

Wednesday, August 10, 2005

Dear Victor Landowner:

Please take a few minutes to read this introduction and description of our concerns regarding government regulations and their effect on future land values in Victor. We are in the process of forming a **Victor Landowners Association** for the **purpose of protecting the property rights, development rights and future value of land in Victor. This website will provide all Victor Landowners with valuable information and updates on preserving the value of THEIR property.**

Introduction:

Many of you are second, third and even fourth generation landowners in Victor and remember when Victor was a more traditional agricultural community. While many of our neighbors have sold their property for development, many of us have not. Whether for economic or personal reasons, we have kept title to our property and even purchased additional acreage. For most of us the land is a way of life and for many it is the primary source of financial security for our families.

The **purpose** of this association would be to monitor the activities of all regulatory agencies that have jurisdiction over land use and development. This would include Town, County, State and Federal agencies that impact land use and property rights.

Our **intent** would be to prevent any further encroachment on property and development rights without “just compensation”.

History

In recent years, the Town of Victor has implemented new zoning and development regulations that are designed to control development and preserve green space. Density Zoning Overlay Districts combined with the 50% conservation easement requirements in the Town Zoning Codes are two primary tools used to control future development.

The basic problem with the approach taken by the Town is that it places the economic burden of conservation on the few remaining landowners in the town with undeveloped or open land. The Town and the vast majority of taxpayers in the town are not asked to incur any of the cost associated with the conservation of green space. This method is politically effective for controlling development because it alienates the fewest number of voters. In a democracy the majority rules, but it is also true that the rights of the minority should not be ignored or infringed upon by the majority. The final line of the Fifth Amendment to the Constitution states: **“nor shall private property be taken for public use, without just compensation.”** Our rights as landowners are balanced on the razors’ edge interpretation of the term “taken”. Because conservation easements leave the title to land with the landowner, they are not construed as the “taking of property”. We do not agree with this interpretation or definition.

We are losing control of our property and future development rights through a subtle bureaucratic process that I call: “**Acquisition by Regulation**”. Placing new and restrictive covenants on private property through zoning, planning and conservation boards is easier, and less costly, than purchasing development rights from landowners. It also circumvents the protections guaranteed in the Constitution and avoids the unpopular process of invoking Eminent Domain because owners retain title to their property.

A recent proposal by the Victor Conservation Board to restrict development is through the formation of EPODS or Environmental Protection Overlay Districts. It is our understanding from conversations with Town officials and the text of the proposal: that these regulations would extend current buffer zones around wetlands and streams, add buffer zones to floodplains, create buffers around other environmentally sensitive areas and add a new restriction for development on or within a certain distance of any slope greater than 15%. To obtain relief from these restrictions the landowner would have to obtain a variance from the Zoning Board, which is never a certainty. With the exception of the 15% slope proposal, most of these areas are already protected by: the New York State Department of Environmental Conservation, the United States Army Corps of Engineers and the New York State Department of Parks, Recreation and Historical Preservation. In addition, the State Environmental Quality Review Act (SEQRA) provides for an additional detailed review by the Town to determine, if any proposed development will have an adverse environmental impact on the community.

We as individuals and a group are **not opposed to the conservation of green space** or the imposing of reasonable restrictions on future development in Victor. **We are opposed to the loss of property and development rights without compensation.** We are proposing a more realistic approach to conservation and development that does not penalize landowners exclusively or place a virtual moratorium on development in Victor. All Victor residents should share equally in both the cost of conservation and the benefits.