

State Environmental Quality Review

Findings Statement

For the

Victor Comprehensive Plan

Town of Victor, Ontario County, New York

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SEQR FINDINGS STATEMENT

Victor Comprehensive Plan

TABLE OF CONTENTS

1	INTRODUCTION AND PROCEDURAL BACKGROUND.....	1
2	ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW	4
3	SEQR CLASSIFICATION.....	4
4	RELEVANT IMPACTS, FACTS AND CONCLUSIONS DISCLOSED IN FINAL GEIS AND CONSIDERED	4
5	WEIGHING AND BALANCING OF RELEVANT ENVIRONMENTAL IMPACTS WITH SOCIAL, ECONOMIC AND OTHER CONSIDERATIONS	7
6	RATIONALE FOR THE DECISION	7
7	MITIGATIVE MEASURES IDENTIFIED AS PRACTICABLE AND INCORPORATED AS CONDITIONS TO THE DECISION.....	10
8	SPECIFIC CONDITIONS OR CRITERIA UNDER WHICH FUTURE ACTIONS WILL BE UNDERTAKEN OR APPROVED.....	10
9	REQUIREMENTS FOR SUBSEQUENT SEQR COMPLIANCE	13
10	CERTIFICATION REGARDING REQUIREMENTS OF PART 617.....	16
11	CERTIFICATION REGARDING THE ACTION AND ADVERSE ENVIRONMENTAL IMPACTS	16

1. INTRODUCTION AND PROCEDURAL BACKGROUND

The Action. As described the preceding Environmental Impact Statement (hereinafter, “EIS”), including both the Draft Generic Environmental Impact Statement (hereinafter, “DGEIS”) and the Final Generic Environmental Impact Statement (hereinafter, “FGEIS”), the Action that has been the focus of this State Environmental Quality Review (hereinafter, “SEQR”) and is the subject of this SEQR Findings Statement 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 Protection Plan”) which is presented within the Comprehensive Plan document (the Comprehensive Plan and Agricultural Protection Plan together referred to hereinafter as “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 Implementation Activities”).¹

The Action does not include the Town’s potential undertaking of implementation activities related to the remaining fifty-four strategies also called for in the Plans but prioritized for implementation in subsequent Phases 2, 3 and 4.

Classification. The SEQR Regulations² (hereinafter, “the Regulations”) classify the adoption of a municipality’s land use plan such as this as a Type I action³. A formal acknowledgement of this classification is included below in Section 3 of this Findings Statement.

¹ As described in the FGEIS, 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. The Plans accord strategies or implementation activities assigned to Phase 1 the highest priority and recommend that they be undertaken first, followed by those allocated to phases 2, 3 and 4.

² 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).

³ Section 617.4(b)(1) of the Regulations.

Lead Agency and Coordination. As described more fully in the FGEIS, the Town of Victor Town Board is the only agency undertaking adoption of the Plans and Phase 1 Implementation Activities. The Regulations provide that when only a single agency is involved, that agency will be the Lead Agency⁴ and the Town Board of the Town of Victor has therefore been established as the Lead Agency for this review. No coordination with other agencies has been undertaken as the requirements to conduct a coordinated review apply only when more than one agency is involved.⁵

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

The Lead Agency’s Environmental Assessment Form (hereinafter “EAF”)⁶ that served as the basis for the June 22, 2015 Determination identified provisions of the Plans and proposed strategies that might lead to an adverse impact. Based upon the evaluation presented in the Part 3 of the EAF, the Determination found that only three were of sufficient magnitude and significance as to require preparation of an EIS. In general, the three potential adverse impacts found in the Determination to be of sufficient magnitude can be described as follows:

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,

⁴ Section 617.6(b)(1) of the Regulations.

⁵ Section 617(b)(3) of the Regulations.

⁶ See DGEIS Appendix 1, incorporated by reference into the FGEIS.

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.

