

State Environmental Quality Review  
Final Generic Environmental Impact Statement  
For the  
Victor Comprehensive Plan  
Town of Victor, Ontario County, New York

August 10, 2015

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**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT  
(FGEIS)**

**Victor Comprehensive Plan**

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## LIST OF TABLES AND FIGURES

There are no further tables or figures included in this Final Generic Environmental Impact Statement.

The following figures included in the *Draft* Generic Environmental Impact Statement are incorporated herein by reference:

**DGEIS Figure 1.** *Green Infrastructure, Level 1*, taken from Victor Comprehensive Plan, June 22, 2015, Chapter 1, page 1.9.

**DGEIS Figure 2.** *Agricultural Resources – Land Cover Classification*, taken from Victor Comprehensive Plan, June 22, 2015, Chapter 3, page 3.9.

**DGEIS Figure 3.** *Victor Transportation Plan – Roadway Functional Classification*, taken from Victor Comprehensive Plan, June 22, 2015, Chapter 7, page 7.42.

## **LIST OF APPENDICES**

There are no further appendices included in this Final Generic Environmental Impact Statement.

The following appendices to the *Draft* Generic Environmental Impact Statement are incorporated herein by reference:

**DGEIS Appendix A:** Victor Comprehensive Plan, SEQR Full Environmental Assessment Form (June 22, 2015)

**DGEIS Appendix B:** Victor Comprehensive Plan, Chapter 9, Implementation Plan

## **COMMONLY USED ACRONYMS AND ABBREVIATIONS**

AADT – Annual Average Daily Traffic

ADA – Americans With Disabilities Act

ALIS – Accident Location Information System

AML – Agriculture and Markets Law

dBA – A-weighted decibels

BOCES - Wayne-Finger Lakes Board of Cooperative Educational Services

CATS – County Area Transit System

CBD - Central Business District

CCMR - Cornell Center for Material Research

CEER - Center for Environmental and Energy Research at Alfred University

CFA - Consolidated Funding Application process

CR – County Road

DEC – New York State Department of Environmental Conservation

DDI – Diverging Diamond Interchange

DNL – Day-Night Sound Level

DOL - New York State Department of Labor

DPW – Department of Public Works

DOT – New York State Department of Transportation

EB – Eastbound

ED – Economic Development and Economic Development Department

ESDC – Empire State Development Corporation

FLCC – Finger Lakes Community College

FLRDC – Finger Lakes Regional Development Corporation

GBD - Gateway Business District

## **COMMONLY USED ACRONYMS AND ABBREVIATIONS (continued)**

GTC – Genesee Transportation Council

IDA – Industrial Development Agency

ITE – Institute of Traffic Engineers

ITS – Intelligent Transportation Systems

LDC – Local Development Corporation

LEED – Leadership in Energy & Environmental Design

LEED NC – LEED for New Construction

LEED ND – LEED for Neighborhood Development

LESA - Land Evaluation and Site Assessment

LID – Low Impact Development

LDC – Local Development Corporation

LDD – Victor Limited Development District

MCWA – Monroe County Water Authority

MD – Multiple Dwelling

MDD – Multiple-Dwelling District (a Victor Planned Zoning District)

MEMS – Micro-Electro-Mechanical Systems / Infotonics Technology Center

MHI - Median Household Income

MSA – Metropolitan Statistical Area

NB – Northbound

NCRS – Natural Resources Conservation Service

NRI – Natural Resource Inventory

NYS – New York State

NYS DEC or NYSDEC– New York State Department of Environmental Conservation

NYS DOL or NYSDOL – New York State Department of Labor

NYS DOT or NYSDOT– New York State Department of Transportation

## **COMMONLY USED ACRONYMS AND ABBREVIATIONS (continued)**

NYSERDA – New York State Energy Research and Development Authority

NYSTA – New York State Thruway Authority

OCEDC - Ontario County Economic Development Corporation

OCIDA - Ontario County Industrial Development Agency

OCOED - Ontario County Office of Economic Development

PDD – Planned Development District (a Victor Planned Zoning District)

PDR – Purchase of Development Rights

REDC - Regional Economic Development Councils

RGRTA – Rochester-Genesee Regional Transportation Authority

RTOC – Rochester Traffic Operations Center

RTS – Regional Transit Service

SB – Southbound

S-C – Senior Citizen Housing District (a Victor Planned Zoning District)

SEQR – State Environmental Quality Review

SEQRA – State Environmental Quality Review Act

SWCD – Soil and Water Conservation District

TIP – Transportation Improvement Plan

TDM – Travel Demand Management

TDR – Transfer of Development Rights

TSM – Travel Systems Management

UPWP – Unified Planning Work Program

USDA – United States Department of Agriculture

V/C – Volume to Capacity Ratio

VLDC - Victor Local Development Corporation

WB - Westbound

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# **1. INTRODUCTION AND REGULATORY BACKGROUND**

## **The Action**

As described in the preceding Draft Generic Environmental Impact Statement (hereinafter, “DGEIS” - see the description of the DGEIS included in the review of the Regulatory Background that follows immediately below), the Action that is the focus of this State Environmental Quality Review (hereinafter, “SEQR”) Environmental Impact Statement (hereinafter, “EIS”) is three-fold: 1) the Town of Victor’s proposed adoption of an update to the Town of Victor Comprehensive Plan (hereinafter, “the Comprehensive Plan”); 2) the Town’s proposed adoption of the Victor Agricultural & Farmland Protection Plan (hereinafter, “the Agricultural Plan”) which is presented within the Comprehensive Plan document (the Comprehensive Plan and Agricultural Plan together, hereinafter “the Plans”); and, 3) the Town’s proposed undertaking of a subset of the implementation activities called for in the Plans, namely all those accorded the highest priority and consequently recommended for implementation in Phase 1 (hereinafter, “Phase 1”).<sup>1</sup>

## **Regulatory Background**

**Planning, Policy Making and Adoption of Rules, Regulations and Procedures.** The proposed adoption of the Plans represents, as referenced in the SEQR Regulations<sup>2</sup> (hereinafter, “the Regulations”), “planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions” and the Phase 1 implementation activities would include the adoption of “rules, regulations and procedures,

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<sup>1</sup> Chapter 9 of the proposed Comprehensive Plan allocates each of the proposed strategies or implementation activities recommended throughout the Plans to one of four different phases. Strategies or implementation activities assigned to Phase 1 are accorded the highest priority and recommended in the Plans to be undertaken first, followed by those in phases 2, 3 and 4. This review includes implementation activities assigned to Phase 1, but not those assigned to subsequent phases. This exclusion is discussed below on page 4 of this document.

