

Appendix XV – Comprehensive Planning Committee
Public Comments & Responsiveness Summary

This document summarizes the comments received by the Victor Comprehensive Planning Committee regarding their draft Comprehensive Plan as well as the Committee's response.

Comments are also tabulated and summarized in the table which appears following this summary. Comments made directly at the Public Hearing held on May 30, 2012 appear in the minutes of that meeting which are also attached. These are followed by reproductions of comments submitted in writing. The final section of this document includes minutes of the Committee's June 11, 2012 meeting at which the Committee reviewed comments from the public.

COMMENTS and RESPONSES

Babette Huber

See the attached for details of the comment. In general, the comments requested adding the word "historic" to phrases in the vision statement, adding the word "resources" to phrases where historic characteristics are referenced, adding five recommended strategies regarding historic resources (see the submitted memo dated 7/31/2009), and Including references to the 2007 Hamlet of Fishers Vision statement (see the attachment also included within the written comments).

Response: Each of the recommendations was followed. The revisions appear on pages 1.1, 1.4, 1.5, 8.22, 8.23 and 8.26.

David Lentine, Bruce DiSimone and Sam Lentine

See the attached for details of the comment. In general the comments concerned the proposed designation of property at 1403 Victor Road for an intermediate maximum residential development density (the parcel is now zoned for the least dense maximum, but was once zoned for the highest density). The property is has access to sewer, gas and water and is visible for only 640 ft on East Victor Rd and is otherwise land-locked (the parcel adjoins Mud Creek). The property is also bordered by commercial business at a higher elevation to north across Mud Creek and by Boca Park (cited as 25 units per acre).

Response: The Future Land Use Plan was modified to designate this parcel as being within the most dense residential district (see pages 8.4 and 8.7 for the revised maps).

John Welch

The comment generally opposed the proposed reduction in density of the parcel at 1723 Route 444 to least dense from intermediate (prior to changes adopted in the year 2000, the parcel was designated for residential development at the highest density). The parcel has 0.5 mile of frontage on State Route 444, borders Bloomfield and higher density designations within that community and would impact traffic

primarily upon state roads. The commenter noted that his opposition would be more intense were no effective PDR or TDR program to be established.

Response: The Future Land Use Plan was not modified in response to this comment. In reviewing this comment and the requested change, the Committee noted the presence of agricultural soil resources on this and surrounding parcels.

Response: Partly in response to this and the following comment, the Committee directed that language be added to the plan to clarify the role that the availability of public water and other factors play in determining a recommended maximum residential development density. These changes have been incorporated on pages 8.2, 8.3 and 8.6.

Caleb Strong, John Strong, Dan Strong and Doug Benson

In general, the comments questioned the potential density changes for 135 - 140 acres family-owned land in Benson Road/Fishers Road area and opposed density change from 3 units per acre (sic) to 1 unit per 3 acres for an 11+ acre parcel on Benson Road. The comment requested that maximum density be restored to the year 2000 level (1 unit per acre). Discussion also focused upon an adjoining strip of land within 1,000 feet of Route 96 that had been zoned but commercial but that was designated for residential development on the Future Land Use Plan. Mr. Benson expressed frustration that the plan has developed this far without his knowledge.

Response: The Future Land Use Plan was modified to restore the adjoining strip of land within 1,000 feet of Route 96 to be designated for commercial uses despite the constraints upon access (see pages 8.4 and 8.7 for the revised maps). In doing so, the Committee noted that these constraints would have to be resolved prior to approval of commercial development upon this land. The Future Land Use Plan was not modified to increase the recommended maximum residential development density of the adjoining land to restore the highest density designation now found on the zoning map. In making this determination, the Committee noted the absence of public water in the area and the many development constraints found throughout this area which the zoning map currently designates as a Limited Development District (LDD). However, the Committee also noted that this land would likely be appropriate for an intermediate maximum density were public water to become available.

The Committee did not respond directly to Mr. Benson's comment regarding notification to him regarding development of the draft Comprehensive Plan.

Marcia Senges

In general, this comment:

- Suggested that the prioritization of the 70 strategies found in the plan is inadequate;

- Requested that the five most critical strategies should be identified and suggested that Strategies 68 & 69 (regarding Mixed Use & Multiple Dwellings) be included among the five most critical;
- Regarding multiple dwelling, suggested that two sets of criteria should be developed - one for rental and another for "for sale" units and that the Future Land Use map should designate specific locations for multiple dwelling development so that the locations for these uses should be "planned";
- Suggested that Victor should research where TDR has worked; and,
- Questioned the wisdom of permitting density increases above established density maximum via a TDR program and referenced the resulting uncertainty for adjacent residential owners.

Response: The Future Land Use Plan was not modified in response to this comment. The Committee noted the merit of the comments regarding prioritization and mapping of areas for multiple residential development but declined to undertake these changes given the schedule. The Committee noted that these tasks would be undertaken as part of plan implementation

Laura Glasner

In general, this comment:

- Expressed concern regarding the absence of environmental consideration in determining number of development rights to be assigned. The comment noted that assigning more rights to properties constrained by environmental limitations than could have been developed would reduce open space preservation. to increase the recommended maximum residential development; and,
- Urged that penalties for violation of permit terms or new ordinances recommended by Comp Plan should be increased and should be severe enough to serve as real deterrent.

Response: The Future Land Use Plan was not modified in response to this comment. In declining to make any revision, the Committee noted that the plan identified determination of the role to be played by environmental consideration in assigning a number of development rights as a task to be undertaken as part of the implementation effort. Regarding penalties for violations, the Committee expressed support for the principle that such violations should not be tolerated and that the Town and Village should take whatever steps may be necessary to ensure that they are not. Among the steps cited by the Committee in this discussion was more active reliance upon letters of credit or other guarantees.

John Hotto

This comment, in general:

- Noted that citizens need to be educated as to how traditional suburban development is not "green" and that requirements for smaller yards should be included with the balance left in agriculture or native vegetation within conservation easements. The comment also suggested that open areas should be linked for wildlife, buffering and trails (illustrating sketches accompanied the comment). The comment also suggested that the Comp Plan does not include enough regarding how projects will be required to implement green principles;
- Noted that preserving agricultural land as ag land is unrealistic given economic factors and the demand for housing, but that preservation of such lands as open space is practical;
- Suggested that "surplus" land within subdivisions should be acquired by the Town for preservation;
- Stated that the current 50% open space requirements are too vague and should not include lawns and that stands of trees and dense plantings along streets and in yards should be required;
- Indicated that the maximum number of residences (annually and ultimately) should be limited and, if necessary, a lottery established to match supply to demand. The comment also indicated that commercial development should be encouraged;
- Suggested that the viewshed inventory is not comprehensive enough and omits important corridors;
- Indicated that TDR seems complicated and questioned the source and existence of a model that proves it will work; and,
- Included suggested site design criteria.

Response: No changes were made to the draft in response to this comment given scheduling constraints and the level of detail that would be required to address several of the comments. However, the Committee noted that many of the comment's suggestions and much of the submitted material had merit and would be useful during implementation efforts. The Committee recommends that this comment be explored more completely during implementation of the strategies related to green infrastructure, open space, growth management and TDR.

William Bowen

In general, this comment:

- Asserted that transfer of development rights into settled residential area disregards the rights of residents, creates uncertainty, and risks litigation;
- Indicated that deteriorating air quality has received insufficient attention in Victor;
- Noted that signals on Route 96 should be synchronized;
- Indicated that Committee members' conflicts of interests should be disclosed;
- Suggested that the Comprehensive Plan should include a strategy to update Victor's laws and policies on ethics; and,
- Suggested that the Comprehensive Plan should include a strategy calling for appointment of an ombudsman charged to arbitrate or resolve conflicts with residents arising out of board or official decisions rather than leave litigation as the only alternative.

Response: No changes were made to the draft in response to this comment. The comment regarding transfer of development rights should be considered during implementation efforts. It was noted that synchronization of signals is a DOT responsibility and that synchronization has now been completed. The Committee did not respond specifically to comments regarding disclosure or ethics as these are administrative and policy matters for the Town Board to address. The Committee cited the existing statutory framework for variances and appeals in response to the comment regarding an ombudsman and expressed reservations regarding assigning an individual the authority to negotiate compromises regarding board decisions.

George Eckerd

In general, this comment indicated that the definition of large scale renewable generation should be revised so as to avoid an absolute requirement for batteries (rather than feeding into the grid as is the case with "net metering").

Response: The suggested revision has been incorporated into the draft document on page 2.34.

Derek Guest

This comment generally indicated that Transportation chapter is long on data, surveys & analyses and that clearly defined strategies are not found. The comment also commented upon the crucial need for state support of necessary changes.

Response: Some members of the Committee voiced support for this comment. However, given time constraints and the level of detail that would be required, no changes have been made to the draft document. As Comprehensive Plans are intended to be living documents, it may be that the chapter on Transportation is one that should be revisited at the earliest opportunity.

