

**IN RE: TOWN OF VICTOR COMPREHENSIVE PLAN**

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**PUBLIC HEARING**

*July 13, 2015*

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IN THE MATTER OF

ADOPTION OF THE TOWN OF VICTOR, NY, COMPREHENSIVE  
 PLAN AND AGRICULTURAL PROTECTION PLAN AND REVIEW  
 OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
 RELATING THERETO

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Public Hearing in the Above-Titled Matter:

Location:           Town of Victor  
                          85 East Main Street  
                          Victor, New York 14564

Date:                 July 13, 2015

Time:                7:30 p.m.

Reported By:       Molly Chimino  
  
                          Alliance Court Reporting, Inc.  
  
                          183 Main Street East, Suite 1500  
  
                          Rochester, New York 14604



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A P P E A R A N C E S

Officials of the Town of Victor:

Jack Marren	Supervisor
Silvio Palermo	Council member
Dave Tantillo	Council member
Carl Herke	Council member
Dan Crowley	Council member
David Hou	Town attorney
Katie Evans	Director of Development
Debra J. Denz	Town clerk

\* \* \*



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1 P U B L I C H E A R I N G

2 MONDAY, JULY 13, 2015;

3 (Proceedings in the above-titled matter  
4 commencing at 7:31 p.m.)

5 \* \* \*

6 MR. MARREN: At this time I'm entertaining  
7 a motion to open the public hearing.

8 (The motion was approved.)

9 MR. MARREN: At this time we'll ask our  
10 town clerk if she'll please read the public hearing  
11 notice.

12 MS. DENZ: Okay. It was a notice of  
13 public hearing for adoption of the Town of Victor, New  
14 York, Comprehensive Plan and Agricultural Protection  
15 Plan in review of Draft Generic Environmental Impact  
16 Statement relating thereto.

17 Please take notice that a draft  
18 Comprehensive Plan and draft Agricultural Protection  
19 Plan have been recommended to the Town Board of the  
20 Town of Victor.

21 Further notice that a Draft Generic  
22 Environmental Impact Statement, DGEIS, has been  
23 prepared for the draft Comprehensive Plan and draft  
24 Agricultural Protection Plan in accordance with State  
25 Environmental Quality Review Act regulations, has been



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## P U B L I C   H E A R I N G

1  
2 deemed adequate for public review.

3           Said draft Comprehensive Plan, draft  
4 Agricultural Plan and DGEIS are all on file in Victor  
5 Town Clerk's Office located at 85 East Main Street,  
6 Victor, where they are available for public inspection  
7 during regular business hours.

8           Further notice that a public hearing upon  
9 said draft Comprehensive Plan, draft Agricultural  
10 Protection Plan and DGEIS has been scheduled for 13th  
11 day of July, 7:30, to be held by the Victor Town Board  
12 at the Victor Town Hall, 85 East Main Street. An  
13 opportunity to be heard in regards thereto will then  
14 and there be given.

15           Written comments relating to the draft  
16 Comprehensive Plan, draft Agricultural Protection Plan  
17 and the DGEIS may be submitted to the Town of Victor  
18 Planning and Building Department in writing by  
19 July 24th at 85 East Main Street or, alternatively, by  
20 submitting an email to [compplan@town-victor-ny.us](mailto:compplan@town-victor-ny.us).

21           And that was published in the Daily  
22 Messenger. And it ran June 30th.

23           MR. MARREN: We'll turn it over to our  
24 director of development, Katie Evans.

25           MS. EVANS: Good evening, Town Council,



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## P U B L I C   H E A R I N G

1  
2 was issued December 8th. Town Board and public was  
3 presented with a revised draft plan on June 22nd,  
4 which incorporates all the comments received -- or  
5 many of the comments received, I should say. I'll  
6 review that at a later time, which led the Town  
7 Board's direction to initiate the State Environmental  
8 Quality Review process which must take place prior to  
9 considering adoption.

10           So there are many steps in completing this  
11 State Environmental Quality Review, which I will run  
12 through briefly and then go through more specifically.  
13 But essentially, we are right here, holding a combined  
14 public hearing for the revised plan as well as the  
15 Draft Generic Environmental Impact Statement.