Generic EIS. As indicated in both the DGEIS and FGEIS, for this review Generic EISs have been prepared pursuant to Section 617.10 of the Regulations. In this instance, it is the Phase 1 implementation activities included in the Action that have been deemed to be related actions or, alternatively, to be part of a single extended action⁷ appropriate to deal with in a broad or conceptual way as part of a Generic EIS.

The DGEIS. The Lead Agency accepted the DGEIS on June 22, 2015 and subsequently noticed and published the DGEIS in compliance with the requirement that impact statements first be made available in draft form for public review and comment prior to finalization. The Lead Agency held a public hearing regarding the DGEIS on July 13, 2015 and received written comments through July 24, 2015.

The FGEIS. The Lead Agency issued and noticed a FGEIS on August 10, 2015. The FGEIS incorporates the preceding DGEIS, in its entirety, by reference. In addition to the information presented in the DGEIS, the FGEIS also describes, as required,⁸ revisions or supplements to the DGEIS and presents a summary of the substantive comments received and their source as well as the responses from the Lead Agency. The FGEIS also describes the specific conditions and criteria relevant to the generic portions of this review.

⁷ As indicated in the FGEIS, 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.

⁸ Section 617.9(b)(8) of the Regulations.

2. ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW

This SEQR Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law of New York and in compliance with the implementing State Environmental Quality Review regulations codified in 6NYCRR Part 617.

3. SEQR CLASSIFICATION

The Regulations classify the adoption of a municipality's land use plan such as this as a Type I action⁹. The Lead Agency concurs with this classification.

4. RELEVANT IMPACTS, FACTS AND CONCLUSIONS DISCLOSED IN THE FINAL GEIS AND CONSIDERED

As was indicated in the DGEIS incorporated within the FGEIS, 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.

As this is a generic environmental review, the DGEIS incorporated within the FGEIS identified thresholds and conditions relative to the review of the proposed Phase 1 Implementation Activities. These thresholds and conditions are also summarized below in Section 8 of this Findings Statement as well as in Section 8 of the FGEIS.

Section 3 of the DGEIS incorporated within the FGEIS 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

⁹ See Section 617.4(b)(1) of the Regulations.

accomplishment of the multiple goals identified throughout the Plans. Many 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.

In general, the potential adverse impacts of significance that have been identified and evaluated in this review are:

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 incorporated within the FGEIS concludes that the risks to Open Space and to Neighborhood Character identified above are unavoidable, but also 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 specific risk related to Open Space, the DGEIS notes that the proposed Plans do identify the risk and also indicate the need for balance and caution in implementing this particular recommended strategy. The DGEIS includes the following statement on this topic:

“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.”

Similarly, with respect to the specific risk to Neighborhood Character, the DGEIS notes that the Plans include a number of criteria to guide decision-making relative to the movement of development units, the award or approval of density-increases, and the potential for infill development.

With respect to the potential impact to traffic congestion, the DGEIS concludes that, while the potential increase in congestion is difficult to quantify and could be small, that it may also be unavoidable if the other benefits sought by the Plans relative to reducing sprawl are to be realized.

Regarding alternatives, Section 12 of the DGEIS incorporated within the FGEIS indicates that, with respect to each of the three potential impacts identified above, 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 the DGEIS, 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, variants of the No Action alternative that would abandon efforts to realize the related benefits envisioned and called for in the Plans.

5. WEIGHING AND BALANCING OF RELEVANT ENVIRONMENTAL IMPACTS WITH SOCIAL, ECONOMIC AND OTHER CONSIDERATIONS

The Plans and the recommended strategies they present, including those identified as having the potential to adversely impact Open Space, traffic congestion and Neighborhood Character, are focused on the need to preserve natural resources, agriculture, community character, open space, rural character and other important aspects of the community in the face of development pressures. The Plans and recommended strategies also focus on consequences driven by rapid growth and development, such as traffic congestion. As indicated immediately above, the DGEIS incorporated within the FGEIS found the recommended strategies to be the minimum necessary to accomplish the intended goals and found no alternatives with the potential to accomplish the same goals that would not bring comparable potential for comparable incidental and unintended impacts. Thus, the choice is whether to retain those recommended strategies and accept the risk that they may lead to the three impacts identified above and considered in this review or reject them in order to eliminate the risk of those impacts but also forego the intended benefits.