Table – Summary of Comments

COMMENT		Babette Huber	David Lentine	John Welch	John Strong	Bruce DiSimone	Marsha Senges	Bruce DeSimone & Sam Lentine	Caleb, John & Dan Strong	Laura Glasner	John Hutto	William Bowen	Doug Benson	George Eckerd	Derek Guest
1	Add word "historic" to phrases in vision statement														
2	Add word "resources" to phrases where historic characteristics are referenced														
3	Add five recommended strategies regarding historic resources (see 7/31/2009														
4	Include reference to 2007 Hamlet of Fishers Vision														
5	Plan detrimental to development potential of 1403 East Victor Road (30" sewer), Sun Ray access, open, gas & water; Density reduction should require compensation														
6	Opposed to any density reduction 1403 East Victor Road, visible only 640 ft on E Victor Rd, otherwise land-locked (Mud Creek & Boca Park). Not necessary to preserve "country feeling"														
7	1403 East Victor Road, bordered by commercial business at higher elevation to north across Mud Creek. Also bordered by Boca Park (cited as 25 units per acre). Property appropriate for higher density development. Development would have little environmental impact. Maximum density should be similar to senior citizen housing or existing Boca Park, or no less than 1 unit per acre. Limiting development density on this parcel discriminatory against housing needs of lower income family & seniors.														
8	Questions need for plan for ongoing demand for residential development when build out is reached.														
9	Town should not be able to change maximum density without compensating property owners.														
10	Opposed to density reduction 1723 Route 444 to least dense from intermediate (was previously most dense) - 0.5 mile frontage on State Route, bordering Bloomfield (higher density?), traffic impact only to state roads. Opposition more intense if no effective PDR or TDR programs established.														
11	Concerned regarding potential density changes for 135 - 140 acres family-owned land in Benson Road/Fishers Road area.														
12	Opposed to density change from 3 units per acre (sic) to 1 unit per 3 acres for 11+ acre parcel on Benson Road. TDR sale of rights has no merit. Maximum density should be restored to 2000 level (1 unit per acre).														
13	Prioritization of 70 strategies is inadequate, five most critical should be identified														
14	Strategies 68 & 69 (Mixed Use & Multiple Dwelling) should be included in five most critical														
15	Regarding multiple dwelling, two sets of criteria should be developed - one for rental and another for "for sale" units.														
16	Future Land Use map should designate specific locations for multiple dwelling development. Locations for this use should be "Planned".														
17	Victor should research where TDR has worked.														
18	Questions wisdom of permitting density increases above established density maximum via TDR program and referenced resulting uncertainty for adjacent residential owners														
19	Concern regarding absence of environmental consideration in determining number of development rights to be assigned. Assigning more rights to properties constrained by environmental limitations than could have been developed would reduce open space preservation.														

COMMENT	Babette Huber	David Lentine	John Welch	John Strong	Bruce DiSimone	Marsha Senges	Bruce DeSimone & Sam Lentine	Caleb, John & Dan Strong	Laura Glasner	John Hutto	William Bowen	Doug Benson	George Eckerd	Derek Guest
20 Penalties for violation of permit terms or new ordinances recommended by Comp Plan should be increased and should be severe enough to serve as real deterrent.														
21 Citizens need to be educated as to how traditional suburban development is not "green". Requirements for smaller yards should be included with balance left in agriculture or native vegetation within conservation easements. Open areas should be linked for wildlife, buffering and trails (illustrating sketches submitted). Comp Plan does not include enough regarding how projects will be required to implement green principles.														
22 Preserving agricultural land as ag land is unrealistic given economic factors & demand for housing. Preservation of such lands as open space is practical.														
21 "Surplus" land within subdivisions should be acquired by the Town for preservation.														
22 Current 50% open space requirements too vague and should not include lawns. Stands of trees and dense plantings along streets and in yards should be required.														
23 Maximum number of residences (annually and ultimately) should be limited and, if necessary, lottery established to match supply to demand. Commercial development should be encouraged.														
24 Viewshed inventory not comprehensive enough and omits important corridors.														
25 TDR seems complicated. Questions source and existence of a model that proves it will work.														
26 Site design criteria suggested for inclusion described.														
27 Transfer of development rights into settled residential area disregards rights of residents and creates uncertainty and risk of litigation.														
27 Deteriorating air quality has received insufficient attention in Victor.														
28 Signals on Route 96 should be synchronized.														
29 Committee members' conflicts of interests should be disclosed.														
31 Comprehensive Plan should include a strategy to update Victor's laws and policies on ethics.														
32 Comprehensive Plan should include a strategy calling for appointment of an ombudsman charged to arbitrate or resolve conflicts with residents arising out of board or official decisions rather than leave litigation as the only alternative.														
33 Opposed to any density reduction at 461 Benson Road (from 1 unit per acre according to Mr. Benson).														
34 Not aware of Comp Plan to this point. Upset it has progressed this far without his being notified.														
34 The definition of large scale renewable generation needs revision so as to avoid an absolute requirement for batteries (feeding into the grid).														
35 Transportation chapter long on data, surveys & analyses. Clearly defined strategies not found. Also commented upon crucial need for state support of necessary changes.														

Public Hearing – May 30, 2012- Minutes

A Public Hearing for the Town of Victor Comprehensive Plan was held on May 30, 2012 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

COMMITTEE MEMBERS PRESENT: Donna Clements, Jerry Colyer, Bill Glasner, Mike Guinan, John Francis, Phil Clark, Jonathan Friedlander, Tom Pike,

ABSENT: Dan Benulis, Kris Hughes, Ernie Santoro, Meg Chaides,

OTHERS: Paul Lytle, Facilitator, Mark Tayrien, LaBella Assoc; Jack Dianetti, Town Board Liaison; Tim Maher, Village Liaison; Cathy Templar, Secretary; Wes Pettee, Jack Marren, Jeff Cody, Babette Huber, Silvio Palermo, Nancy Eckerdt, George Eckerdt, Bill Bowen, David Lentine, Derek Guest, Laura Glasner, John Strong, Sue Stehling, Bruce DeSimone, Tim Acquilano, Kate Crowley, John Welch, Debbie Russell, Marsha Senges, Maura Steed, Jerry Kraus

Mr. Lytle had opening remarks, explaining the process for the public hearing and then introduced the members of the Committee.

Mr. Tayrien did a brief overview of the purpose of a Comprehensive Plan which was explained at length at the Public Informational Meeting held May 21, 2012. Mark explained the process for preparing and adopting a Comp Plan, where we are in the process and where we need to go next. Each of the 8 chapters were mentioned and the public was informed where to find the 70 Strategies along with the Appendices.

The Legal Notice was read and was printed two times in the Daily Messenger on May 23, 2012 and May 27, 2012.

The Public Hearing was opened.

Babette Huber from 1038 Strong Road – I’m representing myself as a Historian to the Town of Victor and also the Historic Advisory Committee. I’d like the Comp Plan Committee to consider the following changes and I’ll be giving these to Cathy.

In the sections titled:

- A Vision For Victor, make the following changes:
 - o Paragraph 1 - Add natural “and historic” resources
 - o Paragraph 2 – Add at end “including the Hamlet of Fishers”
- Common Themes & Topical Organization
 - o Add to Preservation of historic characteristics “and resources.”
- Tools introduced
 - o Add to Preservation of historic characteristics and “resources.”

The rationale for these small changes is – *Babette read from her letter the Vision for the Hamlet of Fishers prepared by and the names are listed.*

Historic “characteristics” - *Babette read from her letter.*

Characteristics - We need to have them written in our Comp Plan because that tells you what those things are. Characteristics are more specific. We need to preserve our historic resources and I'm pretty sure that was part of some of the founding comments that were given several years ago for the Comp Plan.

I had also sent to the Comp Plan in 2009 specific strategies on dealing with historic resources and planning in our community. They are specific and this may not be the appropriate time but I do want those to be put into the record as well. (*They are part of the document that Babette handed to Cathy*) Thank you.

Mr. Bill Bowen from 315 County Rd 9 – I know that it's not appropriate for questions but I would like clarification on the legislative process. If any of the recommendations in the Comp Plan are adopted, do any of them require action by the NYS Legislature to be enacted?

Mr. Tayrien – The answer is no.

Mr. Bowen – Thank you for the clarification

Mr. David Lentine from 1394 East Victor Road – I'm representing my Father's piece of property at 1403 East Victor Road. It appears that the new Comprehensive Plan is detrimental to the development capabilities of this property. When the Town of Farmington installed a 30" sewer line through this property with deeded access to such line, it made this property the most developable with the least amount of environmental impact to the Town of Victor. The sewer is at the lowest elevation negating any need for a pumping station.

When the town approved the senior citizen project on East Victor Road with a 25 unit per acre density and then Boca Park with less than one acre per unit density, the town planned ahead requiring Sunray Crest to dead end this property into 1403 East Victor Road. It was the intention continuing the same density should this property ever be developed. With gas, sewer, water already present on this property, the continuation of moderate or senior housing from Boca Park would be reasonable.

It seems the Board has either overlooked this fact or is prejudice to this type of housing. Shouldn't all income levels have affordable housing in the Town of Victor? Any builder would attest that this is the most developable piece of property in the town because of its assets; sewer, water, gas and electric already on it. It's an open piece of property, there would be no need for tearing down trees or anything, it's all open and it's in a moderate...I don't understand this....show us another piece of property in the Town of Victor that has the same utilities and would have a negative affect brought to the land.

I'd also like to know what's the contingency plan when the 95 houses are developed in the Town of Victor and there is still a need for more housing in the Town. How will present property owners be compensated for loss of their development rights with the restrictions placed on the property owners today? The Town should never be able to change their Comprehensive Plan without compensating the current property owners making the Town liable for any losses they incur. Therefore, it's our opinion this property should be zoned with the higher density, similar to what the senior citizen home and Boca Park started. It was the intent of the town when approvals were given for these projects at the very beginning. Thank you.

Mr. John Welch from 1723 State Route 444 – I'd like to say that I purchased my land in 1997, my home and my land and I own a total of 50 acres. When I bought my home it was zoned for building 1 home per 1 acre of land. In 2000 the zoning changed without my knowledge to 1 home to 2 acres. Now the zoning on my property is proposed to change again to 1 home per 3 acres of land. I believe this to be unfair and unwarranted for the following reasons.

- Personally I have put all of my available funds into this land as a retirement option and no one person should have the right to take that away from me.
- My second, if you do not have a Transfer Development Rights or a Property Development Rights plan set in place that protects the land owner then this should not even be up for consideration at this point.
- Number 3, my property has a half mile of road frontage with water, electric, natural gas and even cable TV. We're located on a State Road; my property should not be considered rural property.
- Number 4, we border Bloomfield and the Town can't control or predict what they will allow in the future with their zoning on property that has the same utilities that I have. What if Bloomfield decided to allow high density development just across the street from my property?
- Number 5, if we were to develop the land that I own, I could do so with no burden to the Town's infrastructure. This is better for Victor than many of the areas that are proposed for higher density. We could put all of the traffic onto State Route 444, send them into the Village of Victor onto State Route 96 which all of our businesses would welcome and then send them right onto Route 490 and onto work with no burden to the infrastructure of Victor.

For these reasons, I believe your proposal to rezone my property and others is unjust and unfair and should be withdrawn. Thank you.

John Strong – My brother and I own roughly 135 – 140 acres in the Benson Road/Fishers Road area. I'm kind of in the dark here, the last I knew the whole northwest quadrant was going to be basically left as it was, it was my understanding. Now it's apparently a sending area, is that the case?

Mr. Lytle – I don't have it memorized but there is a map here tonight....

