

# SEQR Final Generic Environmental Impact Statement (Final GEIS)

**Action:** Route 96 Transformative Corridor  
Strategic Infrastructure Plan  
Adoption & Implementation

**Location:** Town of Victor, Ontario County, NY

**Lead Agency:** Town of Victor Town Board  
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**Date of Acceptance by Lead Agency:** November 26, 2018

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**Date by Which Comments on the Draft  
Had To Be Submitted to Lead Agency:** September 20, 2018 & November 9, 2018

**Documents Incorporated by Reference:** Draft Generic Environmental Impact Statement:  
Route 96 Transformative Corridor Strategic  
Infrastructure Plan Adoption & Implementation  
Preparation Date: August 3, 2018  
Acceptance Date: August 13, 2018

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<b><u>No.</u></b>	<b><u>Title</u></b>	<b><u>Pg.</u></b>
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## List of Figures Appended to the Text of this Final GEIS

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25	Project Location Map

## List of Appendices to this Final GEIS

- R Town of Victor Town Board Resolution 435 – Notice of Completion of a Draft Generic EIS
- S Town of Victor Town Board Resolution 497 – Notice of Completion of a Draft Generic EIS

## Reference Lists of Tables, Figures and Appendices That Were Included in or Accompanied the Incorporated Draft GEIS

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1	Project Location Map
2	Project Number 1 New Local Street along Ontario Central RR - Overview
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6	Project Number 2 Route 96 3-Lane to 5-Lane Conversion - Overview
7	Project Number 2 Route 96 3-Lane to 5-Lane Conversion - Alignment
8	Project Number 3 Route 251/Lane Road Connection - Overview
9	Project Number 3 Route 251/Lane Road Connection - Intersection
10	Project Number 4 Omnitech Place/Willowbrook Road Connection - Overview
11	Project Number 4 Omnitech Place/Willowbrook Road Connection - Intersection
12	Project Number 5 Plastermill Road/Collett Road/Delray Drive Connection – Overview
13	Project Number 5 Plastermill Road/Collett Road/Delray Drive Connection – Grade Crossing
14	Project Number 6 Lane Road/Victor Egypt Road/Lynaugh Road Roundabout - Overview
15	Project Number 6 Lane Road/Victor Egypt Road/Lynaugh Road Roundabout – Alignment
16	Environmental Setting Project Number 1 New Local Street
17	Environmental Setting Project Number 2 Route 96 3-Lane to 5-Lane Conversion
18	Environmental Setting Project Number 3 Route 251/Lane Road Connection
19	Topography Project Number 3 Route 251/Lane Road Connection
20	Environmental Setting Project Number 4 Omnitech Place/Willowbrook Lane Connection
21	Topography Project Number 4 Omnitech Place/Willowbrook Lane Connection
22	Environmental Setting Project Number 5 Plastermill Road/Collett Road/Delray Drive Connection
23	Topography Project Number 5 Plastermill Road/Collett Road/Delray Drive Connection
24	Environmental Setting Project Number 6 Lane Road/Victor Egypt Road/Lynaugh Road Roundabout

## Reference List of Appendices to the Incorporated DGEIS

- A Route 96 Transformative Corridor Strategic Infrastructure Plan, March 21, 2018, T.Y. Linn International
- B Funding Options and Transportation Development District Overview
- C SEQR FEAF Part 1
- D Town of Victor Town Board Resolution 233 – Classification and Lead Agency
- E Town of Victor Town Board Resolution 408 – Determination of Significance
- F SEQR FEAF Part 2
- G SEQR FEAF Part 3 and Determination of Significance
- H Appendix H of the Route 96 Transformative Corridor Strategic Infrastructure Plan, March 21, 2018, T.Y. Linn International
- I Route 96 High Priority Projects Construction Estimates
- J Intersection Levels of Service PM Peak - No Build and Full Build (All Projects)
- K Arterial Levels of Service PM Peak - No Build and Full Build (All Projects)
- L Detailed Measures of Effectiveness PM Peak - No Build and Full Build (All Projects)
- M Performance PM Peak - No Build and Full Build (All Projects)
- N Intersection Levels of Service PM Peak- Projects 2 and 6, and Projects 2 thru 6
- O Arterial Levels of Service PM Peak - Projects 2 and 6, and Projects 2 thru 6
- P Detailed Measures of Effectiveness PM Peak - Projects 2 and 6, and Projects 2 thru 6
- Q Performance PM Peak - Projects 2 and 6, and Projects 2 thru 6

## List of Abbreviations and Acronyms

ACOE	Army Corps of Engineers
DEC	Department of Environmental Conservation
DEIS	Draft Environmental Impact Statement
DGEIS	Draft Generic Environmental Impact Statement
DOT	Department of Transportation
EAF	Environmental Assessment Form
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FEAF	Full Environmental Assessment Form
FGEIS	Final Generic Environmental Impact Statement
FHWA	Federal Highway Administration
GEIS	Generic Environmental Impact Statement
NEPA	National Environmental Protection Act
NWI	National Wetland Inventory
NYS	New York State
NYS DEC	New York State Department of Environmental Conservation
NYS DOT	New York State Department of Transportation
ROW	Right Of Way
RR	Railroad
SEQR	State Environmental Quality Review
SEQRA	State Environmental Quality Review Act
STB	Surface Transportation Board
TD District	Transportation Development District
TRB	Transportation Research Board
US	United States
US ACOE	United States Army Corps of Engineers
VTTT	Value of Travel Time Savings

## Introductory Summary

### The Proposed Action

The proposed Action that is the subject of this State Environmental Quality Review (“SEQR”) includes three primary components (for more detail, see on pages 3 – 7 below the summary of the description from the preceding *Draft* Generic Environmental Impact Statement [“Draft GEIS” or “DGEIS”] that has been incorporated herein and/or see the actual description provided in the Draft GEIS that was presented on DGEIS pages 9 – 23):

- 1) Formal adoption of a strategic infrastructure plan (“the Plan”) prepared regarding traffic congestion within the corridor surrounding NYS Route 96 in the Town of Victor (see Appendix A for the Plan);
- 2) Implementation of the strategic infrastructure plan via the undertaking, funding and approval of six high priority transportation improvement projects recommended in the plan (see the Plan in Appendix A to the preceding Draft GEIS, the Project Location Map appended to this document as Figure 25, and DGEIS Figures 1, 2, 6, 8, 10, 12, and 14); and,
- 3) Establishment of a Transportation Development District recommended in the plan as a method useful to facilitate funding of the six recommended projects (for an overview, see DGEIS Appendix B).

### Procedural History

For a summary of the procedural history that culminated in the July 6, 2018 determination by the Town of Victor Town Board (“the Town Board”) to prepare a Draft GEIS, see the summary presented in the Draft GEIS beginning on page 1 of that document.

Subsequent to the July 6, 2018 determination to require a Generic Environmental Impact Statement (“GEIS”), a Draft GEIS was prepared and then submitted to the Town Board on August 3, 2018. The Town Board then accepted the submitted Draft GEIS without revision on August 13, 2018 (see Appendix R, Resolution No. 435), and published a “Notice of Completion of a Draft Generic EIS”.

The Town Board established a period for the receipt of comments on the Draft GEIS beginning with its acceptance of the Draft GEIS on August 13, 2018 and ending on September 20, 2018 (the initial date by which comments had to be submitted). On September 10, 2018, the Town Board also held a Public Hearing at which the Town Board was available to hear comments on the Draft GEIS from those asking to address the Town Board directly. As some agencies had not been notified, on October 9, 2018 the Town Board opened a second period for the receipt of comments which ended on November 9, 2018.

Following the November 9, 2018 close of the second Draft GEIS public comment period, this *Final* Generic Environmental Impact Statement (“Final GEIS” or “FGEIS”) was completed and then submitted to the Town Board on November 16, 2018.

The preceding Draft GEIS is incorporated herein by reference. For an explanation, see the description provided below on page 3 under the heading “Incorporation of the Draft Generic Environmental Impact Statement”.

## Scope of the Proposed Action

For a summary of State Environmental Quality Review Act (“SEQRA” or “SEQR”) requirements regarding the minimum scope of actions to be considered in an Environmental Impact Statement (“EIS”) and the Town Board’s decision to expand the scope of this Action to include undertaking, funding, and/or approving the six Projects as well as efforts to establish a TD District, see the description presented in the Draft GEIS beginning on DGEIS page 3.

## Involved Agencies

For a summary of SEQR requirements regarding the identification and inclusion of “involved agencies” in the review of actions classified as Type 1, see the description presented in the Draft GEIS beginning on page 4 of the DGEIS that is incorporated herein by reference. For a summary of the involved agencies identified and included in this review, as well as the basis for their inclusion see the same description presented in the Draft GEIS that begins on page 4 of the DGEIS as well as DGEIS Table 1, presented on page 4 of the DGEIS. For convenience, a duplicate of DGEIS Table 1 is included immediately below as FGEIS as Table 11.

<b>NYS Agencies Identified Under SEQR as Involved (or Potentially Involved) Agencies</b>					
<b>Action Component</b>	<b>NYS Agencies &amp; Municipalities</b>				
	<b>Town of Victor</b>	<b>Village of Victor</b>	<b>Ontario County</b>	<b>NYS DOT</b>	<b>NYS DEC</b>
Plan Adoption	✓	✓			
Project Number 1	✓	✓	✓	✓	✓
Project Number 2	✓			✓	✓
Project Number 3	✓			✓	
Project Number 4	✓			✓	✓
Project Number 5	✓		✓	✓	
Project Number 6	✓		✓	✓	✓
TD District Establishment	✓	✓			

**Table 11**

## Reliance on a Generic Environmental Impact Statement

For a summary of the SEQRA authorization and requirements relative to preparation and utilization of a *generic* EIS, see the description presented beginning on page 6 of the DGEIS that is incorporated herein by reference.

## Content of this Final Generic Environmental Impact Statement

SEQRA, together with the implementing regulations promulgated by NYS DEC (codified at 6 CRR-NY Part 617, hereinafter “the Regulations”), indicates that a final EIS “must consist of: the draft EIS, including any revisions or supplements to it; 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” (see §617.9 (b)(8) of the Regulations). Accordingly, this document consists of six primary sections that appear following the Table of Contents and introductory lists of tables, figures, appendices and abbreviations or acronyms. The first such section presents an

Introductory Summary on pages 1 - 3. The second summarizes the Draft GEIS (as is described in the topic immediately below, this Final GEIS also incorporates the Draft GEIS in its entirety by reference) beginning below on page 3 and ending on page 51. The third and fourth sections were reserved for a summary of substantive comments and the responses to those comments, respectively. However, as the Lead Agency received no comments regarding the Draft GEIS, neither substantive comments nor responses to such comments are described in this Final GEIS. Revisions to the Draft GEIS are described below in the fifth section on pages 51 – 53 and supplements to the DGEIS are presented in the sixth section beginning on page 53.

### **Incorporation of the *Draft Generic Environmental Impact Statement***

SEQRA, together with the Regulations, indicate that an Environmental Impact Statement (“EIS”) may “incorporate by reference all or portions of other documents, including EISs that contain information relevant to the statement” (see §617.9 (b)(7) of the Regulations). With respect to a Final EIS specifically, the Regulations indicate that the “draft EIS may be directly incorporated into the final EIS or may be incorporated by reference” (see §617.9 (b)(8) of the Regulations). Accordingly, this Final GEIS incorporates by reference, in its entirety, the preceding Draft GEIS which was prepared and submitted to the Town Board on August 3, 2018 and accepted by the Town Board on August 13, 2018 (see Appendix R, Resolution No. 435).

### **Summary of the Incorporated *Draft Generic Environmental Impact Statement***

SEQRA provides that “when an EIS incorporates by reference, the referenced document must be briefly described, its applicable findings summarized, and the date of its preparation provided” (see §617.9 (b)(7) of the Regulations). Accordingly, a summary of the incorporated Draft GEIS follows below on pages 3 - 50 of this document. In some instances key figures or tables originally presented in the Draft GEIS are duplicated without change in this Final GEIS as a convenience to the reader. Furthermore, reference lists of the figures, tables and appendices included in the Draft GEIS have been included for the reader’s convenience on the foregoing pages vi, viii, x, and xii.

### **The Introductory Summary Presented in the DGEIS**

The Draft GEIS Introductory Summary included a statement of the Proposed Action (see DGEIS page 1) identical to that provided above on page 1 of this Final GEIS. In addition, as already referenced in the foregoing sections, the DGEIS Introductory Summary also presented a summary of the preceding procedural history (see DGEIS pages 1 - 3), a description of the scope of the proposed action and the Town Board’s decision to expand that scope (see DGEIS pages 3 - 4), the requirements and basis for identification of “involved agencies” for purposes of coordination in this review (see DGEIS pages 4 - 6), and the Town Board’s determination to prepare and utilize a “generic” EIS (see DGEIS pages 6 – 8).

### **DGEIS Description of the Proposed Action, Purpose, Public Need and Benefits**

The DGEIS described the Proposed Action, as well as its purpose, public need and benefits in detail on DGEIS pages 9 – 23.

## **DGEIS Description of the Proposed Action**

*(DGEIS pages 9 – 13)*

Regarding the Proposed Action, in general, the DGEIS:

- Referenced the study undertaken by the Town of Victor in partnership with the Village of Victor, Ontario County, the Genesee Transportation Council, the New York State Department of Transportation, and Finger Lakes Railway (operator of the Ontario Central Railroad) with the goal of identifying potential improvements within the Route 96 corridor that could help to avoid or reduce congestion-related limitations on future travel and development opportunities;
- Included (in DGEIS Appendix A) the resulting “Route 96 Transformative Corridor Strategic Infrastructure Plan” (“the Plan”) that calls for the development of six “High Priority Projects” (“the Projects” or “the six Projects”) depicted in the Figure 25 location map appended to this Final GEIS (identical with the map included in the DGEIS as Figure 1);
- Referenced the recommendation included in the Plan regarding potential establishment of a Transportation Development District (“the TD District”) and stated that the Proposed Action included, in addition to formal adoption of the Plan, implementation of the Plan by undertaking, funding and/or approving the six Projects and establishment of the recommended TD District.

## **DGEIS Description of Adoption of the Plan**

*(DGEIS page 9)*

Regarding formal adoption of the Plan, the DGEIS stated that adoption of the Plan, alone:

- Would involve no physical activity and might therefore be characterized as a mere acceptance of the included information and recommendations;
- Would, nonetheless, also represent a planning and/or policy making activity that could commit the Town and other agencies to a definite course of future decisions with the potential to ultimately affect the environment; and,
- Could also be considered to be the adoption of a supplement to Victor’s land use plan as the Plan addresses a critical issue (traffic congestion within the Route 96 Corridor) that is identified but not finally resolved in the Town of Victor’s 2015 Comprehensive Plan.

## **DGEIS Description of the Six Projects Recommended to be Undertaken, Funded and Approved**

*(DGEIS pages 10 - 12)*

### **Project Number 1**

*(DGEIS page 10)*

Regarding Project Number 1, the first of six Projects recommended in the Plan to be undertaken, funded and approved, the DGEIS stated that Project Number 1 would:

- Convert a segment of the Ontario Central Railroad ROW, more than two miles in length, as shown in DEIS Figures 2, 3, 4 and 5, to a “Complete Street” serving motorists, bicyclists, and pedestrians;

- Begin at Route 251 and run parallel to Route 96, terminating at either a roundabout southeast of Lynaugh Road (presently planned for construction in 2019) or at a new traffic signal at Plastermill Road;
- Require removal of railroad improvements presently within the affected segment of the existing ROW and consequently necessitate an abandonment of the railroad's present use of that segment;
- Likely include the installation of street lights where none now exist;
- Also include development of:
  - At Route 444 (Maple Avenue), a new traffic signal;
  - At Route 251, a dedicated left turn lane for traffic from Route 96 and Lane Road;
  - At Route 251, dedicated right and left turn lanes for traffic onto Route 251;
  - At the intersection of School Street/Adam Street, a mini-roundabout; and,
  - At the intersection of Route 96/School Street, removal of the existing signal and conversion to Right-In/Right-Out only;
- Potentially require more than one year and/or multiple phases to complete; and,
- Require an investment sufficient to support an estimated construction cost ranging from \$7.3 million to \$10.0 million.

## **Project Number 2**

*(DGEIS pages 10 - 11)*

Regarding Project Number 2, another of the six High Priority projects recommended to be undertaken, funded and approved, the DGEIS stated that Project Number 2 would:

- Reconfigure the existing segment of Route 96 from just south of Omnitech Place to Route 251 from one travel lane in each direction with a center turning lane to two travel lanes in each direction (four through travel lanes) with a center turning lane, as shown in DGEIS Figures 6 and 7;
- Provide 12-foot through travel lanes, a 14-foot center turn lane and eight-foot shoulders for the entire length so as to best match the adjoining segment of Route 96 to the north;
- Require minimal additional right of way;
- Work directly with the new local street along the Ontario Central Railroad (Project Number 1) to in order to better distribute existing and projected traffic volumes and reduce delay on a corridor-wide basis;
- Be designed to accommodate a new Route 251/Lane Road Connection (Project Number 3); and,
- Require an investment sufficient to support a construction cost estimated to range from \$1.8 million to \$2.0 million.

### **Project Number 3**

*(DGEIS page 11)*

Regarding Project Number 3, another project recommended to be undertaken, funded and approved, the DGEIS stated that Project Number 3 would:

- Align Route 251 and Lane Road by shifting Lane Road to the north, thereby creating a new Route 96/Route 251/Lane Road intersection with a traffic signal;
- Provide the following lane configurations:
  - Route 251: 300-foot left turn only lane onto northbound Route 96 and combined through-right lane to Lane Road and southbound Route 96;
  - Route 96 Southbound: two through lanes (per Route 96 3-Lane to 5-Lane Conversion Project Number 2) and a 200-foot right turn only lane onto Route 251;
  - Lane Road: 200-foot right turn only lane onto northbound Route 96 and combined through-left lane to Route 251 and southbound Route 96; and,
  - Route 96 Northbound: two through lanes (per Route 96 3-Lane to 5-Lane Conversion Project Number 2) and a 200-foot left turn only lane onto Route 251; and,
- Require an investment sufficient to support a construction cost estimated to range from \$470,000 to \$540,000.