16           So what happened in this updated plan?  
17 Revisions to the plan include clarifications and  
18 additional information as suggested by the Victor  
19 Conservation Board, the Victor Sustainable Advisory  
20 Committee and Ontario County Agricultural Enhancement  
21 Board. There was a new strategy added in chapter 5,  
22 the community development chapter, to develop a plan  
23 for commercial development. The Comp Plan provides us  
24 significant detail regarding policies and preferences  
25 for agricultural and residential development and far



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## P U B L I C   H E A R I N G

1  
2 less regarding commercial development. This strategy  
3 recognized the need to develop companion plans focused  
4 upon commercial development. Additionally, some  
5 transportation strategies were moved to the earlier  
6 implementation phases.

7            Suggestions that would have substantively  
8 altered the plan, such as adding new initiatives that  
9 contradicted pre-existing content, were not added into  
10 the document. And this goes back to the potential of  
11 a continuous looping of public comment. Again, this  
12 draft plan was approved by the county planning board  
13 on July 8th.

14            Okay. So what is being reviewed under the  
15 State Environmental Quality Review law? There's three  
16 components to the action being reviewed. The first  
17 being the adoption of the plan itself. The second  
18 being the adoption of the Agricultural and Farmland  
19 Protection Plan, which, again, is incorporated within  
20 chapter 3 and then a couple other chapters, as well as  
21 strategies identified for implementation in phase 1  
22 only. We have full expectation to move forward with  
23 phases 2, 3 and 4. But right now we're focusing on  
24 phase 1 implementation items during the State  
25 Environmental Quality Review.



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## 1 P U B L I C H E A R I N G

2 So generic is thoroughly explained within  
3 the Environmental Impact Statement. But essentially  
4 it means, we don't have all the specifics regarding  
5 the implementation of the activities identified and it  
6 also triggers identification of assumptions,  
7 conditions and thresholds.

8 So I went through this on June 22nd but  
9 I'm just going to touch on a couple -- this is  
10 important. So the SEQOR process requires filling out  
11 an Environmental Assessment Form otherwise known as an  
12 EAF. And through that process, it's intended to be a  
13 worksheet that identifies potentially significant  
14 adverse environmental impacts. So while filling out  
15 that draft document, we identified open space,  
16 transportation, community character and community plan  
17 as being potentially moderate to large impacts by  
18 adopting this plan.

19 So part 3 is intended to elaborate upon  
20 those potentially moderate to large impacts. So we  
21 dropped community plan as a significant impact because  
22 we're essentially adopting a plan and then kept the  
23 three others: Open space, transportation and  
24 community character. So part 3 elaborates on those  
25 items and essentially sets the content for the impact



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## P U B L I C   H E A R I N G

1 statement pending before you.

2  
3           Okay. So on June 22nd the Town Board  
4 adopted a resolution declaring a positive declaration  
5 identifying that there may potentially be significant  
6 adverse environmental impacts. And as directed, an  
7 impact statement has been prepared for public review.  
8 This will be known as an EIS or a DGEIS meaning Draft  
9 Generic Environmental Impact Statement.

10           As lead agency, on June 22nd, the Town  
11 Board accepted the Draft Generic Environmental Impact  
12 Statement as being adequate for public review. And I  
13 pretty much already reviewed the content on that  
14 slide. So there's the first page, the cover of the  
15 DGEIS.

16           So tonight's public hearing is to accept  
17 comments on this Draft Generic Environmental Impact  
18 Statement. There was a public comment period  
19 initiated on June 22nd and it extends through  
20 July 24th, as our clerk noted. And the document was  
21 made available on the town's website. It's also  
22 available in the clerk's office as well as at the  
23 Victor Farmington Library. Additionally, an email was  
24 sent to those interested parties who requested to be  
25 on our email distribution list notifying them of



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## P U B L I C   H E A R I N G

1  
2 tonight's public hearing as well as the public comment  
3 period. So written comments can be provided to  
4 [compplan@town-victor-ny.us](mailto:compplan@town-victor-ny.us) or to the planning and  
5 building department and, of course, accepting public  
6 comment this evening.