Mr. Strong -It's marked as a sending area. I haven't had the opportunity to read everything, I've been a little busy but what exactly would that entail?

Mr. Lytle – Just a quick answer?

Mr. Strong – Yea, I know this isn't a question and answer but this one came right out of the blue.

Mr. Lytle – A sending area typically would be something that would give up development rights through a Transfer Development Rights process. A receiving area would potentially become more dense.

Mr. Strong – Okay and in that northwest quadrant, what would be allowed as far as building at this point?

Mr. Lytle – I don't know specifically what changes the committee recommended.

Ms. Clements – I think it is the same predominately.

Mr. Lytle – I think it's the same too Mr. Strong. I don't think there are any proposed changes in that area for zoning or the actual requirements for a building lot.

Mr. Strong – Okay, it's currently, I believe a 3 acre lot limit.

Mr. Lytle – There is no proposal from the Committee that would increase a lot more than 3 acres.

Mr. Strong – Okay, thanks for the clarification, I appreciate it.

Mr. Bruce DeSimone and I'm talking about 1403 East Victor Road – I gave a copy to everybody of what I was going to read. My Cousin Dave got up and spoke and said half of it already. So I'll just pick up where there are some things that he didn't mention. The property is very developable obviously and the Town wants to keep the country feeling, the farm land, etc. If you try to drive by this piece of property, you can see it for 640 ft on East Victor Road, that's it. Other than that, its land locked, bordered by Mud Creek, Route 96 and Boca Park. It's got the senior citizen's housing, the ambulance, on 96 it used to be the junk yard but it's now Kitty VanBortel's parking lot. The car lots, the rental storage facilities and those are all higher elevations and they are on the other side of the creek, it has no useful benefit. You could drive down Route 96, you can't see the property. You can drive down Sunray Crest, you can't see the property. Drive down Boughton Hill Road or any road around it, you can't see it. So as far as keeping the country feeling and not giving this a higher density, there is no vital reason to not give us the higher density setting. Again, 640 ft of road front. If you could google earth and see this piece of property, you'd see exactly what I'm talking about. It's just a landlocked farm. Thank you.

Marsha Senges from 1231 Wellington Drive – The Comp Plan has been years in coming and I want to thank the Committee for the time and effort put forth. *Marsha read pretty much verbatim from her letter.*

It sounds to me tonight that there are gentlemen that own land right now who are crying out for increased density. Thank you for your time.

Mr. George Eckerdt from 7635 Glacier Hill – I'd like to have you address Page 2.34 suggesting Victor should use small scale, on site alternative energy. The thing that worries me about it is since this thing may become guidelines for zoning, etc., it points out as opposed to larger scale generation that feeds back into the power grid. It should be changed, it should not designate feeding into the power grid to designate between large and small scale. For one thing battery storage is primary light storage currently. So if you don't allow everybody to go back into the grid, you're actually going against green environmental use. There is no reason that small alternative energy can not go into the grid. So it's a minor change, but it would have a big affect on alternative energy applications to small properties. It's very easy to connect to the grid, it's probably less expensive than battery storage and led problems since most of the storage is in led batteries currently for these types of applications.

Mr. Glasner asked for the page number to be repeated.

Mr. Eckerdt – It's page 2.34, there is one paragraph encouraging small scale, on site alternative energy. The only thing that is really wrong with it is its suggesting larger scale generation is sort of defined that it feeds back into the power grid. If you don't feed back into the power grid, then you have to use batteries, then you have to worry about battery pollution on all of these home sites which is certainly tragic.

Mr. Derek Guest from 1 Fishers Hill Top Dr – I'm really here as much representing the ---- Committee and I want to thank this Committee for the Comprehensive Plan and years of work and a great job in a very complex piece of work. I just want to put my thoughts briefly....transportation. Because I live down by Fishers, coming to meetings like this, I drive a lot on Route 96 and you don't need me to tell you what a nightmare that can be many times from 3:30 on. I look to the section in the Plan on "Transportation" there is a lot of data, a lot of surveys and analysis studies. What I'm a little concerned about is how is Victor going to be able to make some changes to the traffic problems? I didn't see clear defined strategies in the Comp Plan. I know that an awful lot depends on the County and State. I hope that there is a real prospect in getting State support for changes in the transportation and structure because I think that's going to be critical for allowing Victor to grow without deteriorating. Thank you.

Mr. Lytle asked for any other comments and there were none. The Public Hearing was closed.

Mr. Lytle – We will accept comments until the end of the day June 7th. The Comp Plan will be meeting June 11th at 6:00 to review the comments. I would like to thank everyone for coming tonight. I'd also like to thank the rest of the Committee for coming tonight and also the hard work they have done working on the Comp Plan.

Mr. Lytle announced that they would be staying if there were any questions and thanked everyone for coming.

Meeting ended at 7:45 PM
Cathy Templar, Secretary

Written Comments Received

To: Town of Victor Comprehensive Plan Committee
From: Babette Huber, Town Historian *BH*
Date: May 29, 2012
Re: Comment on the Committee Draft

I would like the Comprehensive Plan Committee to consider the following changes to the Committee Draft.

- In the section entitled, "A Vision for Victor," make the following changes:

Together, the Town of Victor and the Village of Victor will preserve and enhance the community's high quality of life, economic vitality, natural and historic resources.

Town policies will promote a small town atmosphere. The walkable Village core will serve as a central focus supporting Victor's cohesive, affordable and healthy network of neighborhoods including the hamlet of Fishers.

- In the section entitled, "Common Themes & Topical Organization"

Add to the line, "Preservation of historic characteristics, the words "and resources."

- In the section entitled, "Tools Introduced"

Add to the line, "Preservation of historic characteristics, the words "and resources."

The rationale for the changes is:

The Hamlet of Fishers is unique—its historic qualities should be allowed to be enhanced to let the hamlet grow without sacrificing the character that makes it a special place. Attached is the Vision for the Hamlet of Fishers that was prepared by citizens and myself in 2007.

Historic "characteristics" does not encompass what historic resources are. Historic resources are buildings, bridges, archeological sites, neighborhoods, factories—anything which is historically important to a community. We need to preserve our historic resources and the characteristics which make them historic.

I have also included, again, the more specific strategies that need to be addressed concerning historic resources.

To: Town of Victor Comprehensive Plan Committee, Lynn Wiley, Chair
From: Babette Huber, Town Historian
Re: Historic Resources
Date: July 31, 2009

I would like the Comprehensive Plan Committee to address a few concerns that I have about historic resources in the Town of Victor.

1. Updating the Town of Victor's Historic Resources Survey and make it available to the Town Planning and Zoning Boards;
2. Address development around and/or near historic buildings and/or historically sensitive areas;
3. Address additions to historic structures;
4. Address with more clarity the demolition process;
5. Address defining a vision for the hamlet of Fishers.*

Strategies

The Town would conduct and maintain an inventory of cultural resources to identify priority historical and cultural resources for preservation. This data would be used as a basis to protect these resources that may include, for example, landowner incentives for historic conservation and state preservation easements. This should also be used for ordinances, guidelines and site-specific proposals.

All proposed actions within proximity of the boundary of an historic, architectural, cultural, or archaeological resource that would be incompatible with the objective of preserving the quality and integrity of the resource and its surroundings should be carefully considered and rejected when necessary. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed action to the maximum extent possible.

An addition to a building, structure, or site that is a recognized historic, cultural, or archaeological resource should be compatible with the resource.

Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource should only be undertaken if restoration or preservation is determined to be impractical.

Features which are integral to the historic landscape, such as stone walls, barns and outbuildings, should be maintained and integrated with new development to the maximum extent practical.

Archaeological resources are nonrenewable resources that should be preserved for continued use and enjoyment by future generations.

Preserve and enhance existing hamlet center as a complementary rural district.

*** The Vision for the Hamlet of Fishers**

Prepared by Carole Fisher, Nat Fisher, Rick Kelbe, and Babette Huber—Victor Town Historian

The Hamlet of Fishers is at a crucial point in its history. A vision shall be developed and implemented that will define the character and retain the history of the hamlet.

The vision will implement the following goals:

1. Foster civic pride in the beauty and history of the past as represented in the hamlet's historic sense of place;
2. Encourage a walkable community that is not a main thoroughfare for commercial vehicles;
3. Investigate the appropriateness of becoming a designated historic district;
4. Foster, encourage and ensure the preservation, restoration and rehabilitation of structures, landmarks and neighborhoods;
5. Encourage a "hamlet" character;
6. Emphasize the historical and recreational experience;
7. On pedestrian streets, provide sidewalks; lighting which reflects the historical character of the hamlet; and street trees;
8. Preserve trees, landscape features and scenic views;
9. Provide space for community activities such as the Duathlon;
10. Identify compatible uses of existing buildings;
11. Provide connectivity to adjacent parks;
12. Provide open space/green space;
13. New buildings in the hamlet should reflect the overall hamlet character as defined by the historic structures and sites;
14. Contribute to the protection and improvement of property values through focusing on the vision.

6/2007

May 30, 2012

To: The Comprehensive Plan Committee

From: Bruce DeSimone and Sam Lentine, property owners of 1403 East Victor Road.

It appears that the new comprehensive plan is detrimental to the development capabilities of this property. When the town of Farmington installed a 30 inch sewer line through the property with deeded access to such line, it made this property one of the most developable, with the least amount of environmental impact in the town of Victor. The sewer is at the lowest elevation on the property, negating the need for a pumping station. There is gas, sewer, water and electric already present on this property at Sunray Crest. Also there is a gas main and another water main on East Victor Rd

When the Town of Victor approved the senior citizen project on East Victor Road, with A 25 unit per acre density and then Boca Park with a less than one unit per acre density, The town of Victor Planned ahead, requiring that Sunray Crest dead ended into 1403 East Victor Road property. It was their intention of continuing with this same high density type of development should the property ever be developed.

The continuation of moderate or senior housing from Boca Park would be reasonable. It seems that the board may have overlooked this fact. Any builder will attest to the fact that this one of the most developable pieces of property in the town of Victor because of the assets present on site. (Gravity fed sewer, electric, gas and water on site)

The property is bordered by all commercial business on the north side across mud creek, and they are at a much higher elevation, the old junk yard now Kittys parking lot, the small plaza, car dealer, storage rental business. On the east side by Mud creek, the lowest elevation on the south side by the old rail road hiking trail and on the west side by the seniors home, the victor ambulance and Boco Park

The only place where you can drive by the entire property and get that good old country feeling the town is trying to maintain is for 640 feet of road frontage on East Victor Rd. Other than that it's completely inaccessible or viewable.