As indicated immediately above in Section 4 of this Findings Statement, the Plans present detailed summaries of the present circumstances relevant to open space and the role it plays in both rural and community character. Likewise, the Plans present detailed summaries of the likely damage to community character and other community assets should the present pattern of development and sprawl continue unabated. Finding ways to maintain open space and rural character and to manage as well as redirect ongoing Victor growth are fundamental to realization of the vision put forth in the Plans proposed for adoption.

6. RATIONALE FOR THE DECISION

The need for the strategies recommended in the Plans and considered in this review is both great and urgent. The Plans describe in detail both the settings and needs relative to the strategies found to have some potential for environmental impacts of significance. With respect to the potential impact upon open space, the Plans describe how the present system of uniform and mandatory set-asides do not provide the flexibility required to respond to atypical or unique situations and how the present requirements have led to unnecessary and superfluous reservations of low-value open space in some instances and, in others, reservations that have

proven to be both insufficient and ineffective despite an apparent opportunity to set aside high value open space. With respect to the intended redistribution of development such that rural and open areas that would otherwise be subject to sprawling development might instead retain some aspects of their rural and open character and the potential for such redistribution to either contribute further to traffic congestion within the core areas where infrastructure already exists or somehow modify the character of existing neighborhoods, the Plans reference Victor's progressive loss of open space and rural character in the face of development pressure and describe the urgent need for more robust policies and programs that would modify development patterns in order to avoid irreparable harm or loss of Victor's essential community character.

The likelihood that the potential impacts to open space and neighborhood character considered in this review would be experienced is relatively low, perhaps even remote. With respect to open space, the potential harm rests upon a supposition that the Planning Board will prove inadequate to properly exercise the discretion vested in them to tailor open space requirements to the situation at hand. Further, the case also assumes that an inept board's response would be weighted or asymmetric - failing to offset the hypothetically reduced set-asides with others requiring even more than is now required under the present set of requirements. This is a highly unlikely outcome. Time and time again, the Planning Board has proven the value of vesting such a citizens' board with the discretion to study and then respond to atypical or unique circumstances. Further, the Plans presently call for implementation efforts to develop sets of guidelines or criteria to guide future board in their exercise of this discretion.

With respect to impacts to neighborhood character, the potential harm rests upon a foundation similar to that cited above regarding open space and is equally unlikely. In this instance, the supposition is that the Town Board, the Planning Board, or the two together, will prove insensitive to the character of existing neighborhoods and will move to approve infill or significantly more dense developments within or immediately adjacent to existing neighborhoods with little or no consideration of the character of the existing neighborhoods or the preferences and expectations of the residents. There is simply no precedent for such a response by the Victor boards charged with reviewing such proposals. Not only would the boards in question have wide latitude to modify, or even forego, proposals that threatened the character of existing neighborhoods, both boards – and the Town Board in particular – have demonstrated significant sensitivity to the land use concerns of residents over the years. Finally, as with the strategy calling for modifications to the present open space requirements,

the strategies calling for programs to facilitate changes in the development density pattern also call for development of supportive guidelines and criteria during the implementation effort that will assist these boards and guide their decision making to ensure that all aspects of a proposal are taken into account.

Regarding magnitude, the anticipated magnitudes of the potential impacts to both open space and traffic congestion, should they be experienced, are minimal and probably insignificant. With respect to open space impacts, while the potential for an ill-considered decision is always present, a significant impact to open space would require a sequence of multiple poor decisions and the likelihood for a string of bad decisions is remote. With respect to traffic congestion, the present situation reflects the combined effect of traffic from many different sources. While changing the pattern of development does have the potential to recruit to the corridor some traffic that would otherwise travel more rural roads, the volume is likely small when compared to that travelling the corridor on a daily basis. Moreover, it is also true that, even in the absence of a program to alter the pattern of development, much of the traffic originating or destined for locations outside the corridor eventually makes its way to the corridor nonetheless. Finally, although the Plans call for implementation of programs and policies that will facilitate redistribution, the need for Town Board and Planning Board approvals will remain and the boards will continue to have opportunities to consider and respond to the potential corridor traffic impacts of proposed developments on an individual basis.