### **Project Number 4**

*(DGEIS pages 11 - 12)*

Regarding Project Number 4, another project recommended to be undertaken, funded and approved, the DGEIS stated that Project Number 4 would:

- Extend Willowbrook Road so as to enable a connection between Omnitech Place and Willowbrook Road and create a new signalized intersection at the present location of the Route 96 and Omnitech Place intersection, as shown in DGEIS Figures 10 and 11;
- Provide one lane in each direction with six-foot paved shoulders;
- Provide a redesigned intersection featuring the following new lane configurations:
  - Willowbrook Road: combined left-through-right lane to Route 96 and Omnitech Place;
  - Route 96 Northbound: two through lanes and a 100-foot left turn only lane onto Omnitech Place; and,
  - Route 96 Southbound: two through lanes (per Route 96 3-Lane to 5-Lane Conversion Project Number 2) and a 100-foot left turn only lane onto Willowbrook Road; and,
- Require an investment sufficient to support a construction cost estimated to range from \$520,000 to \$600,000.

## **Project Number 5**

*(DGEIS page 12)*

Regarding Project Number 5, another project recommended to be undertaken, funded and approved, the DGEIS stated that Project Number 5 would:

- Extend Collett Road to develop a connection between Plastermill Road/Collett Road and Delray Drive and create a new two-way stop controlled intersection with Plastermill Road and Delray Drive, as shown in DGEIS Figures 12 and 13;
- Include an at-grade crossing of the Ontario Central Railroad;
- Provide an opportunity to create a dedicated right turn only lane on Plastermill Road for northeast bound traffic should railroad use increase resulting in the need to reduce longer queues with the potential to impact through traffic; and,
- Require an investment sufficient to support a construction cost estimated to range from \$330,000 to \$360,000.

## **Project Number 6**

*(DGEIS page 12)*

Regarding Project Number 6, another project recommended to be undertaken, funded and approved, the DGEIS stated that Project Number 6 would:

- Construct a Lane Road/Victor Egypt Road/Lynaugh Road roundabout, as shown in DEIS Figures 14 and 15, to replace, at that same general location, the present four-leg intersection that has stop signs for vehicles on Lane Road and Lynaugh Road seeking to access or cross Victor Egypt Road;
- Supplement the geometric design of the roundabout with signage and, if necessary, marking of the approaches to alert drivers to the appropriate speed; and,
- Require an investment sufficient to support a construction cost estimated to range from \$1.5 million to \$2.0 million.

## ***DGEIS Description of the Recommended Establishment of a TD District***

*(DGEIS pages 12 - 13)*

Regarding the establishment of a TD District, the DGEIS stated that:

- The recommended establishment of such a district was in response to the potential need for Town or Village funds to implement some or all of the six High Priority Projects;
- Such a district would allow some portion of the costs of constructing some or all of the six Projects to be raised and financed locally by levying assessments on a benefits-derived basis.;
- Establishment and generation of revenue for the High Priority Projects would require the Town Board and/or Village Board to delineate the boundaries of a proposed TD District;
- Both the Plan and the Town Board, as referenced in Town Board Resolution 233 included in DGEIS Appendix D have noted the potential use of an existing district, known as the Route 96/251 Overlay District, as an alternative to the delineation of new district boundaries;

- Establishment and generation of revenue for the High Priority Projects would also require the Town Board and/or Village Board to receive approval from the State Legislature and the Governor as a municipality does not have the inherent authority to form a TD District; and,
- Financing to support construction costs could presumably be obtained at more favorable interest rates once a TD District was successfully established as there would then be an ascertained source for repayment.

### **DGEIS Description of the Purpose of the Proposed Action**

*(DGEIS page 13)*

The DGEIS described the purpose of the Proposed Action as:

- Reducing traffic congestion by improving roadway capacity as well as by altering the present pattern of vehicular movement of both people and goods.

With respect to the potential to alter patterns of vehicular movement, the DGEIS noted that the following Projects would have the greatest potential to do so:

- Project Number 1 (a new local street along the Ontario Central Railroad);
- Project Number 3 (development of a Route 251/Lane Road connection);
- Project Number 4 (development of an Omnitech Place/Willowbrook Road connection); and,
- Project Number 5 (development of a Plastermill Road/Collett Road/Delray Drive connection).

### **DGEIS Description of the Public Need for the Proposed Action**

*(DGEIS pages 13 – 15)*

#### ***DGEIS Description of Public Need Throughout the Corridor***

*(DGEIS pages 13 – 14)*

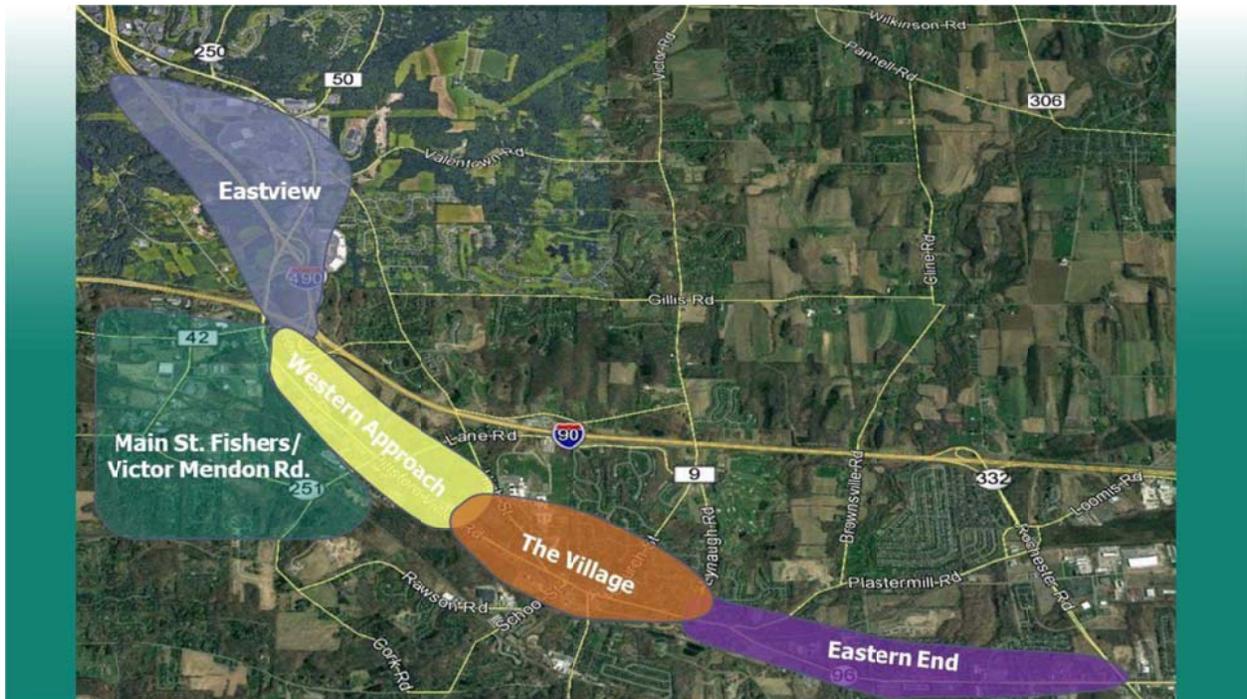
Regarding the public need for the Proposed Action, the DGEIS reiterated the Plan statements that:

- Traffic is a primary concern in Victor;
- When the volume of vehicles on Route 96 exceeds its ability to move them efficiently, excess delay (or congestion) occurs;
- Drivers seeking to avoid spending time stuck in traffic on Route 96 use alternate routes that frequently creates a ripple effect of spillover traffic onto roads adjoining Route 96;
- The resulting spillover traffic has additional negative impacts on residential neighborhoods; and,
- The resulting spillover traffic and its impacts ultimately lead to unfavorable views of any and all future development, regardless of its merit.

The DGEIS described how those developing the Plan drilled down in an effort to understand what the needs are, where they are, and why they're occurring before identifying solutions to the traffic issues in Victor. The DGEIS also summarized the Plans reliance on input from a stakeholder survey, two public meetings, and field observations which was then supplemented with an analysis of current data for numerous factors enumerated in the DGEIS. The DGEIS referenced Appendices E, F and G of the Plan relative to the detailed methodology relied upon to determine needs.

The DGEIS reviewed the exceptional population growth in the Town of Victor as well as the relatively large number of commercial and industrial projects approved in the Route 96 Corridor over the last five years. The DGEIS also noted that the significant growth in population and businesses has not occurred in a uniform pattern within Victor and that the Route 96 Corridor is comprised of very distinct zones with unique needs, each of which requires customized solutions. The DGEIS identified five different segments of the Corridor (as shown in the Figure on DGEIS page 14) within which the Plan identified distinct needs. For convenience, a duplicate of the DGEIS Figure depicting the five different segments of the Corridor is presented immediately below.

### Five Corridor Segments



(Figure above from Route 96 Transformative Corridor Strategic Infrastructure Plan, T.Y. Lin International, March 2018, p. 8)

### *DGEIS Description of Public Need Within Specific Segments of the Corridor*

(DGEIS pages 15)

The DGEIS reiterated the Plan’s identification of the following needs within each of the five segments of the Corridor.

#### The Eastview Segment

- Retail development draws shoppers from as far away as Canada but is frequently afflicted with significant delay;
  - The delay is particularly acute on weekends and during the Holiday Season;
- Traffic signals don’t adequately adapt to changing traffic patterns;
- At the I-490 interchange, the 50 mph speed zone combined with weaving movement of southbound vehicles at I-490 creates safety issues; and,

- Left turn movements onto Route 96 at Woodcliff Drive, Turk Hill Road, and High Street are difficult.

#### **The Main Street Fishers/Victor Mendon Road Segment**

- It can be difficult to turn safely turning onto Route 96 at the Omnitech Place intersection;
  - This is also a contributor to queuing and associated intersection delay at Main Street Fishers/Rowley Road intersection as more drivers use this since it is signalized;
- There is poor connectivity to roads on east side of Route 96;
- There is a lack of walkability and bikeability from hotels to restaurants and for workers at businesses; and,
- The general aesthetics of roads is poor and could be improved.

#### **The Western Approach Segment**

- Where Route 96 narrows from five lanes to three lanes, southbound traffic backs up in afternoon/early-evening;
- Cork, Dryer, and Rawson Roads are used as a means to circumvent delay on Route 96, thereby creating unwanted traffic in residential neighborhoods; and,
- Walkability on west side of Route 96 is poor and should be improved to better serve businesses there and to also create a connection with the Village.

#### **The Village Segment**

- Increasing congestion threatens the viability of businesses, but diverting traffic around the Village is not an option;
- Traffic congestion is exacerbated by three traffic signals within one-quarter of a mile of each other (High Street, School Street, and Route 444/Maple Avenue);
- Traffic congestion is exacerbated by large numbers of school buses at High Street;
- Traffic congestion is also exacerbated by pedestrian actuation at High Street;
- Turning from Church Street onto Route 96 is problematic; and,
- The sidewalks north of Town Hall are steep.

#### **The Eastern End Segment**

- Drivers regularly exceed posted speed limits, which are 45 mph from the Farmington town line to just south of Lynaugh Road, and then 30 mph from Lynaugh Road through the Village;
- The only signalized intersection on this segment is at Mertensia Road in Farmington, making turns onto Route 96 difficult (Lynaugh Road and McMahon Road are cited most often); and,
- Anticipated additional development is expected to increase safety concerns.

## **DGEIS Description of the Benefits of the Proposed Action**

*(DGEIS pages 16 – 23)*

### ***DGEIS Description of Traffic and Transportation Benefits Specific to Separate Components of the Proposed Action***

*(DGEIS pages 16 – 17)*

#### **DGEIS Description of the Benefits of Plan Adoption**

*(DGEIS page 16)*

The DGEIS stated that even in the absence of other measures such as construction of any of the six Projects or formation of a TD District, the establishment of a formally adopted plan would nonetheless provide Town officials the information necessary to make effective decisions relative to realizing the community objective of reduced congestion via improved roadway capacity and revised patterns of vehicular movement.

#### **DGEIS Description of the Benefits of Undertaking, Funding and/or Approving the Six High Priority Projects**

*(DGEIS pages 16 – 17)*

##### ***Project Number 1 – New Local Street along Ontario Central Railroad***

The DGEIS stated that this improvement would:

- Relieve delay within the parallel segment of Route 96 without bypassing the Village business district; and,
- Increase access to properties on the east/south side of the roadway.

##### ***Project Number 2 – Route 96 3-Lane to 5-Lane Conversion***

The DGEIS stated that this improvement would:

- Relieve delay within the parallel segment of Route 96;
- Decrease the number of drivers using Cork, Dryer, and Rawson Roads as cut-throughs;
- Reduce conflicts created by the merging of southbound traffic on Route 96 near Omnitech Place where a lane reduction presently exists; and,
- Work directly in concert with the new Local Street along the Ontario Central Railroad (Project Number 1) to better distribute existing and projected traffic volumes, which would reduce delay on a corridor-wide basis.

##### ***Project Number 3 – Route 251/Lane Road Connection***

The DGEIS stated that this improvement would:

- Improve connectivity across Route by creating a single intersection to replace two offset ones; and,
- Provide dedicated turning lanes at each leg of the intersection to facilitate the most prominent turning movements.

Project Number 4 – Omnitech Place/Willowbrook Road Connection

The DGEIS stated that this improvement would:

- Relieve some of the congestion at the Route 96/Main Street Fishers/Rowley Road intersection by creating a new east-west connection on Route 96; and,
- Increase safety by providing another option for making a left turn onto Route 96 northbound via a traffic signal.

Project Number 5 – Plastermill Road/Collett Road/Delray Drive Connection

The DGEIS stated that this improvement would:

- Provide travelers from the north seeking to access destinations on the eastern end of Route 96 direct access to Mertensia Road from Collett Road; and,
- Improve safety as the intersection of Route 96 and Mertensia Road is signalized, providing for easier turns onto Route 96 compared to the present use of McMahan Road which necessitates a difficult left turn off of McMahan Road onto Route 96.

Project Number 6 – Lane Road/Victor Egypt Road/Lynaugh Road Roundabout

The DGEIS stated that this improvement would:

- Facilitate the use of roads at this intersection which are expected to function as major access points to Route 96 at the Western Approach (Lane Road – see Project Number 3), the Village (Victor Egypt Road becomes Church Street), and the Eastern End (Lynaugh Road – see Project Number 1); and,
- Improve safety, as roundabouts have been proven to reduce the severity of crashes at intersections by lowering speeds.

**DGEIS Description of the Benefit of TD District Establishment**

*(DGEIS page 17)*

The DGEIS indicated that the benefit of establishing a TD District would:

- Arise in the event that Town or Village funds were required to construct some or all of the six Projects;
- Be in allowing such funds to be raised by levying local assessments within a specific area believed to benefit most from the improvements and to do so on a benefits-derived (rather than *ad valorem*) basis; and,
- Include enabling the Town and/or Village to finance their contributions of such costs at more favorable interest rates.

**DGEIS Description of Traffic and Transportation Benefits of All Components of the Proposed Action Combined**

*(DGEIS pages 17 – 23)*

## **DGEIS Description of Analysis Accompanying the Plan**

*(DGEIS pages 17 – 19)*

The DGEIS noted that the multiple components of the proposed Action are intended to work in concert to reduce traffic congestion within the corridor and, as a consequence, to also improve safety as the Town's Comprehensive Plan reported that rear end accidents accounted for half all accidents along the Route 96 Corridor.

The DGEIS referenced Appendix H of the Plan as providing a comprehensive evaluation of the proposed Action (Appendix H of the Plan was also appended to the DGEIS as DGEIS Appendix H). The DGEIS described the manner in which the Plan had relied upon traffic models developed in industry standard software applications for three scenarios: Existing 2017, Future No Build 2040, and, Future Build 2040.

The DGEIS reported that evaluation of the six Projects utilizing the foregoing models indicated that implementation of the six would result in:

- An arterial Level of Service (LOS) along the Route 96 Corridor during the evening peak hour in 2040 of C for southbound or eastbound traffic and of D for northbound or westbound traffic;
- No intersections projected to have an intersection LOS worse than E in 2040;
- A transition from a Future No Build scenario with two intersections at LOS D, two at LOS E, and two at LOS F to a Build scenario in which two remain at LOS D, only one is at LOS E, and none are at LOS F;
- Significant improvement at the High Street intersection in the Village where the LOS would improve from a LOS E in the No Build scenario to a LOS A in the Build scenario;
- Notable improvement at the Main Street Fishers intersection which, despite providing only a LOS E in the Build scenario, would be an improvement nonetheless when compared to the LOS F in the No Build scenario; and,
- Only a single intersection (Commerce Drive) with a worse LOS in the Build scenario compared to the No Build (LOS C in No Build scenario and LOS D in the Build).

DGEIS Table 3 summarized the results listed above as well as other related details reported in the Plan.

## **DGEIS Description of Additional Analyses Included in this Environmental Review**

*(DGEIS pages 19 – 22)*

The DGEIS described the manner in which further analyses were undertaken as part of the environmental review subsequent to finalization of the Plan. The DGEIS stated that the later analyses also utilized software modeling to enable a direct comparison of multiple parameters (including Arterial LOS, Corridor Delay, Average Speed, Intersection LOS, and Intersection Delay), in the Full Build 2040 PM Peak scenario and the corresponding No Build scenario. The DGEIS included in this description a summary of the distinction to be made when reviewing LOS forecast from an arterial perspective versus those forecast for individual intersections and how measures taken to improve arterial LOS could easily impact the LOS at intersections adversely, and vice versa. Finally, in addition to presenting several

tables summarizing the results of these analyses (DGEIS Tables 4 and 5), the DGEIS also referenced the following DGEIS appendices which presented the results of the analyses in detail:

- DGEIS Appendix J Intersection Levels of Service PM Peak No Build and Full Build (All Projects);
- DGEIS Appendix K Arterial Levels of Service PM Peak No Build and Full Build (All Projects);
- DGEIS Appendix L Detailed Measures of Effectiveness PM Peak No Build and Full Build (All Projects); and,
- DGEIS Appendix M Performance PM Peak No Build and Full Build (All Projects).

