

State of New York

Department of Conservation

WATER RESOURCES COMMISSION

Water Supply Application No. 4554

In the Matter of the Application

- of the -

VILLAGE OF VICTOR

for the approval of the development of the additional spring area adjacent to the existing springs for the expansion of the water supply and of its financial and engineering plans for the development of the springs.

Fourth Application

D E C I S I O N

Application filed      November 19, 1963

Hearing held in  
Victor                      December 12, 1963

Decision                      January 9, 1964



## DECISION ON WATER SUPPLY APPLICATION NO. 4554

### PROCEEDINGS

Leonard S. Corey, Mayor of the incorporated village of Victor, Ontario County, acting in the name and on behalf of that village on November 16, 1963 made application to the Water Resources Commission for approval of the plans of the village for the taking of an additional source of public water supply for use within the village's system by the development of an additional spring area adjacent to the village's existing springs along Modock Road in the town of Victor and for the construction proposed in connection therewith. This application was filed in the office of the Commission on November 19, 1963.

After due notice published in the Victor Herald, the hearing on this application was held before Robert S. Drew, Assistant Engineer of the Commission, in the Victor Village offices located in the Fire Hall in Victor, on December 12, 1963 at 10:00 o'clock in the forenoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in favor of the project. The petitioner was represented at the hearing by Edward T. Malone, Esq., its attorney. No objections were filed and no one appeared at the hearing in opposition to approval of the project.

### PROJECT

The village of Victor now proposes to take an additional source of water supply for use within its system, by the development of three or more springs located on the south side of Modock Road generally west of and adjacent to its existing spring supplies. Water from these new springs will be conveyed by a short length of 10-inch main to connect with the village's existing 8-inch transmission main on Modock Road. All water will be chlorinated at the village pumping station by chlorination equipment which recently has been installed. The estimated cost of this current project is \$30,000.

After due study of the petition and its exhibits and of the evidence and arguments given at the hearing, the Commission finds as follows:

### FINDINGS OF FACT

1. Victor was incorporated as a village in 1879 and covers a portion of the town of Victor near the northwesterly corner of Ontario County. It is located approximately nineteen miles southeast of the city of Rochester and ten miles northwest of Canandaigua Lake.



2. The village is primarily a residential and trading center for the surrounding farm areas, but it also has within its limits a manufacturing plant of the J. Hungerford Smith Company.

3. The present population of the village is estimated at 1,400 persons which represents an increase of some 200 persons since the last Federal Census in 1960. It is reported that this population growth is attributed mainly to the construction of the Victorwood Subdivision within the village.

4. In addition to supplying water within its own boundaries the village also sells water to the High Street Water District in the town of Victor and to the Victor Thruway Restaurant. The average demands on the village's entire system, including the outside sales, are around 250,000 gallons per day. This demand has increased considerably during the past few years due primarily to the construction of the J. Hungerford Smith Company and the Victorwood Subdivision.

5. The total assessed valuation of all taxable real property located within the village is \$2,747,455. and the outstanding bonded indebtedness issued for water supply purposes is \$69,000.

6. The village presently secures its water supply from a group of springs located on a 5.6-acre tract of land about 2.5 miles west of the village. The two most recent springs on this area were developed under authority of a decision of the Water Power and Control Commission, the immediate predecessor of this Commission, dated December 6, 1949, (Water Supply Application No. 1969; 70 State Department Reports 498; completed works approved, January 6, 1953).

7. Water from this spring area flows by gravity to a booster pumping station located in the village and it is then pumped into the distribution system and to a 400,000-gallon storage tank. The village recently also has installed chlorination equipment at its pumping station to treat all water prior to its use.

8. The village also maintains its original source of water supply on a standby basis for emergency use. This source consists of a group of springs and pumping facilities located within the village near East Main Street.

9. To supplement its existing supplies and to provide for future growth, the village now plans to develop a series of three major springs located on a 8.6-acre tract of land



immediately west of its existing springs. It is estimated that these new springs have a yield of 600,000 gallons per day when fully developed, which amount should be adequate to meet the village's present and future water supply demands.

10. The village is presently acquiring the entire 8.6-acre tract of land surrounding the springs from its present owners, Paul and Elizabeth Altpeter. A 30-foot wide easement on other lands owned by the Altpeters will be acquired for the construction of the transmission main from the springs to Modock Road.