7           So looking forward, what happens after  
8 tonight? What we do is, we take the comments that  
9 we've received and we prepare a Final Environmental  
10 Impact Statement for the Town Board's review and  
11 consideration. Essentially, it provides responses to  
12 the comments collected during this public comment  
13 period, written comments as well as verbal comments  
14 made this evening. We then work on corrections or  
15 revisions to the Draft Generic Environmental Impact  
16 Statement. And then, once the Town Board is  
17 comfortable with that document, they issue the Final  
18 Environmental Impact Statement or the FEIS. There is  
19 a ten-day cooling off period. And then the Town Board  
20 would prepare and adopt findings. So the findings are  
21 intended to support your rationale for adopting this  
22 plan.

23           Okay. So target time line. Again,  
24 exciting night. So we've made it all the way to here,  
25 our public comment period. And, again, it's combined



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## P U B L I C   H E A R I N G

1  
2 for the updated draft document, the Agg and Farmland  
3 Protection Plan as well as the Draft Generic  
4 Environmental Impact Statement. So, as mentioned, the  
5 next steps are to prepare and submit the Final EIS  
6 targeted on July 31st. And then on August 10th,  
7 notify and distribute the Final EIS, prepare the  
8 finding statement. And then absolute target is  
9 adopting the plan -- well, adopting the findings and  
10 then adopting the plan on August 24th. However, that  
11 will largely depend upon the feedback we receive  
12 during this public comment period.

13           So with that, does the board have any  
14 questions?

15           MR. MARREN: Anyone? No.

16           So at this time we'll ask the public if  
17 they'd care to have any comments regarding where we  
18 are in this process.

19           Please state your name for the record.

20           MS. NELLIS: Ruth Nellis.

21           MR. MARREN: Thank you, Ruth.

22           MS. NELLIS: Okay. I remember attending a  
23 former meeting and one of the suggestions was that  
24 there be more objectivity rather than subjectivity.  
25 And I have read through portions of the plan. And I



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## P U B L I C   H E A R I N G

1  
2 still see a fair amount of that subjectivity. And I'm  
3 wondering how we're going to cope with that.

4           Here's an example. It's under Growth  
5 Management and Community Character, 4.21, Goal B.  
6 "Ensure that all elements of Victor's community  
7 character valued by residents are preserved." Now,  
8 underneath that, there are strategies. And this  
9 strategy was one of my outstanding questions.  
10 Strategy 3, "Replace present requirements for  
11 set-aside of a fixed percentage of open space with  
12 requirements providing the discretion to require open  
13 space appropriate to the site and the setting."

14           Now, the word "discretion" sort of raises  
15 a lot of questions in my mind. Whose discretion would  
16 this be up to?

17           MR. MARREN: Ruth, the public hearing  
18 isn't a Q and A. It's just public comment, building a  
19 record, and then for staff, Katie Evans, to put that  
20 together.

21           MS. NELLIS: Okay. And then the answer  
22 will come out at the next...

23           MS. EVANS: At the Final Environmental  
24 Impact Statement.

25           MS. NELLIS: Okay. Thank you.



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1 P U B L I C H E A R I N G

2 MR. MARREN: Are there any other members  
3 of the public that care to speak? Board members?

4 Okay. Katie, any comments?

5 MS. EVANS: No. I just would like to  
6 again thank everyone who has participated in this  
7 process. It's really amazing to see a plan that  
8 contains this much content, this much direction and  
9 reflective of so many of our residents' and business  
10 members' voices. Thank you.

11 MR. MARREN: Okay. Then I'll ask for a  
12 motion to return to regular session.

13 (The motion was approved.)

14 MR. MARREN: Okay.

15 (TIME: 7:46 p.m.)

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C E R T I F I C A T I O N  
STATE OF NEW YORK:  
COUNTY OF MONROE:

I, MOLLY CHIMINO, do hereby certify that I reported in machine shorthand the above-styled cause; and that the foregoing pages were produced by computer-aided transcription (CAT) under my personal supervision and constitute a true and accurate record of the testimony in this proceeding;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action;

WITNESS my hand in the City of Rochester, County of Monroe, State of New York.

*Molly Chimino*

MOLLY CHIMINO  
Freelance Court Reporter and  
Notary Public No. 01PR6210086  
in and for Monroe County, New York



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