<sup>2</sup> The State Environmental Quality Review (SEQR) Regulations promulgated by the New York State Department of Environmental Conservation (6 NYCRR Part 617 State Environmental Quality Review).

including local laws, codes, ordinances, executive orders and resolutions that may affect the environment”.<sup>3</sup>

**SEQR Classification, Lead Agency and Coordination.** The Regulations classify the adoption of a municipality’s land use plan such as this as a Type I action<sup>4</sup>. In this instance, as described more fully in the DGEIS, the Town of Victor Town Board is the only agency undertaking adoption of the Plans and Phase 1 implementation activities.<sup>5</sup> The Regulations provide that when only a single agency is involved, that agency will be the Lead Agency<sup>6</sup> and the requirements to conduct a coordinated review only apply when more than one agency is involved.<sup>7</sup> Accordingly, this Final Generic EIS (hereinafter, “FGEIS”) as well as the preceding DGEIS have been prepared with the understanding that the Town of Victor Town Board is established as Lead Agency pursuant to the Regulations and that the requirements for a coordinated review are inapplicable.

**Exclusion of Phase 2, 3 and 4 Implementation Activities.** The implementation activities considered in this FGEIS and the preceding DGEIS include only the nineteen strategies prioritized for implementation in Phase 1. Implementation of the remaining fifty-four strategies prioritized for implementation in Phases 2, 3 and 4 will require separate review under SEQR at some time in the future. Segmented reviews such as this are justified in the following circumstances<sup>8</sup>: when information on future project phases is too speculative; when future phases may not occur; or, when future phases are functionally independent of current phases.

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<sup>3</sup> Section 617.2(b) of the Regulations.

<sup>4</sup> Section 617.4(b)(1) of the Regulations.

<sup>5</sup> The Village of Victor has twice affirmed that while it is supportive of the Plans, that it will not consider formal adoption of the Plans or the undertaking of any of the strategies recommended for implementation. The adoption of the Plans and implementation activities will require preceding referrals to the Ontario County Planning Board. However, the County Planning Board’s response is advisory and does not require the County Planning Board to first comply with SEQR.

<sup>6</sup> Section 617.6(b)(1) of the Regulations.

<sup>7</sup> Section 617(b)(3) of the Regulations.

<sup>8</sup> Section 617.3(g) of the Regulations.

In this instance, as described more fully on page 4 of the DGEIS, the implementation activities called for in the strategies prioritized for action in Phases 2, 3 and 4 satisfy all three criteria.

**Determination of Significance and Potential Adverse Impacts of Significance.** On June 22, 2015 the Lead Agency made a determination of significance relative to whether the Action included the potential for one or more significant adverse impacts to the environment.

The Lead Agency's EAF Part 3 included a listing of each of the eighteen resource areas included in the EAF Part 3 along with the proposed strategies that might have a positive environmental impact as well as those that might lead to an adverse impact.<sup>9</sup>

The Lead Agency's EAF Part 3 went on to evaluate each of the potential adverse impacts identified in EAF Part 2<sup>10</sup> and found that only three were of sufficient magnitude and significance as to require preparation of an EIS<sup>11</sup>:

- Open Space and Recreation – This impact concerns the potential for the proposed substitution of a “subjective”, discretionary open space set-aside requirements in place of the uniform, mandatory requirements now applicable to all development projects<sup>12</sup> to result in a reduction in the amount of open space set-aside should the Planning Board not use their discretion wisely. It should be noted that the proposed Plans do identify this risk and also indicate the need for balance and caution in implementing this particular recommended strategy.
- Transportation – This impact concerns the potential for the multiple, strong, anti-sprawl, smart growth, open space and rural character preservation initiatives<sup>13</sup> included in the

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<sup>9</sup> See DGEIS Appendix 1, EAF Part 3 Attachment, Pages 9 through 29.

<sup>10</sup> See DGEIS Appendix 1, EAF Part 2.

<sup>11</sup> See DGEIS Appendix 1, EAF Part 3 Attachment, Pages 6 through 9.

<sup>12</sup> Chapter 4, Strategy 3, a Phase 1 priority strategy, calls for the following: *Replace present requirements for set-aside of a fixed percentage of open space with requirements providing the discretion to require open space appropriate to the site and the setting. Amend the zoning code to better define open space and include specific language describing desirable open space characteristics.*

<sup>13</sup> A full listing of plan initiatives believed to have some potential to impact traffic negatively is provided in DGEIS Appendix 1, EAF Part 3 Attachment on Pages 23 through 25 under the heading “**13. Transportation**”. Among those are found the following three Phase 1 Priority strategies. **Chapter 4, Strategy 6:** *Adopt a program allowing for effective movement of development rights from areas where open space would be preferred to those where*

Plans to exacerbate the present situation in which traffic within the Route 96 corridor is frequently congested, particularly through the Village.

- Consistency with Community Character – This impact concerns the potential for the anti-sprawl, smart growth, open space and rural character preservation initiatives<sup>14</sup> included in the Plans to impact the character of existing, established neighborhoods. The EAF summarized the basic concern as follows: The initiatives anticipate relocating development that would otherwise take place in the outer, more rural regions of the town and concentrating it instead within, or at least nearer to, the Route 96 corridor and adjacent established neighborhoods. The plan also includes numerous references to accompanying density increases, either as part of an incentive zoning program that would relocate development units or outright, as part of initiatives to foster more mixed-use development and increased density within hamlet areas. Will these initiatives lead to approval of infill development near existing residences that will fundamentally change the character of an established neighborhood? Even where there is no infill within an existing neighborhood, how will the initiatives change the nature of what might be approved for development on vacant land near such a neighborhood and how will that affect the character of the neighborhood? In response to these questions, the plan includes a number of criteria to guide decision-making relative to the movement of

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*additional density would be appropriate. Require approvals increasing a parcel's maximum development density to be accompanied by an offsetting transaction reducing density within another area of town where open space would be preferred. **Chapter 5, Strategy 10:** Allow for a greater density and diversity of housing around the village and in specific hamlet areas. **Chapter 8, Strategy 2:** Authorization of Mixed Use Development and Neighborhood Scale Commercial Development.*

<sup>14</sup> A full listing of plan initiatives believed to have some potential to impact community character negatively is provided DGEIS Appendix 1, EAF Part 3 Attachment on Pages 28 through 29 under the heading “**18. Community Character**”. These correspond very closely to the initiatives identified as also having the potential to impact traffic. Among those are found the following three Phase 1 Priority strategies. **Chapter 4, Strategy 6:** *Adopt a program allowing for effective movement of development rights from areas where open space would be preferred to those where additional density would be appropriate. Require approvals increasing a parcel's maximum development density to be accompanied by an offsetting transaction reducing density within another area of town where open space would be preferred. **Chapter 5, Strategy 10:** Allow for a greater density and diversity of housing around the village and in specific hamlet areas. **Chapter 8, Strategy 2:** Authorization of Mixed Use Development and Neighborhood Scale Commercial Development.*

development units, the award or approval of density-increases, and the potential for infill development. While the plans attempt to provide safeguards and as much guidance as possible, it is also true that some questions will remain unanswered until implementation is underway.

**Generic EIS.** As indicated in the DGEIS, this statement as well as the preceding DGEIS have been prepared in the form of a Generic EIS (hereinafter, "GEIS") pursuant to Section 617.10 of the Regulations. In this instance, it is the included Phase 1 implementation activities that are considered related actions or, alternatively, to be part of a single extended action<sup>15</sup> appropriate to deal with in a broad or conceptual way as part of a Generic EIS.

The preceding DGEIS provides, beginning on DGEIS page 2, more detail regarding the authorization of Generic EISs, the content and specificity required in Generic EISs and the differences between generic and conventional EISs.

