

**VICTOR TOWN BOARD MEETING
MONDAY, AUGUST 26, 2019
DRAFT RESOLUTION PACKET**

*“Town Board Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting.”*

PUBLIC HEARINGS starts at 7:00 PM

- 1) AMEND THE PARKS AND RECREATION MASTER PLAN AND AMEND THE TOWN OF VICTOR COMPREHENSIVE PLAN (Brian Emelson)
- 2) PUBLIC HEARINGS ON THE PROPOSED ACCESS MANAGEMENT COMPONENT OF THE TOWN OF VICTOR COMPREHENSIVE PLAN, A LOCAL LAW TO ADOPT CHAPTER 55 ACCESS MANAGEMENT OF THE TOWN CODE, A LOCAL LAW TO AMEND CHAPTER 184 SUBDIVISION OF LAND OF THE TOWN CODE, A LOCAL LAW TO AMEND CHAPTER 211 ZONING OF THE TOWN CODE, AND THE ADOPTION OF THE OFFICIAL MAP OF THE TOWN OF VICTOR (Jack Marren)

RESOLUTIONS

1. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS (Brian Emelson)
2. AUTHORIZATION TO ENTER INTO AGREEMENT - BUTTERFLY KIDS YOGA LLC FOR YOUTH YOGA PROGRAMS (Brian Emelson)
3. AUTHORIZATION TO ENTER INTO AGREEMENT - MELISSA MCCABE FOR YOUTH COOKING AND RUNNING PROGRAMS (Brian Emelson)
4. AUTHORIZATION TO ENTER INTO AGREEMENT - RUNNING BROOK DBA (DBD FARM) FOR HORSEBACK RIDING PROGRAMS (Brian Emelson)
5. ACCEPTANCE OF ESCROW- TAMBE ENTERPRISES LLC- SELF STORAGE PHASE 2 (Karen Bodine)
6. ACCEPTANCE OF GRANT FROM FINGER LAKES MUNICIPAL HEALTH INSURANCE TRUST (FLMHIT) FOR THE 2019 CORPORATE CHALLENGE (Jack Marren)
7. AUTHORIZATION TO APPROPRIATE FUNDS FROM THE TOWN OUTSIDE VILLAGE (B FUND) ASSIGNED UNAPPROPRIATED FUND BALANCE ACCOUNT TO STORMWATER MANAGEMENT – CONTRACTUAL – FISHERS RUN DRAINAGE (Barb Cole)
8. AUTHORIZATION FOR PAYMENT TO THE TOWN OF FARMINGTON FOR NFPA AND UL ELECTRICAL CODE UPGRADES WITH PROVISION FOR EMERGENCY STANDBY GENERATOR CONNECTIONS FOR THE VICTOR SEWER DISTRICT LIFT STATION(S) PS-24, #7900 NYS ROUTE #251 AND PS-26, #7700 NYS ROUTE #251 IN THE TOWN OF VICTOR (Barb Cole)
9. AUTHORIZATION TO REFUND PREPAYMENTS ON COMPLETED OR INACTIVE CHARGEBACK ACCOUNTS (Barb Cole)