DGEIS Table 4 summarized the forecast results with respect to Arterial LOS, Delay and Average Speed within each of the five identified Corridor segments depicted in DGEIS Figure 15. With respect to the 2040 PM Peak Arterial LOS alone, Table 4 showed that the proposed Action, referenced therein as the Full Build scenario, would be expected to yield significant reductions in congestion for *southbound and eastbound* motorists within certain Corridor segments when compared to the No Build (or No Action) scenario:

- The Overall Corridor (LOS D improved to C);
- The Village Segment (LOS C improved to B);
- The Western Approach Segment (LOS E improved to C); and,
- The Main Street Fishers/Victor Mendon Road Segment (LOS F improved to E).

Unfortunately, DGEIS Table 4 also showed that the proposed Action, when compared to the corresponding No Build scenario, would result in some additional arterial congestion and delay for *northbound and westbound* motorists within:

- The Western Approach Segment (2040 PM Peak Arterial LOS A diminished to C); and,
- The Main Street Fishers/Victor Mendon Road Segment (2040 PM Peak Arterial LOS D diminished to F).

The DGEIS identified possible causes of the unfortunate decline in the 2040 PM Peak arterial LOS forecast for northbound and westbound motorists in the Full Build Scenario. These included the inclusion of additional intersection signals in the Full Build scenario compared to the No Build and the possible masking of the full adverse impact of these additional signals to southbound and eastbound motorists during the PM Peak when traffic density and associated delay would already be relatively high.

DGEIS Table 5 summarized the forecast results with respect to Intersection LOS, Intersection Delay and Average Speed for given intersections within each segment corridor.

DGEIS Table 5 showed that the proposed Action, when compared to the No Build or No Action scenario, is anticipated to yield significant reductions in intersection traffic congestion at the following intersections:

- Route 96/School Street (LOS C improved to A);
- Route 96/High Street (LOS D improved to B);
- Route 96/Route 251 (LOS E improved to C);

- Route 96/Omnitech Place (LOS F improved to C); and,
- Route 251/Rowley Road/Main Street Fishers (LOS would remain F, but seconds of signal delay would be reduced from 113 to 81).

DGEIS Table 5 also indicated that, unlike the arterial data presented in DGEIS Table 4 relative to northbound or westbound travel, none of the intersections presented in DGEIS Table 5 would be affected by a significant increase in intersection traffic congestion or delay as a consequence of the proposed Action.

### ***DGEIS Description of Social and Economic Considerations Relative to Benefits of the Proposed Action***

*(DGEIS page 23)*

Regarding economic considerations, the DGEIS stated that Appendix H to the Plan (also appended to the DGEIS as DGEIS Appendix H) reported the results of an initial calculation, based on the comparative results of the Current Year Model and the Build 2040 Model, of the value of travel time savings (“VTTS”). The DGEIS cited the results of this analysis as indicating that the implementation of the six Projects would result in economic benefits exceeding costs when vehicle operating cost savings, safety improvements, emissions reduction benefits, and property value increases resulting from the implementation of the projects were factored in. The DGEIS also repeated the Plan’s claim that the VTTS alone (in the PM peak hour) was projected to be between 15 and 22 percent of the total cost of the project through 2040 (including both initial construction and maintenance costs) and that also including an assumed realization of half as much savings in the AM peak hour would result in VTTS of between 22 and 33 percent of the total cost.

The DGEIS also noted the Finger Lakes Economic Development Council’s recognition of the Corridor as a “Transformative Corridor”, i.e., a critical component of the regional transportation system supporting job growth, increasing regional wealth, driving private sector investment, and reducing poverty. The DGEIS went on to opine that the anticipated reduction in corridor traffic congestion reflected in the foregoing forecasts of 2040 LOS and other measures in the “Full Build” scenario would better facilitate and support (relative the No Action or No Build scenario) realization of the economic potential believed to now be present within the corridor.

### ***DGEIS Description of the Environmental Setting of Areas to Be Affected***

The DGEIS described the environmental setting of areas to be affected by the Proposed Action in detail on DGEIS pages 23 – 29.

It should be noted that the DGEIS did not identify or describe any environmental settings potentially affected by the proposed adoption of the Plan as no physical activity would be involved in that component of the Action. Instead, the DGEIS narrative on this topic began with a description of regional and corridor-wide settings potentially affected by construction of one or more of the six proposed Projects and then described separately each of the potentially affected settings specific to a given site or action component (i.e., the six sites specific to each of the six proposed Projects). Finally, the DGEIS described the fiscal setting potentially affected by the proposed establishment of a TD District.

## **DGEIS Description of Affected Regional and Corridor-wide Settings**

*(DGEIS pages 23 – 24)*

Regarding the regional presence of Significant Natural Communities, Rare Plants and Animals, and Threatened and Endangered Animals and Plants, the DGEIS stated that two Threatened Animals could be present regionally in the Plan area, namely:

- The Northern Long-Eared Bat (*Myotis septentrionalis*); and,
- The Bog Turtle (*Clemmys muhlenbergii*).

The DGEIS indicated that each of the two foregoing species are either known to or believed to occur in Ontario County.

Regarding the regional presence of State Regulated Freshwater Wetlands or Federal Estuarine, Marine, and Freshwater Wetlands, or other surface water resources, the DGEIS evaluated these separately for each of the six sites proposed for construction of the six Projects. These evaluations are summarized below under the topic heading that follows.

Regarding corridor-wide traffic conditions potentially affected by the proposed Action, the DGEIS noted that, of the sixteen intersections reviewed in the Plan, three presently have a LOS of D or worse (High Street in the Village, Rowley Road/Main Street Fishers, and Woodcliff Drive, as shown in DGEIS Table 6).

Finally, regarding corridor-wide traffic conditions and the economic setting, the DGEIS noted that the potentially affected segment of the NYS Route 96 corridor had been declared a “Transformative Corridor” recognized as a critical component of the regional transportation system supporting job growth, increasing regional wealth, driving private sector investment, and reducing poverty. The DGEIS also noted that potential growth and economic development within this Corridor are believed to be presently suppressed by the history of increasing traffic congestion within the Corridor which reduces traffic safety and impedes the passage of visitors and commuters.

## **DGEIS Description of Affected Settings Specific to Given Sites or Action Components**

*(DGEIS pages 25 – 29)*

### ***DGEIS Description of the Setting of Project Number 1 – New Local Street along Ontario Central Railroad***

*(DGEIS pages 25 – 26)*

DGEIS Figure 16 depicted the site of proposed Project Number 1, as did the more detailed DGEIS Figures 3, 4 and 5.

The DGEIS indicated the following regarding the setting of proposed Project Number 1:

- Although characterized as “under-utilized”, the affected segment of the railroad ROW is presently in use to provide service;
- The profile of the affected segment of railroad ROW is fairly uniform at present;

- Very little (perhaps none) of the ROW that would be utilized by the project is elevated relative to the surrounding terrain;
- As presently developed, and although it is unpaved, the existing railroad ROW is believed to be largely impervious to water infiltration;
- The existing ROW width within the affected segment is believed to be sufficient to accommodate future installation of a replacement track, offset to one side or the other, as well as construction of the proposed local street and associated sidewalk;
- Other than at the intermediate intersections with School Street and Maple Avenue, no streets or roads presently exist along the proposed alignment where the new local street would be developed;
- Other than at the aforementioned intermediate intersections, no street-lighting presently exists within the immediate area where the new street would be constructed;
- The segment of the railroad ROW that Project Number 1 would utilize presently traverses a number of land use districts and also serves, in a number of instances, as the boundary between somewhat dissimilar districts;
- Much of the segment of the railroad ROW between Route 251, to the northwest, and School Street, to the southeast, is adjoined by a large wetland complex that includes both NYS DEC Freshwater Wetlands as well as potential federal wetlands regulated by the US ACOE that are mapped on the federal National Wetland Inventory (“NWI”);
- The wetland complex is immediately adjacent to the railroad ROW, or nearly so, for a distance of more than 4,200 feet, from a point approximately 1,525 feet southeast of Route 251 to a point approximately 1,225 feet northwest of School Street;
- Although none of the ROW is believed to actually be within a wetland, segments that are within 100 feet of a NYS DEC Freshwater Wetland boundary would nonetheless be within the wetland adjacent area (or buffer) regulated by NYS DEC;
- Several intermittent streams are also present within the wetland complex that adjoins the segment of the railroad ROW that would be utilized for development of the new local street;
- The railroad ROW also crosses another intermittent stream northwest of the wetlands at a point approximately 1,000 feet southeast of Route 251; and,
- The perennial stream known as Great Brook courses south of and somewhat parallel to the railroad ROW beginning at a point just northwest of Maple Avenue and an intermittent stream tributary to Great Brook crosses the railroad ROW just southeast of Maple Avenue.

***DGEIS Description of the Setting of Project Number 2 – Route 96 3-Lane to 5-Lane Conversion***  
(DGEIS pages 26 – 27)

DGEIS Figure 17 and the more detailed DGEIS Figures 6 and 7 depicted the setting of proposed Project Number 2.

The DGEIS indicated the following regarding the setting of proposed Project Number 2:

- The immediate setting is, somewhat obviously, the existing ROW of a NYS highway;
- With very few exceptions, it is anticipated that the present Route 96 ROW would accommodate the proposed widening with little acquisition of additional land;

- The segment of Route 96 proposed for widening in this project is very heavily travelled by vehicles, particularly during peak morning and evening commutes;
- Presently there is very little pedestrian or bicycle travel within this segment;
- A large wetland complex is located southwest of, and in some locations immediately adjacent to, this segment of Route 96;
- The segment within which the wetlands approach Route 96 most closely is located between points 875 feet and 1,350 feet southeast of the Route 96/Omnitech Place intersection; and,
- Two intermittent streams presently cross Route 96 within this segment, one near and just southeast of the intersection with Omnitech Place and a second near and just northwest of the intersection with Route 251.

***DGEIS Description of the Setting of Project Number 3 – Route 251/Lane Road Connection***  
(DGEIS page 27)

DGEIS Figures 18 and 19, as well as the more detailed DGEIS Figures 8 and 9, depicted the setting of the proposed extension and realignment of Lane Road to create a connection with Route 251.

Regarding the setting of proposed Project Number 3, the DGEIS indicated the following:

- The land in this area northeast of Route 96 is higher in elevation than is the highway;
- Although the anticipated alignment of the new connection would be only 1,000 feet or so in length, the elevation of Lane Road at the anticipated point of departure is approximately 40 feet higher than the elevation of the Route 251/Route 96 intersection where the proposed connection would terminate;
- Given the aforementioned estimated elevations and length, the average grade of the connection would be approximately 4 percent (40 feet over 1,000 feet);
- The final profile would be determined by existing topography;
- An intermittent stream presently crosses Route 96 just northwest of the Route 251 intersection, at least 250' distant from the Route 96/Route 251 intersection; and,
- Much of the land over which the newly proposed connection would pass is now in private ownership and presently put to other uses than as a roadway.

***DGEIS Description of the Setting of Project Number 4 – Omnitech Place/Willowbrook Road Connection***  
(DGEIS pages 27 – 28)

DGEIS Figures 20 and 21, as well as the more detailed DGEIS Figures 10 and 11, depicted the setting of the proposed extension of Willowbrook Road to create a connection with Route 96 and Omnitech Place.

Regarding the setting of proposed Project Number 4, the DGEIS indicated the following:

- In this area, the land east of Route 96 is generally higher in elevation than is the highway;
- The anticipated alignment of the new connection would be only 1,000 feet or so in length and the change in elevation along that anticipated alignment is approximately 20 feet (the present

intersection of Willowbrook Road with Rowley Road being approximately 20 feet higher than that of the present intersection of Omnitech Place with Route 96);

- Given the aforementioned estimated elevations and length, the average grade of the connection would be approximately 2 percent (20 feet over 1,000 feet);
- The final profile would be determined by existing topography;
- An intermittent stream is located south of and immediately adjacent to Willowbrook Road east of Rowley Road. Although this stream crosses Route 96 well south of the Omnitech Place intersection with Route 96, it crosses Rowley Road immediately south of and adjacent to the Willowbrook Road/Rowley Road intersection; and,
- Much of the land over which the newly proposed connection would pass is now in private ownership and presently put to other uses than as a roadway.

### ***DGEIS Description of the Setting of Project Number 5 – Plastermill Road/Collett Road/Delray Drive Connection***

*(DGEIS page 28)*

DGEIS Figures 22 and 23, as well as the more detailed DGEIS Figures 12 and 13, depicted the setting of the proposed extension of Collett Road to create a connection with Plastermill Road at the present intersection Delray Drive.

Regarding the setting of proposed Project Number 5, the DGEIS indicated the following:

- Collett Road generally descends in elevation as it approaches the present intersection of Plastermill Road with Delray Drive from the east;
- The anticipated alignment of the new connection would be only 250 feet or so in length and the change in elevation along that anticipated alignment is approximately 10 feet;
- Given the aforementioned estimated elevations and length, the average grade of the connection would be approximately 4 percent (10 feet over 250 feet);
- The final profile would be determined by existing topography as well as the need to cross the existing railroad ROW at-grade within the new road segment;
- There are no streams or wetlands in the immediate vicinity of the area anticipated to be affected by the project (the nearest stream courses north of Plastermill Road and crosses Delray Drive approximately 400 feet north of the intersection to which Collett Road would be extended); and,
- Much of the land over which the newly proposed connection would pass is now in private ownership and presently put to other uses than as a roadway.

### ***DGEIS Description of the Setting of Project Number 6 – Lane Road/Victor Egypt Road/Lynaugh Road Roundabout***

*(DGEIS page 28)*

DGEIS Figure 24 and the more detailed DGEIS Figures 14 and 15 depicted the setting of the proposed roundabout at the present intersection of Lane Road, Victor Egypt Road and Lynaugh Road.

Regarding the setting of proposed Project Number 6, the DGEIS indicated the following:

- The immediate setting is, somewhat obviously, the existing intersection of the three referenced roadways;
- An intermittent stream is mapped as crossing both Lane Road and Victor-Egypt Road very near and immediately south of the existing Lane Road/Victor Egypt Road/Lynaugh Road intersection;
- The present intersection of Lane Road, Victor Egypt Road, and Lynaugh Road is a four-leg intersection that has stop signs for vehicles on Lane Road and Lynaugh Road seeking to access or cross Victor Egypt Road;
- The speed limits approaching the intersection are presently 55 mph on Victor Egypt Road, 50 mph on Lynaugh Road, and 40 mph on Lane Road;
- Presently, the speed limit is reduced from 55 mph on Victor Egypt Road to 25 mph where it becomes Church Street less than one half-mile south of the intersection;
- The roads at this intersection function, or would function, as major access points to Route 96 at the Western Approach (Lane Road – see Project Number 3), the Village (Victor Egypt Road becomes Church Street), and the Eastern End (Lynaugh Road – see Project Number 1); and,
- As shown in DGEIS Figure 15, although some land acquisition may be required to expand the existing ROW, the areas where acquisition would be necessary do not appear to be extensive.

### ***DGEIS Description of the Fiscal Setting Potentially Affected by District Establishment***

*(DGEIS page 28 - 29)*

The DGEIS stated that the proposed establishment of a TD District could affect the fiscal setting. In the present fiscal setting, both the Town and Village have recourse only to funds awarded from other agencies and/or to revenue derived from the local imposition of municipality-wide Ad Valorem taxes to fund roadway improvements. The DGEIS indicated that no special districts or other mechanisms presently exist whereby either the Town or the Village could allocate the financial burden of roadway improvements more to a specific region within the municipality relative to any other.

### **DGEIS Description of Potential Significant Adverse Environmental Impacts**

The DGEIS described the Potential Significant Adverse Environmental Impacts associated with the Proposed Action in detail on DGEIS pages 29 – 39.

The DGEIS clarified that, unlike the foregoing section, this and subsequent sections were organized according to the environmental resource potentially impacted and the type of potential impact rather than by specific components of the Action component. The DGEIS also noted that consideration of the full scope of the Action revealed nonetheless that all but one of the identified potential impacts of significance were associated with construction of one or more of the six Projects and that the single exception was a potential Fiscal impact associated with the proposed establishment of a TD District.

## **DGEIS Description of Impact on Land**

*(DGEIS pages 29 - 31)*

### ***DGEIS Description of the excavation and removal of natural material***

*(DGEIS pages 29 – 31)*

Regarding potential impacts on land and the potential excavation and removal of natural material specifically, the DGEIS indicated that:

- Some of the six Projects (namely, Project Numbers 1, 3, 4 and 5) are associated with a potential need to remove natural material;
- Although NYS DEC FEAF forms classify the removal of natural material as a potential impact on land, in this instance the primary potential impact of significance would be an impact to Transportation as a consequence of the potential need to then transport removed material utilizing nearby roadways;
- The potential impact to Transportation and nearby roadways resulting from the transport of removed material would be exacerbated by the facts that some of these roadways: 1) are already suffering from traffic congestion; and, 2) likely be subject as well, at that time, to the effects of construction-related closures and detours resulting from one of more of the Projects; and,
- Although the DGEIS presented the details relative to removal of material under the topic “Impacts on Land”, the DGEIS formally included the consequent potential impacts in the following section entitled “Impact on Transportation”.