**The Draft Generic EIS.** As stated in the preceding DGEIS, EISs are intended to facilitate the weighing of social, economic and environmental factors early in the planning and decision-making process and should also provide a means for agencies, sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation. The Regulations also require that development of an EIS begin with preparation of a draft EIS (DEIS) that is then circulated for review and comment. In this instance, the Victor Town Board, as Lead Agency, accepted a Draft GEIS ("DGEIS") on June 22, 2015. The DGEIS was then published in compliance with the requirement that impact statements first be made available in draft form for public review and comment prior to finalization. A public hearing regarding the DGEIS was held by the Town Board on July 13, 2015 and written comments were accepted through July 24, 2015. As indicated more formally below in Section 2, this FGEIS incorporates the preceding DGEIS, in its entirety, by reference.

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<sup>15</sup> As indicated in the DGEIS, an alternative approach, which would likely not have required preparation of a *Generic EIS*, would have been to develop a statement that addressed only adoption of the Plans and left the environmental review of all implementation activities, including Phase 1, to be completed separately in the future.

## **This Document**

**Final Generic EIS.** This document represents a Final Generic Environmental Impact Statement prepared on behalf of the Town of Victor Town Board, as SEQR Lead Agency, pursuant to the Environmental Conservation Law of New York and in compliance with the implementing State Environmental Quality Review regulations adopted and codified in 6NYCRR Part 617. In summary, this Environmental Impact Statement concerns: 1) the Town of Victor's proposed adoption of an update to the Town of Victor Comprehensive Plan; 2) the Town's proposed adoption of the Victor Agricultural & Farmland Protection Plan which is presented within the Comprehensive Plan; and, 3) the Town's proposed undertaking of a implementation activities called for in the Plan that the Plans recommended for implementation in Phase 1. The purpose of this Environmental Impact Statement is to provide a means for the Town of Victor Town Board, agencies and the public to systematically consider the significant adverse environmental impacts, alternatives and mitigation measures associated with the proposed adoption of these plans and undertaking of Phase 1 implementation activities. The purpose of first distributing this Environmental Impact Statement in draft form is to provide opportunity for public review and comment prior to completion of the Final Environmental Impact Statement.

The Regulations<sup>16</sup> require that a final EIS include the draft EIS and also provide that the draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. Section 2 of this final GEIS indicates this document's formal incorporation by reference of the preceding draft GEIS, in its entirety.

All EISs must include a summary which adequately and accurately summarizes the statement as well as a concise description of the proposed action. Section 3 of this document provides a brief Executive Summary specific to this final GEIS. As it is incorporated by reference, this final GEIS also relies upon the more complete Executive Summary found in Section 1 of the draft GEIS beginning on DGEIS page 9. Section 4 of this final GEIS presents a brief description of the Action. As it is also incorporated by reference, this final GEIS also relies upon the more complete description of the Action included in Section 2 of the draft GEIS beginning on DGEIS page 12 as well as the following description of the need and benefits of the action found in Section 3 of the draft GEIS beginning on DGEIS page 26

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<sup>16</sup> Section 617.9(b)(8) of the Regulations.

The Regulations<sup>17</sup> also require that a final EIS consist of, in addition to the draft EIS, any revisions or supplements to it as well as copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing) and the lead agency's responses to all substantive comments. A description of supplementary or new information included in the final EIS is presented below in Section 5. Section 6 of this final EIS describes revisions or corrections to the draft included in this final EIS. A summary of comments received and the responses thereto are presented below in Section 7. Finally, the last section of this final GEIS, Section 8, describes the specific conditions and criteria relevant to the generic portions of this review.

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<sup>17</sup> Section 617.9(b)(8) of the Regulations.

## **2. INCORPORATION OF THE** **DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT**

As provided in the Regulations<sup>18</sup>, the draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. In this instance, the Draft Generic Environmental Impact Statement accepted by the Lead Agency on June 22, 2015 is hereby incorporated herein, in its entirety, by reference.

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<sup>18</sup> See Section 617.9(8) of the Regulations.



### **3. EXECUTIVE SUMMARY**

Readers are also referred to the Executive Summary presented in the DGEIS which has been incorporated herein by reference. The summary that follows is presented here as a matter of convenience.

The Comprehensive Plan proposed for adoption is presented in a document entitled “Draft Comprehensive Plan, Town of Victor, January 22, 2015”. The Plan addresses the following general topics:

- Community Profile and Vision (Chapter 1);
- Natural and Cultural Resources (Chapter 2);
- Agriculture Protection (Chapter 3);
- Growth Management and Community Character (Chapter 4);
- Community Development (Chapter 5);
- Economic Development (Chapter 6);
- Transportation (Chapter 7);
- Future Land Use (Chapter 8); and,
- Implementation Plan (Chapter 9).

The Agricultural & Farmland Protection Plan proposed for adoption is presented primarily in Chapter 3 of the Draft Comprehensive Plan, but also includes related content presented in the Chapters 2, 4, 5, 6 and 8 of the Comprehensive Plan.

As indicated in the DGEIS, the Plans include a vision statement from which are developed a number of goals. From these goals the Plans identify seventy-three strategies recommended for implementation in Chapters 2 through 8 of the Plans. Nineteen of these strategies are recommended for implementation in Phase 1. The remaining fifty-four are recommended for adoption in subsequent phases.

As indicated in the Introduction included in Section 1 of this document, in the Description of the Proposed Action included in Section 4 of this document, and in more detail in Section 2 of the incorporated DGEIS, the action that is the focus of this SEQR FGEIS includes: 1) the Town of Victor’s proposed adoption of an update to the Town of Victor Comprehensive Plan; 2) the Town’s proposed adoption of the Victor Agricultural & Farmland Protection Plan which is presented within the Comprehensive Plan document; and, 3) the Town’s proposed undertaking

of a subset of the implementation activities called for in the Plans, namely all those accorded the highest priority and consequently recommended for implementation in Phase 1.

Descriptions of the vision statement, goals and strategies can all be found in Section 2 of the DGEIS that has been incorporated by reference. As this is a generic environmental review, Section 2 of the DGEIS also describes in detail the thresholds and conditions applicable to the review of the strategies recommended for adoption in Phase 1. These thresholds and conditions are also summarized below in Section 8 of this FGEIS.

As was indicated in the DGEIS, a general review of the underlying goals and strategies identified in the plans will confirm that they have been developed with an intent to benefit, rather than adversely impact, the environment.

Section 3 of the incorporated DGEIS describes the value placed by Victor residents on the community's beauty, natural resources, agricultural heritage, rural character, small town atmosphere, friendly neighbors, community parks and trails, and school system as well as the increasing residential and commercial development pressures that sometimes threaten these assets. That section of the DGEIS also describes how rapid development threatens Victor's infrastructure, including the Transportation system, and how traffic congestion within the Route 96 corridor has become a "quality-of-life" issue for residents. The benefits sought to be realized by adoption of the Plans and the recommended Phase 1 implementation activities are realization of the vision statement described in Section 2 of the DGEIS as well as accomplishment of the multiple goals identified throughout the Plans. These, as well as the subsidiary strategies recommended for implementation, are all described in Section 2 of the DGEIS. Most relate to efforts to preserve natural resources, agriculture, community character, open space, rural character and other important aspects of the community in the face of development pressures. Others focus on consequences driven by rapid growth and development, such as traffic congestion.

