phase of construction:

1. That green infrastructure practices, including stormwater infiltration, porous pavement, stormwater retention/detention basins and enhancement of on-site Wetland A, where it is involved, be included in the final design to the satisfaction of the Town Engineer;
2. That the foregoing green infrastructure practices be designed and implemented in a manner assuring that the water quality of storm drainage reaching the off-site wetlands would not be degraded as compared to the existing condition, to the satisfaction of the Town Engineer;
3. That, as was indicated in the response to Comment VCB 6 found on page 61 of the FEIS, all stormwater be directed into the same basin pre- and post-development and that there be no increase in post-construction runoff; and,
4. That an acceptable SWPPP be completed and filed with the Town in its capacity as an MS4 community.

The foregoing measures, enumerated above as 1- 4, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – STREAMS AND WETLANDS

Section 3.3 of the DEIS (beginning on DEIS page 39) described streams and wetlands on the site as well as potential impacts and mitigation. The DEIS included both a Wetland Delineation Report as well as a Wetland Impact & Mitigation Report in Appendix E. The FEIS supplemented the information included in the DEIS with a Terrestrial Environmental Systems letter included in FEIS Appendix F and Wetland Plans and Profiles included in FEIS Appendix G. The FEIS also provided additional information related to wetlands and streams in the responses to the DEIS comments tabulated immediately below.

DEIS COMMENTS and RESPONSES RELATED TO STREAMS & WETLANDS		
DEIS Comment	**FEIS Page**	**General Topic**
LaBella 4b	18	Impact to SW Wetlands
LaBella 9	27	Location of proposed mitigation and purchase of credits
VCB 6	60	Effects upon off-site wetlands complex
VCB 7	61	Impacts to stream temperature
VCB 8	62	Sufficiency of base flow to dependent wetland
VCB 9	62	Location of wetland mitigation
VCB 10	64	Need for conservation easement protection

In general, five wetlands/water resources were delineated on the site. Shallow emergent marsh and shrub swamp wetlands were linear along drainageways and covered 2.3 percent of the site. These wetlands/water resources were designated by TES as Wetlands A, B, BB, C, and E were all found to be narrow, linear wetlands which served as drainages for the steeply sloping site. Wetlands A, B, C, and E were each found to contain an intermittent stream within their boundaries. The small emergent marsh areas were found to be dominated by common reed and reed canary grass, which are considered invasive species by the US Army Corps of Engineers and the US Fish and Wildlife Service. The wetlands present are directly associated with the intermittent drains they surround, and drainage is the main function they provide. The wetlands were found to provide little to none of the following functions and values: groundwater recharge, flood flow alteration, sediment stabilization, wildlife diversity/abundance, sediment/toxicant retention, nutrient removal/transformation, production export, aquatic diversity/abundance, or recreation.

The Corps of Engineers issued a Jurisdictional Determination letter on January 26, 2009, which was revised in a letter from the Corps dated February 25, 2009. A total of 2.46 acres of wetlands and a total of 4,217 linear feet of intermittent stream were determined to exist on the site.

Due to the existing steep topography of the project site, extensive re-grading would be required to create level development areas. Accordingly, development of the site would result in the removal of vegetation, disturbance and reestablishment of the surface over approximately 86 acres of the 95 acre site. However, approximately 9 acres of existing wetland, intermittent stream, and surrounding woods will be left undisturbed. The 9.0 acres to remain undisturbed are within the central wetland/intermittent stream and all of the eastern wetland/intermittent stream and surrounding woods located east of Road "B" on the eastern portion of the site, adjacent to the existing residence on Lane Road. This would provide a 90+ foot wooded buffer from the proposed development to the rear of the closest residential lot. This area that would remain undisturbed on the eastern portion of the site is associated with the wetland/intermittent stream and surrounding wooded lands along the eastern site boundary (wetland "B"). Flows to this wetland/intermittent stream will be maintained via diversion swales directing overland flow from undeveloped areas off the project site into the stream bed.