10. REAPPOINTMENT OF STEPHANIE HOLTZ, SOLE ASSESSOR FOR THE TOWN OF VICTOR (Jack Marren)
11. RE-APPOINTMENT TO PARKS AND RECREATION CITIZENS' ADVISORY COMMITTEE – LIAM RICHARDS, STUDENT REPRESENTATIVE (Tina Kolaczyk)
12. ACCEPTANCE OF THE RESIGNATION OF JUSTIN ELLIOTT FROM THE PARKS SEASONAL MOTOR EQUIPMENT OPERATOR - LIGHT POSITION (Tina Kolaczyk)
13. ACCEPTANCE OF THE RESIGNATION OF CAROL MONTEVECCHIO FROM THE PART-TIME TYPIST POSITION FOR THE PLANNING & BUILDING DEPARTMENT (Tina Kolaczyk)
14. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO PROFESSIONAL CONSULTING SERVICES AGREEMENT - RAYMOND F. WAGER, CPA, P.C., A DIVISION OF MENGEL METZGER BARR & CO. LLP, - 2019, 2020, AND 2021 ANNUAL AUDITS OF THE TOWN AND COURTS (Jack Marren)
15. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A 3-YEAR AGREEMENT WITH ADP FOR PAYROLL SERVICES (Tina Kolaczyk)
16. AUTHORIZATION TO ENTER INTO SNOW PLOW AGREEMENTS 2019-2020 SEASON (LIABILITY WAIVER) (Mark Years)
17. AWARD OF BID – 2019 PHASE 2 FISHERS RUN DRAINAGE IMPROVEMENTS PROJECT (Keith Maynard)
18. POTENTIAL ACCESS EASEMENT – MCA GROUP, LLC (Jack Marren)
19. APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 1515 STATE ROUTE 444 (Jack Marren)
20. SET PUBLIC HEARING - LOCAL LAW NO. ____ - 2019 TO AMEND THE OFFICIAL ZONING MAP AND CHAPTER 211 ZONING, SECTION 211-13 ESTABLISHMENT, SECTION 211-14 MAPPED ZONING DISTRICTS DESIGNATED AND CREATE SECTION 211-27.12 HIGHLINE PARK PLANNED DEVELOPMENT DISTRICT (Jack Marren)
21. SEQR: ACTION TO AMEND THE PARKS AND RECREATION MASTER PLAN AND AMEND THE TOWN OF VICTOR COMPREHENSIVE PLAN (Brian Emelson)
22. ADOPT THE AMENDED PARKS AND RECREATION MASTER PLAN AND THE AMENDMENTS TO THE TOWN OF VICTOR COMPREHENSIVE PLAN (Brian Emelson)
23. DETERMINATION OF SIGNIFICANCE, CONCERNING THE PROPOSED ADOPTION OF THE ACCESS MANAGEMENT PLAN AS AN AMENDMENT TO THE TOWN OF VICTOR COMPREHENSIVE PLAN, LOCAL LAW _-2019 TO ADOPT CHAPTER 55 ACCESS MANAGEMENT OF THE TOWN CODE, LOCAL LAW _-2019 TO AMEND CHAPTER 184 SUBDIVISION OF LAND OF THE TOWN CODE, LOCAL LAW _-2019 TO AMEND CHAPTER 211 ZONING OF THE TOWN CODE, ADOPTION OF THE OFFICIAL MAP OF THE TOWN OF VICTOR, AND APPROVAL OF A MEMORANDUM

OF UNDERSTANDING WITH NYSDOT AND THE ONTARIO COUNTY
COMMISSIONER OF PUBLIC WORKS (Jack Marren)

24. ADOPTION OF ACCESS MANAGEMENT PLAN AS AN AMENDMENT TO THE TOWN OF VICTOR COMPREHENSIVE PLAN (Jack Marren)
25. AFTER PUBLIC HEARING - ADOPT LOCAL LAW ___-2019 TO CREATE CHAPTER 55 ACCESS MANAGEMENT (Jack Marren)
26. AFTER PUBLIC HEARING - ADOPT LOCAL LAW ___-2019 TO AMEND CHAPTER 184 SUBDIVISION OF LAND (Jack Marren)
27. AFTER PUBLIC HEARING - ADOPT LOCAL LAW ___-2019 TO AMEND CHAPTER 211 ZONING (Jack Marren)
28. ADOPTION OF OFFICIAL MAP OF THE TOWN OF VICTOR (Jack Marren)
29. AMEND THE TOWN OF VICTOR DESIGN AND CONSTRUCTION STANDARDS AT SECTION 5.0 ACCESS MANAGEMENT GUIDELINES (Jack Marren)

PUBLIC COMMENT

Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes

ADJOURN

PUBLIC HEARING 1

NOTICE OF PUBLIC HEARING
TOWN OF VICTOR - AMEND THE PARKS AND RECREATION MASTER
PLAN AND AMEND THE TOWN OF VICTOR COMPREHENSIVE PLAN

PLEASE TAKE NOTICE that a draft Parks and Recreation Master Plan to amend the current 2007 Parks and Recreation Master Plan has been submitted to the Town Board of the Town of Victor, New York, on July 22, 2019.

PLEASE TAKE FURTHER NOTICE that said draft Parks and Recreation Master Plan is on file in the Victor Town Clerk's Office located at 85 East Main Street, Victor, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that the Town Board intends to amend the adopted Town of Victor Comprehensive Plan by incorporation of the draft Parks and Recreation Master Plan that would update the 2007 Parks and Recreation Master Plan now referenced in the town comprehensive plan.

PLEASE TAKE FURTHER NOTICE that additional information regarding the draft Parks and Recreation Master Plan can be found at:
www.victor.ny.org/334/PR-Master-Plan.

PLEASE TAKE FURTHER NOTICE, that a Public Hearing upon said draft Parks and Recreation Master Plan to amend the current 2007 Parks and Recreation Master Plan and to amend the adopted Town of Victor Comprehensive Plan has been scheduled for the 26th day of August, 2019, at 7:00 PM, to be held by the Victor Town Board at the Victor Town Hall, 85 East Main Street, Victor, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Victor Town Clerk, Victor Town Hall, 85 East Main Street, Victor, New York 14564, on or before 4:00 PM on the 26th day of August, 2019. The Victor Town Hall has barrier-free access for the physically handicapped, and any such handicapped person seeking transportation to said Public Hearing may contact the Victor Town Clerk during regular business hours.