### **DGEIS Description of the excavation and removal of natural material in Project Number 1**

*(DGEIS pages 29 – 30)*

Regarding potential impacts from excavation and removal of natural material in Project Number 1, the development of a new local street along the existing Ontario Central Railroad ROW, the DGEIS stated that:

- Although the FEAF indicated that Project Number 1 was associated with the potential need for significant cut and fill activities that could lead to the excavation and removal of 1,000 tons or more of natural material, it was subsequently determined that the potential need for cut and/or fill associated with Project Number 1 would actually be very minimal as the railroad ROW is presently sufficiently wide to avoid any need for an increase in width and is not elevated above the surrounding terrain to the extent that would require any significant modification of the surface elevation; and,
- As the FEAF had assumed the quantities of material to be potentially removed were largest in Project Number 1 (given its length of more than two miles), the discovery that Project Number 1 should instead involve only minimal removal meant that the quantities of material potentially requiring removal that were referenced in the EAF for the six Projects combined were also greatly overestimated.

### **DGEIS Description of the excavation and removal of natural material in Project Number 3**

*(DGEIS page 30)*

Regarding potential impacts from excavation and removal of natural material in Project Number 3, the development of a connection between Route 251 and Lane Road, the DGEIS stated that:

- The anticipated alignment is 1,000 feet or so in length and the change in elevation along that anticipated alignment is approximately 40 feet;
- The average grade of the connection would be 4 percent although the final profile would also be determined by existing topography;
- Whether the required cuts and fills would balance remains uncertain;
- Whether sufficient on-site locations to either borrow or deposit soil would be available remains uncertain as most of the land over which the connection would pass is privately held and acquisition will be necessary;
- There is some potential need for removal and transport of quantities of soil to or from the construction site;
- In order to gauge the potential impact in an extreme scenario, the hypothetical removal of natural material to a depth of 5 feet over one-half the surface of a proposed ROW 1,000 feet in length and 60 feet in width would generate 150,000 cubic feet of material, equivalent to approximately 5,500 cubic yards which, in turn, would likely equate to more than 500 truckloads (it should be noted that this Final GEIS revises these estimates from the DGEIS, see Revision 2, below); and,
- Given the location, transport of any natural material to or from the site would nonetheless likely involve transport (and turning movements) on Route 96 and/or Route 251.

#### **DGEIS Description of the excavation and removal of natural material in Project Number 4**

*(DGEIS page 30)*

Regarding potential impacts from excavation and removal of natural material in Project Number 4, the development of a connection between Omnitech Place and Willowbrook Road, the DGEIS stated that:

- The anticipated alignment is 1,000 feet or so in length and the change in elevation along that anticipated alignment is approximately 20 feet;
- The average grade of the connection would be 2 percent although the final profile would also be determined by existing topography;
- Whether the required cuts and fills would balance remains uncertain;
- Whether sufficient on-site locations to either borrow or deposit soil would be available remains uncertain as most of the land over which the connection would pass is privately held and acquisition will be necessary;
- There is some potential need for removal and transport of quantities of soil to or from the construction site;
- In order to gauge the potential impact in an extreme scenario, the hypothetical removal of natural material to a depth of 5 feet over one-half the surface of a proposed ROW 1,000 feet in length and 60 feet in width would generate 150,000 cubic feet of material, equivalent to approximately 5,500 cubic yards which, in turn, would likely equate to more than 500 truckloads (it should be noted that this Final GEIS revises these estimates from the DGEIS, see Revision 2, below); and,

- Given the location, transport of any natural material to or from the site would nonetheless likely involve transport (and turning movements) on Route 96.

**DGEIS Description of the excavation and removal of natural material in Project Number 5**

*(DGEIS pages 30 – 31)*

Regarding potential impacts from excavation and removal of natural material in Project Number 5, the development of a connection between Plastermill Road/Collett Road and Delray Drive, the DGEIS stated that:

- The anticipated alignment is 250 feet or so in length and the change in elevation along that anticipated alignment is approximately 10 feet;
- The average grade of the connection would be 4 percent although the final profile would also be determined by existing topography;
- Whether the required cuts and fills would balance remains uncertain;
- Whether sufficient on-site locations to either borrow or deposit soil would be available remains uncertain as most of the land over which the connection would pass is privately held and acquisition will be necessary;
- There is some potential need for removal and transport of quantities of soil to or from the construction site;
- In order to gauge the potential impact in an extreme scenario, the foregoing hypotheticals used to gauge the potential impacts from Projects 3 and 4 are not directly applicable to this project given the shorter length;
- As an extreme example, the hypothetical removal of natural material to a depth of 5 feet over one-half the surface of a proposed ROW 250 feet in length and 60 feet in width would generate 37,500 cubic feet of material, equivalent to approximately 1,375 cubic yards which, in turn, would likely equate to more than 135 truckloads (it should be noted that this Final GEIS revises these estimates from the DGEIS, see Revision 2, below); and,
- Given the location, transport of any natural material to or from the site would nonetheless likely involve transport (and turning movements) on Route 96.

***DGEIS Description of construction that would continue for more than one year or in multiple phases***

*(DGEIS page 31)*

Regarding construction that could continue for more than one year or in multiple phases, the DGEIS stated that:

- The six Projects would involve a combined length of almost 4 miles and a combined area of disturbance estimated at nearly 30 acres;
- On their own, either of the two more extensive projects (Project Number 1, a new local street along the Ontario Central Railroad, and Project Number 2, the conversion of a mile-long segment of Route 96 from 3-lanes to 5-lanes) could easily require more than one year and/or multiple phases to complete;

- That each of the six separate projects is associated with different approval and permit requirements, that each would likely rely on a different array of potential funding sources, and that each would pose unique logistical obstacles all make it virtually certain that the six would be undertaken somewhat separately in an as-yet-to-be-determined sequence;
- Construction on one or another of the projects would likely continue for years and the proposed Action, as a whole, would likely involve a minimum of six phases and possibly more;
- Although the resulting temporary impacts would eventually cease, the potential for disruption and interference with motorists, bicyclists, pedestrians and properties near the various construction sites would be great in the interim; and,
- The DGEIS has also noted this potential impact as one to Transportation under the DGEIS topical heading “Temporary traffic detours and/or traffic delays as a consequence of construction”.

### **DGEIS Description of Impacts on Surface Water**

*(DGEIS pages 31 - 32)*

### ***DGEIS Description of construction within or adjoining a freshwater wetland or in the bed or banks of any other water body***

*(DGEIS pages 31 – 32)*

With respect to construction within or adjoining a freshwater wetland or within the bed or banks of any other water body, the DGEIS indicated that:

- The FEA forecast of a potential need for significant cut and/or fill in Project Number 1 to either modify the ROW profile or widen the ROW was incorrect. In fact, the railroad ROW is presently sufficient to accommodate development of the proposed street without significant widening of the ROW or changes to the existing ROW surface elevation;
- A large wetland complex that includes both NYS DEC Freshwater wetlands as well as potential wetlands mapped on the federal National Wetland Inventory adjoins the segment of the Ontario Central Railroad ROW within which Project Number 1 would develop a new local street;
- The wetland complex adjoining the railroad ROW is immediately adjacent to the railroad ROW, or nearly so, for a distance of more than 4,200 feet, from a point approximately 1,525’ south of Route 251 to a point approximately 1,225 feet north of School Street;
- The potential risk for impacts to the aforementioned wetlands as a consequence of Project Number 1 was greatly overstated in the FEA and would, in fact, be very minimal;
- Project Number 1 would, nonetheless, require work within the 100-foot wide wetland adjacent area or buffer regulated by NYS DEC;
- Project Number 1 could also require some incidental fill within a federal NWI wetland;
- Although several intermittent streams are present within the wetland complex that adjoins the segment of the railroad ROW that would be utilized by Project Number 1, no impacts to these streams are anticipated as a consequence of the project;
- Although the railroad ROW also crosses another intermittent stream north of the wetlands at a point approximately 1,000 feet south of Route 251, no need for Project Number 1 to modify this crossing or otherwise impact the stream is anticipated;

- Although the perennial stream known as Great Brook courses south of and somewhat parallel to the railroad ROW beginning at a point just west of Maple Avenue and although an intermittent stream tributary to Great Brook crosses the railroad ROW just east of Maple Avenue, no need for Project Number 1 to modify this crossing or otherwise impact these two watercourses is anticipated;
- Only if Project Number 1 required some reconstruction or expansion of the developed portions of the railroad ROW, would there be some potential for significant stream impacts within the adjacent wetlands or at the existing stream crossings;
- Route 96 crosses an intermittent stream at a point just north of the intersection with Route 251. Project Number 2, the conversion of a mile-long segment of Route 96 from 3-lanes to 5-lanes, could require some modification to this stream crossing such as the replacement or extension of the existing culvert or other conveyances now present at the crossing;
- An intermittent stream is located south of and immediately adjacent to Willowbrook Road east of Rowley Road. This stream is also crossed by Rowley Road immediately south of the Willowbrook Road/Rowley Road intersection. Although it is somewhat unlikely, there remains some risk that Project 4, the development of an Omnitech Place/Willowbrook Road connection, could impact this stream by requiring replacement or extension of existing culverts or other conveyances presently in place at the crossings; and,
- Both Lane Road and Victor-Egypt Road cross an intermittent stream very near and immediately south of the existing Lane Road/Victor Egypt Road/Lynaugh Road intersection. Project Number 6, which would construct a Lane Road/Victor Egypt Road/Lynaugh Road roundabout in this location, would very likely impact this stream crossing by requiring modifications to and/or replacement of the existing culvert or other conveyances now present at the crossing.

### **DGEIS Description of Impact on Transportation**

*(DGEIS pages 32 - 34)*

### ***DGEIS Description of transport of natural material removed from construction sites***

*(DGEIS pages 32 – 34)*

Regarding the impact on Transportation associated with the potential need to transport natural material to or from the sites of the six Projects, the DGEIS indicated that:

- Some of the six Projects (Project Numbers 3, 4 and 5, specifically) could involve a potential need to remove natural material. The details of that potential need were described in the foregoing DGEIS section entitled “Impacts to Land”;
- In this instance the primary potential impact of significance associated with the need to remove natural materials would actually be an impact to Transportation as a consequence of the potential need to then transport removed material utilizing nearby roadways;
- Some of the potentially affected roadways are already suffering from traffic congestion and would also likely then be subject to the additional effects of construction-related closures and detours as well;
- Regarding Project Number 3, the DGEIS “Impacts to Land” description estimated, as an absolute and somewhat unlikely maximum, the potential removal of 150,000 cubic feet of material, equivalent to

approximately 5,500 cubic yards, and potentially equivalent to more than 500 truckloads (it should be noted that this Final GEIS revises these estimates from the DGEIS, see Revision 2, below). Given the location, transport of natural material from the site would likely involve transport (and turning movements) on Route 96 and/or Route 251. The temporary disruption and resulting impact to motorists, bicyclists, pedestrians and properties along the transport routes could therefore be considerable;

- Regarding Project Number 4, the DGEIS “Impacts to Land” description also estimated, as an absolute and somewhat unlikely maximum, the potential removal of 150,000 cubic feet of material, equivalent to approximately 5,500 cubic yards, and potentially equivalent to more than 500 truckloads (it should be noted that this Final GEIS revises these estimates from the DGEIS, see Revision 2, below). Given the location, transport of natural material from the site would likely involve transport (and turning movements) on Route 96. The temporary disruption and resulting impact to motorists, bicyclists, pedestrians and properties along the transport routes could therefore be considerable; and,
- Regarding Project Number 5, the DGEIS “Impacts to Land” description estimated, as an absolute and somewhat unlikely maximum, the potential removal of 37,500 cubic feet of material, equivalent to approximately 1,375 cubic yards, and potentially equivalent to more than 135 truckloads (it should be noted that this Final GEIS revises these estimates from the DGEIS, see Revision 2, below). Given the location, transport of natural material from the site would likely involve transport (and turning movements) on Route 96. The temporary disruption and resulting impact to motorists, bicyclists, pedestrians and properties along the transport routes could therefore be considerable.

### ***DGEIS Description of alteration to the present pattern of movement of people or goods – motor vehicles***

*(DGEIS page 34)*

With respect to altering present patterns of movement of motor vehicles, the DGEIS noted the following:

- Altering the present pattern of vehicular movement within the Corridor (so as to reduce traffic congestion) is actually one of the primary goals of the Action;
- Although all of the Projects would have some potential to alter such patterns, four would have the most potential to do so: Project Numbers 1 (a new local street along the Ontario Central Railroad), 3 (development of a Route 251/Lane Road connection), 4 (development of an Omnitech Place/Willowbrook Road connection), and 5 (development of a Plastermill Road/Collett Road/Delray Drive connection);
- Although the potential impacts would be largely positive, there could also be some negative aspects to the anticipated pattern changes;
- As described in more detail in DGEIS Table 4 (see DGEIS page 21), the proposed Action would likely result in some additional arterial congestion and delay during the 2040 PM Peak Hour for northbound and westbound motorists within the Western Approach (arterial LOS A diminished to C) and Main Street Fishers/Victor Mendon Road (arterial LOS D diminished to F) segments of the Corridor; and,

- The aforementioned adverse impact would likely be the result, at least in part, of the Action's proposed installation of additional traffic signals intended to improve or maintain acceptable LOS at intersections.

***DGEIS Description of alteration to the present pattern of movement of people or goods – railroad***

*(DGEIS page 34)*

With respect to altering present patterns of movement of goods via the railroad, the DGEIS stated the following:

- Project Number 1 (development of a new local street along the Ontario Central Railroad) would require abandonment of the railroad's present use of a segment of the existing ROW from a western terminus near Route 251 to an eastern terminus near either Lynaugh Road or Plastermill Road;
- The abandonment would obviously lead to some reduction in service and associated alteration in the pattern in which goods are moved; and,
- Although this impact would not necessarily rise to the level of moderate to large on a regional basis, the local impact to certain operations could be significant.

***DGEIS Description of temporary traffic detours and/or traffic delays as a consequence of construction***

*(DGEIS page 34)*

With regard to temporary traffic detours and/or traffic delays arising as a consequence of construction of one or more the Projects, the DGEIS reiterated that:

- The proposed Action includes six road construction Projects with a combined length of almost 4 miles and a combined area of disturbance estimated at nearly 30 acres;
- As each features different approval and permit requirements, different arrays of potential funding sources, and unique logistical considerations, it is virtually certain that the six Projects would be undertaken somewhat separately;
- Construction on one or another of the Projects would likely continue for years and the proposed Action, as a whole, would likely involve a minimum of six phases and possibly more; and,
- Although the resulting construction impacts would eventually cease, the potential for related traffic delays and detours as well as ongoing disruption to and interference with motorists, bicyclists, and pedestrians would be significant.

## **DGEIS Description of Impact on Noise, Odor and Light**

*(DGEIS page 35)*

### ***DGEIS Description of temporary increases in noise, odors, dust and outdoor lighting from construction***

*(DGEIS page 35)*

Regarding temporary increases in noise, odors, dust, and outdoor lighting, the DGEIS noted the following:

- Construction activities involved in the proposed Action would likely be both extensive with respect to areas affected and protracted with respect to their persistence;
- These construction activities would likely result in typical, but temporary, impacts involving noise, odors (from construction equipment), and dust; and,
- There would also be some potential for nighttime construction in order to reduce morning and afternoon traffic impacts and this would likely require temporary nighttime illumination of construction sites in areas where nighttime illumination would otherwise be minimal.

### ***DGEIS Description of the Installation of new road lighting***

*(DGEIS page 35)*

With respect to the potential installation of new roadway lighting, the DGEIS stated the following:

- The proposed Action would include several instances of new roadway development where none presently exist;
- These several instances would include Project Numbers 1 (a new local street along the Ontario Central Railroad), 3 (development of a Route 251/Lane Road connection), 4 (development of an Omnitech Place/Willowbrook Road connection), and 5 (development of a Plastermill Road/Collett Road/Delray Drive connection); and,
- Although the design of these projects is only conceptual at this point, it is likely that some or all of these would include the installation of street lights where none now exist and where illumination at night would otherwise be minimal.

## **DGEIS Description of Consistency with Community Plans**

*(DGEIS pages 35 - 37)*

### ***DGEIS Description of how land use components may be different from, or in sharp contrast to, current surrounding land use patterns***

*(DGEIS pages 35 – 37)*

### ***DGEIS Description of how proposed action is inconsistent with local land use plans or zoning regulations***

*(DGEIS pages 35 – 37)*

*DGEIS Description of induction of secondary development impacts (e.g., residential or commercial development not included in the proposed action)*

*(DGEIS pages 35 – 37)*

Regarding potential impacts from Project Number 1 related to changes in land use or conflict with existing land use districts, the DGEIS indicated the following:

- The proposed Action includes multiple projects that would construct or extend roadways where none now exist;
- Project Number 1 (a new local street along the Ontario Central Railroad ROW) would have the most potential to support land use components different from current patterns, to be inconsistent with present zoning regulations, and/or to induce secondary development impacts, including growth;
- The railroad ROW that Project Number 1 would utilize presently traverses a number of land use districts and also serves, in a number of instances, as the boundary between somewhat different districts;
- Like many property rear lot-lines, this segment of the railroad ROW has been functional as a boundary between adjoining and potentially dissimilar land use districts primarily because it has provided no frontage or points of access and has been untraveled by motorists, cyclists or pedestrians, but that circumstance would change once a new local street occupied the ROW;
- The persistence of multiple, dissimilar use intensities and districts (industrial, commercial, business, multiple residential and single family residential) along a new local street that would likely be well-travelled by those in the community and that would provide frontage and access to adjacent properties would also bring significant potential for both conflict and difficult transitions between neighboring dissimilar districts;
- Given the proximity to the existing Route 96 commercial uses as well as its role as an alternative to travel on Route 96 and as a commuter route, the new street would likely generate significant interest in commercial or business development along the new frontage despite the present industrial and residential designations; and,
- The persistence of dissimilar zoning designations along the new street would likely become progressively more at odds with a more uniform pattern of commercial and business uses that would likely evolve along the new street.