The proposed site plan has been found to impact a total of 1.71 acres of Corps of Engineers jurisdictional wetlands believed to be of low quality and 3,179 linear feet of intermittent streams while avoiding any disturbance to Wetland B (0.75 acre) and Stream B (1,038 linear feet).

Mitigation of the impacts to wetland areas would include as much avoidance and minimization of impacts as practical. As noted earlier, all of Wetland B (0.75 acre) and its surrounding uplands will remain undisturbed. Wetland A and the associated intermittent stream will be enhanced to provide wildlife, educational and aesthetic values. The proposed plan includes an enhanced aquatic creek feature, roughly corresponding with the location of impacted Wetland A and Stream A, which would offset some of the wetland and waters impacts. In addition, mitigation for the loss of waters resources would be in the form of off-site wetland restoration/replacement planned for Fishers Park. A detailed mitigation plan was included in the wetland mitigation report in DEIS Appendix E, which specified guidelines for such activities.

Regarding the Town's preference for all off-site wetland mitigation to be undertaken within the Town's municipal boundaries, the Project Sponsor's wetland consultant, Terrestrial Environmental Systems (T-E-S), examined several additional off-site mitigation options located within the Town of Victor. The TES letter report describing their findings was presented in FEIS Appendix F. In summary, opportunities for wetland mitigation on other sites in the Town of Victor were found to be very limited. As a consequence, and as the mitigation proposed at Fishers Ridge together with that proposed at Fishers Park were found to be insufficient to compensate for all of the wetland impacts, the Ducks Unlimited (DU) option would also be pursued. This option would require the purchase of mitigation credits under the Army Corps of Engineers' Ducks Unlimited In Lieu-of Fee Program in place of the undertaking of additional projects within the Town that have been determined to be non-viable or to otherwise offer little benefit. In this instance, this option would be accompanied by a requirement that the DU mitigation be conducted within the Irondequoit Creek watershed and a request that DU identify a mitigation site in the Town of Victor if it is practical to do so.

Finally, the Town of Victor Conservation Board offered comments to the DEIS relative to the need for conservation easements to protect preserved wetlands and, specifically, with respect to the general terms of the easements that should be required. It is important to note in this regard that the Army Corps of Engineers will also require some type of easement, deed restriction or other agreement restricting the use of lands where mitigation projects are proposed. In response to the Planning Board's request, the Conservation Board has now met with the Project Sponsor and consultants twice to review mitigation plans as well as associated legal provisions that would likely be required by the Army Corps of Engineers. The Conservation Board anticipates further consideration of the matter as well as eventually providing the Planning Board a specific recommendation relative to the areas to be protected via the imposition of a Conservation Easement requirement and the provisions such an easement ought to include. As this FEIS is being finalized it is anticipated that the Conservation Board will recommend reliance on the more restrictive (Natural Resources) form of easement to protect the "Wetland B" area and the less restrictive (Site Specific) form to protect the "Wetland A" area. The Conservation Board has also indicated their preference to identify terms that could be included in a single integrated document so as to satisfy both the Town's requirements as well as those of the Army Corps of Engineers

rather than require the execution of a second document separate from that required by the Army Corps of Engineers.

Stream and Wetland Impact Mitigation

The measures identified as necessary to mitigate impacts to streams and wetlands are as follows:

1. As described in the DEIS, avoidance and minimization of impacts wherever it is practical to do so;
2. Preservation of approximately 9 acres of land containing a wetland/intermittent stream corridor and some of the surrounding woods including all of Wetland B (0.75 acre) and its surrounding uplands which will remain undisturbed, all consistent with the Wetland Impact & Mitigation Report in Appendix E of the DEIS and the Wetland Plans and Profiles included in Appendix G of the FEIS;
3. As described in the DEIS, implementation of a thorough Stormwater Pollution Prevention Plan (SWPPP) that specifies erosion and sediment control measures for the site to be in place and utilized prior to the start of construction;
4. Enhancements to the existing on-site wetlands including development of an enhanced aquatic creek feature, roughly corresponding with the location of impacted Wetland A and Stream A, to provide wildlife, educational and aesthetic values, as described in both the DEIS and FEIS;
5. Off-site wetland restoration/replacement planned for Fishers Park as described in both the DEIS and FEIS;
6. Prior to construction commencing and/or the issuance of any Building Permit associated with the Project, purchase of mitigation credits under the Army Corp of Engineers' Ducks Unlimited In Lieu of Fee Program (rather than the undertaking of additional projects within the Town that have been determined to be non-viable or that would otherwise offer little benefit). In this instance, this purchase will be accompanied by a requirement that the DU mitigation be conducted in the Irondequoit Creek watershed and a request that DU identify a mitigation site in the Town of Victor should it be practical to do so;
7. Prior to issuance of Certificates of Occupancy for relevant phases, execution and recording of Conservation Easements protecting wetland and stream areas that have been preserved or are the site of mitigation measures. These Conservation Easements shall be consistent with the