Finally, the strategies recommended in the Plans do not overreach. As indicated above, these strategies are believed to be the minimum necessary to accomplish the intended goals. Although similar strategies that would differ in some details might be proposed, any that would accomplish the same goals would also be accompanied by comparable potential for either identical or very similar incidental, unintended, adverse impacts.

Given the importance of the initiatives proposed in the Plans to maintain open space, manage sprawl and preserve community character, the most prudent course of action is to adopt the Plans complete with the recommended strategies having some potential to lead to the three impacts identified above, understanding that they are the minimum necessary and relying upon defined criteria and guidelines, as well as the sensitivity and judgment of the involved boards, to ensure that the remaining risks for such impacts are carefully considered in future decision making.

7. MITIGATIVE MEASURES IDENTIFIED AS PRACTICABLE AND INCORPORATED AS CONDITIONS TO THE DECISION

No reasonable alternatives or practicable mitigative measures have been identified that would avoid or reduce the potential adverse impacts to open space, traffic and neighborhood character considered in this review. In each instance, as indicated in the foregoing sections, the strategies recommended in the Plans are believed to be the minimum necessary to accomplish the intended goals. Although similar strategies that would differ in some details might be proposed, it is believed that any with the capacity to accomplish the same goals would also be accompanied by comparable potential for either identical or very similar incidental, unintended, adverse impacts. Accordingly, there are no such mitigative measures to be incorporated as conditions to the decision.

8. SPECIFIC CONDITIONS OR CRITERIA UNDER WHICH FUTURE ACTIONS WILL BE UNDERTAKEN OR APPROVED

The Regulations provide¹⁰ for Generic EISs and their findings to set forth specific conditions or criteria under which future actions will be undertaken or approved.

The DGEIS incorporated by reference within the subsequent FGEIS identified conditions and thresholds¹¹ that had been established relative to Phase 1 Implementation Activities. There are repeated here.

- 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.
 - The Plans, on pages 2.21 through 2.24 identify a specific series of twelve amendments to be undertaken. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 2, Strategy 3. Establish a formal Green Infrastructure Planning and Review Process.

¹⁰ See Section 617.10(c) of the Regulations.

¹¹ See Section 2.4 of the Draft Generic Environmental Impact Statement beginning on page 22.

- The Plans, on pages 2.24 through 2.27 describe a number of policies and processes to be included within the proposed Green Infrastructure Planning and Review Process. In addition, a more detailed summary of the envisioned process is included in Plan Appendix IX. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 3, Strategy 4. Enhance Planning Board review of impacts to farms in general.
 - The Plans, on pages 3.23 through 3.24 include a specific list of issues to be incorporated within the enhanced review. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 3, Strategy 8. Adopt a policy of purchasing development rights (PDR) on priority parcels.
 - The Plans, on pages 3.30 through 3.31 have identified specific principles to be incorporated within the proposed PDR plan. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- 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.
 - The Plans, on pages 4-21 through 4-24 provide a number of objectives, definitions and standards for inclusion in the recommended program. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- 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.
 - The Plans, on pages 4-26 through 4-29 provide a number of objectives, public benefits, methods, aspects to be evaluated during implementation, drafting guidelines and criteria regarding selection of a site as appropriate for utilization of a density bonus. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 5, Strategy 17. Develop and Maintain Community Development Plans.