Section 4 of the incorporated DGEIS summarizes the environmental setting, particularly three aspects of the setting determined in the SEQR EAF to be subject to potential adverse impacts: open space, community (more specifically, neighborhood) character, and transportation (more specifically, traffic congestion within the Route 96 corridor).

Section 5 of the incorporated DGEIS reviews the three potential impact areas identified in the Lead Agency's Determination of Significance:

1. The risk that substituting a discretionary requirement in which the Planning Board determines the need for and extent of open space set-asides when reviewing development proposals to replace the uniform mandatory system of requirements now in place will lead to future set-asides that are reduced in both quantity and quality;
2. The risk that anti-sprawl and open space preservation initiatives that would seek to redistribute future development so that more takes place within the core areas near the Route 96 corridor and less takes place within the more open, more rural, outer reaches of the community will exacerbate the traffic congestion already such a concern within the Route 96 corridor; and,
3. The risk that these same anti-sprawl and open space preservation initiatives that would seek to redistribute future development so that more takes place within the core areas near the Route 96 corridor and less takes place within the more rural, outer reaches of the community will lead to approval of infill and higher density development either within, or near, existing established neighborhoods in a manner that will diminish the character of those neighborhoods.

Section 5 of the DGEIS also concludes that the first and third risks identified above are unavoidable, but very small and call mostly for caution and for the development of adequate guidelines to be relied upon both in determining open space set-aside requirements and in approving future development within the core areas of the community. With respect to the second potential impact identified above, the section concludes that, while the potential increase in congestion is difficult to quantify, that it is also unavoidable if the other benefits sought by the Plans are to be realized. Section 6 of the DGEIS formally identifies each of these as unavoidable impacts.

Sections 7 through 11 of the incorporated DGEIS address other potential impacts. DGEIS Section 7 states that the action would not involve any irreversible or irretrievable commitment of resources. DGEIS Section 8 indicates that the action does not involve any cumulative impacts. DGEIS Section 9 concludes that, while the Plans and strategies may seek to manage growth, the action would not have any growth *inducing* impacts. DGEIS Section 10 states that while the Plans and strategies might support reduced energy consumption and improved energy efficiency, the action would not increase energy utilization. DGEIS Section 11 clarifies that the action would have no adverse solid waste impacts.

Regarding alternatives, Section 12 of the DGEIS indicates that, with respect to each of the three potential impacts identified, no reasonable alternatives were identified that would avoid or reduce the potential adverse impact nor were any measures to modify the proposed action identified that would further mitigate or reduce the impact. As indicated in DGEIS Section 12, the recommended strategies are believed to be the minimum necessary to accomplish the intended goals and no alternatives were identified that would accomplish the same goals without bringing comparable potential for identical or similar, incidental and unintended impacts. The section concludes that the only alternatives available to avoid or reduce these potential impacts would be deleting the involved strategies from the Plan and foregoing their implementation – basically, a variant of the No Action alternative.

Section 5 of this FGEIS indicates that the Final GEIS presents no new substantive information supplementary to that included in the DGEIS. Section 6 of this FGEIS indicates that the Final GEIS does not present any revisions or corrections to the DGEIS.

A summary of the comments to DGEIS received by the lead agency and the responses thereto is presented in Section 7 of this FGEIS. A single individual (R. Nellis) offered comments at the Public Hearing held on July 13, 2015. Written comments were received from a single individual (R. Dawson) and from the Ontario County Planning Board.

The comment from R. Nellis references the inclusion of subjective content in the Plans proposed for adoption and questions who would potentially be vested with discretion to vary the present open space requirements were the recommended strategy to be implemented. Section 7 of this FGEIS describes the comment in detail and presents a response. The response included in Section 7 of this FGEIS describes the basis for subjective content included in the Plans and identifies passages in the DGEIS where the need for change to the present open space policy was identified, where the setting was described, where the potential impact was characterized and evaluated and where alternatives relative to a more flexible open space policy were identified and evaluated. Other than the presentation of this response, neither the Plans proposed for adoption nor the EIS were changed in response to this comment.

The comment from R. Dawson focuses upon traffic congestion, the need for a bypass utilizing the existing railroad right of way and the poor access configuration prevailing at Eastview Mall. The response presented in Section 7 of this FGEIS acknowledges the traffic congestion issues and notes the work of the Traffic Task Force considering utilization of the railroad right of way as

well as proposals that might improve access to Eastview Mall. The response also references relevant summaries of this work already included in the Plans proposed for adoption. Other than the presentation of this response, neither the Plans proposed for adoption nor the EIS were changed in response to this comment.

The Ontario County Planning Board submitted a complimentary comment noting that the Plans proposed for adoption lay out “a course to balance the role that the Town has played over the past thirty years as the regional focal point of large scale, residential, commercial and light industrial growth with the associated positive and negative consequences and a managed growth approach that includes green infrastructure, agricultural protection, retention of community character.” Section 7 of this FGEIS describes the full content of the comment and also presents a response. The response acknowledges the favorable comment and notes appreciation for the County Planning Board’s conclusion. Other than the presentation of this response, neither the Plans proposed for adoption nor the EIS were changed in response to this comment.

Finally, the Ontario County Planning Board included with their comment, for informational purposes, comments previously received from the Ontario County Agricultural Enhancement Board regarding the proposed Agricultural Protection Plan. These comments were received in May of 2015 prior to issuance of both the DGEIS and the June 22, 2015 edition of the proposed Plans considered in the DGEIS. As these comments resulted in revisions to earlier drafts of the proposed Plans that are incorporated within the June 22, 2015 edition of the proposed Plans, Section 7 of this FGEIS merely describes each such comment in detail and provides additional information as to how the earlier drafts of the proposed Plans were revised in response to these comments. Other than the presentation of these responses, neither the Plans proposed for adoption and dated June 22, 2015 nor the EIS were changed in response to these comments.

## **4. DESCRIPTION OF THE PROPOSED ACTION**

Readers are also referred to the somewhat more detailed description of the proposed action presented in Section 2 of the DGEIS which has been incorporated herein by reference. The overview that follows is presented below as a matter of convenience.

### **4.1 The Plans**

The Comprehensive Plan proposed for adoption is presented in a document entitled “Draft Comprehensive Plan, Town of Victor, January 22, 2015”. The Plan addresses the following general topics:

- Community Profile and Vision (Chapter 1);
- Natural and Cultural Resources (Chapter 2);
- Agriculture Protection (Chapter 3);
- Growth Management and Community Character (Chapter 4);
- Community Development (Chapter 5);
- Economic Development (Chapter 6);
- Transportation (Chapter 7);
- Future Land Use (Chapter 8); and,
- Implementation Plan (Chapter 9).