Planning Board's accepted recommendations of the Conservation Board both with respect to the areas to be affected and with respect to the terms to be included in the easements; and,

8. In the event that conditions develop during development and construction that allow for siltation from disturbed areas located on the site into either the preserved or enhanced wetlands, construction shall stop immediately and not recommence until measures are completed that can reasonably be expected, in the opinion of the Town Code Enforcement Officer and the Town Stormwater Management Officer, to stop the siltation already underway as well as significantly reduce the risk of any future reoccurrence.

The foregoing measures, enumerated above as 1 – 8, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – CONSTRUCTABILITY AND STABILITY

Given the site, a number of related risks were identified in the FEIS regarding constructability and stability. These included those related to:

- Saturation of earthen materials adjacent to and perhaps beneath a dedicated road (Road B) due to the location of drainage and stormwater management improvements (Comment LaBella 4c on FEIS pages 20 – 21);
- Construction of an embankment adjacent to proposed Road B and potential placement of portions of building footprints within or immediately adjacent to the embankment (Comment LaBella 7 on FEIS pages 25 – 26); and,
- Grading and maintenance of slope stability given the soil types and other relevant conditions at the site and recognizing the history of slope failures and need for remedial stabilization at other sites throughout the corridor (Comment LaBella 8 on FEIS pages 26 – 27 and Comment VCB 1 on FEIS pages 58 - 59).

In addition to the information included in the responses to the comments listed above, these concerns were also addressed in part by the ROC Geotechnical Memorandum attached to the FEIS as Appendix D and the Slope Stabilization Cross Sections included in the FEIS as Appendix E. However, and although the responses to the foregoing comments, as well the additional information in the two cited appendices, have demonstrated the general feasibility of implementing appropriate safeguards relative to constructability and stability, the details of the specific approaches to be relied upon will only become available as the design progresses. Accordingly, confirmation that reliable and acceptable approaches that are consistent with the two appendices and the information included in the comment responses have actually been incorporated in the final design must also await availability of the final design details.

Constructability and Slope Stabilization Mitigation

The measures identified as necessary to mitigate risks related to constructability and slope stability are as follows:

1. Revision and continued development of the project construction plans consistent with the responses found in the FEIS to Comments LaBella 4c, LaBella 7, LaBella 8 and VCB 1;
2. Revision and continued development of the project construction plans consistent with the information provided in FEIS Appendices D and E;
3. Submission of final construction plans to the Planning and Building Department for Town Engineer review and their confirmation that the approaches incorporated in the design relative to constructability and slope stability remain feasible when considering their detailed implementation in this instance and that they also remain consistent with the foregoing information included in the FEIS;
4. Development and submission of additional subsurface investigation and stability analyses targeted to specific slope areas as described in the response to Comment VCB 1 found on pages 58 – 59 of the FEIS (the Town Engineer shall be consulted regarding the specific slope areas to be targeted);
5. Should the Town Engineer request as a consequence of their review of detailed construction plans, submission of further clarification from the Project Sponsor as to how the solution proposed in a specific instance relative to stability differs from those implemented in the past

at other sites in the vicinity on Route 96 that are known to have subsequently failed or required remedial work;

6. As described in the response to Comment VCB 1 found on pages 58 - 59 of the FEIS, the continued availability, on an on-call basis, of ROC, the geotechnical subconsultant employed by the Project Sponsor and author of the report included in FEIS Appendix D, or other qualified geotechnical consultant as deemed acceptable to the Project Sponsor, to address any "Emergency" slope stability issues; and,
7. As also described in the response to Comment VCB 1 found on pages 58 - 59 of the FEIS, evaluation of on-site conditions and development of any necessary remedial action with appropriate urgency.