Dated: August 6, 2019

Karen C. Bodine, Town Clerk

PUBLIC HEARING 2

NOTICE OF PUBLIC HEARING
TOWN OF VICTOR - ON THE PROPOSED ACCESS MANAGEMENT
COMPONENT OF THE TOWN OF VICTOR COMPREHENSIVE PLAN, A
LOCAL LAW TO ADOPT CHAPTER 55 ACCESS MANAGEMENT OF THE
TOWN CODE, A LOCAL LAW TO AMEND CHAPTER 184 SUBDIVISION OF
LAND OF THE TOWN CODE, A LOCAL LAW TO AMEND CHAPTER 211
ZONING OF THE TOWN CODE, AND THE ADOPTION OF THE TOWN
OFFICIAL MAP

PLEASE TAKE NOTICE that draft Local Laws have been introduced to the Town Board of the Town of Victor, New York, on July 22, 2019, designated as: a Local Law to create Chapter 55 Access Management, a Local Law to amend Chapter 184 Subdivision of Land, a Local Law to amend Chapter 211 Zoning, and adopt the Official Map for the Town of Victor.

PLEASE TAKE FURTHER NOTICE that said Local Laws and Official map are on file in the Victor Town Clerk's Office located at 85 East Main Street, Victor, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that additional information regarding the draft Access Management Plan can be found at: www.victorny.org/398/Victor-Access-Management.

PLEASE TAKE FURTHER NOTICE, that a Public Hearing upon said Local Laws and Official Map have been scheduled for the 26th day of August, 2019, at 7:00 PM, to be held by the Victor Town Board at the Victor Town Hall, 85 East Main Street, Victor, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Victor Town Clerk, Victor Town Hall, 85 East Main Street, Victor, New York 14564, on or before 4:00 PM on the 26th day of August, 2019. The Victor Town Hall has barrier-free access for the physically handicapped, and any such handicapped person seeking transportation to said Public Hearing may contact the Victor Town Clerk during regular business hours.

Dated: August 6, 2019

Karen C. Bodine, Town Clerk

RESOLUTION #1
REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

WHEREAS, the Town Board adopted the Resolution # 234 - Town of Victor Contract Procedures on June 13, 2016; and

WHEREAS, per the Contract Process, contractors and vendors who cannot obtain a Certificate of Liability Insurance which is in accordance with the Town's insurance requirements in order to perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

| <u>Vendor</u> | <u>Activity / Event</u> | <u>Location of Event</u> | <u>Amount of Contract</u> | <u>Duration of Contract</u> | <u>Reason for Exemption</u> |
|-------------------------|-------------------------|--------------------------|---------------------------|-----------------------------|-----------------------------|
| Butterfly Kids Yoga LLC | Youth Yoga Instruction | Varies | 70% / 30% | December 31, 2019 | Insufficient Coverage |

Now, therefore be it

RESOLVED that the Town Board grants the Certificate of Liability Waivers for the following service provider:

| <u>Vendor</u> | <u>Event</u> | <u>Location of Event</u> | <u>Amount of Contract</u> | <u>Duration of Contract</u> | <u>Reason for Exemption</u> |
|-------------------------|------------------------|--------------------------|---------------------------|-----------------------------|-----------------------------|
| Butterfly Kids Yoga LLC | Youth Yoga Instruction | Varies | 70% / 30% | December 31, 2019 | Insufficient Coverage |

And be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, Director of Parks and Recreation; Karen Bodine, Town Clerk; and Allison Picciano, Butterfly Kids Yoga.

RESOLUTION #2

AUTHORIZATION TO ENTER INTO AGREEMENT - BUTTERFLY KIDS YOGA LLC FOR YOUTH YOGA PROGRAMS

WHEREAS, the Department of Parks and Recreation seeks to offer instruction in yoga for youth in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Butterfly Kids Yoga LLC to provide instructional staff and supplies for youth yoga programs to be held at a date and time that is mutually agreed upon by the contractor and recreation program coordinator for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Butterfly Kids Yoga LLC to provide instructional staff and supplies for youth yoga programs to be held at a date and time that is mutually agreed upon by the contractor and recreation program coordinator for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Mike Stockman, Assistant Recreation Director; Barb Cole, Director of Finance; Karen Bodine, Town Clerk; and Allison Picciano, Butterfly Kids Yoga LLC.