Please show us another property in the Town of Victor which would have less environmental impact to achieve the same as 1403 East Victor Road. I believe The Town may have over looked these facts which have been brought before this board in determining the density requirements. We ask that they look at all the positive facts and reevaluate their decision and increase the density setting to the maximum.1 unit per quarter acre ☺

May 30, 2012

To: The Comprehensive Plan Committee

From: Bruce DeSimone and Sam Lentine, property owners of 1403 East Victor Road.

It appears that the new comprehensive plan is detrimental to the development capabilities of this property. When the town of Farmington installed a 30 inch sewer line through the property with deeded access to such line, it made this property the most developable, with the least amount of environmental impact in the town of Victor. The sewer is at the lowest elevation on the property, negating the need for a pump station.

When the Town of Victor approved the senior citizen project on East Victor Road, with A 25 unit per acre density and then Boca Park with a less than one unit per acre density, the Town of Victor Planned ahead, requiring that Sunray Crest dead ended into 1403 East Victor Road. It was their intention of continuing with this same high density type of development should the property ever be developed.

With gas sewer water and electric already present on this property, the continuation of moderate or senior housing from Boca Park would be reasonable. It seems that the board has either overlooked this fact, or is prejudiced to this type of housing. Shouldn't all income levels be able to have affordable housing in the Town of Victor? Any builder will attest to the fact that this is the most developable piece of property in the town of Victor because of the assets present on site. (Gravity fed sewer, electric, gas and water on site)

Please show us another property in the Town of Victor which would have less environmental impact to achieve the same utilities as 1403 East Victor Road. The Town has neglected these facts which have been brought before this board. Is it the intent of the Comprehensive Plan to discriminate against lower income families and seniors, promoting only Cobblestone Creek type developments?

Also, what is the the Contingency Plan when the 9500 housing units is achieved, and there is still a need for more housing in the Town of Victor. And how will the present property owners be compensated for loss of development rights? With the restrictions this Plan is placing on property owners today, the Town should never be able to change this Comprehensive Plan with out compensating the Current property owners, making the Town liable losses placed upon land owners today.

Therefore it is our opinion that the property should be zoned with a higher density, similar to what was started with the senior citizen home and Boca Park. That was the intent of the Town when the approvals were given for those projects.

May 30, 2012

John Welch
1723 State Rte 444
Victor, New York 14564

Dear Committee:

I purchased my home with some land in 1997. I own a total of 50 acres. When I bought my property it was zoned for building one home per one acre of land. In 2000, the zoning changed without my knowledge to one home per two acres. Now, the zoning on my property is proposed to change again to one home per three acres of land. I believe this to be unfair and unwarranted for the following reasons.

I have put all of my available funds into this land as a retirement option and no person should have the right to decide to take that away.

If you do not have a TDR or PDR plan set in place that protects the landowner then this should not even be up for consideration.

My property has a half mile of road frontage with water, electricity, natural gas and cable TV. We are located on a State road. My property should not be considered rural property.

We border Bloomfield and the Town can't control or predict what they will allow in the future with their zoning on property that has the same utilities I have. What if Bloomfield decides to allow high density development just across the street from my property?

If I were to develop the land I own I could do so with no burden to the town infrastructure. This is better for Victor than many areas proposed for higher density. We could put all the traffic on to State Route 444 and send them into the Village on to State Route 96, which our local business would welcome, and then onto Route 490 to work.

For these reasons I believe your proposal to rezone my property and others is unjust and unfair and should be withdrawn.

Thank you,

A handwritten signature in black ink, appearing to be 'John Welch', with a stylized, flowing script.

John Welch

The Comp Plan has been years in coming. I want to thank the Committee for their time and efforts put forth. You've presented a Draft Plan, and have denoted 70 'Strategies', I guess they could also be called recommendations. 70 is a VERY BIG NUMBER! I have a serious concern about How and When there will be implementation. What's tackled 1st, 2nd, 3rd?

I'm suggesting that the Committee prioritize the 5 most critical Strategies, so that results will occur in a reasonable time frame. Essentially, establish a "To Do List". I would respectively recommend # 68 and # 69 be in your top 5. These both deal with criteria for authorizing Planned Development Districts and Mixed Use Development for future Multiple Dwelling locations in Victor.

I would respectively suggest that there be TWO separate sets of criteria established, one for rental apartments and an additional set of criteria where forsale townhomes could be developed. It's very disappointing, after the months and years of planning that have gone into this Comp Plan that the Future Land Use Map does NOT specifically designate locations appropriate for MD. There are most certainly locations in Victor that would "work" well for rental apartments, as evidenced by the approved future Auburn Creek Apartments at the Cork Rd, rt 251 intersection..

Victor's lived under a Rezoning Moratorium since July, 2011, anxiously awaiting a PLAN for MD so that developers won't have to jump through hoops to get property rezoned, residents will know exactly what will be developed on vacant land near where they're considering buying a house and the Town Board and Planning Boards will not waste valuable meeting time reviewing ad nauseum, proposals for rezoning, just to 'fit' MD into our Town. I'm disappointed there is no such PLAN.

It's my understanding, having attended many of the Comp Plan mtgs, areas on the Future Land Use Map zoned for commercial and light industrial will qualify for Multiple Dwellings if those lands can become either a Planned Development District, or considered as a Mixed Use development. ~~However, I could not find this~~
~~development in the Comp Plan itself.~~

We've been told that there continues to be 'a cry' for more MD housing in Victor, but, this Comp Plan has NOT made it clear to either developers or residents WHERE it is best located! New language, "sending and receiving areas", will be in Victor's future. Land owners and developers will have to interface to trade density units for money...Does this mean that developers will actually be 'buying' increased density? .What Board in our Town will need to evaluate each of these transitions? This process is in place in neighboring communities. Has Victor researched how effective Transfer of Development Rights has worked? Let us NOT re-invent the wheel!

Someone purchasing a home, assuming a particular density adjoining his property, may eventually learn, because of the sending/receiving negotiations, those lands will become much denser than he had initially understood. This is just like a homeowner believing land next to him is zoned for light industrial, only to have the Town Board approve a developer's request to rezone it to allow for rental apartments. If lands are zoned for a particular use, why should we permit rezoning or 'sending and receiving' actions that will change the zoning?

Last wk at the Informational Mtg, when explaining Strategy #68 "Amend current PDD approval process and, Authorize Mixed Use Development and Neighborhood Scale Commercial Development," and Strategy #69, "Amend the current process for approval of Multiple Dwelling residential developments," Mark Teryian STRESSED how important it will be to determine WHO is going to well-define these exact criteria for Mixed Use and PDD. He even questioned who/how/when there would be potential mapping involved.

70 Strategies can NOT be implemented quickly. With the Rezoning Moratorium expiring in just a few weeks, I respectively request that these two Strategies be at the top of The List for implementation. Residents and developers need to have documented, in writing, specific criteria how & where Multiple Dwelling will be PLANNED in Victor. TIME IS OF THE ESSENCE.....

RECEIVED

JUN - 6 2012

TOWN OF VICTOR
PLANNING BOARD

June 6, 2012

To whom it may concern,

We are very upset at the proposal to change the development density on one of our pieces of property. We have an 11+ acre parcel on Benson Road that is presently zoned for 3 units per acre (high density) and they now want to change it to 1 unit per 3 acres. Effectively, taking away 30 building units from us. We own an adjoining parcel that is approximately 78 acres which used to be 1 unit per acre. Then in the early 2000's, despite our objections, it was switched to 1 unit per acre, taking away 52 building units from us.

We were never happy having over having 50 potential building lots just taken from us, but we always figured our property would still have decent building potential some day with the number of units still at our disposal. Now they want to steal another 30 potential building lots from us, so as to discourage any potential builders from having interest in our property. Where as we have no plans to sell in the very near future, we know some day we will have to. We cannot burden our children with such a large parcel that is both expensive and time consuming to hang on to. If our building rights continue to be taken we feel it may be very hard to ever sell our property. We also see no real merit in the idea of selling building rights (and that doesn't solve the maintenance issue on the property). We feel if the town tries to steal our building rights again we will have no choice but to get our attorney involved to try to preserve our land value. We would most like to see our property put back to early 2000's levels, but we certainly can't bear to have them eroded any further.

Sincerely,

Caleb, John and Dan Strong

Tayrien, Mark

From: Kim Kinsella [kakinsella@town-victor-ny.us]
Sent: Thursday, June 07, 2012 12:40 PM
To: Tayrien, Mark; Paul Lytle
Cc: Catherine M. Templar
Subject: FW: Comprehensive Plan comments

Mark – these arrived late last night. I looked at your list and it looks complete with the addition of Mrs. Glasner's comments.

From: Laura Glasner [mailto:laura_glasner@yahoo.com]
Sent: Wednesday, June 06, 2012 11:38 PM
To: Kim Kinsella
Subject: Fw: Comprehensive Plan comments

As Ms. Templar is away until Monday, I wanted to make sure that receipt of the comments below was duly noted as having occurred within the comment period.

Thank you,

Laura Glasner

----- Forwarded Message -----

From: Laura Glasner <laura_glasner@yahoo.com>
To: "cmtemplar@town-victor-ny.us" <cmtemplar@town-victor-ny.us>
Sent: Wednesday, June 6, 2012 11:35 PM
Subject: Comprehensive Plan comments

June 6, 2012

First I wish to applaud the Comprehensive Plan committee for their years of commitment and diligent effort in producing a complex and far-reaching plan for the Town of Victor for the benefit of future generations.

I hope that the Town of Victor is as committed to the implementation of the plan as those on the committee have been to its development. I wonder what the plan is for the Town Board, Planning and Zoning Boards for obtaining the requisite training that will be necessary in order for ordinances to be developed that reflect the guidance outlined by the Comprehensive Plan.