The Agricultural & Farmland Protection Plan (hereinafter, “the Agricultural Plan”) proposed for adoption is presented primarily in Chapter 3 of the Draft Comprehensive Plan, entitled “Agricultural Protection”, but also includes related content presented in the following chapters of the Comprehensive Plan: Chapter 2 (“Natural Resources”), Chapter 4 (“Growth Management and Community Character”, Chapter 5 (“Community Development”), Chapter 6 (“Economic Development”), and Chapter 8 (“Future Land Use Plan”).

As indicated in the DGEIS, the heart of the Comprehensive Plan and the Agricultural Plan consist in their vision statement, identification of goals, and description of strategies, seventy-three in total, that are recommended for implementation in Chapters 2 through 8 of the Plans. The overall Vision Statement and as well as the thirty-five goals identified in the Plans are

presented in Section 3 of the DGEIS entitled “Need and Benefit”.<sup>19</sup> In general, a review of the underlying goals identified in the Plans confirms that both plans as well as the strategies recommended for implementation were developed with an intent to benefit, rather than adversely impact, the environment.

#### **4.2 Phase 1 Implementation Activities**

As indicated in the DGEIS, the implementation activities considered in this environmental review include only the nineteen strategies prioritized for implementation in Phase 1<sup>20</sup>, namely:

- Chapter 2, Strategy 2. Amend site plan, subdivision and planned zoning district review standards and criteria to strengthen review and mitigation related to green infrastructure.
- Chapter 2, Strategy 3. Establish a formal Green Infrastructure Planning and Review Process.
- Chapter 2, Strategy 4. Lead by Example: Train municipal staff in environmental stewardship, conservation, and care for sensitive resources.
- Chapter 2, Strategy 9. Develop an inventory of cultural resources to identify priority historical, architectural, archaeological and other cultural resources for preservation; Incorporate code provisions ensuring that development proposals affecting these resources are required to be compatible with preservation of their quality and integrity.
- Chapter 3, Strategy 4. Enhance Planning Board review of impacts to farms in general.
- Chapter 3, Strategy 8. Adopt a policy of purchasing development rights (PDR) on priority parcels.
- Chapter 4, Strategy 1. Create a water and sewer infrastructure plan before approving extension of those services through other parts of the town. Include conservation measures intended to reduce the impact of development on new and existing infrastructure. Develop policies and plans for maintenance of stormwater infrastructure, including detention ponds.
- Chapter 4, Strategy 2. Institute a growth management program.

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<sup>19</sup> See DGEIS Section 3, entitled “Need and Benefit”, on page 26.

<sup>20</sup> Implementation of the remaining fifty-four strategies prioritized for implementation in Phases 2, 3 and 4 will require separate review under SEQR.

- Chapter 4, Strategy 3. Replace present requirements for set-aside of a fixed percentage of open space with requirements providing the discretion to require open space appropriate to the site and the setting. Amend the zoning code to better define open space and include specific language describing desirable open space characteristics.
- Chapter 4, Strategy 6. Adopt a program allowing for effective movement of development rights from areas where open space would be preferred to those where additional density would be appropriate. Require approvals increasing a parcel's maximum development density to be accompanied by an offsetting transaction reducing density within another area of town where open space would be preferred.
- Chapter 5, Strategy 2. Create a pedestrian/bike plan for the town and village to link subdivisions, particularly cul-de-sacs, as well as connect people to activity centers and recreational ways.
- Chapter 5, Strategy 10. Allow for a greater density and diversity of housing around the village and in specific hamlet areas.
- Chapter 5, Strategy 17. Develop and Maintain Community Development Plans.
- Chapter 6, Strategy 7: Streamline re/development application process.
- Chapter 7, Strategy 6. Implement the recommendations of the Victor Traffic Task Force and identify alternative funding streams required for implementation of prioritized projects.
- Chapter 7, Strategy 11. Support Victor Hiking Trails, Inc, the Walkable Communities Committee, and the Genesee Transportation Council in their efforts to develop plans and to implement projects that will interconnect existing sidewalks and trails to provide a more complete and integrated sidewalk and trail transportation network.
- Chapter 8, Strategy 1. Implementation of the Future Land Use Plan.
- Chapter 8, Strategy 2. Authorization of Mixed Use Development and Neighborhood Scale Commercial Development.
- Chapter 8, Strategy 3. Amendment of the current process for approval of Multiple Dwelling residential developments.

#### **4.3 Complete Listing of All Goals and Strategies Proposed in the Plans**

A complete listing of all of the goals and related strategies identified in the Plans (including those strategies proposed for implementation in Phases 2, 3 and 4), is included in Section 2.3 of the incorporated DGEIS, beginning on DGEIS page 14.



#### **4.4 Conditions and Thresholds Established Relative to Phase 1 Implementation Activities.**

The incorporated DGEIS identified thresholds and conditions relative to the proposed Phase 1 Implementation Activities. These were presented in detail in Section 2.4 of the DGEIS beginning on DGEIS page 22 and are also referenced in summary in the final section (Section 8) of this FGEIS.

## **5. SUPPLEMENTARY OR NEW INFORMATION**

Other than the summary of comments and responses thereto presented below in Section 7, this Final Generic Environmental Impact Statement presents no supplementary or new substantive information that has not already been presented in the Draft Generic Environmental Impact Statement incorporated herein by reference.

## **6. REVISIONS OR CORRECTIONS TO THE DRAFT**

Other than clarifications included in the responses to comments presented below in Section 7, this Final Generic Environmental Impact Statement provides no revisions or corrections to the information presented in the Draft Generic Environmental Impact Statement that has been incorporated herein by reference.

## **7. COMMENTS ON THE DRAFT GEIS AND RESPONSES**

### **7.1 Comment Summary.**

A single individual (Ruth Nellis) offered comments at the Public Hearing held on July 13, 2015. Written comments were received from a single individual (Robert Dawson) and from the Ontario County Planning Board.

### **7.2 Comments and Responses Thereto.**

#### **Comment received from Ruth Nellis (Public Hearing Comment)**

Okay. I remember attending a former meeting and one of the suggestions was that there be more objectivity rather than subjectivity. And I have read through portions of the plan. And I still see a fair amount of that subjectivity. And I'm wondering how we're going to cope with that. Here's an example. It's under Growth Management and Community Character, 4.21, Goal B. "Ensure that all elements of Victor's community character valued by residents are preserved." Now, underneath that, there are strategies. And this strategy was one of my outstanding questions. Strategy 3, "Replace present requirements for set-aside of a fixed percentage of open space with requirements providing the discretion to require open space appropriate to the site and the setting." Now, the word "discretion" sort of raises a lot of questions in my mind. Whose discretion would this be up to?