RESOLUTION #3

AUTHORIZATION TO ENTER INTO AGREEMENT - MELISSA MCCABE FOR YOUTH COOKING AND RUNNING PROGRAMS

WHEREAS, the Department of Parks and Recreation seeks to offer instructions in cooking and running for youth in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Melissa McCabe to provide instructional staff and supplies for youth cooking and youth running programs to be held at dates and times that are mutually agreed upon by the contractor and recreation program coordinator for Sixty Percent (60%) of the program registration net funds with the Town taking Forty Percent (40%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Melissa McCabe to provide instructional staff and supplies for youth cooking and youth running programs to be held at dates and times that are mutually agreed upon by the contractor and recreation program coordinator for Sixty Percent (60%) of the program registration net funds with the Town taking Forty Percent (40%) of the program registration net funds, said funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Director of Finance; Karen Bodine, Town Clerk; and Melissa McCabe.

RESOLUTION #4

AUTHORIZATION TO ENTER INTO AGREEMENT WITH DEBRA D. BARMASTER DBA (DBD FARM) FOR HORSEBACK RIDING PROGRAMS

WHEREAS, the Department of Parks and Recreation seeks to offer instruction in horseback riding for youth and adults in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Debra D. Barmaster dba DBD Farm to provide instructional staff, facilities and supplies for youth and adult horseback riding programs to be held at a date and time that is mutually agreed upon by the contractor and recreation program coordinator for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Debra D. Barmaster dba DBD Farm to provide instructional staff, facilities and supplies for youth and adult horseback riding programs to be held at a date and time that is mutually agreed upon by the contractor and recreation program coordinator for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Christine Winter, Recreation Supervisor; Barb Cole, Director of Finance; Karen Bodine, Town Clerk; and Debra Barmaster, dba DBD Farm.

RESOLUTION #5

ACCEPTANCE OF ESCROW- TAMBE ENTERPRISES LLC- SELF STORAGE PHASE 2

WHEREAS, Tambe Enterprises LLC received Planning Board approval for Tambe Enterprises LLC- Self Storage Phase 2, with the condition that a form of surety be submitted to cover the cost of infrastructure, some of which will be dedicated to the town; and,

WHEREAS, it is the desire of Tambe Enterprises LLC to enter into an escrow agreement with the Town of Victor in favor of the Town of Victor as a form of surety as prescribed for in Section 184-14 Section C (9)(b)(c) of the Town of Victor Subdivision Regulations in lieu of a letter of credit; and

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineer fee and has recommended a surety totaling \$180,534.07; and,

WHEREAS, Tambe Enterprises LLC has submitted Canandaigua National Bank and Trust Company Escrow Account in favor of the Town of Victor in the amount of \$180,534.07 as recommended by the Town Engineer; now, therefore, be it

RESOLVED that the Victor Town Board hereby authorizes the Supervisor of the Town of Victor to enter into an Escrow Agreement as described above; and further

RESOLVED that a copy of this resolution be forwarded to Codes & Development, the Engineer for the Town and Tambe Enterprises LLC.

RESOLUTION #6

ACCEPTANCE OF GRANT FROM FINGER LAKES MUNICIPAL HEALTH INSURANCE TRUST (FLMHIT) FOR THE 2019 CORPORATE CHALLENGE

WHEREAS, the Town of Victor Wellness Committee works cooperatively with the Finger Lakes Municipal Health Insurance Trust (FLMHIT) to maintain and enhance employee health through various programs provided through the Wellness Committee; and

WHEREAS, employees of the Town of Victor and guests participated in the 2019 Corporate Challenge Fundraiser at a cost of Thirty Eight dollars (\$38.00) per person; and

WHEREAS, the Finger Lakes Municipal Health Insurance Trust (FLMHIT) has provided a grant to the Town of Victor in the amount of Two Hundred Twenty Eight dollars (\$228.00), towards the cost of participation in the 2019 Corporate Challenge Fundraiser held June 4, 2019; and

WHEREAS, the Chairman of the Wellness Committee recommends that we accept and deposit this grant in support of this project and, in turn, reimburse each of the twelve participants in the amount of Nineteen dollars (\$19.00); now, therefore be it

RESOLVED that the Town Board accepts the 2019 Corporate Challenge grant in the amount of Two Hundred Twenty Eight dollars (\$228.00) from the Finger Lakes Municipal Health Insurance Trust (FLMHIT) and authorizes the Finance Director to increase the revenue line Gifts and Donations (A.2705) by Two Hundred Twenty Eight dollars (\$228.00) in the 2019 budget in addition to an offsetting increase in the expense line Other General Government Wellness Committee (A.1989.420) of Two Hundred Twenty Eight dollars (\$228.00). All budget entries to be done upon board approval; and be it further