Regarding Project Numbers 3 (development of a Route 251/Lane Road connection), 4 (development of an Omnitech Place/Willowbrook Road connection), and 5 (development of a Plastermill Road/Collett Road/Delray Drive connection) and the potential for impacts from these related to changes in land use or conflict with existing land use districts, the DGEIS indicated that:

- Project Numbers 3 (development of a Route 251/Lane Road connection), 4 (development of an Omnitech Place/Willowbrook Road connection), and 5 (development of a Plastermill Road/Collett Road/Delray Drive connection) would also develop new road segments where none presently exist;
- With respect to the proposed Route 251/Lane Road connection, although Lane Road is generally designated for residential uses in this vicinity, it presently transitions to both Commercial-Light Industrial and Commercial designations as it approaches Route 96;

- Accordingly, and although some adjustment to the Residential/Commercial-Light Industrial boundary presently located north of Lane Road could be beneficial, there is little contrast and the potential for significant adverse impact related to changes in land use or conflict with existing land use districts from the proposed development of a Route 251/Lane Road connection would be minimal;
- With respect to the proposed Omnitech Place/Willowbrook Road connection, the area is presently a mix of Commercial, Commercial-Light Industrial, and Light Industrial;
- Although some zoning changes could be beneficial, the contrasts are minimal and potential for significant adverse impact related to changes in land use or conflict with existing land use districts from the proposed development of a Omnitech Place/Willowbrook Road connection would be minimal; and,
- The Plastermill Road/Collett Road/Delray Drive connection would be constructed within an area now designated for a variety of residential uses where there is little contrast and little potential for a significant adverse impact from changes in land use or conflict with existing land use districts.

Regarding the potential induction of growth from a community-wide perspective, the DGEIS stated that:

- The Action is intended to reduce traffic congestion which is believed to presently be impeding economic development. That being so, it is conceivable that relieving some of that congestion could facilitate emergence of growth that would otherwise be manifesting presently as a consequence of other forces already at play were it not for the suppressing influence of traffic congestion. Accordingly, reducing traffic congestion via the proposed Action could lead indirectly to increased growth as the associated suppressing influence is also reduced. If so, this would actually represent an intended consequence and benefit of the Action rather than an adverse environmental impact.

Regarding the potential induction of growth from a more site-specific perspective, the DGEIS noted that:

- The site proposed for the Project 1 development of a new local street along the Ontario Central Railroad where no street now exists would be, like many others, indirectly affected by relief from the suppressing influence of traffic congestion. Accordingly, this site could experience some induction of growth should traffic congestion be effectively reduced as a consequence of the Action;
- Furthermore, construction of the new street will likely generate significant interest in commercial or business development along the new frontage given the proximity to the existing Route 96 commercial uses and its role as an alternative to travel on Route 96;
- There is some potential, independent of any reduction in traffic congestion, for new development on this new road to induce growth were it to function as a destination drawing to the area visitors coming specifically to visit the new establishments whereas they presently would not do so, and would likely not in 2040 were the new street not to be developed;
- Although the potential magnitude of this foregoing impact is not considered very significant, it is important to note that this potential effect is not reflected in the traffic models presented herein as they only redistribute the same anticipated level of future traffic volume in both the No Build and Full Build scenarios; and,

- The potential for there to be more traffic in the Full Build scenario than in the No Build scenario solely as a result of the Action itself has not been accounted for in the traffic, LOS and other forecasts reported in this review.

## DGEIS Description of Fiscal Impact

(DGEIS pages 37 – 39)

Regarding fiscal impacts, the DGEIS stated that:

- Presently, should Town or Village funds be required in addition to that available from federal and state agencies for construction of one or more of the six Projects, the Town and/or Village would only be able to raise funds and finance construction by utilizing local assessments levied uniformly throughout the municipality on an *ad valorem* basis;
- Establishment of a TD District would enable the Town and/or Village to also raise funds and finance such construction by utilizing district assessments that would be levied within a specific portion of the municipality on a benefits-derived basis;
- The Plan suggested, and the environmental review assumes, that the TD District would be defined to be coincident with the existing Route 96/Route 251 Overlay District presently delineated on the Town Zoning Map, perhaps augmented with a corresponding district within the Village;
- Establishment of such a TD District would mean that properties within the District(s), presently assessed like any other property within the Town (and/or Village), would thereafter bear the tax burden of supporting such construction costs disproportionately relative to properties within the municipality but outside the TD District;
- The Plan did not suggest a formula or criteria for how such a benefits-derived tax would be calculated and applied within such a TD District;
- The absence of a suggested formula made evaluation of the potential impact from this aspect of the Action difficult;
- Notwithstanding the unavailability of any suggested formulae or recommendations regarding the potential configuration of the TD District benefits-derived levy, a simplified hypothetical *ad valorem* calculation utilizing 2017 assessed valuations both within the Town (outside the Village) and within the Route 96/Route 251 Overlay District (both with and without the inclusion of residential properties) could give some idea of the potential effect by estimating the maximum potential tax burden were it to be supported on an *ad valorem* basis;
- The DGEIS presented such a hypothetical calculation (see DGEIS page 38) which indicated (given the assumptions described on DGEIS page 38), that:
  - Were the TD District to 1) support the entire cost of all six Projects, and 2) do so on an *ad valorem* basis (rather than on a benefits-derived basis), the annual tax levy for debt service within the District would approximate \$2.18 per thousand Assessed Value if residential properties within the District were included and \$2.50 per thousand Assessed Value if they were not;
  - On the other hand, were the same cost to be supported via a Town wide (outside the Village) *ad valorem* levy, the additional annual tax levy for debt service within the Town as a whole would approximate only \$0.74 per thousand Assessed Value; and,

- The difference factor of about 1/3rd is solely the result of there being approximately three times the Assessed Value within the Town as a whole to share the burden compared to that available within the hypothetical District to share the same burden; and,
- To extrapolate from the foregoing hypothetical a rough gauge or estimate of the potential impact were the burden to be supported via a benefits-derived levy, the following should be noted:
  - Both the total annual levy within the District (or Town, should that be the case) and the average per \$1,000 of Assessed Value would remain unchanged in a benefits-derived scenario;
  - However, based upon how the applicable formula would attribute the derivation of a benefit to individual properties, some parcels would be assessed more than would be the case on an ad valorem basis and others would be assessed less; and,
  - With the information available, any attempt to estimate the potential range (e.g., from ½ the equivalent assessment under an ad valorem scheme for some properties to twice the equivalent assessment for others) could be misleading and would be, at best, speculative.

### **DGEIS Description of Cumulative Impacts**

The DGEIS described the Cumulative Impacts associated with the Proposed Action on DGEIS page 39.

Regarding potential cumulative impacts, the DGEIS stated that:

- There are no actions beyond that reviewed herein that are proposed or foreseen as likely that would also result in potential impacts that could combine with those of the present Action (and thereby contribute to “cumulative” impacts, as the term is defined under SEQR);
- It is relevant nonetheless to note that the Action presently being reviewed would consist of multiple components, including six recommended Projects;
- Were the six Projects now included in this single Action to instead be reviewed individually, there would very likely be a need to consider how the construction phase impacts of each, particularly those involving temporary disruption and disturbance to normal traffic patterns, would contribute collectively to more significant “cumulative” impacts;
- Should construction of some or all of the six Projects coincide, the intensity of the consequent disruption and inconvenience to motorists would likely be more intense;
- Should some or all of the Projects be undertaken instead in sequence, the duration of the consequent disruption and inconvenience would likely be extended; and,
- As SEQR would not formally classify these impacts “cumulative”, the temporary impact to traffic during construction of any or all of the six Projects was properly considered more fully in the DGEIS section entitled “Potential Significant Adverse Environmental Impacts” under the sub-heading “Impact on Transportation” (see DGEIS page 34).

### **DGEIS Description of Irreversible and Irretrievable Commitments of Environmental Resources**

The DGEIS described Irreversible and Irretrievable Commitments of Environmental Resources associated with the Proposed Action on DGEIS page 40.

On this topic, the DGEIS indicated that:

- The only potential for irreversible and irretrievable commitments of environmental resources associated with the Action would be as a consequence of the permanent conversion of wetlands; and,
- The DGEIS addressed the potential impact to wetlands in the DGEIS section entitled “Potential Significant Adverse Environmental Impacts”, under the sub-heading “Impacts on Surface Water” (see DGEIS pages 31 – 32).

### **DGEIS Description of Growth-inducing Aspects of the Proposed Action**

The DGEIS described Growth-Inducing Aspects of the Proposed Action on DGEIS page 40.

Regarding growth-inducing aspects of the Action, the DGEIS stated that:

- The traffic congestion which the Action intends to reduce is believed to presently be an impediment to economic development;
- It is conceivable that reducing traffic congestion via the proposed Action could lead indirectly to increased growth as the suppressing influence of traffic congestion is reduced;
- Some induction of growth is actually an intended consequence of the Action;
- Project Number 1, the development of a new local street where none now exists along the Ontario Central Railroad, would open up to development land that would then front on the new street. This could potentially induce growth more directly within the two-mile segment that would border the new street; and,
- The greatest risk for an adverse impact from such growth involves inconsistency with existing land use patterns or zoning designations. That potential effect is properly evaluated in the DGEIS section entitled “Potential Significant Adverse Environmental Impacts”, under the sub-heading “Consistency with Community Plans” (see DGEIS pages 35 – 37).

### **DGEIS Description of Use and Conservation of Energy Impacts**

The DGEIS described Use and Conservation of Energy Impacts associated with the Proposed Action on DGEIS page 40.

The DGEIS stated that:

- The Action would involve use of energy only insofar as it is required to construct the various transportation improvements recommended as Project Numbers 1 through 6;
- There should be no ongoing increase in energy consumption as a consequence of the Action once construction and development of the improvements is complete; and,
- Some post-construction reduction in energy consumption could be realized as a consequence of the Action as it is intended to reduce traffic congestion which indirectly increases energy consumption through fuel-inefficient delaying, queuing and idling of vehicles.

## **DGEIS Description of Solid Waste Management Impacts & Consistency**

The DGEIS described Solid Waste Management Impacts and Consistency of the Proposed Action on DGEIS page 40.

The DGEIS indicated that:

- The Action would not affect solid waste management practices;
- The Action would only generate solid waste during the construction phases as a consequence of removing existing pavement, utilities, vegetation or soils to make way for construction of new, extended or expanded roadways; and,
- Any pavement, utilities, vegetation or soils necessarily removed, and not reused, would be disposed of consistent with present plans and legal requirements.

## **DGEIS Description of Impacts on Lands Used in Agricultural Production or within Agricultural Districts**

The DGEIS described Impacts on Lands Used in Agricultural Production or Within Agricultural Districts associated with the Proposed Action on DGEIS page 41.

The DGEIS stated that no lands used in agricultural production or lands within agricultural districts are anticipated to be affected by the proposed Action.

## **DGEIS Description of Mitigation Measures**

The DGEIS described Mitigation Measures identified relative to the Proposed Action in DGEIS pages 41 - 50.

The DGEIS narrative on this topic began with a summary of the SEQR requirements regarding identification of mitigation measures. The DGEIS then stated that the ultimate functional objective of describing mitigation measures in an EIS such was to enable agencies to:

- Identify potential mitigation measures that might avoid or minimize adverse environmental impacts;
- Distinguish those that are practicable from those that are not;
- Incorporate as conditions such mitigation measures as are found to be practicable; and,
- Certify, accordingly, that impacts will be avoided or minimized to the maximum extent practicable.

## **DGEIS Description of Traffic Mitigation Incorporated in Proposed Transportation Improvements**

*(DGEIS pages 41 – 44)*

The DGEIS noted that the Plan had identified a number of specific elements and traffic mitigation measures that had been included in the concept designs of the Projects presented in the Plan and that these had also been incorporated in the Plan's evaluation of the transportation improvements recommended for implementation. The DGEIS listed these (see DGEIS pages 41 – 43) as well as some additional recommended measures (see DGEIS pages 43 – 44) which, while potentially beneficial, had *not* been incorporated into the Plan's evaluation. The DGEIS clarified that the environmental review assumed that the foregoing measures which had been included in the Plans's evaluation would remain

part of the proposed Action. The DGEIS then indicated that any subsequent proposals to reduce or remove any of those measures that had been included the Plans’s evaluation, or discovery that they could not be included for other reasons, would require additional environmental consideration and review (consistent with the DGEIS summary presented on DGEIS pages 6 – 8 under the topic “Reliance on a Generic Environmental Impact Statement”).

### **DGEIS Identification of Mitigation for Impacts on Land**

*(DGEIS page 44)*

#### ***DGEIS Description of mitigation related to excavation and removal of natural material***

*(DGEIS page 44)*

The DGEIS indicated that mitigation measures identified for impacts to land included those related to the potential need to transport material removed from the multiple construction sites and that, as the resulting impacts were primarily to transportation and traffic, the relevant mitigation measures were described in the DGEIS under the topic “Mitigation Identified for Impacts to Transportation” (see DGEIS page 45).

#### ***DGEIS Description of mitigation related to construction that would continue for more than one year or in multiple phases***

*(DGEIS page 44)*

The DGEIS indicated that mitigation measures identified for impacts to land included those related to the potential for construction that would continue for more than one year or require multiple phases and that, as the resulting impacts were primarily to transportation and traffic, the relevant mitigation measures were properly described in the DGEIS under the topic “Mitigation Identified for Impacts to Transportation” (see DGEIS pages 46 - 47).

### **DGEIS Identification of Mitigation for Impacts on Surface Water**

*(DGEIS page 44)*

#### ***DGEIS Description of mitigation related to construction within or adjoining a freshwater wetland or in the bed or banks of any other water body***

*(DGEIS page 44)*

The DGEIS noted that the environmental review was generic and necessarily based upon only conceptual information and that the available information indicated that impacts within wetlands would be minimal. Accordingly, the DGEIS identified the following as mitigation measures:

- The limitation of wetland impacts to only those eligible for permitting under authorized Nationwide Permits administered by the ACOE (in general, less than 1/10 of wetland fill or loss);
- As the concept plans are developed to the preliminary and final design stages, completion and utilization of reports providing formal delineation and characterization of potentially affected wetlands and streams identified in this review to determine whether the conditions and potential impacts would be consistent with those assumed herein, or whether there would be instead a need

for additional review under SEQRA as well as a potential need for further mitigation and/or design revisions;

- Design incorporation and construction adherence to prevailing NYS standards for Erosion and Sedimentation Control during construction activities in order to help safeguard neighboring properties, streams, wetlands, as well as other environmental resources, from potential damaging runoff impacts resulting from ongoing disturbance; and,
- Installation of improvements for Stormwater Management required under NYS law in order to help protect neighboring properties, streams, wetlands and other environmental resources from harmful changes in runoff that could otherwise result, during the post-construction period, as a consequence of the Action's creation of and modifications to impervious surfaces.

### **DGEIS Identification of Mitigation for Impacts on Transportation**

*(DGEIS pages 45 – 47)*

#### ***DGEIS Description of mitigation related to transport of natural material from construction site***

*(DGEIS page 45)*

The DGEIS identified the following mitigation measures to help minimize potential temporary, but adverse nonetheless, impacts to transportation and traffic resulting from the transport of material removed from (or taken to) construction sites:

- Identification of and imposition of requirements to utilize exclusively designated and preferred routes to and from construction sites that would minimize the impact to congested roadways, congested intersections, and residential neighborhoods;
- Identification of and imposition of requirements to utilize best practices typically relied upon to limit transport of soil and other natural materials by construction vehicles onto roadways adjoining construction sites;
- Identification of and imposition of requirements to adhere to restricted schedules for the transport of natural materials removed from (or being delivered to) construction sites that would restrict transport to intervals during which roadways and intersections that would otherwise be affected are expected to be relatively free from congestion; and,
- Should roadways through residential neighborhoods be utilized for transport of natural materials removed from (or being delivered to) construction sites, identification of and imposition of requirements to adhere to restricted schedules that would avoid transport through neighborhoods in the late evening, overnight, or very early morning hours .

#### ***DGEIS Description of mitigation related to alteration to the present pattern of movement of people or goods – motor vehicles***

*(DGEIS pages 45 – 46)*

## **Access Management**

*(DGEIS pages 45 - 46)*

The DGEIS noted the comments and recommendation in Appendix I to the Plan regarding the proposed development of a new local street along a segment of the present Ontario Central Railroad ROW and the related need for improvement to the Town of Victor's Access Management requirements.

The DGEIS identified the following mitigation measures to minimize how development of a new street might otherwise affect travel within that portion of the corridor adversely:

- Reconsideration and potential expansion/updating of the Town of Victor's present access management guidelines found in Section 5.0 of the Town's present Design and Construction Standards document (mitigation for potential non-temporary transportation impacts related to development of the new roadway along the Ontario Central Railroad ROW); and,
- Review and amendment of the Town's design and construction standards for land development related to access management to provide more detailed guidance relative to more access management techniques (per the recommendation presented on p. 12 of Appendix I to the Plan).

## ***DGEIS Description of mitigation related to alteration to the present pattern of movement of people or goods – railroad***

*(DGEIS page 46)*

The DGEIS noted how the abandonment of the railroad's present use of the segment of the existing ROW between the western terminus near Route 251 to and the eastern terminus near either Lynaugh Road or Plastermill Road necessitated by Project Number 1 could become permanent without further mitigation. The DGEIS also noted that the ROW segment affected by the Project is believed nonetheless to be wide enough to accommodate the proposed new street as well as realigned tracks that could continue to provide rail service in the future and that the construction cost for relocation of railroad tracks within the segment between Route 251 and Plastermill Road had been estimated in the Plan to range from \$2.0 million to \$2.9 million.

The DGEIS identified the following mitigation measure intended to minimize the impact from permanent abandonment of this track by making it only temporary instead:

- Reconstruction of a relocated replacement track (at the estimated cost indicated above) within the existing ROW and adjacent to the new street and associated sidewalk.

The DGEIS made no assumption as to the source of funding for the foregoing mitigation measure or assign any responsibility for undertaking the measure.