#### **Lead Agency Response**

*The Lead Agency respectfully notes Ms. Nellis' reservations regarding the presence of subjective content within the proposed plans. In truth, the plans do include a fair amount of subjective content given that they reflect and incorporate the subjective experiences, perspectives, priorities, evaluations and recommendations of the plan authors including the appointees to the Comprehensive Planning Committee, involved consultants, and previous commenters including both the public as well as members of multiple municipal boards and advisory committees.*

*Regarding the strategy recommending replacement of the present fixed set-aside requirements with those providing the discretion to require open space appropriate to the site and the setting, both the SEQR EAF (see DGEIS Appendix A) as well the Open Space discussion found in Section 5.1 of the DGEIS (see DGEIS page 36) clarify that*

*any discretion to vary from the present mandatory requirements would presumably be vested in the Planning Board. The same discussion found in the DGEIS also notes reservations previously expressed by others regarding the potential to vest the Planning Board with such discretion in place of the present requirements. However, in the final paragraph found on page 36 of the DGEIS, the DGEIS discussion goes on to conclude:*

*“The risk for an outcome in which the quantity and quality of future open space set-asides is diminished is actually quite low provided sufficient standards and guidelines that can be relied upon by the Planning Board are developed during the implementation of this strategy in order to mitigate the risk. Furthermore, to the extent some risk remains nonetheless, even with the development of sufficient standards and guidelines, for the Planning Board to fall short in evaluating the need and opportunity for open space set-aside in a particular application, the risk is more than offset by the potential for corresponding gains in those instances where the need and opportunity for open space set-aside is unusually great and where the present uniform requirements would otherwise result in failing to respond to the high level of need or take advantage of the unusual opportunity to set aside open space.”*

*Regarding the potential for the Planning Board to fail in properly exercising any discretion that might be vested in them, the evaluation of alternatives presented in Section 12 of the DGEIS (see DGEIS page 47) indicates that:*

*“No reasonable alternatives were identified that would avoid or reduce the potential adverse impact to open space that could result from the proposed substitution of a discretionary open space policy in place of the mandatory uniform regime of requirements now in place. Neither were any measures to modify the proposed action identified that would further mitigate or reduce the potential adverse impact. The recommended strategies are believed to be the minimum necessary to accomplish the intended goals and no alternatives were identified that would accomplish the same goals without bringing a comparable potential for identical or similar incidental, unintended, adverse impacts to open space.”*

*Accordingly, Section 6 of the DGEIS (see DGEIS page 41) identifies the remaining risk that the Town Planning Board might fail in properly exercising its discretion as a remaining "Unavoidable Impact".*

*In conclusion, beyond the immediately foregoing response no further supplements or revisions to the information included in the DGEIS have been incorporated or proposed in response to the foregoing comment. Likewise, consideration of the foregoing comment has not led to any revisions to the Plans proposed for adoption.*

### **Comment Received from Robert Dawson (Written Comment)**

I would like to comment on the "Town of Victor Comprehensive Plan" dated June 22,2015. Specifically Section 7 "Victor Transportation System Plan". The primary goal of this plan is to "Provide a highway and roadway network that allows for the safe and efficient movement of people and goods within and through the town". I believe the primary goal of this project has not been met which is to efficiently move people, goods and vehicles through the village and town of Victor. The route 96 highway is the primary roadway through Victor. The town has been trying to reduce traffic through the village for years to no avail. If you were to ask 90% of the people living in and around Victor for more than five years they would all offer the same resolution to the problem. Their answer would be to create a Victor by-pass. Now ask how this would be accomplished and the answer would be use the existing railroad right of way which runs alongside route 96. Is this costly yes, but if we bite the bullet and fund that project now the immediate problem would be resolved now and in the future. Now for reducing mall traffic. When the new entrance to Rt.490 west off route 96 was built the majority of folks I talked to were confused. Their comments were why in the world did they do that instead of using the most logical 490 west entrance from the mall. That would have been behind Home Depot and use the old existing rest stop. Most people still think that would work better than or in addition to the Rt. 96 entrance.

### **Lead Agency Response**

*The Lead Agency respectfully notes and agrees that there is a need to improve the degree to which the goal to "efficiently move people, goods and vehicles through the Village and Town of Victor" is accomplished. The Lead Agency also recognizes the degree to which past efforts have failed to relieve traffic congestion. The DGEIS Section*

*4.2 discussion of aspects of the setting related to Transportation, as well as Chapter 7 of the proposed Comprehensive Plan, are very clear regarding these traffic shortcomings.*

*Regarding the potential need for and efficacy of a bypass as well as the potential to utilize the existing railroad right-of-way, Chapter 7 of the proposed Comprehensive Plan describes the work of the appointed Traffic Task Force (see the discussion beginning on page 7.10 of the proposed Comprehensive Plan). As described in that Chapter, the Traffic Task Force evaluated a number of potential solutions proposed to improve the movement of people, goods and vehicles through and within the community. Included among these (see the list beginning on page 7.10 of the proposed Comprehensive Plan) was use of the railroad bed for development of a Route 96 bypass. Although the proposal was not ranked as the highest priority, it remains a valid alternative being considered by the Town and other stakeholders. The Lead Agency also appreciates and takes note of Mr. Dawson's admonition that funding such an effort could resolve the traffic congestion problem now and in the future.*

*Finally, regarding mall traffic, the Lead Agency notes Mr. Dawson's criticism of the present mall access configuration and the opinion that better alternatives were likely overlooked in the past. It should be noted in response that the work of the appointed Traffic Task Force summarized beginning on page 7.10 of the proposed Comprehensive Plan did include a number of solutions proposed to improve mall access and that a number of these remain viable alternatives being considered by the Town and other stakeholders.*

*In conclusion, beyond the immediately foregoing response, no further supplements or revisions to the information included in the DGEIS have been incorporated or proposed in response to the foregoing comment. Likewise, consideration of the foregoing comment has not led to any revisions to the Plans proposed for adoption.*

#### **Comment Received from The Ontario County Planning Board (Written Comment)**

The draft Victor Comprehensive Plan is a complex document that lays out a course to balance the role that the Town has played over the past thirty years as the regional focal point of large scale, residential, commercial and light industrial growth with the associated positive and negative consequences and a managed growth approach that includes green infrastructure, agricultural protection, retention of community character.

## **Lead Agency Response**

*The Lead Agency notes and very much appreciates the County Planning Board's conclusion that the Plans proposed for adoption lay out "a course to balance the role that the Town has played over the past thirty years as the regional focal point of large scale, residential, commercial and light industrial growth with the associated positive and negative consequences and a managed growth approach that includes green infrastructure, agricultural protection, retention of community character."*

*In conclusion, beyond the immediately foregoing response, no further supplements or revisions to the information included in the DGEIS have been incorporated or proposed in response to the foregoing comment. Likewise, consideration of the foregoing comment has not led to any revisions to the Plans proposed for adoption.*

## **Comments Previously Received from the Ontario County Agricultural Enhancement Board Regarding the proposed Agricultural Protection Plan (Written Comment)**

In addition to the foregoing comment, the Ontario County Planning Board also included in their response, for informational purposes, the following comments originally offered May 13, 2015<sup>21</sup> by the Ontario County Agricultural Enhancement Board regarding the proposed Agricultural Protection Plan included within the Comprehensive Plan proposed for adoption.

## **Lead Agency Response**

*With respect to the following comments as a group, beyond the information regarding prior revisions to the Plans which follows below, no further supplements or revisions to the information included in the DGEIS have been incorporated or proposed in response to these comments. Likewise, consideration of these comments has not led to any further revisions to the Plans proposed for adoption. Additional information regarding how the Plans proposed for adoption had already been revised prior to June 22, 2015 in response to these May, 2015 comments appears below beneath each of the respective comments.*

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<sup>21</sup> In response to their review of an earlier rendering of the proposed plan, prior to publication of the June 22, 2015 edition of the proposed plan, and prior to the acceptance and notification of the DGEIS that was the subject of the July 13, 2015 Public Hearing and the associated Comment Period which ended July 24, 2015.