The foregoing measures, enumerated above as 1 – 7, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – PHASING AND DISTURBANCE

Comment LaBella 10 and the associated response found on FEIS pages 29 – 30 address concerns and potential impacts relative to phasing, sequence of construction, mass grading, extent of disturbance, maintenance and restoration of undeveloped or vacant portions of the site, and the interim integrity of early phases in the absence of development slated for later phases. Consideration and discussion of these topics elicited a number of related clarifications and commitments from the Project Sponsor as well as the need for additional detail as the design of the project progresses. The further detail that will be needed as the design progresses is necessary to allow confirmation that the commitments and approaches described by the Project Sponsor in the FEIS response remain part of the approach and are reflected in the design details.

Phasing and Disturbance Mitigation

The measures identified as necessary to mitigate risks related to phasing and disturbance are as follows:

1. Revision and continued development of the project construction plans consistent with the responses found in the FEIS to Comment LaBella 10 found on FEIS pages 29 – 30;
2. Restriction of initial grading to only those areas absolutely necessary for the construction of the initial phase and associated roadways and utilities;
3. Minimization of disturbance during each phase of development to the maximum extent it is practical to do so;
4. Progression of the development plans in a manner that respects and abides by the commitment, as it is expressed in the response to Comment VCB 11 found on FEIS page 65, to maintain all existing trees in the areas not proposed for development;
5. Avoidance of fencing of non-developed areas;
6. Undeveloped portions of the site planned for development in later phases shall remain in a state that is as close to natural as is practical;
7. Any portions of areas where cut material has been placed for later utilization that are not immediately developed (e.g., where material cut from ponds may be placed directly upland in future outparcel pad areas) shall be stabilized with straw mulch, temporary hydro-seeding and erosion control matting as needed; and,
8. Submission of an acceptable "Phasing Plan" to the Planning Board prior to any final approval. The submitted "Phasing Plan" shall describe the following, at a minimum, in detail:
    a. The precise limits of disturbance, including limits of areas to be disturbed in connection with the development of roadways or installation of utilities beyond what would otherwise appear to be the formal boundaries of the involved phase;
    b. The manner in which disturbed areas would be restored, including those necessarily disturbed as part the development of roadways or installation of utilities;
    c. The manner in which undeveloped and/or disturbed and subsequently restored vacant areas on the site that are planned for future development would be maintained in the interim; and,
    d. Construction entrances and roads to be utilized during the proposed phase, and how these might be restored following construction of the proposed phase.

The foregoing measures, enumerated above as 1 – 8, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review

as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – ARCHEOLOGY, CULTURAL RESOURCES AND LOCAL HISTORY

Section 3.4 of the DEIS (beginning on DEIS page 45) described historic and cultural resources, potential impacts, proposed mitigation and unavoidable impacts. The DEIS included a Cultural Resources Study as well as related correspondence in DEIS Appendix G. The FEIS supplemented the information included in the DEIS with a Powers Archaeology Report dated June 24, 2015 that was included as FEIS Appendix H, a NYS OPRHP letter dated September 21, 2015 that was included as FEIS Appendix I, and a Draft Archeological Monitoring Plan and Associated Map that was included as FEIS Appendix P. The FEIS also provided additional information related to historic and archeological resources and potential impacts in the responses to the DEIS comments tabulated immediately below.