I have two specific concerns:

1. The TDR system is a sophisticated system that requires commitment on the part of the Town in order for it to be explained adequately to the population and for a viable infrastructure to be created to insure its implementation. I am concerned about the lack of environmental consideration in determining how many development rights an individual might have. This would appear to undermine the overall efficacy of such a plan, as it would allow someone to purchase development rights that in essence would never have been able to be developed anyway, thus resulting in no net preservation of open space.

The plan itself appears to recognize this: (from 8.3):

"Environmental constraints may reduce development yields from the theoretical maximum that would otherwise be permissible or even render a parcel non-developable. This has not been taken into account. This analysis incorporates an inherent assumption that all parcels could be developed at the maximum density specified in the law. Ignoring this influence may lead to an overestimate of the maximum build out and development units available for transfer."

And (from 8.7): "A final consideration requiring resolution is whether the assignment of TDR within sending areas should take into account the presence of significant environmental constraints upon a site. Arguments in favor of such an

approach include the need to reflect market values more accurately and the opportunity to avoid windfalls to owners of properties with depressed market values due to extensive development constraints. “

2. There should be a recommendation for increasing the penalties for violating the terms of a permit or any of the new ordinances that are implemented as a result of the new comprehensive plan. They should be severe enough to act as real deterrent to compromising the guidelines and intentions set forth in the plan.

It is my sincere hope that these considerations are taken into account.

Laura P. Glasner
7491 Modock Road
Victor, NY 14564
585-924-9579

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To: Kim Kinsella, Town of Victor Planning Coordinator

From: John W. Hotto, Town of Victor Citizen

Subject: Draft Comprehensive Plan Review

Date: June 4, 2012

I am providing as follows a few comments regarding my review of the Draft Comprehensive Plan as a citizen of the town of Victor:

1. I appreciate the focus on the preservation of the town's natural resources, particularly the open spaces, farmlands and associated scenic qualities. These are the tangible qualities which attract people to the community, and subsequently this attraction places tremendous pressure on these resources and other town services. I applaud the town's efforts in trying to manage and rectify these opposing realities.
2. We must all realize that we are all "developers" in the sense that we all live/work/shop on land that at one time was undeveloped, pristine, natural space. We all use the roads that have been built in the town. We all consume energy, emit waste and generally impact our environment. The goal should be as a community to minimize impacts of development and our living on those features of the town that according to the Plan, we all value very highly.
3. We must understand that one of the fundamental principles of this nation and our democracy is that freedom, liberty and the pursuit of happiness was traditionally based on the right to own land then use it as the individual sees fit. This was a very unique concept historically. To this day, many countries do not allow many people to own land. Many people came to North America to ultimately take/purchase land primarily for agricultural uses. There was so much cheap land that we took it for granted and have since basically abused it ever since. Now we are running out of it and it is becoming problematic.
4. Most people do not have a sense or understanding of contemporary "green" land design principles. A nice green lawn maintained with pesticides, weed killers and fertilizers is the common "green" mentality for most suburbanites today. The more fertilizer you put on your fake lawn requires more mowing and increases ecological damage to watersheds, and most people really don't care about this simple fact. Citizens need to be educated that this mentality is outdated and that naturalistic is the way to go "green." Smaller yard requirements would help institute this concept. Remaining lands should be left to agricultural uses or natural succession within conservation easements that our common homeowners would not be able to disturb through direct ownership. Greenbelt design techniques need to be implemented at the neighborhood level. Clustering is fine, but remaining open areas need to be linked contiguously

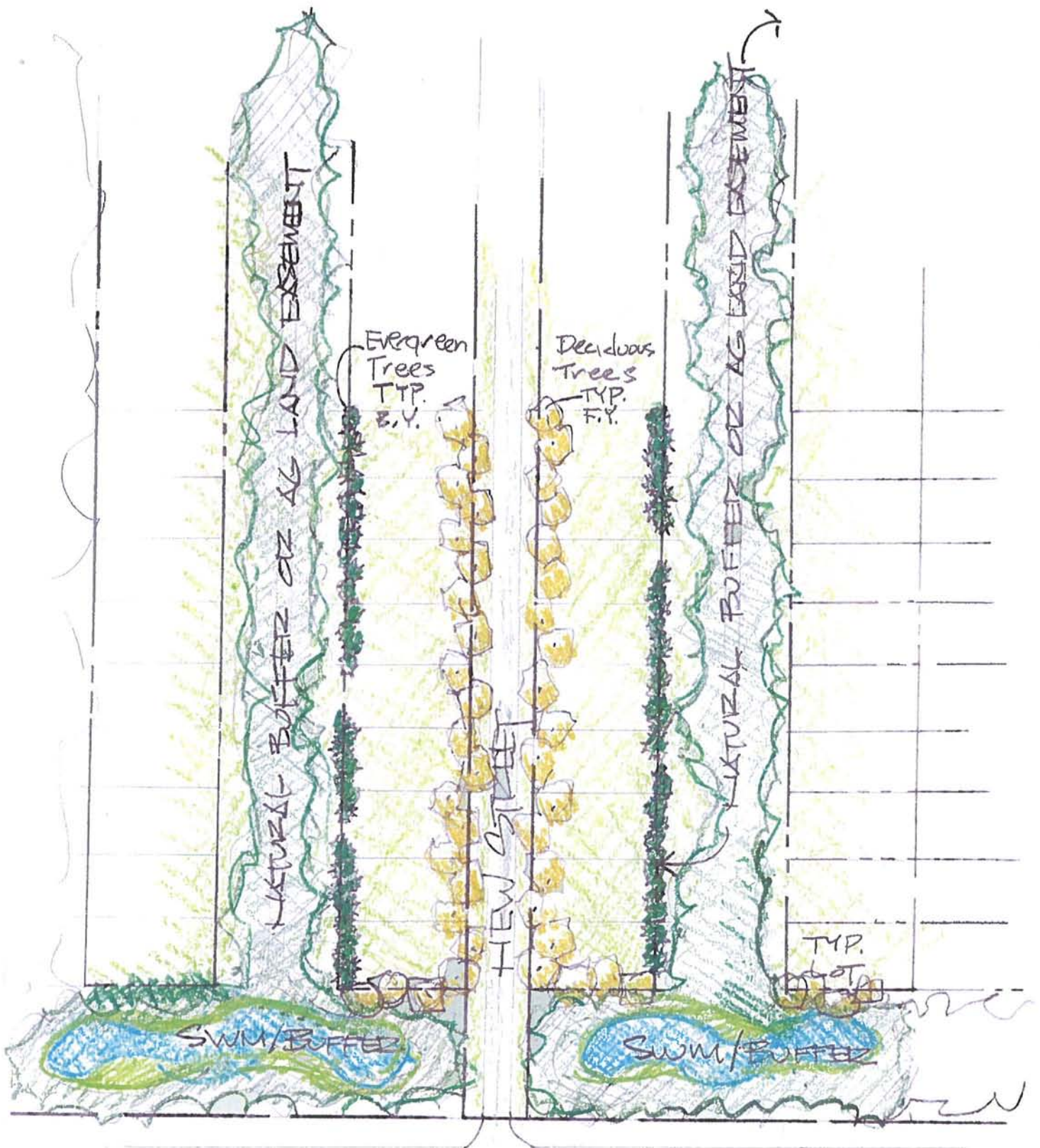
for wildlife movement, buffering and trail linkages. I have attached some sketches expressing these ideas, none of which are profoundly new or esoteric; we just need a legitimate way to implement them legally in terms of land use law and regulations. Developers will always want to maximize return on investment- the last house of the last subdivision contributes to their profit margin and subsequently the purchase of the next undeveloped parcel. What I am getting at is that the Comprehensive Plan places too much emphasis on educating people about green principles and not enough on how development projects will be required to implement them. A "PLAN" should have very definitive objectives that are based on the green principles, not telling us what those principles are over and over again. For example, where will the "greenbelts" go based on existing parcels, roads, trails, etc? How much of these remaining large parcels will remain as ag or natural open space?

5. In response to 1.6 Agricultural Zoning: "does not preclude residential use?" Most of the town is essentially zoned residential and none is specifically zoned agricultural. I don't understand this. If you want to preserve agricultural land it cannot be zoned residential with people wanting to move to Victor. Land is a commodity available to the highest bidder and people will sell if the cost of ownership becomes prohibitive. I don't think ag land can be saved as ag land in the town of Victor due to economic realities. This is wishful thinking. Small pastoral farms operating to make us feel good based on seeing cows out in the pasture or corn growing tall during the summer is not currently sustainable. However, preserving a large portion of ag parcels being developed as natural successional open space is viable. This preserved open space could continue to be farmed as long as the demand for the soil is there through some sort of rental system with the town. The variable here is the configuration of the parcel being developed- spatially it might not be workable. It is important to note that agriculture was and is the first form of speculative land development. It has had more impact on the land and environment than any other form of development. At one time Victor was almost entirely forested and if left alone, would ultimately succeed to forest again. There is a lot of land that should have never been farmed for a lot of reasons. I think the plan is too focused on the preservation of farms and farmland when it is not realistic economically as a business at least in this area.
6. We need to get away from the subdivision of land notion that the entire parcel must be divided up into tidy lots with no land placed in preservation. The extra land should be bought by the town outright to preserve it. Why is this not being done? Could the original owner "give" the extra land to the town and have it function as a right of way?
7. 2.2: the 50% open space requirement is vague I agree. Too simple. Lawns should not count towards open space, only naturalized areas. Suburban lawns are not natural areas supporting wildlife sustainably or for the most part contributing to our town's sense of place. However,

stands of trees are beneficial for the reasons listed and dense plantings along streets and in yards should be required of the developers for approvals and building permits.