1. Agricultural Land Use Agriculture is only allowed in the R-3 zoning district. There are currently active agricultural operations in other zoning districts that are in NYS Agricultural District 1. NYS Department of Agriculture and Markets --Article 25 AA §305-a. Coordination of Local Planning and Land Use Decision Making states that local governments should not unreasonably restrict or regulate agricultural operations in an agricultural district. Not allowing agricultural uses on land in an Agricultural District could create conflicts with NYS Agriculture and Markets law.

The Town could consider making agricultural uses "allowed uses" on any parcel that is in Agricultural District One. The District's boundaries could be an overlay district that would allow agricultural operations as classified by state law which are following sound agricultural practices to be conducted.

#### **Revisions Prior to June 22, 2015**

*In response to the foregoing comment, the following text was added to Chapter 3 of the proposed Comprehensive Plan (see Comprehensive Plan Chapter 3 Footnote 3 beginning on page 3.11 as well as the final paragraph on page 3.15 of Chapter 3):*

*“As noted below on page 3.15 under the topic “Agricultural Zoning”, the Town’s Zoning Law presently identifies agriculture as a permitted use only within the R-3 zoning district. There are, nonetheless, a number of active agricultural operations in other zoning districts that are also within NYS Agricultural District 1. As has been pointed out in comments from the Ontario County Agricultural Enhancement Board, NYS Department of Agriculture and Markets laws (Article 25 AA Section 305-a, Coordination of Local Land Use Decision Making) state that local governments may not unreasonably restrict or regulate agricultural operations that are located within an agricultural district. Thus, not allowing agricultural uses on land within such an Agricultural District could conflict with the NYS Agriculture and Markets law.”*

*“Finally, footnote 3 included on page 3.11 identified a potential conflict with NYS Agriculture and Markets laws regarding unreasonable restriction or regulation of agricultural operations within an agricultural district. In addition to considering whether the R-2 and/or R-3 purpose-statements require*

*revision, the Town should also consider whether agricultural should be made an allowed use on any parcel within these districts that is also within an Agricultural District. The Ontario County Agricultural Enhancement Board has suggested an overlay district that would “allow agricultural operations as classified by state law which are following sound agricultural practices to be conducted.”*

2. Conservation Subdivision Conservation subdivision (§278) is generally associated with larger scale residential development. It can also be a powerful tool to avoid fragmentation of farmland in low density "rural" settings that results from rigid lot size and setback requirements. Conservation subdivision in low density agricultural areas can be used to decouple the number of units allowed from a minimum lot size calculation. It is particularly effective where public sewers are not available.

This is an agriculture-friendly zoning tool used in a number of Ontario County towns. It gives farmland owners greater flexibility to site a residence in a smarter, agriculture-friendly manner that results in retaining viable farmland.

#### **Revisions Prior to June 22, 2015**

*This comment was included in Chapter 3 of the proposed Comprehensive Plan in a narrative that begins on proposed Comprehensive Plan page 3.17.*

3. Transfer of Development Rights (TDR) & Open Space Requirements. A TDR program can be a useful though complex tool for the protection of farmland or natural resources. An open space requirement is an essential for a TDR program to work: 1) It equalizes the responsibility for assuring there is long term open space by either requiring either reservation of land or cash payment to allow purchase of development rights for highly valued conservation parcels; and 2) function as a receiving zone for development "transferred from" a parcel of higher natural resource or agricultural value.

It is not recommended that the planning board be given the discretion to waive the open space requirement without compensation as is suggested in 4.13 Present Open Space Set Asides. It 1) defeats the entire the purpose of shared responsibility for a town open space conservation program, 2) can be applied in an arbitrary manner, and 3) unfairly burdens landowners who have conservation resources.

## Revisions Prior to June 22, 2015

*Regarding the portion of the foregoing comment relevant to TDR, this comment was included in Chapter 3 of the proposed Comprehensive Plan in a narrative that begins on proposed Comprehensive Plan page 3.17.*

*Regarding the portion of the foregoing comment relevant to open space requirements and the potential for the Planning Board to be vested with discretion to vary such requirements based upon the site, the Plans proposed for adoption did not respond directly to this comment, nor were they revised in response to the comment.*

*However, as it was identified as a potential impact, Section 3 of DGEIS (beginning on DGEIS page 26) describes the need for a change to the present open space requirements and Section 4 of the DGEIS presents significant detail regarding existing conditions and aspects of the environmental setting relevant to open space (see Section 4.1 of the DGEIS beginning on DGEIS page 32). In addition Section 5.1 of the DGEIS describes the potential impact (see DGEIS page 36) that could result were the Planning Board to fail to properly exercise discretion vested in them relative to open space requirements.*

*Finally, as indicated above in the preceding response to the comment from Ms. Nellis, in the final paragraph found on page 36 of the DGEIS, the DGEIS discussion goes on to conclude:*

*“The risk for an outcome in which the quantity and quality of future open space set-asides is diminished is actually quite low provided sufficient standards and guidelines that can be relied upon by the Planning Board are developed during the implementation of this strategy in order to mitigate the risk. Furthermore, to the extent some risk remains nonetheless, even with the development of sufficient standards and guidelines, for the Planning Board to fall short in evaluating the need and opportunity for open space set-aside in a particular application, the risk is more than offset by the potential for corresponding gains in those instances where the need and opportunity for open space set-aside is unusually great and where the present uniform requirements would otherwise result in failing to respond to the high level of need or take advantage of the unusual opportunity to set aside open space.”*

*Further, regarding the potential for the Planning Board to fail in properly exercising any discretion that might be vested in them, the evaluation of alternatives presented in Section 12 of the DGEIS (see DGEIS page 47) indicates that:*

*“No reasonable alternatives were identified that would avoid or reduce the potential adverse impact to open space that could result from the proposed substitution of a discretionary open space policy in place of the mandatory uniform regime of requirements now in place. Neither were any measures to modify the proposed action identified that would further mitigate or reduce the potential adverse impact. The recommended strategies are believed to be the minimum necessary to accomplish the intended goals and no alternatives were identified that would accomplish the same goals without bringing a comparable potential for identical or similar incidental, unintended, adverse impacts to open space.”*

*Accordingly, Section 6 of the DGEIS (see DGEIS page 41) identifies the remaining risk that the Town Planning Board might fail in properly exercising its discretion as a remaining “Unavoidable Impact”.*

4. Agricultural Infrastructure. The viability of farmland can be adversely impacted by development on adjoining parcels that damages or eliminates critical agricultural infrastructure (such as surface/subsurface drainage, equipment access, buffering). Delineating agricultural infrastructure both for the subject parcel and adjoining parcels should be included as a requirement for subdivision and site plan approval.

Minor adjustments to a site plan or subdivision can make a significant difference in maintaining continued agricultural viability of remaining or adjoining farmland. These provisions are included in other Ontario County town local laws.