DEIS COMMENTS and RESPONSES RELATED TO CULTURAL RESOURCES		
DEIS Comment	**FEIS Page**	**General Topic**
LaBella 12	31	Archeological Consultant Report re Denonville Site Location
ToVPB 2	55	Alternative avoiding Ravine/Arch. Site
VHAC/TH 1	56	Further Archeological Study
VCB 4	60	Ravine as potential Denonville site
VHS 1	71	Seneca Nation history; Denonville
VHAC 1	74	Denonville site

DEIS COMMENTS and RESPONSES RELATED TO CULTURAL RESOURCES		
DEIS Comment	**FEIS Page**	**General Topic**
B Huber 1	75	Denonville site
White 1	75	Denonville site
C MacInnes 1	75	Denonville site
VCB 5	60	Seneca Nation requests
P Jemison 1	73	Seneca Nation history; Denonville

Given the number of comments and concerns regarding the potential presence of the Denonville site and the risk of irreparable damage to such an archeological resource should it be located within areas proposed for development, and as was described with the most detail in the response to Comment LaBella 12 found on pages 31 – 33 of the FEIS, the Town of Victor hired an independent archaeological consultant, Powers Archaeology LLC, to review the Rochester Museum and Science Center (RMSC) cultural resource investigation included as part of the DEIS. Powers Archaeology prepared a comprehensive review and prepared a written report dated June 24, 2015, a copy of which was appended to the FEIS as Appendix H. On the basis of its review of the RMSC study and its own independent investigation, Powers Archaeology concluded that the vague and contradictory nature of the historical documentation relative to the Denonville ambush and the near lack of accessible material evidence made it difficult to pinpoint the location of the ambush. While several prospective locations were identified, a decisive pinpointing of the location of the ambush was reported to be virtually impossible without further archaeological and historical research. Powers Archaeology nonetheless recommended continued archaeological monitoring during the earthmoving activities on the site.

Following its review of the Powers Archaeology report, the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) provided a letter (included in Appendix I of the FEIS) stating that

the OPRHP had determined that the conclusions of the 2007 Rochester Museum and Science Center Phase IA/IB Archaeology Survey Report remained valid and that there was no concrete evidence to suggest that the 1687 Denonville Ambush occurred within the Fisher's Ridge Development project area. The OPHRP letter went on to state that the OPRHP did not recommend any additional archaeological investigations and continued to recommend that the project would have No Impact upon historic properties in or eligible for inclusion in the State and National Register of Historic Places.

In response, the Project Sponsor initially suggested that there was no need to require such monitoring for the Fishers Ridge Development, given that no concrete evidence indicated that the 1687 Denonville Ambush, or any other significant historic event, occurred on this project site, and the fact that the Town has not required continued archaeological monitoring on other properties in this area.

Although the Project Sponsor's initial position was found to be understandable given the findings of the various cited reports, it remains the case that Powers Archaeology has recommended further monitoring during construction, perhaps out of an abundance of caution and in deference to the remaining potential, albeit remote, for remains to be encountered during construction. Following further discussion of the topic with the Planning Board and consultants, the Project Sponsor ultimately suggested the following proposed approach:

> During phases of construction where those portions of the Project site identified on the attached [Exhibit TBD] are undergoing initial earth-moving activities, the Developer will perform archeological site monitoring pursuant to the terms of a Monitoring Plan to be agreed upon between the Developer and the Town Planning Board prior to the issuance of any site plan approval for the Project. Such Monitoring Plan shall also set forth the procedure, consistent with the requirements of the New York State Office of Parks, Recreation, and Historic Preservation, for handling any cultural artifacts that may be discovered during construction.

A draft monitoring plan was subsequently developed by Powers Archaeology for the Planning Board's consideration and was included in the FEIS as Appendix P. In addition to describing a protocol to be utilized for archeological monitoring in the proposed project, the draft plan also

incorporated the SHPO/NYSOPRHP Human Remains Discovery Protocol. The final version of a map like that referenced in the foregoing paragraph as "Exhibit TBD" has also been developed to accompany the draft monitoring plan and was also included in FEIS Appendix P.

Furthermore, in response to Comment VCB 4 found on page 60 of the FEIS relative to the potential presence of the Denonville site in or near the vicinity proposed for development, the Project Sponsor noted that Bass Pro has indicated that it will work with the Seneca Nation and the Town of Victor to memorialize the general local history in its store. The Project Sponsor also indicated its willingness to do the same with signage and other elements throughout the site.