8. Residential development has the most impact on the town's resources across the board. It should be managed more scientifically. So many new homes should be permitted per year, with maximums every 5, 10, 15, 20 years and then realistically call it quits. The school and town will not be able to handle populations like those in Greece, Webster, and Perinton. People from those towns are moving here because they are overcrowded, built out and congested. The availability of "affordable" housing will only make it worse. Some sort of residential building permit lottery could be implemented to manage residential growth. Once house lots are built, the land cannot be converted back to other uses ever. Commercial development, however, having much less impact on the town's resources, should be encouraged with proper planning and design to maximize tax revenues and employment.
9. 2.3: The viewshed inventory is not comprehensive enough. The sense of place of the town is primarily defined by its scenic resources and certain objects in viewsheds. For example, barns, stonewalls, hedgerows, stream corridors, forests, rolling hills, etc. The Plan does a good job generally identifying these views, but they really need to be placed on a map and documented. For example, the Blazey Road corridor was not mentioned and I am sure others were missed as well. Drive down Blazey Road on any afternoon with the sun setting in the west. You feel like you are back in the 1800's except for the subdivision rooflines creeping up over the hills to the west.
10. The DRT concepts are very complicated and need simplification somehow- I don't fully understand this idea. Where did it come from? Is there a model of it that is proven to work?
11. General definitive site design ideas:
 - a. Preserve natural vegetation strips along all roads within the town. All town roads should have deep front structure setbacks to preserve the rural ambiance. Instead of new subdivisions having new lots right at the intersection of the existing town road and the new subdivision road, require that the developer provide 100 foot of buffer for stormwater management and visual buffer using successional vegetation and native deciduous trees and shrubs. Ban the use of earthen berms unless they replicate the real drumlins we have around town. They look tacky and the minimal trees planted always die because the mounded soil dries out.

- b. Eliminate the use of concrete gutters and curbing within subdivisions and decrease the width of the road pavement. Require the use of roadside infiltration rain gardens to cut down on run-off. Eventually no run-off will be allowed from post development sites, and infiltration will be a key way to do this.
- c. Place subdivision road homes closer to the new road to maximize potential backyard buffer/open space. Density concepts need to be looked at closer; our zoning code is outdated.
- d. Take a closer look at parking requirements for all developments. I think we require too many for certain types of land uses. Consider permeable overflow parking areas to minimize paved, impervious surfaces. Also, consider the use of permeable pavers for sidewalks and the actual parking spaces. The parking area drive aisles should probably be asphalt for maintenance/repair efficiency, but the 9x18 parking spaces with pervious pavers could really cut down on run-off through infiltration.
- e. Regulate the placement and design of water, cell and other towers. Those white water towers we have on top of the drumlins are visually disturbing. The least they could do is paint them green or dark colors to minimize their visual impacts. The old style water tanks look better.
- f. I am surprised the Comprehensive Plan and/or planners didn't explore any case studies of what other communities have done or are doing. Maybe they did, but they should document it somehow so people have something to compare to. The town of Henrietta was actually quite progressive back in the 50's and 60's in the design of their subdivisions. Many of them have greenspace buffers linked to recreational areas linked to trails. These concepts are really nothing new, but we need to legally implement them better.
- g. It would be wise to include some sort of discussion regarding the control of invasive species of animal and plant life so that people are aware of it to a certain degree. We are being overrun with numerous invasive plants that are changing the natural ecosystems and impacting agricultural practices as well.



EXISTING ROAD

SUBDIVISION BUFFER CONCEPT

N.T.S.

Damaged
pavers can
be replaced
without impacting
Drive aisle
Traffic



Two-way
Drive aisle

22'

Asphalt

Slope

curbing

13'
concrete
pavers
(Permeable)
Light colored

13' 5'
concrete
pavers
(Permeable)
Light colored

EXISTING HEDGEROWS
TO BE PRESERVED

FARMABLE BUFFER
(TOWN R.O.W.)

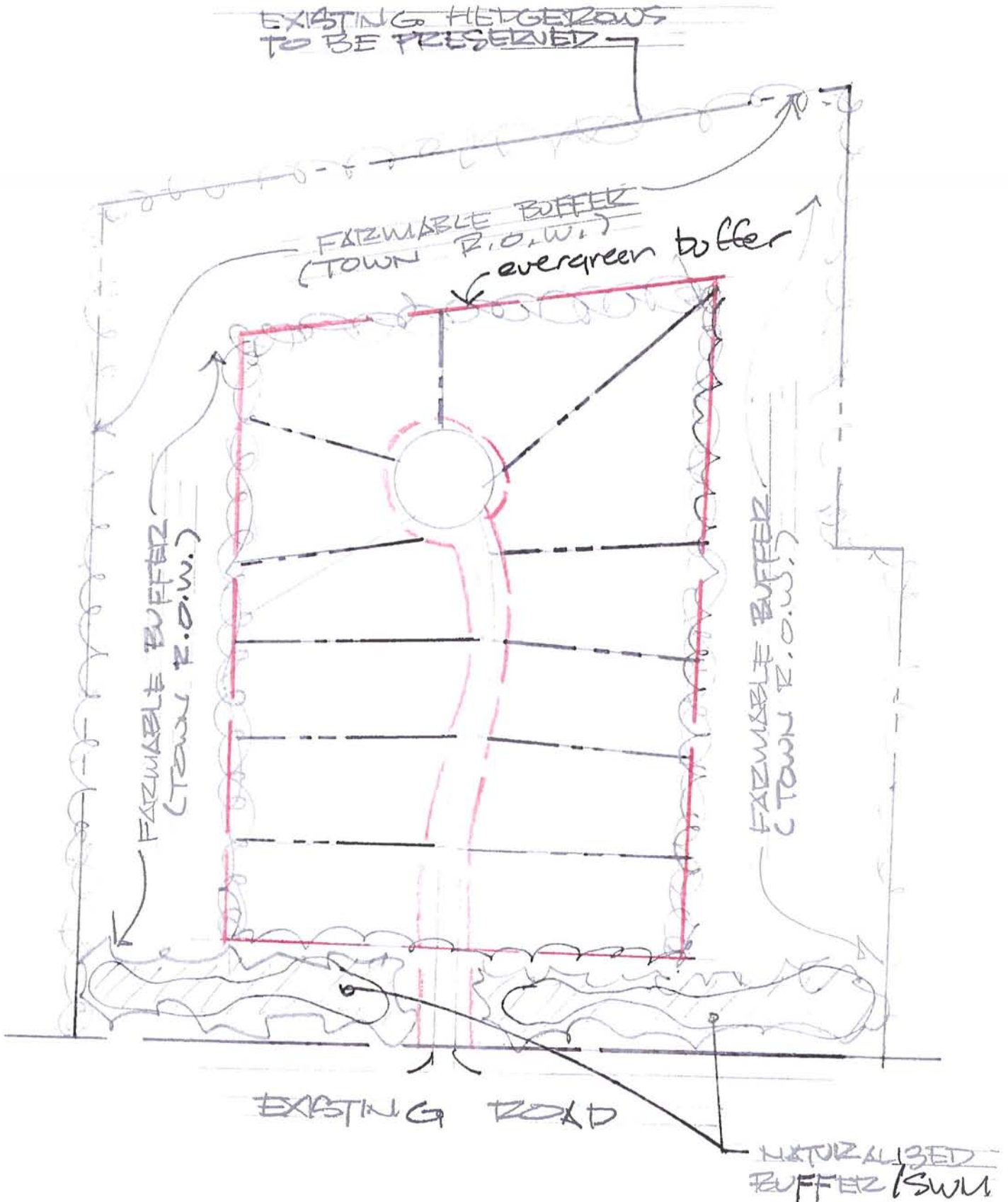
evergreen buffer

FARMABLE BUFFER
(TOWN R.O.W.)

FARMABLE BUFFER
(TOWN R.O.W.)

EXISTING ROAD

NATURALIZED
BUFFER / SWM



Catherine M. Templar

From: wbowen [wbowen@rochester.rr.com]
Sent: Wednesday, June 06, 2012 3:51 PM
To: Catherine M. Templar
Subject: Comprehensive Plan

RECEIVED

JUN - 6 2012

TOWN OF VICTOR
PLANNING BOARD

We have lived in Victor for 30 years. We are fortunate to reside on six acres on County Road# 9. This amount of land is more than most people own but significantly less than that owned by many others.. We use our land to graze our animals and grow vegetables for family use.

There are persons in our community of Victor who believe that we should have the right to do whatever we wish to our land; after all it is our property. We disagree profoundly. It is true that the value and possible use of the property has changed over 30 years. However the enhanced value has not resulted from anything we have done. It is a direct consequence of actions taken by the Victor Community through the laying of roads, developing schools, laying of sewers and mains water(we dont have) and many other amenities including public parks. It appears to us that some landowners forget all of the above and that the "development potential" of their land just evolved without any contribution through taxes and other means from other members of the Victor community

With all of the above in mind it would be remiss of me if I didnt express my deep concern over the proposed ' cap and trade' policy where "development rights" from one area (donor) may be sold to a builder to construct dwellings in a more dense residential area. This approach in my opinion disregards completely the rights of those families who reside in what they believed is a settled residential area. Furthermore the proposed approach benefits just two parties(buyer and seller) is patently unjust and introduces levels of uncertainty in the "receiver areas" that is intolerable. The potential for abuse and litigation is enormous. I respectfully urge you to scrap the whole proposal.

If, however the proposal is adopted the rules pertaining to regulations and transparency must be written stringently and enforced with vigor

I believe that insufficient attention has been placed on maintaining air quality in Victor and its immediate environs. I understand that New York State maintains just four air quality monitoring stations in Ontario County. None is located in Victor. The population in Victor has expanded enormously over the past 15 plus years with concomitant increase in traffic, gas ,oil, and wood burning furnaces and other pollutants such as biocides. Driving by Eastview Mall illustrates a point; the aroma of cooking over cooked food and over heated fats is overwhelming on occasions. Put simply that means that persons in the area are inhaling those molecules !!!!

For over 15 years advocates have been urging that traffic signals along Route 96 corridor be co -ordinated It is simply inexcusable that this proposal has not been completely implemented .

One of the apparent advantages that would arise from implementation is a major reduction in pollution; it would also serve to reduce traffic coursing through residential neighborhoods often with complete disregard for the safety of the residents.

Our community should be grateful to the members of the Committee and particularly to those who made superb presentations at the informational and public hearing sessions. It is nevertheless essential that any conflict of interest or even appearance of conflict be completely disclosed and be recorded. Such conflicts would include but certainly not limited to financial benefits from rezoning or other action, ; knowledge that is not in public domain that could be used for personal benefit.