#### **Revisions Prior to June 22, 2015**

*This comment was included in Chapter 3 of the proposed Comprehensive Plan in a narrative that begins on proposed Comprehensive Plan page 3.17.*

5. Agricultural Soils. Quality Indicator Agricultural soils are defined generally by standards favoring row crops. Land can be productive for other crops (fruits, sugar bush, vineyard,

berries, mushrooms, apiary, etc) but the soil is not listed. Any resource evaluation process should allow for consideration of soils which may be productive but not favored by row crops.

#### **Revisions Prior to June 22, 2015**

*This comment was included in Chapter 3 of the proposed Comprehensive Plan in a narrative that begins on proposed Comprehensive Plan page 3.17.*

6. Value Added Agricultural Uses Value added agricultural uses (processing, preparation, etc.) are important to maintaining agricultural economic viability. Existing commercial and light industrial zoning districts zoning should be reviewed to determine if such uses are allowed uses. If not, consideration should be given to allowing them. There are currently small processors that have outgrown their facilities but have limited places to expand their operations.

#### **Revisions Prior to June 22, 2015**

*This comment was included in Chapter 3 of the proposed Comprehensive Plan in a narrative that begins on proposed Comprehensive Plan page 3.17.*

7. Accessory Value-Added Agricultural Uses. Some value added agricultural uses may be appropriate for certain agricultural operations. Maple sap and processing, and product cleaning/sorting are types of activities that should be allowed as accessory to crop production. This eliminates questions regarding use variances for activities that are part of an agricultural operation.

#### **Revisions Prior to June 22, 2015**

*This comment was included in Chapter 3 of the proposed Comprehensive Plan in a narrative that begins on proposed Comprehensive Plan page 3.17.*

8. Town Sewer Master Plan. The extension of infrastructure, while desirable when looked at on a project by project basis, can create development pressure and conversion of farmland. The recommendation for a sewer master plan coupled with the Town's other conservation initiatives is to be commended as a proactive approach to balancing long term development and conservation goals.

**Revisions Prior to June 22, 2015**

*This comment was included in Chapter 3 of the proposed Comprehensive Plan in a narrative that begins on proposed Comprehensive Plan page 3.17.*

## **8. SPECIFIC CONDITIONS OR CRITERIA**

According to the Regulations<sup>22</sup>, Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. The Regulations indicate that this may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.

The Draft Generic Environmental Impact Statement incorporated herein by reference in its entirety identified conditions and thresholds<sup>23</sup> that had been established relative to Phase 1 Implementation Activities. The DGEIS document also identified Phase 1 Implementation Activities for which no specific conditions or thresholds had been established<sup>24</sup>.

Regarding further SEQR compliance once a Final Generic EIS has been filed, the Regulations<sup>25</sup> also specify the following four requirements (emphasis added):

- *If a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement, no further SEQR compliance is required;*
- *If the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS, an amended findings statement must be prepared;*
- *If a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts, a negative declaration must be prepared; and,*
- *If the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts, a supplement to the final generic EIS must be prepared.*

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<sup>22</sup> See Section 617.10(c) of the Regulations.

<sup>23</sup> See Section 2.4 of the Draft Generic Environmental Impact Statement beginning on page 22.

<sup>24</sup> See Section 2.4 of the Draft Generic Environmental Impact Statement beginning on page 24.

<sup>25</sup> See Section 617.10(d) of the Regulations.

Accordingly, this Final Generic Environmental Impact Statement assumes, as future implementation activities recommended to be undertaken in Phase 1 take form and become more specifically described, that they will be subject to an analysis and corresponding SEQR compliance activities comparable to that outlined below.

For Phase 1 Implementation Activities regarding which *specific conditions or thresholds were established* in the Draft Generic Environmental Impact Statement<sup>26</sup>:

- Begin by determining whether the proposed action *will* be carried out in conformance with the conditions and thresholds established for the action in the generic EIS or its findings statement.
  - If the proposed action *will* be carried out in conformance with the conditions and thresholds established for the action in the generic EIS or its findings statement, no further SEQR compliance is required;
- If the proposed action *will not* be carried out in conformance with the conditions and thresholds established for the action in the generic EIS or its findings statement, then determine whether the proposed action was adequately addressed in both the generic EIS and the findings statement for the generic EIS;
  - If the proposed action *was not* addressed or *was not adequately addressed* in the generic EIS, then determine whether the subsequent action will result in any significant environmental impacts;
    - If the proposed action *may* have one or more significant adverse environmental impacts, prepare a supplement to the final generic EIS; or,
    - If the proposed action *will not* result in any significant environmental impacts, prepare a negative declaration;
  - If the proposed action *was* adequately addressed in the generic EIS but *was not* addressed or *was not adequately addressed* in the findings statement for the generic EIS, prepare an amended findings statement; and,

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<sup>26</sup> These include, as listed in Section 2.4 of the Draft Generic Environmental Impact Statement beginning on page 22, the following: Chapter 2, Strategy 2; Chapter 2, Strategy 3; Chapter 3, Strategy 4; Chapter 3, Strategy 8; Chapter 4, Strategy 3; Chapter 4, Strategy 6; Chapter 5, Strategy 17; Chapter 6, Strategy 7; Chapter 7, Strategy 6; Chapter 8, Strategy 1; Chapter 8, Strategy 2; and, Chapter 8, Strategy 3.



- If the proposed action *was* adequately addressed in *both* the generic EIS and the findings statement for the generic EIS, no further SEQR compliance is required.

For Phase 1 Implementation Activities regarding which *no* specific conditions or thresholds were established in the Draft Generic Environmental Impact Statement<sup>27</sup>:

- Determine whether the proposed action was adequately addressed in both the generic EIS and the findings statement for the generic EIS;
  - If the proposed action was *not* addressed or was *not adequately addressed* in the generic EIS, determine whether the subsequent action will result in any significant environmental impacts;
    - If the proposed action *may* have one or more significant adverse environmental impacts, prepare a supplement to the final generic EIS; or,
    - If the proposed action will *not* result in any significant environmental impacts, prepare a negative declaration;
  - If the proposed action *was* adequately addressed in the generic EIS but was *not* addressed or was *not adequately addressed* in the findings statement for the generic EIS, prepare an amended findings statement; and,
  - If the proposed action *was* adequately addressed in *both* the generic EIS and the findings statement for the generic EIS, no further SEQR compliance is required.

Regarding other strategies called for in the Plans but not recommended for implementation in Phase 1, the need for SEQR compliance relative to those activities is unaffected by this document, the preceding Draft Generic Environmental Impact Statement, or the Findings Statement anticipated to follow as those future activities have not been included as part of the Action reviewed in concert with the review of Plan adoption.

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<sup>27</sup> These include, as listed in Section 2.4 of the Draft Generic Environmental Impact Statement beginning on page 24, the following: Chapter 2, Strategy 4; Chapter 2, Strategy 9; Chapter 4, Strategy 1; Chapter 4, Strategy 2; Chapter 5, Strategy 2; Chapter 5, Strategy 10; and, Chapter 7, Strategy 11.