Finally, in the response to the Comment VP&R 1 found on page 67 of the FEIS, the Project Sponsor stated their position that rerouting of the Seneca Trail (regarding relocation of the trail, see also the section that follows in this document immediately below) through the site would not result in any historic or archaeological impacts as there is no historical or archaeological significance of the existing location and route of the Seneca Trail through the site. The Project Sponsor also indicated that they nonetheless desired to work with the Town Parks and Recreation Department and Victor Hiking Trails Inc. to memorialize this trail in a unique fashion within the developed environment. The Project Sponsor went on to state that the trail would have a unique typology and educational signage depicting the significance of the 1687 Denonville/French/Seneca ambush historical event and its connection to the Seneca Nation and to the Town of Victor in general.

<u>Archeological and Historic Resource Impact Mitigation</u>

The measures identified as necessary to mitigate risks related to archeology and historic resources are as follows:

1. With respect to the potential presence of the Denonville ambush site and the risk for damage or loss of resources should the site be located within areas proposed for development, a plan for Archeological Monitoring during construction shall be finalized and accepted prior to any final approvals, and shall then be implemented. The finalized plan shall be consistent with the description presented in the response to LaBella Comment 12 found on pages 31 – 33 of the FEIS and the draft plan and accompanying map included in the FEIS as Appendix P;

2. As suggested by the Project Sponsor, the Project Sponsor and Bass Pro shall work with the Seneca Nation and the Town of Victor to memorialize the general local history in the Bass Pro store. The Project Sponsor shall also make efforts to memorialize the general local history of the area with signage and/or other elements within the relocated Seneca Trail; and,
3. The Project Sponsor shall work with the Town Parks and Recreation Department and Victor Hiking Trails Inc. to memorialize the Seneca Trail in a unique fashion within the developed environment. The trail shall have a unique typology and educational signage depicting the significance of the 1687 Denonville/French/Seneca ambush historical event and its connection to the Seneca Nation and to the Town of Victor in general.

The foregoing measures, enumerated above as 1 – 3, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – SENECA AND OTHER TRAILS

The FEIS described potential trail impacts in the response to Comment LaBella 6b found on FEIS pages 23 – 24. The response described anticipated new trail improvements as well as the need to relocate segments of the Seneca Trail that now cross the site. The precise manner in which the Seneca Trail would be relocated will be important to maintaining its value to the community. Selection of a poor location or alignment for the relocated trail could reduce its availability, utilization and value to the community significantly. Furthermore, the manner in which the additional planned trail improvements are developed would also be important to the value of the relocated Seneca Trail as the relocated and new trails will likely operate together as an integrated system.

Mitigation Related to Seneca and Other Trails

The measures identified as necessary to mitigate risks related to relocation of the Seneca Trail are as follows:

1. The Project Sponsor shall relocate segments of the Seneca Trail now located on the site. Once completed there shall be portions of the modified trail that exist in an informal setting and portions that navigate through the built environment. The Project Sponsor shall define the proposed route for the modified Seneca Trail in consultation with the Town of Victor Parks and Recreation Director, the Town Historian, and the Director of the Seneca Arts and Cultural Center and shall copy the Town Director of Development on all related correspondence;
2. The Fishers Ridge project shall augment the relocated Seneca Trail with an extensive network of pedestrian elements that includes trails, sidewalks and multi-use trails. The trails shall include, as described in the response to Comment VP&R 1 found on page 67 of the FEIS, informal, natural type trails throughout the periphery of the project, mixed use stone dust or asphalt paved trails and sidewalks allowing for a variety of pedestrian and bicycle use, as shown in Figure FEIS-6. Benches, bike racks and way finding signage shall be incorporated as they are critical components of the pedestrian experience;
3. The detailed location, layout and typology of the trail system shall be finalized and defined by the Project Sponsor in consultation with the Town of Victor Director of Parks and Recreation (as the Project Sponsor has proposed in the response to Comment LaBella 6b found on FEIS pages 23 – 24);
4. The ultimate maintenance responsibility for the modified Seneca Trail as well as other trails to be developed by the Project Sponsor shall be agreed upon between the interested organizations including the Project Sponsor, the Town of Victor Parks and Recreation Director, Victor Hiking Trails, Inc. and others. Regarding the majority of the pedestrian and bicycle elements within the development, the general intent shall be for the portions that would exist on hardscape to be maintained by the project Sponsor and for the portions that would exist in informal/natural settings to be maintained by Victor Hiking Trails, Inc. or other organization(s); and,
5. Details regarding the proposed route through the site for the modified Seneca Trail, the location, layout and typology of the complete trail system, and the ultimate maintenance responsibility proposed for all trails on the site shall be specified in the final site plans submitted for approval.