Governor Cuomo has recently reconstituted the State Board of Ethics; it remains to be seen whether it will be more effective than its predecessor. It is time I believe to re write the bye laws covering ethics in the Town of Victor to bring them up to date with modern concepts. There are many fine examples of effective bye laws in other communities in USA I believe that this proposal should be incorporated into the Comprehensive Plan

Finally,, occasionally decisions are taken by by town officials and government that may appear arbitrary and even capricious These actions often result in citizens feeling aggrieved and frequently the only recourse open is to resort to litigation. This action of course is expensive for the town , may be prohibitive for the aggrieved person and of course takes time. I suggest that a proposal be included in the plan to make provision for the appointment of an Ombudsperson who could arbitrate or clarify conflicts. This proposal is particularly germane in light of some of the 'game changing' proposals in the plan

Respectfully submitted, William H Bowen

315 County Road #

9, Victor NY

585 924 4431

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Doug Benson, 7545 Lower Fishers Road, Victor, (924-3377) came into the office on June 7, 2012 to make comments on the draft Comprehensive Plan document.

Mr. Benson is oppose to any change in the density on his parents parcel at 461 Benson Road. It is currently 1 unit per acre and he & they would like it to stay that way. He would not be in favor of the proposed Rural Conservation Density.

He also stated that he was not aware of this update to the Comprehensive Plan. He does not have access to a computer nor does he receive the newspaper and was very upset that it has gotten to this stage and he wasn't aware of it. His neighbor notified him of the update to the Comprehensive Plan.

Committee Meeting – June 11, 2012- Minutes

A meeting of the Town of Victor Comprehensive Plan was held on June 11, 2012 at 6:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

COMMITTEE MEMBERS PRESENT: Meg Chaides, Donna Clements, Dan Benulis, Jerry Colyer, Bill Glasner, , John Francis, Phil Clark, Kris Hughes, Ernie Santoro

ABSENT: Kim Kinsella, Jonathan Friedlander, Tom Pike, Mike Guinan

OTHERS: Paul Lytle, Facilitator, Mark Tayrien, LaBella Assoc.; Jack Dianetti, Town Board; Tim Maher, Village; Cathy Templar, Secretary; Bruce DeSimone, David Lentine, J Strong, Doug Benson, Caleb Strong, Mr. Coykendall

Mr. Lytle had opening remarks on what next steps will be:

- Review comments that were received
- Determine what to do with each comment
 - Should we
 - Make changes to the Plan
 - Not make a change
 - If a change is needed, ask Town Board for more time to work on comments

Next meeting will be July 9, 2012 when Mark Tayrien will present the Comp Plan to the Town Board.

Review of comments received:

Ms. Babette Huber asked at the Public Hearing and through a letter for some wording changes and a reference to 2007 Hamlet of Fishers Vision.

- Comments from Committee:
 - One of the concepts that Babette was referring to is appropriate for a separate plan for Historical Preservation. Her additions to the Vision are appropriate.
 - Historical Resources will be added to the NRI (Natural Resource Inventory).
 - ***Mark is free to make changes***

Mr. George Eckert stood up at the Public Hearing and stated that we need a revision of the large scale energy generation definition, battery storage, and the environmental consequences that come along with the battery storage.

- Comments from Mark:
 - Agrees that it should be reworded
 - Language now uses a connection to the grid to try to distinguish renewable energy system that you might have at home or a small business from a utility scale systems. The systems that you might have at home or in a small business can connect to your meter and run your meter backwards which is called net metering.
 - Mr. Eckert's concern is if you exclude these, you are forcing people to only use batteries. He is absolutely right, almost any alternative system at a home or small

business is connected to the grid. It's just the way in which it's connected to the grid.

- o The real distinction is between the metering system where you run the meter backwards and the utility scale connection where you are actually selling power wholesale back into the grid.
- o ***Mark is free to make the language changes.***

Mr. Derek Guest talked at the Public Hearing about the Transportation Section, the facts, figures and all of the data that was in there. He basically stated we need to make this clearer.

- Comments from the Committee
 - o One of the Committee members agreed that this is not a plan, it's more a collection of data. It was mentioned that we should have a traffic solution to Route 96, but there is no solution without major support from the State.
 - o The Town and Village have already paid for many studies of Route 96.
 - o During the last couple of conversations about this, we were made aware that we have to propose this to the State before they even start to take any action.
 - o It was noted that it went out to the State 90 days ago and 6 months prior to that and the Senator has been contacted regarding this issue.
- Marks comment:
 - o In addition to the text amendments to the plan itself, his proposal would be to add some version of this. Maybe we could submit the comments in an appendix that we received as well as a summary like this to the Town Board. Then there should probably be a short narrative along the lines of what was started here that might be something like:
 - *In response to this comment, here's how we changed the plan; we didn't change the plan because we don't think a change is necessary; we didn't change the plan but it's conceivable there may be some validity to the comment. We've finished our work but the Town Board may want to consider future changes to this section.*
 - o Rather than to start editing chapters, acknowledge the comments and the validity of the comments so that it accompanies the Plan when it goes to the Town Board.
- Comments from the Committee
 - o A plan has an desired outcome, this does not
 - o Still need a bypass around Victor and the Thruway was suppose to be this.
 - o Most traffic now is going internally to Victor and not to Cdga.
 - o Synchronize the lights
 - o This is one of the biggest issues that we are being confronted with and need to tell the public this in the Plan some how
 - o When it reaches capacity, then that would be the end of the building
- ***Mark will change the name of this Section to possibly Transportation Inventory***

Referring to the letters from Dave Lentine, Sam Lentine and Bruce DeSimone, Caleb Strong, Dan Strong, John Benson and John Welch and they also talked at the Public Hearing and were opposed to the zoning changes that were being recommended to reduce the allowable lots on their properties.

Mr. Bruce DeSimone regarding 1403 East Victor Road:

- Comments from Mark
 - That's the least density now, 1 unit per 3 acres. The Future Land Use Map shows it increasing to 1 unit per 2 acres.
- Mr. DeSimone
 - Originally it was 1 unit per 1 acre. We think it should be brought to that or a greater density because of the existing conditions that border the property. It's all commercial on Route 96, there is no view, no country feeling as you drive down the road because only 600 ft are visible on East Victor Road, all the rest is landlocked. Mud Creek is on two sides of the property line and would be wetlands and nature trails and not get developed. Has 36" sewer main at the lowest elevation. It has gas, sewer and water at Sunray Crest and could be brought to the property.
 - The joining properties are high density. There is the Ambulance Corp, the Senior Citizen Home which is all high density.
- Comments from Committee:
 - In regards to the area that is highlighted to be zoned to medium density, I agree that the northern part of that should be higher density but the southern part of this section should remain medium.
 - I drove through Sunray Crest and its moderate housing, high density about ¼ of an acre. We can either preserve the agricultural land with the prime soil but also we have the goal to stimulate moderate income housing. There were 5 lots still available for sale in this development. Maybe there is not a high demand for this. Maybe we should designate this area higher density, similar to what is already there. I agree to rezone the northern area of this section.
 - Maybe even under the right circumstances, make it even higher
 - It's a receiving area
 - We don't want to encourage extensions of sewer until what is already available is developed
- ***Mark has approval to change the density to 1 unit per 1 acre north of the black line on this section of Medium density zoned land, leaving the southern part as 1 unit to 2 acres.***

It was suggested by a member of the committee to zone the density per the infrastructure that surrounds it:

- Sewer and Water available – 1 unit per 1 acre
- Water available – 1 unit per 2 acres
- No infrastructure – 1 unit per 3 acres

This was discussed through out the meeting. In the Limited Development District areas, this should not be changed due to the environmental constraints and should be left at 1 unit per 3 acres even though some of it has water.

Land located in the Limited Development District that consists of both the Benson property and 13 acres of the Strong property as well as others was zoned 1 unit per 1 acre but is being rezoned to 1 unit per 3 acres.

- Discussion from the Committee
 - The ability to access it from Route 96 to Benson Rd is very dangerous
 - If water was to be extended to this area, 1 unit per 2 acres would be acceptable to some of the committee members
 - A possible development was referred to on Benson Road which has petitioned and is trying to have water brought to it, and if water did go to this area, 1 unit per 2 acres would be appropriate but not 1 unit to 1 acre due to going out to Route 96.
 - Traffic was discussed in the area that Benson joins Route 96
- ***Proposal is to keep this as 1 unit per 3 acres unless water is provided to this property then it would be modified to 1 unit per 2 acres.***

Mr. John Welch regarding his property on Route 444:

- Comments by Mark
 - It is now medium density 1 unit per 2 acres but the Future Land Use Map is changing it to the least density 1 unit per 3 acres.
- Comments from the Committee
 - Once prime soils are developed, they are gone
 - There isn't a demand for real estate in the Town that would demand development of these lands
 - We're not just taking care of the landowner's interest, we're taking care of the town's interest as a whole so we need to balance our actions
 - One of the committee members would like to see 5 units to the acre where we have sewer/water with ability to go to 10 or 20 units per acre with the additional development rights. Member doesn't think the market will support continued sprawl.
 - Changing this to 1 unit per 3 acres for soil preservation
 - Some members believe Victor is no longer in the farming business
 - A reminder was made that there is 50% greenspace on every project
 - Goal is to have projects fit the sites
 - Buildings now are being more consolidated
 - If the zoning is changed on Route 444 to 1 unit per 2 acres, then all of the farmland would be developed into residential.
 - Can not keep one plot of land at one zoning and not the rest of the area
 - Can not zone for one particular person and need to preserve the soils
- Proposal was made to change the Comp Plans rezoning of the property along Route 444 which has been changed to 1 unit to 3 acres back to 1 unit to 2 acres.

Ernie Santoro	Aye
Dan Benulis	Aye
Bill Glasner	Nay
Donna Clements	Nay
Phil Clark	Nay
Jerry Colyer	Aye

Kris Hughes	Nay
John Francis	Nay
Meg Chaides	Nay

3 Ayes, 6 Nays

Proposal did not pass, zoning will stay at 1 unit per 3 acres – reason is due to the State Wide Significant soils.