11. The ownership of the entire tract of land by the village and the enactment of rules and regulations for the protection of the watershed as provided by Section 1100 of the Public Health Law should be adequate to protect the spring from any possible sources of pollution. The watershed area is wooded and the ownership of it was originally suggested to the village by the State Health Department as additional protection for its existing supplies.

12. As its engineers for this project, the village has engaged the firm of K. G. Woodward & Associates from Webster, New York. Robert Clooman, a member of that firm, appeared at the hearing and testified on the applicant's behalf.

13. Preliminary plans for the general development of the springs and the construction of the connecting mains have been submitted but the Commission must now require that final detailed plans showing the actual development of the spring basins be submitted to it for approval prior to the start of any construction. The junction manhole on the transmission main along Modock Road at Sta. 4 + 75.5 and the existing screen house should both be relocated off the shoulder of the road and each should be enclosed by a suitable fence.

14. The initial analyses of samples of water taken from the new springs indicate that the quality of the water is similar to that of the village's existing springs. The water will be treated by chlorination at the village's pumping station and after such treatment should be of a satisfactory sanitary quality.

15. The carrying out of this project will have no adverse effect on the water supply interests of any other municipality or civil division of the State.

16. The legal damages which may be caused by the execution of the plans of the petitioner are not such as to require any special consideration or legislative enactment in order that they equitably may be determined and paid.



### CONDITIONS

The Commission finds it necessary, in order to protect the water supply and the interests of the applicant and of the inhabitants of the territory supplied by it with water and to protect the water supply and interests of any other municipal corporation or other civil division of the State and the inhabitants thereof, that the application, maps and plans submitted should be modified to conform to the following:

- A. Under this decision and approval the village of Victor is authorized to develop as a source of public water supply a series of springs located on an 8.6-acre tract of land south of Modock Road in the town of Victor as indicated on the maps filed with this application.
- B. The village or its successors in interest must retain title to the entire tract of land indicated on the aforementioned maps and must restrict the use of this land for water supply purposes only. Suitable rules and regulations for the protection of the watershed must be enacted as provided by Section 1100 of the Public Health Law.
- C. Nothing in this decision and approval contained shall be held to authorize applicant to supply, sell or distribute water from this source of supply for any purpose unless all such water shall first have been treated by disinfection in a manner satisfactory to this Commission.
- D. The Commission reserves the right to require the taking of further sanitary precautions or the further treatment or purification of the water from this source should conditions in the future indicate a need for such action.



- E. Prior to starting work on any construction authorized by this decision detailed plans for the development of the springs must have been submitted to and have been approved by this Commission. These plans must also show the relocation and fencing around the new junction manhole at Sta. 4 + 75.5 and the existing screen house as shown on the preliminary plans. Thereafter the construction work must be entirely completed in full accordance with the plans which have been approved by the Commission.
- F. Unless the works authorized by this decision shall have been fully completed by February 1, 1967 or within such extended time as may have been applied for and granted by the Commission, then and on that date this decision shall be deemed to have lapsed and to be of no further force and effect.
- G. Nothing in this decision and approval contained shall be held to abrogate the provisions of Section 480 of the Conservation Law, which forbid the operation of any of these works until as constructed they have been approved by the Commission. Such final approval will be given only on due petition therefor. In general such approval will not be given except for a fully completed system, and it never will be given until all provisions affecting quality of the water and safety of the works fully have been complied with.

### STATUTORY DETERMINATIONS

The Water Resources Commission, having given due consideration to the said petition and its exhibits and the proofs and arguments submitted at the hearing, determines and decides as follows:

First. That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.

Second. That the plans proposed are justified by public necessity.

Third. That said plans provide for the proper and safe construction of all work connected therewith.

Fourth. That said plans provide for the proper protection of the supply and the watershed from contamination and for the proper treatment of such supply.

Fifth. That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

Sixth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.



DECISION

WHEREFORE, the Water Resources Commission does hereby approve the said application, maps and plans of the village of Victor as thus modified.

IN WITNESS WHEREOF, the Water Resources Commission has caused this determination and approval to be signed and has caused its official seal to be affixed hereto and has filed the same with all maps, plans, reports, and other papers relating thereto in its office in the city of Albany, this 9th day of January, 1964.

WATER RESOURCES COMMISSION

F. W. MONTANARI  
Assistant Commissioner for  
Water Resources, Alternate -  
Acting Chairman

(L.S.)

Attest: ROBERT A. COOK  
Secretary to the Commission