The foregoing measures, enumerated above as 1 – 5, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – PUBLIC ROADS AND DEDICATION

In the FEIS response to Comment LaBella 6b found on FEIS pages 23 – 24, the FEIS described potential impacts related to the standards to be incorporated in the design of Fishers Ridge roads as well as the need or potential for some of these roads to eventually be dedicated. The same FEIS response also identified related potential impacts involving the structural support of adjacent buildings, the potential for some buildings to be located partly within a public right of way, responsibility for structures (such as retaining walls) upon which any dedicated roads might depend, responsibility for maintenance of landscaping installed within dedicated rights-of-way, and the potential use of dedicated rights-of-way for construction access during development of subsequent phases.

Mitigation Related to Public Roads and Dedication

The measures identified as necessary to mitigate risks related to public roads and dedication are as follows:

1. Details regarding the alignment and method of construction of all roads proposed for development within the site as well as identification of those to be built to a town standard and/or subsequently proposed for dedication shall be specified in the final site plans submitted for approval;
2. At a minimum, the final site plans shall also identify the following, which must be acceptable to the Town:
    a. Any instances where a roadway would provide structural support of adjacent buildings or visa versa, and approval by the Town Engineer of the same;

b. Any instances where a portion of any building would be located partly within a public right of way and permission from the Town, including the Town Attorney, for the same;
c. The location, nature of and responsibility for any structures such as retaining walls upon which any dedicated roads might depend and approval by the Town Engineer of the same;
d. The responsibility for maintenance of any landscaping, signage or decorative lighting installed within rights-of-way proposed for dedication; and,
e. The potential use for construction access during development of subsequent phases of any rights-of-way that have or could be proposed for dedication, including how the same would be restored following such use.

3. In general, the project sponsor shall offer Road A and Road B, respectively, for dedication once construction of the road and the applicable phase of the project related to such road is completed; and,
4. As an additional condition of acceptance of such dedication by the Town above and beyond those already required by the Town's Code and Design and Construction Standards, the Town and the Project Sponsor shall enter into a Maintenance Agreement and/or other similar or related agreement(s) whereby the owner of the project will be obligated to perform all necessary maintenance and repairs within the Town rights-of-way which may be precipitated by adjacent project improvements, such Agreement to include self-help remedies benefitting the Town in the event the owner fails to perform its obligations under the Agreement. Other agreements which may be required may include a hold harmless agreement benefitting the Town as well as additional security beyond that already required. All agreements shall be subject to approval by attorney for the Town with respect to legal terms and approval by the Town Engineer with respect to ensuring that any action proposed by the project owner is designed in such a way to as protect the integrity of the roads to the greatest extent feasible.

The foregoing measures, enumerated above as 1 – 4, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the

decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

POTENTIAL IMPACTS AND MITIGATION – BUILDINGS, OVERLAY DESIGN GUIDELINES, LANDSCAPING AND OPEN SPACE

Comment LaBella 13 and the associated response found on pages 33 – 34 of the FEIS focused on the issue of how the project would comply with the Route 96/251 Corridor Overlay District requirements found in Section 211-27.1 of the Town Zoning Code. As detailed design plans for anticipated buildings have yet to be developed, the Project Sponsor's approach to and success in complying with Overlay District design guidelines is difficult to verify with certainty and will require further review as the design plans evolve from preliminary to final stages.

