

Appendix E – Minutes of Public Hearing

**APRIL 21, 2005**

A Public Hearing pursuant to the New York State Environmental Quality Review Act (SEQR) concerning the Draft Environmental Impact Statement (DEIS) concerning Ontario County Capital Project No. 1 of 2003, Auditorium Building and Finger Lakes Performing Arts Center project was held in the Supervisors' Session Room located in the Ontario County Court House, Canandaigua, New York, on Thursday, April 21, 2005, at 6:30 P.M.

Mr. Carmen Orlando, Chairman of the Board of Supervisors, presided.

Mr. Tom Harvey, Planning Associate with Ontario County, and Mr. Jeffrey Roloson, of LaBella Associates, addressed the public hearing with a Powerpoint presentation summarizing the project. Mr. Harvey reviewed the project schedule through the environmental review, and the project schematic design was reviewed by Mr. Roloson. As part of the presentation, the traffic analysis facts and recommendations were reviewed. (*A copy of said Powerpoint presentation is on file with the Clerk of the Board*).

At this time, the public hearing was open to public comments.

Mr. Anthony Vasile, owner of property at 3450 & 3451 Poplar Beach Road, Canandaigua, NY stated his concerns with the drainage issues. He pointed out that he and his neighbors experience flooding, which they believe is a result of excessive runoff from FLCC. Mr. Vasile stated that the County has only agreed in the Draft Environmental Impact Statement to mitigate additional runoff from the proposed project, not to address existing problems, and that existing flows into the wetland must be maintained. Mr. Vasile explained that he and his neighbors got together and purchased a 6 acre parcel between Poplar Beach Road and Route 364 to ensure that it was not developed, and to keep it forever wild. Many of the trees are dying on that parcel due to repeated and increased flooding. Their concern is that the water backs up onto a significantly larger area than the wetland, and the County should commit to correct the existing runoff problems.

Mr. Thomas Harvey offered a clarification on the content of the Draft Environmental Impact Statement: The intent of the statement in the DEIS was that during the design of phase II of the capital project the County was committed to doing a drainage study for its property and would design and implement any stormwater management facilities that were required to ensure that its existing and proposed facilities would not exceed the rate of discharge that existed before the facilities were constructed.

Mr. Jerome D'Vonch, 3454 Sandy Cove, Canandaigua, NY, discussed the wetland map he had obtained from the "Monroe County" office, and noted his appreciation for the value of the wetlands. Mr. D'Vonch spoke about two sources of drainage from county property across Route 364. He does not feel that the drainage is adequate in extra circumstances such as heavy rains. Drainage into the wetland is above capacity and he felt that something needs to be done so that the wetlands can handle the extra water and get the excess water to the lake.

Mr. Terry Smith, 3455 Sandy Cove, Canandaigua, NY, stated that his family has owned property in that area since 1929, and since that time, they have had no question that they live near a wetland and near a flood plain. Mr. Smith provided some history of the property and flooding and the impacts of the projects that have been built over the years. He began by noting that during the 1960's and 70's, they did not experience many of the flood issues, except for the flooding caused by Hurricane Agnes, which was flooding from the lake, not the runoffs. Flooding problems due to drainage and runoff waters did not begin until FLCC was relocated to Lincoln Hill. Overflow from the wetland was drained by a single tile, and because of the increased flooding, his father worked with DEC to install an additional drain (12 inches) to drain the overflow from the wetland. This worked satisfactorily until 1996 when the parking lot on Rt. 364 was expanded. The flooding got even worse in 2002 when the County moved County Road 18, as its previous location drained north to Fall brook and the new location drains to the wetland. Flooding in recent years has increased to the point where last year it killed most of his garden, which is in the same location it has been for years, and it has come to the point where he cannot put in a garden until the flooding issues are resolved. Mr. Smith concluded by stating that he and his neighbors are not trying to be unreasonable, but have attempted to do things themselves to work out the problems with the flooding. They are now asking for assistance from the college and the county to control the runoff flooding.

Mr. Wayne Bessell, Poplar Beach Road, Canandaigua, NY, stated this his property is within the environmental impact, and expressed his concern with the wetlands and flooding. Mr. Bessell circulated photos and pointed out that trees are dying in these wetlands. He indicated that he felt the deteriorating condition of the trees was due to the runoff of the water contaminated with salt, anti-freeze, oil, etc. He advocated preserving the environment and improving it.

Ms. Judy Williams Murphy, 3458 Sandy Point, Canandaigua, NY, stated that she has wetland area behind her property, and it has not always been wet. In past years, as young children, they were always able to play in the wetlands because it was dry, and when her son was young he also played in this area. By July, the water would dry up and that area was always dry for the rest of the summer. She stated that the water problem has increased over the past few years, and it would be apparent that the problem is because of the projects.

Ms. Lynn Maginness, Poplar Beach Road, Canandaigua, NY, stated that she had purchased this property approximately 2½ years ago, being new to the area. Although not part of the flood plain, Ms. Maginness distributed photographs of her property under water from flooding. She further noted that it is not standing water, but is rushing by her house. She stated that the wetland is filled to capacity and maintains a high level that does not serve its purpose, and further felt that the construction is a detriment to the wetland and will increase the wetland problems. She indicated that the county is proposing taking 2.5 acres of vegetation out of the property for the new construction, but will be monitoring the drainage conditions. The questions raised were who has been monitoring the pre-construction conditions to know if it has changed at all, and what baseline are you using?

Mr. Samuel Casella, Canandaigua Town Supervisor, stated that he had been contacted about the flooding problems, and felt that it is necessary to determine who is responsible for the problems that have been occurring. Mr. Casella requested a contact person from the neighbors in the Sandy Cove/Poplar Beach Road area.

Mr. Theodore Fafinski, Farmington Town Supervisor, referred to the schematic design of the concert shell and inquired as to the wind sheer and the snow load on the proposed roof.

The regular meeting of the Ontario County Board of Supervisors was called to order at 7:20 P.M. with Chairman Orlando presiding.

Upon roll call, all Members of the Board were present with the exception of Mr. Donald N. Jensen, II, and Mrs. Mary R. Green. Chairman Orlando declared Supervisors Jensen and Green as necessarily absent.

The Pledge of Allegiance was led by Ms. Kay Baier.

Minutes of the preceding session were approved without being read by motion of Mr. Fafinski, seconded by Mr. Evangelista and carried.

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**CLERK'S CERTIFICATE**

*SUPERVISORS' CHAMBERS* }  
*County of Ontario* }

*I, KAREN R. DeMAY, Clerk of the Board of Supervisors of Ontario County, do hereby CERTIFY that I have compared the foregoing excerpt of minutes, on file in the Office of the Clerk of the Board of Supervisors at Canandaigua, New York, and that the same is a correct transcript therefrom of said original minutes from the meeting of the Board of Supervisors of Ontario County held at Canandaigua, New York, on the* 21<sup>st</sup> day of April 2005

Given under my hand and official seal April 28, 2005.

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**Karen R. DeMay, Clerk of the Board of Supervisors of Ontario County, NY**