The discussion went back to the earlier proposal of:

- Sewer and Water available – 1 unit per 1 acre unless prime soils or natural features to protect
- Water available – 1 unit per 2 acres unless prime soils or natural features to protect
- No infrastructure – 1 unit per 3 acres

Committee comments:

- One of the members is looking for the logic of why parcels have received the zoning in order to explain to residents
- Member stated they voted not to change the Route 444 to 1 unit to 2 acres because there are prime soils that is a natural feature that should be protected or preserved.
- The soils along Route 444 is of State Wide Significance
- Just because there is water, doesn't mean it's good water was a comment from one of the members
- Farmland should have a tax break

Ms. Marsha Senges stated in a letter and also at the Public Hearing that we need to do more work. We should identify 5 top Strategies. She identified Strategy 68 (Mixed Use) and 69 (Multiple Family Use) and suggested they should be in the top 5. Ms. Senges stated we should identify locations for Multiple Dwelling and Mixed Use areas on the map. Ms. Senges also wanted to know if we have identified a location where the Transfer Development Rights are being used.

- Mark's comments
 - Some of the comments are valid and have merit but the prospect for us to do more work at this point is not practical. The Town Board will need to make this decision.
- Committee comments
 - ***The committee agreed with Mark's comment.***

Ms. Laura Glasner stated in a letter and also at the Public Hearing that she was concerned with how to assign Development Rights taking into account environmental issues. Also, there should be penalties for violations.

- Committee comments
 - These comments should be sent to the committee that is chosen to facilitate the Transfer Development Rights program

- o This committee can not make decisions on what penalties are assigned
- o The penalties should be increased, not added to
- o If developers can write off their fines for violations, or if the penalties are not severe enough for violating the ordinances that are created to protect green space, then the whole thing will be for naught.
- o Penalties are a good idea, maybe a Letter of Credit. It's also an enforcement issue that the Planning Board has no control over.
- o Code Enforcement needs to get training in Environmental Sensitivity
- o Should be a check list on the site plan
- o Code Enforcement needs to enforce the code that is there and enforce what the Planning Board approves.

Mr. John Hotto made specific comments in letter form on Agricultural preservation and why does it not preclude residential development. Open Space, the term 50% is too vague, Green Land Design Criteria and examples provided (gave diagrams with ideas), TDRs (would they ever work) and View Sheds (with examples).

- Committee comments
 - o Agricultural zoning allows residential development in support of agricultural but not independent of agricultural use
 - o Some of this information is in the implementation process and also in the Green Infrastructure. There is also a statement in the MS4 manual will be fully implemented.

Mr. Bill Bowen has property on County Road #9 and made comments at the Public Hearing and also sent in a letter regarding air quality concerns. Also comments on the conflict of interests on the committee and the selection of an Ombudsman.

- Committee comments
 - o Not sure what Mr. Bowen meant by "conflict of interest" on the committee which was only mentioned in the letter.
 - o Ombudsman would be someone who would settled differences of opinions
 - One of the members likes the idea of an Ombudsman
 - It's an overseer
 - One member mentioned that's what our Town Attorney is for
 - Another member stated that it would avoid Town Attorney use and expense
 - It was hard for one of the members to image that when a decision has been made by one of the Boards on a land use matter, it would be hard to envision any type of arbitration process that would change the Board's decision.
 - There is Article 78

That concluded any of the public comments sent in letter form or at the Public Hearing.

- Mark will develop a response for each comment
- Will use categories discussed

- *In response to this comment, here's how we changed the plan; we didn't change the plan because we don't think a change is necessary; we didn't change the plan but it's conceivable there may be some validity to the comment*

A discussion took place on water, location and types, Prime soils, State soils

PUBLIC COMMENTS

- **Mr. John Strong** from 7719 Lower Fishers Road
 - Are Transfer Development Rights off of the table at this point?
 - This is a program that we strongly are recommending to the Town Board that be developed during the implementation process
 - Mr. Strong's parcel and the Benson's parcel are in a prime sending area.
 - If this is the case, then changing the density at this time, they would be losing developments rights. If the Transfer Development Rights program has value, then how are they not losing value by changing the density?
 - Not saying housing should be built there but aren't development rights themselves valuable?
- Committee comment
 - Which is more valuable – the right to develop or the right to have Transfer Development Rights? Thinks the right to develop at some point in the future would be more valuable
- Mr. Strong agrees but there is the potential for the Transfer Development Rights program to be worth quite a bit of money. Does anyone have any idea how much they would be worth?
- Committee comment
 - Closest measure that we have now in this area is the Purchase of Development Rights Program that the State is using for Agricultural.
- Mr. Strong – What I'm talking about is selling to a developer that is looking to increase density in a receiving area
- Committee –
 - There is going to be the remaining Agricultural value whatever that would be, the balance would be the perceived development value. On the buyers side, he's going to determine how much additional value can he get from developing his property by reason of density.
- Mr. Strong – As it sits today there are 13 development rights on my 13 acres as it is 1 unit per 1 acre. If we change zoning to 1 unit per 2 acres or 1 unit per 3 acres, you take 2/3 of those away. This would be the same for John Welch's property.
- Mark –
 - The Comp Plan as its drafted now doesn't make a specific recommendation or conclusion of how the Development Rights will be assigned, it leaves it up to the Implementation Team.
 - One of the approaches that we've discussed is using the "existing" density for the assignment of Development Rights. So it might be conceivable that although your maximum density could reflect changes, the Development Rights that you have are on the zoning now.

- Committee –
 - The Implementation Committee would make that decision. Still think that the Transfer Development Rights will be worth less than if you development the property.
 - It will also be supply vs demand.
- Mr. Strong – If you go with the decision of 1 unit to 2 acres with water, we currently have 76 acres that is 1 to 3 with the proposal to bring water to it. What happens when the water gets there?
- Committee –
 - Then your development opportunity would be greater and your development rights would be less.
 - You could argue with the Town Board to rezone your property to get higher density because you have a change in condition that warrants it.
 - You can always petition legislation with a rational change to your property
 - We spent a lot of time on the Transfer Development Rights program
 - There will be a lot of feedback at the Town Board level and the steps that would need to be taken
 - The Town Board will have a Public Hearing on this
 - The value is placed on the quality, size of house and location

Mr. Caleb Strong from 1425 St Rd 444

- Went through this 10 years ago and some of their land went from 1 unit per 1 acre to 1 unit per 3 acres. We lost a lot of value. Now the last decent piece of land they have is now 1 unit per 1 acre and now you want to even make that 1 unit to 3 acres.
- You keep taking and taking and unfortunately we're the ones you keep taking it from
- Some of my neighbors got lucky 10 years ago and now you're going after them too
- Benson Road is all prime land even though you may not like the egress to Route 96
- This is the side of Victor people want to be on, less traffic, closer to the mall and the thruway. It's prime real estate. We have decided to keep our land and the Town keeps taking away the Strong's building rights and the Bensons. It's just not right!

Mr. Doug Benson – We still pay the same amount of taxes as everyone. We have water going through and we still have to pay for the water even if we don't use it. What's that about? Just because it's on your property?

Mr. Steve Benson from 481 Benson Road –

- Is your proposal taking the Commercial land also on Benson Rd? (Yes)
- It's located 1000 ft off of Route 96
- That doesn't take away the value?
- If there is a problem egressing out of Benson to Route 96, DOT will take care of it
- Committee
 - The only way you could get to it is from Route 96. No way to get to it from Benson Rd. The egress is a disaster from Route 96. Why it continues to be

allowed is a mystery. It's that bad. If not a developer would have snapped up that land already, you just can't get to it.

- Mr. Caleb Strong – Have been approached by many builders, they have just made the decision not to sell. It's not a question of builders wanting it or not.
- Mr. Steve Benson – Are you going to change that commercial land and take away the value? (Yes that's what has been proposed) I'm totally against that. You hang on to it for 50 years just to have someone take the value away, it's just not right to take half of it away.
- Committee
 - o Why did we change that?
 - o Access was an issue
 - o Transportation discussion took place
 - o If someone put a new access to it, then it would work
 - o Zoning has nothing to do with what's there, you go to the Planning Board with your proposal
 - o If it's commercial and Mr. Benson wants it to stay commercial and if it can't be developed, then let it stay undeveloped.
 - o It's undevelopable for a commercial site
 - o From a planning perspective, zoning a parcel makes a statement to the community regarding the suitability and the advisability for a particular site for a particular development. This site is making a statement that says it's more appropriate for either residential or commercial use.
 - o If it wasn't for the egress situation, it would be good for commercial. If the constraints were rectified, and if the infrastructure was fixed.
 - o Every property that has a problem (wetland, steep slopes, etc), you work with it.
 - o All of Route 96 is commercial, not residential and this is the only piece of property that we've talked about taking out of commercial.
 - o If there is potential here, someone will develop it and it should be commercial on Route 96.
 - o ***Mark's explanation - Inherently it's a commercial area given its location and the only reason that it would be considered for something else is it's constrained by the access. If that access problem was solved, the best use would be commercial.***
 - o Need to give this enough land to get access from Benson. Need to extend the width of this from 1,000 ft to 2,000 in order to get access.
 - o If we did this, it would draw more development to Benson. Where do we stop?

A motion was made to change this parcel back to Commercial by Bill Glasner, seconded by Dan Benulis

Ernie Santoro	Aye
Dan Benulis	Aye
Bill Glasner	Aye
Donna Clements	Aye
Phil Clark	Aye

Jerry Colyer	Aye
Kris Hughes	Aye
John Francis	Nay
Meg Chaides	Nay

7 Ayes, 2 Nays

Motion passed – The property will be zoned commercial

DISCUSSION/MOTION

Motion was made by Donna Clements, seconded by Phil Clark and the following was passed:

The discussion and decision on the proposal for the following guide lines to be applied across the Town for the future decisions:

- Sewer and Water available – 1 unit per 1 acre
- Water available – 1 unit per 2 acres
- No infrastructure – 1 unit per 3 acres

With the constraints of:

- Areas with prime soils
- Limited Development District areas
- Green Infrastructure issues

After a brief discussion it was decided:

Mark will put the following in Chapter 8 under Future Land Use:

- *A description of these considerations*
 - *The presence of water, accompanied by some consideration of constraints such as prime soils, limitations of the Limited Development District describing how they were amongst the primary considerations and should continue to be considerations during the implementation of the Future Land Use Plan and should be relied upon by the Town Board when considering future requests for rezoning.*

Ernie Santoro	Aye
Dan Benulis	Aye
Bill Glasner	Aye
Donna Clements	Aye
Phil Clark	Aye
Jerry Colyer	Aye
Kris Hughes	Aye
John Francis	Aye
Meg Chaides	Aye

9 Ayes, 0 Nays

Meeting ended at 8:00 PM