Comment LaBella 14 and the associated response found on pages 34 – 35 of the FEIS focused on the issue of how the project would comply with the Open Space requirements found in the Town Zoning Code. A Project Greenspace Plan was included in the FEIS as Appendix J. However, as detailed design plans have yet to be developed, the Project Sponsor's approach to and success in complying with applicable open space requirements is difficult to verify with certainty and will require further review as the design plans evolve from preliminary to final stages.

Comment LaBella 15 and the associated response found on pages 35 – 36 of the FEIS addressed the issue of plant species (whether planted or preserved) that would be utilized to screen views from the built environment. To supplement the information presented in DEIS Section 3.6, the response to Comment LaBella 15 provided additional detail regarding specific species that would be utilized in the detailed landscaping plan and that would be relied upon for screening.

Mitigation Related to Buildings, Overlay Design Guidelines, Open Space, and Landscaping

The measures identified as necessary to mitigate potential impacts related to buildings, overlay design guidelines, landscaping and open space are as follows:

1. As described in the response to Comment LaBella 14 found on pages 33 – 34 of the FEIS, the principal buildings and site features shall be designed in accordance with Overlay District design guidelines adopted by the Town Board;

2. As indicated in the response to LaBella Comment 14 found on pages 34 – 35 of the FEIS and as illustrated in the current Project Greenspace Plan provided by the Project Sponsor included in Appendix J to the FEIS, the site development will provide open space of approximately 40.5 acres, representing approximately 42 to 43 percent of the entire 95 acre parcel. However, the Planning Board shall have the authority to approve a modified Project Greenspace Plan at a later time so long as, in the Planning Board's discretion, said Plan satisfies greenspace requirements; and,
3. As described in the response to Comment LaBella 15 found on pages 35 – 36, the Phase 1 landscape plan shall include a variety of native deciduous and coniferous tree/shrub species in order to create adequate screening and enhance the aesthetics of the proposed development. In addition, all proposed plant material shall be native and in compliance with Town requirements. The landscaping plan shall also utilize a variety of species prevents creating a monoculture that can be detrimental to the overall health and look of the site. Furthermore, Phase 1 as well as future phases shall be developed using a similar plant pallet in order to create a cohesive design throughout the site. Finally, the species selected shall be consistent with the listings provided in the response to LaBella Comment 15 that are found on pages 35 and 36 of the FEIS.

The foregoing measures enumerated as 1-3, as they are described above and in the FEIS, are hereby designated as required mitigation measures that have been identified during the review as practicable and are therefore also hereby imposed as conditions to be incorporated in the decision in order to support the Lead Agency's certification that the action is one in which adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

FINDINGS COMPLIANCE

In order to facilitate consideration of future applications submitted to the Town with respect to the Project that is the subject of this environmental review, the Town requests that any such applications, whether they be to the Town Planning Board, Town Board or Town Zoning Board of Appeals, be accompanied by a narrative and/or table describing how the Project complies with each of the foregoing conditions which may be relevant to the subject of the then-proposed component of the application.

FINDINGS CONCLUSIONS

The Planning Board finds as follows:

- By way of these Findings, it has considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS;
- These Findings weighs and balance the relevant environmental impacts with social, economic and other considerations;
- These Findings provide a rationale for the Planning Board's decision;
- The requirements of 6NYCRR Part 617 State Environmental Quality Review have been met; and,

In conclusion, that the Planning Board has duly considered all information relevant to the Project described herein and in the associated Environmental Impact Statement, all as more fully detailed herein. In consideration of and consistent with the social, economic and other essential considerations of the proposed Project, and taking into consideration the required mitigation measures which are hereby imposed as conditions of this Findings Statement, the Victor Town Planning Board hereby determines that, the Project as detailed herein (including the incorporation of the mitigation measures detailed herein), from among any reasonable alternatives, is one that avoids or minimizes the adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable, all as specified throughout this Findings Statement.