## ***DGEIS Description of mitigation related to construction that would continue for more than one year or in multiple phases***

*(DGEIS pages 46 – 47)*

The DGEIS described mitigation measures identified as a means to minimize potential temporary, but adverse nonetheless, impacts to transportation and traffic resulting from construction that could persist

for more than one year or require multiple phases. The DGEIS clarified that it was intended and assumed that these measures would be applied in the aggregate to all construction undertaken as part of the proposed Action, whether or not the construction projects would exceed the construction “for more than one year” or “in multiple phases” thresholds separately. The mitigation measures described in the DGEIS were as follows:

- Development and imposition of requirements to adhere to restricted construction schedules that would avoid detours and road closures directly affecting Corridor arterials and intersections known to experience significant congestion during AM and PM Peak hours and particular hours on weekends; and,
- In the event that overnight construction is relied upon, this mitigation measure also includes a requirement that design documents include provisions requiring development of and adherence to a lighting plan describing how such lighting would be both deployed and utilized in a manner that would minimize impacts to nearby roads and land uses so far as it is practical to do so.

***DGEIS Description of mitigation related to temporary traffic detours and/or traffic delays as a consequence of construction***

*(DGEIS page 47)*

The DGEIS indicated that mitigation relevant to this same impact had been identified on pages 46 – 47 of the DGEIS under the immediately foregoing topical heading “Construction that would continue for more than one year or in multiple phase – Impact to transportation and traffic”.

***DGEIS Description of mitigation related to degraded arterial and intersection LOS anticipated from the Action***

*(DGEIS page 47)*

The DGEIS reiterated how, when compared to the No Build scenario, and despite anticipated improvement overall, the proposed Action is expected to result in decreased arterial LOS in the following arterial segments within the Corridor: the Western Approach segment (LOS A to C) and the Main Street Fishers/Victor Mendon Road segment (LOS D to F). The DGEIS noted that this impact was understood to be due, at least in part, to the proposed installation of additional traffic signals within the Corridor necessary to maintain adequate LOS at intersections.

The DGEIS then stated that no mitigation measures related to this impact had been identified.

***DGEIS Description of mitigation related to direct induction of growth by the Action and associated increase in traffic volume***

*(DGEIS page 47)*

The DGEIS noted that the review had identified a possible impact related the potential for development of the new street proposed in the Action (Project Number 1) to function as a new destination that would draw travelers to the area for whom the area would not otherwise become a destination.

The DGEIS indicated that no mitigation measures related to this impact had been identified.

## **DGEIS Identification of Mitigation for Impacts on Noise, Odor and Light**

*(DGEIS pages 47 – 49)*

### ***DGEIS Description of mitigation related to installation of new road lighting***

*(DGEIS pages 47 – 48)*

The DGEIS stated that the following measure had been identified as mitigation that would help protect residents and visitors from the impacts of additional outdoor lighting installed to illuminate new streets and extensions that would be constructed where none now exist:

- Incorporation and adherence to standard industry practices and local laws regarding preferential utilization of “cut-off” and “dark sky compliant” fixtures and elements effective at eliminating or minimizing illumination of adjoining properties as well as illumination of the sky or surfaces other than the roadway pavement, signage, and adjoining sidewalks.

### ***DGEIS Description of mitigation related to temporary increases in noise, odors, dust and outdoor lighting from construction***

*(DGEIS pages 48 – 49)*

#### **Noise**

*(DGEIS page 48)*

The DGEIS identified the following as a mitigation measure that would help protect residents and visitors from the temporary impacts of construction-related noise:

- Incorporation and adherence to standard industry practices intended to reduce or manage construction impacts from noise including use of mufflers on equipment and avoidance of operating loud equipment in late evening or early morning hours.

The DGEIS clarified that the following measures identified as mitigation in the DGEIS in the section entitled “Mitigation Identified for Impacts to Transportation” under the heading “Excavation and removal of natural material – Transport from construction sites” had also been identified as measures that would assist in minimizing related noise impacts to neighborhoods:

- Identification of and imposition of requirements to utilize exclusively preferred routes to and from construction sites that would minimize the impact to congested roadways, congested intersections and residential neighborhoods; and,
- Should roadways through residential neighborhoods be utilized for transport of natural materials removed from (or being delivered to) construction sites, the identification and imposition of requirements to adhere to restricted schedules that would avoid transport through neighborhoods in the late evening, overnight, or very early morning hours .

## **Odor and Dust**

*(DGEIS page 48)*

The DGEIS identified the following as a mitigation measure that would help protect residents and visitors from the temporary impacts of construction-related dust:

- Incorporation and adherence to standard industry practices intended to reduce or manage construction impacts from odor including use of water or other measures for dust control.

The DGEIS clarified that the following measure identified as mitigation in the DGEIS in the section entitled “Mitigation Identified for Impacts to Transportation” under the heading “Excavation and removal of natural material – Transport from construction sites” had also been identified as a measure that would assist in minimizing related impacts resulting from production of dust at construction sites:

- Identification of and imposition or requirements to utilize best practices typically relied upon to limit transport of soil and other natural materials by construction vehicles onto roadways adjoining construction sites.

## **Outdoor Lighting**

*(DGEIS page 49)*

The DGEIS stated that the following measure which had been identified in the DGEIS in the section entitled “Mitigation Identified for Impacts on Transportation” under the heading “Construction that would continue for more than one year or in multiple phase – Impact to transportation and traffic” had also been identified as a measure that would assist in minimizing potential temporary, but adverse nonetheless, impacts to related to construction utilization of outdoor lighting:

- In the event that overnight construction is relied upon, this mitigation measure includes a requirement that design documents include provisions requiring development of and adherence to a lighting plan describing how such lighting would be both deployed and utilized in a manner that would minimize impacts to nearby roads and land uses so far as it is practical to do so.

## **DGEIS Identification of Mitigation for Inconsistencies with Community Plans**

*(DGEIS pages 49 – 50)*

### ***DGEIS Description of mitigation related to land use components that may be different from, or in sharp contrast to, current surrounding land use patterns***

*(DGEIS pages 49 – 50)*

### ***DGEIS Description of mitigation related to how the proposed action is inconsistent with local land use plans or zoning regulations***

*(DGEIS pages 49 – 50)*

### ***DGEIS Description of mitigation related to induction of secondary development impacts (e.g., residential or commercial development not included in the proposed action)***

*(DGEIS pages 49 – 50)*

### **Changes in Use and Patterns of Use Following Development of a new Street along the Ontario Central Railroad ROW**

*(DGEIS pages 49 – 50)*

The DGEIS identified mitigation that would reduce the impact related to the development of a new street (Project Number 1) within the present railroad ROW that now traverses a number of land use districts and also serves, in a number of instances, as the boundary between somewhat different districts. The relevant mitigation measure that has been identified was described as follows:

- Town review and adoption of zoning law and zoning map amendments describing, implementing and delineating uses and districts more consistent with the preferred uses anticipated to develop once the new street has been constructed and opened to the public.

### **Direct Induction of Growth by the Action and Associated Increase in Traffic Volume**

*(DGEIS page 50)*

Regarding a possible impact related the potential for development of the new street proposed in the Action (Project Number 1) to function as a new destination that would draw travelers to the area for whom the area would not otherwise be a destination, the DGEIS stated that no mitigation measures relevant to this potential impact had been identified.

### **Access Management**

*(DGEIS page 50)*

Under this heading the DGEIS included only a reference to mitigation described elsewhere in the DGEIS on DGEIS pages 45 -46 under the topical heading “Mitigation Identified for Impacts on Transportation” and the sub-heading “Alteration to the present pattern of movement of people or goods – motor vehicles”.

### **Conversion of Land Presently Used Otherwise to Roadway Use Instead**

*(DGEIS page 50)*

The DGEIS indicated that, with the exception of mitigation described elsewhere in the DGEIS regarding mitigation for the impact of developing and opening to the public a new street within the present ROW occupied by the Ontario Central Railroad, no other mitigation had been identified for impacts related to conversion of land now used for other purposes to roadway use instead.

### **DGEIS Identification of Mitigation for Fiscal Impact**

*(DGEIS page 50)*

The DGEIS stated that no mitigation had been identified relative to the potential fiscal impact of establishing a TD District.

## **DGEIS Identification of Mitigation for Cumulative Impacts**

*(DGEIS page 50)*

The DGEIS indicated that mitigation identified for “Cumulative Impacts” was the same as that identified elsewhere related to temporary construction impacts.

## **DGEIS Description of Adverse Environmental Impacts that cannot be Avoided or Adequately Mitigated**

The DGEIS described Adverse Environmental Impacts of the Proposed Project that cannot be Avoided or Adequately Mitigated on DGEIS pages 51 - 52.

## **DGEIS Identification of Impacts on Land that cannot be Avoided or Adequately Mitigated**

*(DGEIS page 51)*

The DGEIS stated that, with the exception of those described under the DGEIS heading that followed on DGEIS page 51 relative to impacts on transportation, there were no other impacts on land remaining that would not be avoided or adequately mitigated.

## **DGEIS Identification of Impacts on Surface Water that cannot be Avoided or Adequately Mitigated**

*(DGEIS page 51)*

The DGEIS indicated that, within the portion of the Ontario Central Railroad ROW proposed as the site for development of a new local street, some impact within NYS Freshwater Adjacent Zones (or buffers), would remain, including the installation of pavement where none now exists.

The DGEIS also stated that some incidental impacts to NWI federal wetlands under the jurisdiction of the US ACOE not exceeding 1/10 acre of wetland fill or loss (eligible for a permit under the “Nationwide” permitting process) would not necessarily be avoided and could remain despite identified mitigation measures.

Regarding streams, the DGEIS indicated that impacts that could not be avoided or minimized further with mitigation could remain in multiple locations (Projects 1, 3, 4 and 5) and that these impacts could include the potential re-routing of limited stream segments, the potential installation of new, or removal and replacement with new, culverts of greater diameter, and the potential lengthening of existing culverts or pipes so as to extend the reach of those presently conveying streams beneath roadways and other improvements.

## **DGEIS Identification of Impacts on Transportation that cannot be Avoided or Adequately Mitigated**

*(DGEIS page 51)*

The DGEIS reiterated the expectation that the LOS within some intersections or segments would become worse as a consequence of the proposed changes, such as signalization, included in the Action in order to improve the corridor overall. The DGEIS noted that this would be particularly true with respect to northbound and westbound vehicular travel in the PM Peak Hour within the Western

Approach and Main Street Fishers/Victor Mendon Road segments of the arterial Corridor where the arterial LOS would decline from (LOS A to C) and (LOS D to F), respectively.

The DGEIS stated that some temporary impacts to traffic would remain as a consequence of the need to transport removed material from construction sites despite mitigation measures intended to time and route trucks transporting material in a manner that would minimize disruptions.

The DGEIS indicated that construction would impact traffic temporarily at multiple locations as a result of construction-related traffic, closures and detours.

The DGEIS stated that, despite mitigation that would avoid a permanent abandonment of the railroad presently operating within the portion of the ROW proposed as the site for development of a new local street, the need for a temporary abandonment of railroad tracks and for a consequent temporary cessation of service would remain. The DGEIS indicated that the impact associated with the identified mitigation measure of replacing the tracks on a new alignment within the same ROW could not be minimized further.

#### **DGEIS Identification of Impacts on Noise, Odor and Light that cannot be Avoided or Adequately Mitigated**

*(DGEIS pages 51 - 52)*

The DGEIS stated that some impact from new street lighting installations associated with new streets and connections would remain despite the incorporation of standard mitigating measures such as cut-off and dark-sky compliant fixtures.

The DGEIS indicated that typical temporary noise, odor (dust) and lighting (for nighttime construction) impacts would remain as a consequence of construction activity at multiple sites throughout the Town with schedules that may overlap and could persist for longer than one year and that these could neither be avoided nor further minimized.

#### **DGEIS Identification of Impacts Related to Consistency with Community Plans that cannot be Avoided or Adequately Mitigated**

*(DGEIS page 52)*

The DGEIS indicated that the development of the proposed new street and connections would require conversions of land presently used otherwise to use as roadways instead and that these remaining impacts could be neither avoided nor further minimized.

The DGEIS stated that the potential would remain for development of the new street proposed in the Action (Project Number 1) to function as a new destination that would draw travelers to the area for whom the area would not otherwise become a destination, thereby increasing traffic volumes to levels not taken into account in the traffic models and that this impact could neither be avoided nor further minimized.

The DGEIS stated that the intended relief from the presently suppressing influence of traffic congestion upon economic development would likely result in some apparent growth induction and that this impact could neither be avoided nor further minimized.

### **DGEIS Identification of Fiscal Impacts that cannot be Avoided or Adequately Mitigated**

*(DGEIS page 52)*

The DGEIS indicated that properties within the established TD District would potentially be impacted by a separate additional tax assessment not imposed elsewhere within the municipality and that this impact could be neither avoided nor further minimized.

### **DGEIS Description of Assumptions Incorporated in this Generic Review regarding Conditions or Criteria Under Which Future Actions will be Undertaken, Funded or Approved**

The DGEIS describes assumptions Incorporated in this generic review regarding conditions or criteria under which future actions will be undertaken, funded or approved in DGEIS pages 52 – 53.

The DGEIS stated that the generic review had incorporated a number of assumptions regarding conditions or criteria under which future actions would be undertaken, funded or approved. The DGEIS clarified that future inability to confirm compliance or consistency with such assumptions would trigger the need for further environmental review prior to any decision by a state agency or municipality to undertake, fund or approve the action.

The assumptions identified in the DGEIS were as follows:

- The mitigating measures described in the foregoing section “Mitigation Measures” under the topic heading “Traffic Mitigation Incorporated in Proposed Transportation Improvements” would continue to be included in the design of the proposed six High Priority Projects as indicated.
- The indicated abandonment of the segment of railroad presently utilized by the Ontario Central Railroad would be temporary only as a consequence of implementation of the described mitigation measure that would construct a replacement track within the existing ROW adjacent to the proposed new street and related improvements.
- There would be no direct impact to NYS DEC Freshwater wetlands located west of and adjacent to the existing Ontario Central Railroad ROW although a NYS DEC permit for work within the 100’ wetland adjacent area (also known as “the wetland buffer”) would no doubt be required; and,
- Any and all impacts to NWI federal wetlands under the jurisdiction of the US ACOE will not exceed 1/10 acre of wetland fill or loss and would be eligible for a permit under the “Nationwide” permitting process.

### **DGEIS Description of Consideration of a Range of Reasonable Alternatives**

The DGEIS describes the Consideration of a Range of Reasonable Alternatives on DGEIS pages 53 – 65.

## DGEIS Description of Regulatory Background Regarding Alternatives

(DGEIS page 53)

The DGEIS summarized SEQR requirements relative to the description and evaluation of a range of reasonable alternatives to the action. The DGEIS also described the ultimate functional objective of evaluating such alternatives in an EIS as being the enabling of agencies to:

- Identify potential alternatives that might avoid or minimize adverse environmental impacts;
- Determine whether a given alternative is feasible considering the objectives and capabilities of the project sponsor;
- Incorporate such feasible alternatives as are found to be practicable; and,
- Certify, accordingly, that from among the reasonable alternatives available, the action is one that avoids or minimizes environment impacts to the maximum extent practicable.

## DGEIS Description of Alternatives Considered and Approach

(DGEIS pages 53 - 55)

The DGEIS provided additional background regarding requirements to consider the “No Action” as well as other alternatives and indicated that the DGEIS would describe and evaluate, in addition to the “No Action Alternative” (also referred to in the document as the “No Build” alternative whereas the proposed Action was sometimes also referred to as the “Build”, “Full Build” or “All Projects” alternative), two alternatives with a scale or magnitude that was reduced compared to that of the proposed Action.

The DGEIS stated that Reduced Alternative A, the more modest of the two reduced-magnitude alternatives, would include only the improvements proposed to existing roadways, namely, conversion of the Route 96 segment from 3-lanes to 5-lanes (Project Number 2) and the conversion of the existing intersection of Lane Road, Victor Egypt Road, and Lynaugh Road to a roundabout (Project Number 6). The DGEIS clarified that this alternative was sometimes referred to in the DGEIS as “Projects 2 and 6”. The DGEIS indicated that Reduced Alternative B, the more extensive of the two, would include all of the six proposed Projects with the exception of only the development of a new local street along the Ontario Central Railroad ROW (Project Number 1) and that the DGEIS sometimes referred to this more expansive alternative as “Projects 2 thru 6”.

Relative to the various alternatives, the DGEIS indicated that the detailed results of the analyses and evaluations could be found in the following appendices to the DGEIS:

- Appendix J Intersection Levels of Service PM Peak - No Build and Full Build (All Projects)
- Appendix K Arterial Levels of Service PM Peak - No Build and Full Build (All Projects)
- Appendix L Detailed Measures of Effectiveness PM Peak - No Build and Full Build (All Projects)
- Appendix M Performance PM Peak - No Build and Full Build (All Projects)
- Appendix N Intersection Levels of Service PM Peak- Projects 2 and 6, and Projects 2 thru 6
- Appendix O Arterial Levels of Service PM Peak - Projects 2 and 6, and Projects 2 thru 6
- Appendix P Detailed Measures of Effectiveness PM Peak - Projects 2 and 6, and Projects 2 thru 6
- Appendix Q Performance PM Peak - Projects 2 and 6, and Projects 2 thru 6

## DGEIS Description of the No Action Alternative

*(DGEIS pages 55 - 58)*

The DGEIS presented summaries of the evaluations of the No Action alternative relative to the proposed Action in DGEIS Tables 4 and 5, first presented on pages 21 and 2, respectively, of the DGEIS, which were then repeated on DGEIS pages 56 and 57 relative to the evaluation of the No Action alternative.

The DGEIS noted that the No Action Alternative would obviously avoid any and all adverse environmental impacts that would result from the proposed Action but that the No Action Alternative would also deprive the community of the significant reductions in traffic congestion that were described on pages 16 – 23 of the DGEIS under the topic “Benefits of the Proposed Action”.

Specifically, the DGEIS referenced the showing from DGEIS Table 4 that the proposed Action, when compared to the No Action scenario, would be expected to yield significant reductions in arterial congestion for southbound and eastbound motorists within the Overall Corridor (LOS D to C) as well as within the following Corridor segments: the Village (LOS C to B); Western Approach (LOS E to C); and, Main Street Fishers/Victor Mendon Road (LOS F to E). The DGEIS also reiterated that such reductions in arterial congestion would not be expected to manifest in the No Action scenario.