- The Plans, on page 5.33 list a number of specific plans to be developed and/or updated. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 6, Strategy 7: Streamline re/development application process.
 - The Plans, on page 6.24 list a number of specific requirements to be included in a streamlined process. In addition, the policies and processes to be included pursuant to Chapter 2, Strategy 3 (see Chapter 2, pages 2.24 through 2.27) will necessarily have to be incorporated within the streamlined process (this strategy and Chapter 2, Strategy 3 are interdependent). These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 7, Strategy 6. Implement the recommendations of the Victor Traffic Task Force and identify alternative funding streams required for implementation of prioritized projects.
 - The report from the Victor Traffic Task Force included a number of guiding priorities, considerations and costs to be taken into account in implementation. These are the conditions and thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 8, Strategy 1. Implementation of the Future Land Use Plan.
 - Chapter 8 of the Plans includes maps on pages 8.15 and 8.16 depicting specific modifications to district boundaries, use classifications and maximum density limitations. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 8, Strategy 2. Authorization of Mixed Use Development and Neighborhood Scale Commercial Development.
 - The Plans, on pages 8.17 through 8.19, include significant detail regarding objectives, methods, provisions and requirements to be included in the proposed authorization. These are the thresholds taken into account in the environmental review of the implementation of this strategy.
- Chapter 8, Strategy 3. Amendment of the current process for approval of Multiple Dwelling residential developments.
 - The Plans, on pages 8.19 through 8.22, include significant detail regarding objectives, methods, provisions and requirements to be included in the proposed

amended process. These are the thresholds taken into account in the environmental review of the implementation of this strategy.

The DGEIS also identified Phase 1 Implementation Activities for which no specific conditions or thresholds had been established¹². These are listed below.

- 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 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.
- 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 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.

9. REQUIREMENTS FOR FUTURE SEQR COMPLIANCE

The Regulations provide¹³ for Generic EISs and their findings to set forth requirements for any subsequent SEQR compliance. As was described in the FGEIS regarding further SEQR

¹² See Section 2.4 of the Draft Generic Environmental Impact Statement beginning on page 24.

compliance once a Final Generic EIS has been filed, the Regulations¹⁴ 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.*

Accordingly, for Phase 1 Implementation Activities regarding which *specific conditions or thresholds were established* in the Draft Generic Environmental Impact Statement¹⁵ future SEQR compliance should proceed as follows:

- 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;

¹³ See Section 617.10(c) of the Regulations.

¹⁴ See Section 617.10(d) of the Regulations.

¹⁵ These include, as described above and 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 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,
 - 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.

With respect to Phase 1 Implementation Activities regarding which *no* specific conditions or thresholds were established in the Draft Generic Environmental Impact Statement¹⁶, future SEQR compliance should proceed in the following manner:

- 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;

¹⁶ These include, as described above and 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.

- 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 SEQRA compliance is required.

As has already been stated, the implementation activities considered in this document and in the preceding DGEIS and FGEIS include only the nineteen strategies prioritized for implementation in Phase 1. Regarding other strategies called for in the Plans but not recommended for implementation in Phase 1, the need for SEQRA compliance relative to those activities is unaffected by this document or by the preceding DGEIS and FGEIS as those future activities have not been included as part of the Action under review. Accordingly, implementation of those remaining fifty-four strategies prioritized for implementation in Phases 2, 3 and 4 will require separate review under SEQRA at some time in the future.

10. CERTIFICATION REGARDING REQUIREMENTS OF PART 617

By adoption of this Findings Statement, the Town Board of the Town of Victor, as SEQRA Lead Agency, here certifies that the requirements of Article 8 of the Environmental Conservation Law of New York and the requirements of the implementing State Environmental Quality Review regulations promulgated by the New York State Department of Environmental Conservation and codified in 6NYCRR Part 617 have been met.

11. CERTIFICATION REGARDING THE ACTION AND ADVERSE ENVIRONMENTAL IMPACTS

By adoption of this Findings Statement, the Town Board of the Town of Victor, as SEQRA Lead Agency, here certifies that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes 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 mitigative measures that were identified as practicable.