

I still believe that this project is consistent with Victor's Strategic Plan and that the benefits of approving it will be far greater than its development as light industrial property.

It will:

Promote Diversity

Create affordable housing for empty nesters

Provide workforce housing for young professionals

Establish a local branch of FLCC and improve access to higher education

Develop housing in close proximity to passive and active recreational resources

Increase the efficient use of existing infrastructure

Preserve more open space

Provide more improvements to recreation and park facilities

Provide convenient access to NYS Thruway and I-490 interchanges

Develop greater opportunity and accessibility for public transportation

Avoid additional traffic congestion along the Route 96 corridor, High Street and in the Village

These results are all goals supported by Victor's Strategic Plan.

Each would be a solid plank in a Democratic Platform for smart development.

High density, cluster development is the type of development that land use experts advocate in order to reduce sprawl, preserve open space and promote the conservation of our natural resources.

Cluster development and Planned Development Districts are the only types of development that offer landowners any

significant hope of restoring the development value of their property.

A vote against this rezoning will reinforce and legitimize a philosophy of “open space entitlement”: the pervasive belief among homeowners that their property rights include the right to control the property rights of landowners.

Open space entitlement promotes a land use policy that lacks fundamental protections for landowners’ property rights.

Open space entitlement systematically denies or subordinates a landowner’s property rights in order to enhance the value of homeowners’ property.

This policy doesn’t create more overall value within the community. It merely transfers the existing value of undeveloped land from the landowner to the homeowner without compensation. The end result is that the land is worth less and the homes are worth more.

This is a policy that taxes landowners at a rate 10 to 20 times greater than the cost of services they receive.

This is a policy where homeowners receive 25 to 50% more in services than they pay in taxes.

This is a policy that is already firmly imbedded in the layer upon layer of regulations that control local development.

I am here tonight to defend the rights of one landowner. One landowner confronted by 500 homeowners who are challenging his right to rezone his own property. These are the odds that Victor’s landowners face each and every time they try to exercise their remaining property rights. A vote against this rezoning will set a

precedent that legitimizes the philosophy of “open space entitlement” while creating a regulatory purgatory for landowners.

The decision to rezone the Guilfoil property isn't a choice between development and conservation. It isn't a controversy over commercial development encroaching on residential areas. This is a decision about the fundamental values that Victor will use to determine and implement future policy. It is a defining moment in determining the true nature of Victor's community character.

Will this community be regulated by the petitions of special interest groups or will we be governed by the rule of law?

I am deeply disappointed that this project has created so much controversy. I still believe it can proceed and that the concerns of Fishers residents can be resolved by the parties involved. Rezoning the property is only the first step in a long and difficult process for the developer and landowner.

I understand that this project will generate more traffic than exists at the present time, but so would development of the parcel as a light industrial project. I understand the concerns of Fishers residents regarding the preservation of the hamlets character, but unless this community is planning to curtail all future development in the Town there is going to change.

The traffic concerns of opponents to the project are all amplified by pre-existing conditions that should have been resolved years ago by the Town and State. The road surface and drainage conditions at the north end of Old Dutch Road, the site distance at the intersection of State Route 251 and Wangam Road, speed limits and traffic volume on Fishers Road from Wangam Road to Route 96 should all have been resolved years ago. Long before we spent money on park improvements, set money aside for

a wellness center or used surplus sales tax money to subsidize local property taxes.

The statistics used to generate traffic comparisons for this project are based on accepted engineering principles and clearly indicate that the traffic generated from this project will actually be less than that generated by light industrial development.

All of the objections to this project are based on location. Opponents of this project believe that this project would be great for the town but that it should be built in a different location. This is a familiar complaint voiced by residents whenever and wherever a major development of this type is proposed.

I question where you would find a more suitable site for this type of development in the Town or Village? Where can you find residential property anywhere in Victor where this community would accept a rezoning for high density residential development?

Where would you find a suitable parcel zoned for residential development that has the existing infrastructure necessary to support the development of affordable housing?

Why would you suggest placing it in the Village? Already the most densely populated portion of the Town with the worst traffic congestion.

The current owner of this parcel has been paying taxes on it for many years based on its assessed value as light industrial property.

He has been unable to sell the property for light industrial development, but has a developer who has proposed a Planned Development District. Why a PDD?

The buyer of this property can only justify paying full value for it, if it can be developed in one of two ways: High density mixed use residential development or light industrial development.

Either build-out would have comparable impacts on the hamlet and the environment, but only one is economically viable based on current and projected market conditions.

The Ontario County build out report for light industrial property in Victor estimates that the current light industrial inventory in Victor will take approximately 66 years to deplete. This is a huge surplus of property zoned for light industrial development.

Some town officials have said that the need to rezone property is self created.

I disagree with that premise. Consumers determine the demand for housing, not developers or landowners. Developers attempt to adjust their product to the ever changing preferences of consumers, environmentalists and land use planners by providing an adequate supply of desired housing stock to meet the demand.

Any suggestion that the individual landowner or developer can somehow control economic development, demographics, social trends, environmental regulations, the fluctuating demands of the real estate market and federal monetary policy is unrealistic. The need for changes in zoning and development regulations are clearly not under the control of the landowner or developer.

I also disagree with the premise that land shouldn't be rezoned because the owner knew the zoning when the land was purchased. Most of the land in Victor had new zoning regulations imposed by the Town **after** the current landowners purchased the property. Some landowners owned their property before the Town even had a zoning code. Based on the logic of this argument, all zoning changes made by the Town should be rescinded and the

original property rights of all landowners restored. After all, the zoning wasn't supposed to change after we bought the property.

The third premise assumes that the existing zoning regulations are effective and fair. I don't believe anyone in this community believes that our current zoning regulations are either.

For almost every new development proposed in Victor there is a regulatory "Catch 22" involving location, traffic, density overlays, quality of life and community character issues.

Land use experts continue to promote clustered, high density development that will produce more affordable housing, housing that is friendlier to the environment and easier on municipal budgets. They claim that the most wasteful and harmful type of development for the environment is encouraged by large lot zoning. Large lot zoning gobbles up open space, promotes sprawl and targets a market that favors construction of oversized homes with excessive, unnecessary living space that wastes natural resources.

If cluster development is the future course of responsible residential development and the community doesn't want to accept it, then where does that leave Victor's landowners and future homeowners?

Supervisor Bamann, Councilman Wright, Councilman Hessney, Councilman Maltman, Councilman Cody and Councilmen elect Palomaki and Accorso:

The 500 pound gorilla in this room isn't a moratorium on the rezoning of property; it isn't traffic concerns and it isn't preserving community character. The 500 pound gorilla in this room is the community's support for or rejection of "exclusionary zoning".