The DGEIS also stated, regarding potential adverse impacts, as was described in the DGEIS sections entitled “Potential Significant Adverse Environmental Impacts”, and “Adverse Environmental Impacts that cannot be Avoided or Adequately Mitigated”, that the proposed Action would result in some additional arterial congestion and delay for northbound and westbound motorists within two segments of the Corridor: the Western Approach segment and the Main Street Fishers/Victor Mendon Road segment and that these would be among the adverse impacts avoided in the No Action scenario.

The DGEIS referenced the following improvements in intersection LOS, presented in DGEIS Table 5, that would be anticipated as a consequence of the proposed Action and that would not, therefore, be expected to arise in the No Action scenario:

- Route 96/School Street (LOS C improved to A);
- Route 96/High Street (LOS D improved to B);
- Route 96/Route 251 (LOS E improved to C);
- Route 96/Omnitech Place (LOS F improved to C); and,
- Route 251/Rowley Road/Main Street Fishers (LOS remains F, but seconds of signal delay reduced from 113 to 81).

Finally, the DGEIS noted that, unlike the data presented relative to northbound or westbound travel, none of the intersections presented in DGEIS Table 5 would be expected to experience a significant increase in traffic congestion or delay as a consequence of the proposed Action and that there would be, therefore no adverse impacts to intersections that would be avoided in the No Action scenario.

## **DGEIS Description of Reduced Alternative A - Route 96 3-Lane to 5-Lane Conversion and Lane Road/Victor Egypt Road/Lynaugh Road Roundabout Only**

*(DGEIS pages 58 - 61)*

The DGEIS stated that Reduced Alternative A would include only the improvements proposed to existing roadways, namely, the conversion of the Route 96 segment from 3-lanes to 5-lanes (Project Number 2) and the conversion of the existing intersection of Lane Road, Victor Egypt Road, and Lynaugh Road to a roundabout (Project Number 6).

The DGEIS indicated that this alternative:

- As the more modest of the two reduced-magnitude alternatives considered, would therefore be the least disruptive to the setting and more effective at avoiding or reducing potential adverse environmental impacts;
- Would avoid much of the potential delay and inconvenience associated with multiple, protracted, periods of roadway construction as it would involve only improvements to two existing roadways;
- Would also avoid potential land use and zoning conflicts as well as any impacts associated with conversion of land now utilized differently to roadway use as it would not include development of any new streets or connections;
- Would likely avoid any potential wetland impacts; and,
- Would be associated with only a single potential impact to streams (the stream located at the intersection proposed for development of the new roundabout in Project Number 6).

The DGEIS noted that, in order to assess the feasibility of Reduced Alternative A, the capacity of this alternative to accomplish the purpose of the proposed Action and satisfy its beneficial objectives relative to the capacity of the Proposed Action to do the same would nonetheless need to be evaluated despite the potentially effective avoidance of multiple impacts summarized in the foregoing bullets.

Relative to the evaluation of this alternative, the DGEIS reiterated that, as was shown in DGEIS Table 4, the proposed Action would be expected, when compared to the No Action scenario, to yield significant reductions in arterial congestion for southbound and eastbound motorists within the:

- Overall Corridor (LOS D to C);
- Village Segment (LOS C to B);
- Western Approach Segment (LOS E to C); and,
- Main Street Fishers/Victor Mendon Road Segment (LOS F to E).

The DGEIS indicated that, as was shown in DGEIS Table 7, Reduced Alternative A, when compared to the No Action scenario, would be expected to yield only the following reductions in arterial congestion for southbound and eastbound motorists:

- Western Approach Segment (LOS E to B).

The DGEIS noted that:

- The above arterial improvement in the Western Approach would actually be greater in the Reduced Alternative A scenario (LOS E to B) than in the proposed Action scenario (LOS E to C); however,
- None of the reductions in arterial traffic congestion within the Village segment (LOS C to B), within the Main Street Fishers/Victor Mendon Road segment (LOS F to E), or within the Overall Corridor (LOS D to C) expected as a result of the proposed Action would be anticipated to manifest as a result of Reduced Alternative A;
- Reduced Alternative A would avoid the additional arterial congestion and delay for northbound and westbound motorists within the Western Approach (LOS A to C) and Main Street Fishers/Victor Mendon Road (LOS D to F) segments of the Corridor expected from the proposed Action;
- As was shown in DGEIS Table 8, Reduced Alternative A would be anticipated to yield reductions in intersection traffic congestion at only the following intersection:
  - Route 96/Route 251 (LOS E to B, somewhat better than the LOS E to C anticipated to result from the proposed Action); and,
- As was also shown in DGEIS Table 8, Reduced Alternative A would not yield the following reductions in congestion at intersections anticipated to result from the proposed Action:
  - Route 96/School Street (LOS C to A);
  - Route 96/High Street (LOS D to B);
  - Route 96/Omnitech Place (LOS F to C); and,
  - Route 251/Rowley Road/Main Street Fishers (LOS remains F, but seconds of signal delay reduced from 113 to 81).

The DGEIS concluded that Reduced Alternative A would:

- Be expected to reduce arterial congestion within only one of the five Corridor segments whereas the proposed Action would reduce congestion within three of the segments;
- Not be expected to reduce congestion within the Overall Corridor whereas the proposed Action would;
- Be expected to reduce intersection congestion at only a single intersection whereas the proposed Action would reduce congestion at five; and,
- Would be very poor at realizing the objectives of the proposed Action and delivering the same benefits expected from the Action.

### **DGEIS Description of Alternative B – Excluding Only the New Local Street Along Ontario Central Railroad**

*(DGEIS pages 62 - 65)*

The DGEIS stated Reduced Alternative B would include all of the proposed Projects with the single exception of the development of a new local street along the Ontario Central Railroad ROW (Project Number 1). The DGEIS also clarified that the only difference between Reduced Alternative B and Reduced Alternative A would be the inclusion in “B” of the three projects that would establish new connections in three locations: between Route 251 and Lane Road, between Omnitech Place and Willowbrook Road, and between Plastermill Road, Collett Road and Delray Drive.

Regarding this alternative, the DGEIS indicated that:

- The single Action component excluded from Reduced Alternative B, the development of a new local street along the Ontario Central Railroad (Project Number 1), is also the single component with the greatest potential for environmental impacts as this one component includes the potential for wetland impacts, stream impacts, impacts to the railroad associated with abandonment of that segment of active track, impacts related to inconsistency with multiple dissimilar nearby and adjoining land uses and districts, impacts related to development of more than two miles of roadway where none presently exists, impacts related to lighting of a new roadway, and impacts related to traffic disruption resulting from a large-scale, long duration construction project;
- There are no alternatives versions of the Project Number 1 component that would reduce or eliminate the foregoing impacts to a significant degree;
- In addition, of all the Action components the Project Number 1 component would also be most likely to encounter practical and logistical obstacles to implementation including construction and land acquisition costs and agreement from the RR to abandon an active railway (or, alternatively, to find the funds to reconstruct it);
- As was referenced in the DGEIS identification of mitigation measures, although proposed mitigation that would enable the railroad abandonment to be only temporary rather than permanent has been identified, it would be relatively costly;
- All of the foregoing regarding potential impact avoidance argue in favor of considering a reduced-magnitude alternative like this that would exclude Project Number 1;
- By virtue of its exclusion of Project Number 1, Reduced Alternative B would avoid or minimize potential impacts to wetlands, to streams, to the Ontario Central Railroad, to existing land use patterns and land use districts, to lands now used otherwise that would instead be converted to use as a roadway, to adjoining properties from illumination of a new street, and to traffic from temporary disruptions related to a significant construction project more than two miles in length parallel to the Route 96 corridor; and,
- Even given the foregoing impacts that this alternative might avoid or minimize, with regard to feasibility, the capacity of this alternative to accomplish the purpose of the proposed Action and satisfy its beneficial objectives must be evaluated relative to the capacity of the Proposed Action to do so.

Relative to the evaluation of this alternative, the DGEIS reiterated that, as was shown in DGEIS Table 4, the proposed Action would be expected, when compared to the No Action scenario, to yield significant reductions in arterial congestion for southbound and eastbound motorists within the:

- Overall Corridor (LOS D to C);
- Village Segment (LOS C to B);
- Western Approach Segment (LOS E to C); and,
- Main Street Fishers/Victor Mendon Road Segment (LOS F to E).

The DGEIS indicated that, as was shown in DGEIS Table 9, Reduced Alternative B, when compared to the No Action scenario, would be expected to yield only the following reductions in arterial congestion for southbound and eastbound motorists:

- Overall Corridor (LOS D to C);
- Western Approach Segment (LOS E to C); and,
- Main Street Fishers/Victor Mendon Road Segment (LOS F to E).

The DGEIS noted that:

- The beneficial reductions in arterial traffic congestion expected for southbound and eastbound motorists within the Village segment (LOS C to B) as a result of the proposed Action would not be expected to manifest as a result of Reduced Alternative B;
- Reduced Alternative B would avoid the additional arterial congestion and delay for northbound and westbound motorists within the Western Approach (LOS A to C) and Main Street Fishers/Victor Mendon Road (LOS D to F) segments of the Corridor expected from the proposed Action;
- The additional arterial improvement for southbound and eastbound motorists in the Western Approach found in the Reduced Alternative A scenario when compared to the proposed Action scenario (LOS E to B compared to LOS E to C) would not result from Reduced Alternative B which, like the proposed Action, shows improvement instead from LOS E to C only.
- The proposed Action is anticipated to yield significant reductions in traffic congestion at the following intersections:
  - Route 96/School Street (LOS C to A);
  - Route 96/High Street (LOS D to B);
  - Route 96/Route 251 (LOS E to C);
  - Route 96/Omnitech Place (LOS F to C); and,
  - Route 251/Rowley Road/Main Street Fishers (LOS remains F, but seconds of signal delay reduced from 113 to 81);
- Reduced Alternative B would be anticipated to yield reductions in traffic congestion at only the following intersections:
  - Route 96/Route 251 (LOS E to C);
  - Route 96/Omnitech Place (LOS F to C); and,
  - Route 251/Rowley Road/Main Street Fishers (LOS remains F, but seconds of signal delay reduced from 113 to 81); and,
- Reduced Alternative B would not yield the following beneficial reductions in congestion at intersections that are anticipated to result from the proposed Action:
  - Route 96/School Street (LOS C to A); and,
  - Route 96/High Street (LOS D to B).

The DGEIS concluded that Reduced Alternative B would:

- Be expected to reduce arterial congestion within only two of the five Corridor segments whereas the proposed Action would reduce congestion within three of the segments;
- Be expected to reduce congestion within the Overall Corridor to approximately the same level as that expected from the proposed Action;
- Be expected to reduce intersection congestion at only three intersections whereas the proposed Action would reduce congestion at five;

- Be anticipated to provide more benefit than would the less expansive Reduced Alternative A;
- Be only moderately successful at realizing the objectives of the proposed Action and delivering the same benefits; and,
- Be expected to provide some of the same benefits expected from the proposed Action within some of the Corridor, but would not be expected to do so within the Village segment.

## Summary of the Substantive Comments Received on the DGEIS and Their Source

Comments on the DGEIS were not received by the Lead Agency at the Public Hearing held on September 10, 2018 at 7:30 pm EDT or in writing during the comment period which commenced with the acceptance of the DGEIS on August 13, 2018 and ended on September 20, 2018 at 5:00 pm EDT.

## Lead Agency Responses to All Substantive Comments Received on the DGEIS

The Lead Agency has not provided any responses as no comments on the DGEIS were received at the Public Hearing or in writing during the comment period.

## Final Generic Environmental Impact Statement Revisions to the DGEIS

As a convenience to the reader, several key figures and tables originally incorporated or appended to the Draft GEIS (e.g., the Project Location Map) have been incorporated or appended to this document as well. These have been renumbered accordingly and are mere duplicates, rather than revisions, to the figures and tables first presented in the Draft GEIS. Other than as described immediately below under the headings “Revision 1” and “Revision 2”, no figures and/or tables first presented in the Draft GEIS have been included in revised form in this Final GEIS.

### Revision 1 – Correction of Reference to Arterial LOS in place of Intersection LOS

On page 21 of the DGEIS, the following sentence appeared in the second paragraph following Table 4 and immediately preceding a bullet list of intersections with affected LOS:

“Table 5 shows that the proposed Action is anticipated to yield significant reductions in arterial traffic congestion at the following intersections: . . .”

The reference to “arterial” traffic congestion in the foregoing sentence was an error. The correct reference would be to “*intersection*” traffic congestion rather than arterial. Accordingly, the DGEIS sentence quoted above is revised to read:

“Table 5 shows that the proposed Action is anticipated to yield significant reductions in intersection traffic congestion at the following intersections: . . .”

## **Revision 2 – Revised Estimates of Quantities of Natural Material to Potentially be Removed**

The DGEIS included rough estimates of quantities of natural material that could be required to be removed from the construction sites of Project Numbers 3, 4 and 5. These estimates appeared, for Project Number 3, on DGEIS pages 21 – 22 and DGEIS page 25. With respect to Project Number 4, the estimates appeared on DGEIS page 22 and DGEIS page 25. For Project Number 5, the estimates appeared on DGEIS page 23 and DGEIS page 26.

Although the volumes presented in the DGEIS had already been revised down from corresponding estimates presented in the SEQR EAF, upon further consideration these estimates have been determined to be too generous, even as worst-case scenario estimates. This Final GEIS therefore revises and reduces the corresponding estimates given in the DGEIS to those that follow:

- Project Number 3 – The DGEIS estimate of a maximum of approximately 150,000 cubic feet of natural material to be removed is revised instead to an anticipated maximum of approximately 30,000 cubic feet (or just over 1,100 cubic yards and more than 100 truckloads at roughly 10 cubic yards per load);
- Project Number 4 – The DGEIS estimate of a maximum of approximately 150,000 cubic feet of natural material to be removed is revised instead to an anticipated maximum of approximately 30,000 cubic feet (or just over 1,100 cubic yards and more than 100 truckloads at roughly 10 cubic yards per load); and,
- Project Number 5 – The DGEIS estimate of a maximum of approximately 37,500 cubic feet of natural material to be removed is revised instead to an anticipated maximum of approximately 7,500 cubic feet (or just over 275 cubic yards and more than 25 truckloads at roughly 10 cubic yards per load).

## **Revision 3 - Assumptions Incorporated in this Generic Review regarding Conditions or Criteria Under Which Future Actions will be Undertaken, Funded or Approved**

The assumptions identified in the DGEIS were as follows (see DGEIS pages 52 – 53):

- The mitigating measures described in the foregoing section “Mitigation Measures” under the topic heading “Traffic Mitigation Incorporated in Proposed Transportation Improvements” would continue to be included in the design of the proposed six High Priority Projects as indicated.
- The indicated abandonment of the segment of railroad presently utilized by the Ontario Central Railroad would be temporary only as a consequence of implementation of the described mitigation measure that would construct a replacement track within the existing ROW adjacent to the proposed new street and related improvements.
- There would be no direct impact to NYS DEC Freshwater wetlands located west of and adjacent to the existing Ontario Central Railroad ROW although a NYS DEC permit for work within the 100’ wetland adjacent area (also known as “the wetland buffer”) would no doubt be required; and,
- Any and all impacts to NWI federal wetlands under the jurisdiction of the US ACOE will not exceed 1/10 acre of wetland fill or loss and would be eligible for a permit under the “Nationwide” permitting process.

The foregoing remain assumptions as described in the Draft GEIS. However, to the foregoing assumptions, this Final GEIS also adds the following:

- That the six Projects will each be developed consistent with the conceptual descriptions presented in the Draft GEIS and will include each of the project components described in the Draft GEIS.
- That the quantities of natural material potentially requiring removal from the sites of Projects 3, 4 and 5 will not exceed the estimates described in this document immediately above under the topical heading “Revision 2”.
- That the TD District would be defined to be coincident with the existing Route 96/Route 251 Overlay District presently delineated on the Town Zoning Map, perhaps augmented with a corresponding district within the Village;
- That the Access Management Planning effort presently underway and described immediately below in this document under the topical heading “Supplement 1 – Access Management Planning and Impact Mitigation” will be completed and followed by recommended expansion or updating of the Town of Victor’s present access management guidelines found in Section 5.0 of the Town’s Design and Construction Standards.

## **Final Generic Environmental Impact Statement Supplements to the DGEIS**

As this Final GEIS is being composed (late September, 2018), the Town has undertaken two related initiatives – one identified in the DGEIS as a potential mitigation measure for impacts and the Action and another, although not identified as such in the DGEIS, could nonetheless serve to mitigate Action impacts. These are described below.

### **Supplement 1 – Access Management Planning and Impact Mitigation**

The DGEIS (see DGEIS pages 45 – 46) identified the following mitigation measures to minimize how development of a new street might otherwise affect travel within that portion of the corridor adversely:

- Reconsideration and potential expansion/updating of the Town of Victor’s present access management guidelines found in Section 5.0 of the Town’s present Design and Construction Standards document (mitigation for potential non-temporary transportation impacts related to development of the new roadway along the Ontario Central Railroad ROW); and,
- Review and amendment of the Town’s design and construction standards for land development related to access management to provide more detailed guidance relative to more access management techniques (per the recommendation presented on p. 12 of Appendix I to the Plan).

As this Final GEIS is being composed (late September, 2018), an effort to complete the foregoing two mitigation measures is underway. Consultants have been selected and engaged via an agreement dated June 25, 2018. A Steering Committee has been appointed to work with consultants and provide the required updates. Although the Steering Committee as originally constituted did not include a member of the Town Planning Board, a member of the Planning Board is presently being included in the

Committee so that the Committee might qualify under Town Law Section 272(a) as a “special board” empowered to prepare potential amendments to the Town’s Comprehensive Plan.

The defined scope of consultants’ work includes the following:

- Inventory and analysis of existing conditions;
- Identification of roads to be analyzed;
- Identification of techniques and strategies for access/traffic management
- Access Management Plan Development; and,
- Access Management Plan Report Preparation.

It is anticipated that the report would ultimately be forwarded to the Town Board for their consideration and adoption, and for identification of necessary amendments to the Town of Victor’s present access management guidelines found in Section 5.0 of the Town’s present Design and Construction Standards, and, potentially, for further adoption as an amendment to the Town Comprehensive Plan.

Consultants and the committee held an initial kick-off meeting on July 23, 2018. The project schedule presently calls for the Consultants and Steering Committee to conclude their work in May or June of 2019.

Although the access management planning effort described above has been undertaken, at least in part, in response to the recommendation included in the Route 96 Transformative Corridor Strategic Infrastructure Plan that is under consideration in this review and although this review identifies access management planning as a potential mitigation measure, this review also recognizes a potential for access management techniques and strategies to have negative impacts of their own nonetheless once implemented. This review further recognizes the difficulty of assessing the significance of any such potential negative impacts prior to identification of the actual techniques and strategies to be implemented. For that reason, the actual implementation of the access management plan anticipated to be developed in the present initiative is not included as an explicit component of the Action being reviewed herein. Accordingly, a subsequent and separate environmental review focused on implementation of the proposed access management plan will necessarily be undertaken at the time such plan is ultimately proposed for adoption and implementation.

## **Supplement 2 – Incentive Zoning and Impact Mitigation**

Incentive Zoning was not identified in the DGEIS as a potential mitigation measure. However, the Town has nonetheless recently requested the Town Engineers and Planning Consultants to prepare for the Town Board’s consideration and for potential adoption as an amendment to both the Town Comprehensive Plan and Town Zoning Law, provisions that would implement a program of Incentive Zoning.

The Town Comprehensive Plan presently references implementation of Incentive Zoning as a strategy primarily related to preservation of open space and rural character. That program was envisioned in the Comprehensive Plan as one that would potentially award bonuses that would increase the maximum development density otherwise applicable to a property in exchange for the applicant setting aside, as a

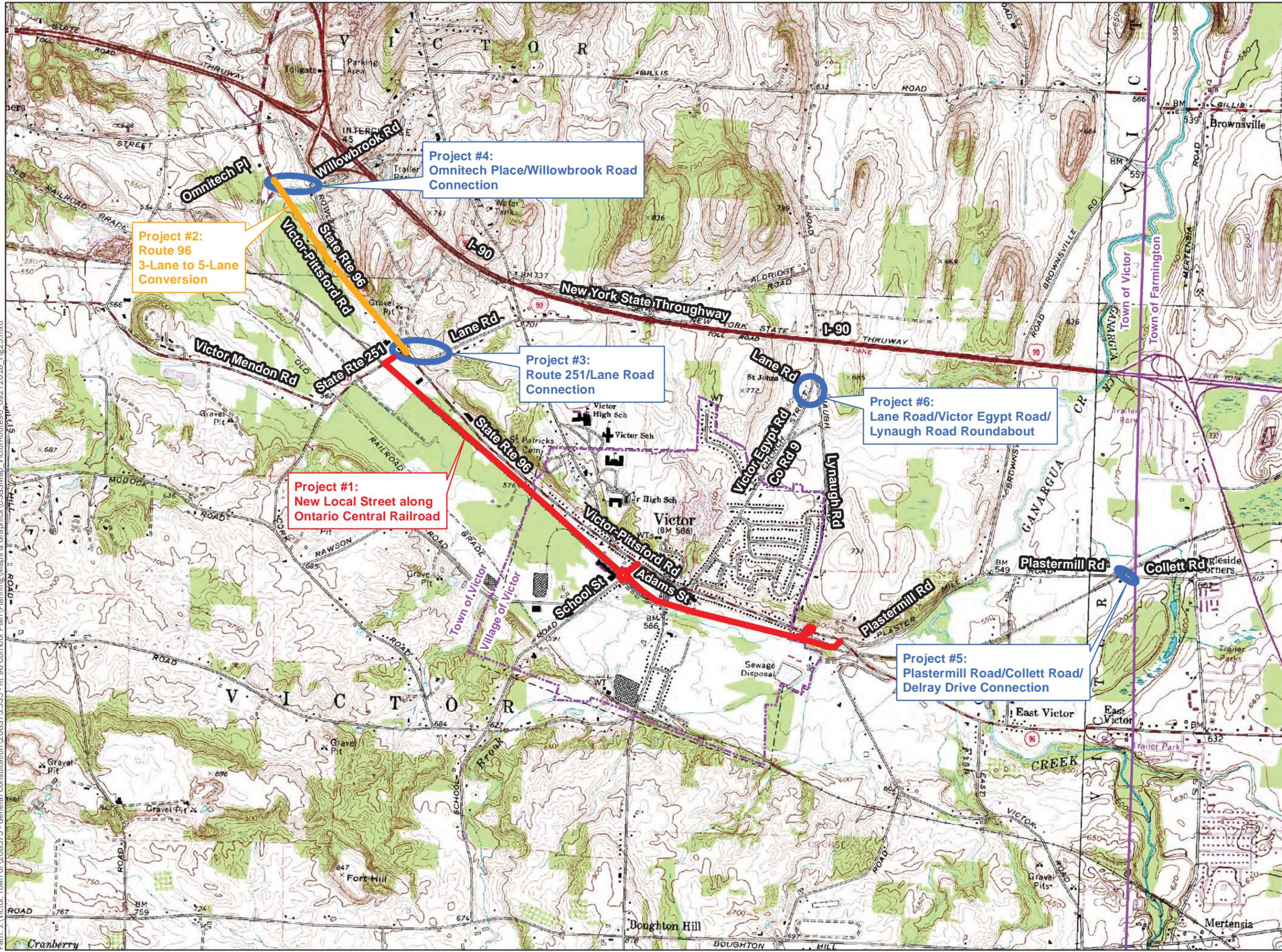
community amenity, land elsewhere in the Town in a manner that would either preclude or reduce the maximum number of units that could be developed upon that parcel. In other words, the net effect of the Incentive Zoning program proposed in the Comprehensive Plan would be to increase the maximum development density on some sites provided the increase was offset by a corresponding decrease in the maximum development density elsewhere in the Town where preservation of open space and rural character was a high priority.

The Incentive Zoning program now being suggested by Town leaders would be similar to that already described in the Comprehensive Plan in that it would also award density bonuses in exchange for an applicant's contribution of an amenity. However, whereas the program described in the Comprehensive Plan would award such a bonus in exchange for an offsetting reduction in maximum development density elsewhere, the additional program now being suggested would make such an award in exchange for a monetary contribution to a fund designated to assist in funding the six Projects recommended in the Route 96 Transformative Corridor Strategic Infrastructure Plan. That being so, this second, newly-suggested, program of Incentive Zoning could potentially facilitate implementation of the six Projects as well as mitigate or reduce the potential financial burden that might otherwise fall on Town taxpayers and upon owners of property within the potential TD District in particular. As with the initiative described in the foregoing supplement, the potential impacts of this initiative will necessarily be considered in a subsequent, separate environmental review.

**This concludes the Final Generic Environmental Impact Statement for the Proposed Action.**

**Figure 25**

Path: J:\Victor, Town of\208375 - General Consultation\208375.335 - Rt. 96 Corridor Plan\Planning\Maps & Graphics\USGSMap\_VictorRoute96\_09272018\_Fig25.mxd



**TOWN OF VICTOR**  
**ROUTE 96**  
**INFRASTRUCTURE**  
**PLAN**



0 2,000 Feet

DATE: SEPTEMBER 2018

**Legend**

- Project #1: New Local Street along Ontario Central Railroad
- Project #2: Route 96 3-Lane to 5-Lane Conversion
- Projects #3-6: New Road Connection or Roundabout
- Municipal Boundaries

- Sources:
1. Project Areas: TY LIN Route 96 Transformative Corridor Strategic Infrastructure Plan March 2018
  2. USGS Quads: CUGIR
  3. Roads: TIGER 2010
  4. Municipal Boundaries: NYS GIS

LaBella Project No:  
208375.355

**FIGURE 25**  
**USGS LOCATION**  
**VICTOR QUAD**

## **Appendix R**



**RESOLUTION No. 435**

**SEQRA NOTICE OF COMPLETION OF A DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE ADOPTION AND IMPLEMENTATION OF THE ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN**

TOWN SUPERVISOR  
742-5020

TOWN CLERK  
TAX RECEIVER  
742-5080

TOWN COURT  
924-5775  
924-5262

ASSESSMENT  
742-5010

ECONOMIC  
DEVELOPMENT  
742-5073

FINANCE  
742-5025

HIGHWAY  
924-3323

HISTORIAN  
742-5065

PARKS & RECREATION  
742-0140

PLANNING &  
BUILDING  
742-5035

PLANNING / ZONING  
742-5040

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was adopted:

**4 Ayes: Condon, Guinan, Kahovec, Tantillo**

**WHEREAS, the Town Board has been presented with the “Route 96 Transformative Corridor Strategic Infrastructure Plan” (“the Plan”) which the Town will now consider both adopting and implementing; and**

**WHEREAS, the Plan calls for the development of six “High Priority Projects” (“the Projects”) as well as the potential establishment of a Transportation Development District (“the TD District”, a type of Development Facilitation Improvement District under NYS law), and the Town Board is therefore considering undertaking, funding and/or approving the Projects and establishment of the TD District in addition to formal adoption of the Plan; and**

**WHEREAS, in order to comply with the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as “SEQRA”), the Town Board has initiated an environmental review of a proposed action (“the proposed Action”) that includes all of the foregoing components, namely, 1) formal adoption of the Plan, 2) approving, undertaking and/or funding of the Projects, and 3) establishment of the TD District; and**

**WHEREAS, construction of the Projects would likely require approval, undertaking and/or funding from other local, regional and state government agencies needing to comply with SEQRA, including the Village of Victor, the County of Ontario, the New York State Department of Transportation (NYS DOT), and the New York State Department of Environmental Conservation (NYS DEC); and**

**WHEREAS, on June 4, 2018 (Resolution No. 233), the Town Board accepted the Part 1 Environmental Assessment of the proposed Action, prepared by LaBella Associates, and determined that the proposed Action is a Type I action as defined under SEQRA; and**

**WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York’s SEQRA regulations, the Town Board was established as the SEQR Lead Agency empowered to conduct a coordinated environmental review of the proposed Action under SEQRA; and**

**TOWN OFFICES | 85 East Main Street | Victor, NY 14564  
(585) 742-5080 | Fax (585) 924-0202 | www.victorny.org**

**WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York's SEQRA regulations, the proposed Action may result in one or more significant adverse impacts on the environment, as described in the Environmental Assessment Parts 2 and 3 prepared by LaBella Associates, and that an environmental impact statement must therefore be prepared to further assess the impacts and possible mitigation and to explore alternatives to avoid or reduce those impacts, and that a Positive Declaration would therefore be issued; and**

**WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York's SEQRA regulations, the environmental impact statement to be prepared would be a "Generic" environmental impact statement, as defined under SEQRA; and**

**WHEREAS, LaBella Associates, the Town Engineer, in conjunction with CPL, the Town Traffic Engineer, has now prepared for consideration by the Town Board a proposed Draft Generic Environmental Impact Statement ("DGEIS") consistent with the Environmental Assessment Parts 2 and 3 accepted by the Town Board on July 9, 2018 (Resolution No. 408); and**

**WHEREAS, the Town Board has now reviewed the DGEIS prepared by LaBella Associates and CPL; now, therefore, be it**

**RESOLVED, that the Town Board hereby accepts, in accordance with New York's SEQRA regulations, the DGEIS prepared by LaBella Associates and CPL as adequate with respect to its scope and content for the purpose of commencing public review; and, be it**

**FURTHER RESOLVED, that the Town Clerk shall, on the Town Board's behalf and assisted by the Town Engineer, prepare, in accordance with New York's SEQRA regulations, a Notice of Completion of the Draft Generic Environmental Impact Statement ("Notice of Completion") prepared in accordance with Article 8 of the Environmental Conservation Law; and, be it**

**FURTHER RESOLVED, that the Town Board hereby determines, in accordance with New York's SEQRA regulations, to hold a SEQR Public Hearing given the extent to which a public hearing can aid the agency decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment; and, be it**

**FURTHER RESOLVED, that the Notice of Completion shall indicate that the period during which comments on the DGEIS will be accepted by the Town Board shall commence immediately with the adoption of this resolution and shall cease as of 5:00 pm EDT on September 20, 2018; and, be it**

**FURTHER RESOLVED, that the Notice of Completion shall further indicate that a Public Hearing to receive comments on the DGEIS shall be held on September 10 at 7:30 pm EDT at the Town of Victor Town Hall located at 85 E. Main Street, Victor, NY; and, be it**

**FURTHER RESOLVED**, that the Notice of Completion shall further indicate that copies of the DGEIS can be obtained at the office of the Town of Victor Town Clerk at the Victor Town Hall located at 85 E. Main Street, Victor, NY and at the Victor Farmington Library located at 15 W Main Street, Victor, NY; and, be it

**FURTHER RESOLVED**, that the Notice of Completion shall include the name and address of the lead agency; the name, address and telephone number of a person who can provide additional information; a brief description of the action; the SEQR classification; and, the location of the action, as the same were included and described in the SEQR Positive Declaration filed relative to this Action pursuant to Town Board Resolution No. 408, adopted July 9, 2018; and, be it

**FURTHER RESOLVED**, that the Town Clerk, assisted by the Town Engineer, shall file, in accordance with New York's SEQRA regulations, the prepared Notice of Completion: 1) with the Chief Executive Officer of any political subdivision within which the proposed Action would be principally located; 2) with other involved agencies; and, 3) with the Environmental Notice Bulletin at <http://www.dec.ny.gov/enb/enb.html>.

*State of New York)  
County of Ontario)*

*I do hereby certify that I have compared the preceding with the original thereof, on file in the Office of the Clerk of the Town of Victor, New York, and that the same is a correct transcript there from and of the whole of said original; and that said original was duly adopted at a meeting of the Town Board of the Town of Victor, New York on August 13, 2018.*

*Given under my hand and official seal*



*Karen C. Bodine Town Clerk  
of the Town of Victor, New York*



## **Appendix S**



**RESOLUTION No. 497**

**UPDATE TO SEQRA NOTICE OF COMPLETION AND RE-OPEN COMMENT PERIOD FOR A DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE ADOPTION AND IMPLEMENTATION OF THE ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN**

TOWN SUPERVISOR  
742-5020

TOWN CLERK  
TAX RECEIVER  
742-5080

TOWN COURT  
924-5775  
924-5262

ASSESSMENT  
742-5010

ECONOMIC  
DEVELOPMENT  
742-5073

FINANCE  
742-5025

HIGHWAY  
924-3323

HISTORIAN  
742-5065

PARKS & RECREATION  
742-0140

PLANNING &  
BUILDING  
742-5035

PLANNING / ZONING  
742-5040

On motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was adopted:

**5 Ayes: Marren, Guinan, Condon, Kahovec, Tantillo**

**WHEREAS, the Victor Town Board (“Town Board”) passed Resolution No. 435 on August 13, 2018, with regard to the SEQRA Notice of Completion of a Draft Generic Environmental Impact Statement (“DGEIS”) for the Adoption and Implementation of the Route 96 Transformative Corridor Strategic Infrastructure Plan, which Resolution accepted the DGEIS and found the same to be adequate with respect to its scope and content for the purpose of commencing public review; and**

**WHEREAS, the Town Clerk, on the Town Board’s behalf and assisted by the Town Engineer, prepared, in accordance with New York’s SEQRA regulations, a Notice of Completion of the Draft Generic Environmental Impact Statement (“Notice of Completion”) prepared in accordance with Article 8 of the Environmental Conservation Law; and**

**WHEREAS, the Town Clerk, assisted by the Town Engineer, filed the prepared Notice of Completion with the New York State Department of Environmental Conservation Environmental Notice Bulletin at <http://www.dec.ny.gov/enb/enb.html>; and**

**WHEREAS, the Town Board accepted comments on the DGEIS between August 13, 2018 through 5:00 pm EDT on September 20, 2018; and, the Town Board held a Public Hearing to receive comments on the DGEIS on September 10, 2018 at 7:30 pm EDT at the Town of Victor Town Hall located at 85 E. Main Street, Victor, NY; and**

**WHEREAS, Involved Agencies were not afforded the opportunity to review and comment on the DGEIS; now, therefore, be it**

**RESOLVED, that the Town Clerk shall, on the Town Board’s behalf and assisted by the Town Engineer, prepare, in accordance with New York’s SEQRA regulations, an updated Notice of Completion of the DGEIS prepared in accordance with Article 8 of the Environmental Conservation Law; and further**

**RESOLVED** that the Town Board hereby re-opens the comment period for the DGEIS, and the updated Notice of Completion shall indicate that the period during which comments on the DGEIS will be accepted by the Town Board shall commence immediately with the adoption of this resolution and shall cease as of 5:00 pm EDT on November 9, 2018; and further

**RESOLVED**, that the Town Clerk, assisted by the Town Engineer, shall file, in accordance with New York's SEQRA regulations, the prepared Notice of Completion: 1) with the Chief Executive Officer of any political subdivision within which the proposed Action would be principally located; 2) with other involved agencies; and, 3) with the Environmental Notice Bulletin at <http://www.dec.ny.gov/enb/enb.html>; and, be it

**RESOLVED** that a copy of the DGEIS be made available for review at the office of the Town of Victor Town Clerk at the Victor Town Hall located at 85 E. Main Street, Victor, NY; and further

**RESOLVED** that copies of this resolution be forwarded to LaBella Associates, Clark Patterson Lee, Village of Victor, Ontario County, NYSDOT, NYSDEC, and the Town Clerk.

*State of New York)  
County of Ontario)*

*I do hereby certify that I have compared the preceding with the original thereof, on file in the Office of the Clerk of the Town of Victor, New York, and that the same is a correct transcript there from and of the whole of said original; and that said original was duly adopted at a meeting of the Town Board of the Town of Victor, New York on October 9, 2018.*

*Given under my hand and official seal*



*Karen C. Bodine Town Clerk  
of the Town of Victor, New York*