RESOLVED that upon above-mentioned budget entries, the Finance Director is authorized to reimburse each of the twelve participants (Jack Marren, Linda Marren, Suzy Mandrino, Chauncy Young, Kim Kinsella, Kathy Rayburn, Roxann Ammerman, Brian Emelson, Marty Avila, Keith Maynard, Sueann Maynard and Debby Trillaud) in the 2019 Corporate Challenge in the amount of Nineteen dollars (\$19.00) from the Other General Government Wellness Committee (A.1989.420) line; and be it further

RESOLVED that a copy of this resolution be forwarded to Michael Stockman, Chairman Wellness Committee; Barbara Cole, Finance Director; Karen Bodine, Town Clerk; and Jack Marren, Supervisor/FLMHIT Liaison.

RESOLUTION #7

AUTHORIZATION TO APPROPRIATE FUNDS FROM THE TOWN OUTSIDE VILLAGE (B FUND) ASSIGNED UNAPPROPRIATED FUND BALANCE ACCOUNT TO STORMWATER MANAGEMENT – CONTRACTUAL – FISHERS RUN DRAINAGE

WHEREAS, the Town Supervisor and Planning & Building Project Manager are requesting increased appropriations in the Stormwater Management – Contractual – Fishers Run Drainage budget (B.8140.400.FRD) to complete improvements deemed necessary by Labella Associates in the Fishers Run Drainage area in the amount of Seventy Seven Thousand dollars (\$77,000); and

WHEREAS, there are available funds in the B Fund Assigned Unappropriated Fund Balance (B.0915.000); now, therefore, be it

RESOLVED, that the Town Board authorizes the increase in appropriations in the Stormwater Management – Contractual – Fishers Run Drainage budget (B.8140.400.FRD) in the amount of Seventy Seven Thousand dollars (\$77,000) to enable the completion of the above-mentioned drainage improvements from the B Fund Assigned Unappropriated Fund Balance (B.0915.000); and

RESOLVED, that the Finance Director shall make all necessary budget entries upon approval by the Town Board, and

RESOLVED that a copy of this resolution be forwarded to Kimberly Kinsella, Keith Maynard, Karen Bodine, and Barbara Cole.

RESOLUTION #8

AUTHORIZATION FOR PAYMENT TO THE TOWN OF FARMINGTON FOR NFPA AND UL ELECTRICAL CODE UPGRADES WITH PROVISION FOR EMERGENCY STANDBY GENERATOR CONNECTIONS FOR THE VICTOR SEWER DISTRICT LIFT STATION(S) PS-24, #7900 NYS ROUTE #251 AND PS-26, #7700 NYS ROUTE #251 IN THE TOWN OF VICTOR

WHEREAS, the Victor Sewer District identified the need to perform electrical upgrades for PS-24 located at 7900 NYS Route 251 and; and PS-26 located at 7700 NYS Route 25; and

WHEREAS, Labella Associates supports the recommended improvements; and

WHEREAS, cost estimates were received and accepted from Colacino Industries Inc. and include a NEMA 4 Stainless Panel plus NFPA and UL Compliant Control Upgrade with Backup Controls, a complete Control Panel, Automatic Transfer Switch, Service Entrance Hardware for Color Coded Cam Locks and all Field Installation Labor at a total cost of Forty Seven Thousand Three Hundred Nineteen dollars and Eighty Six cents (\$47,319.86) for both locations; and

WHEREAS, per Inter-Municipal Agreement the Town of Farmington will pay Ten Thousand dollars (\$10,000.00) of the total invoice for each of the upgrades (a total of Twenty Thousand dollars); now therefore be it

RESOLVED, that the Victor Town Board authorizes the payment of the Town's portion of Forty Seven Thousand Three Hundred Nineteen dollars and Eighty Six cents (\$47,319.86), to be paid to the Town of Farmington by the Town of Victor upon satisfactory completion of the above-mentioned upgrades, and charged to the 2019 Town Budget Line Item SS.8120.400 Sanitary Sewers Contractual; and be it further

RESOLVED, that a copy of this resolution be sent to the Finance Director Barbara Cole, Farmington Town Clerk Michelle Finley, Victor Town Clerk Karen Bodine and David Degear, Town of Farmington Water and Sewer Superintendent.

RESOLUTION #9

AUTHORIZATION TO REFUND PREPAYMENTS ON COMPLETED OR INACTIVE CHARGEBACK ACCOUNTS

WHEREAS, the Finance Director, in coordination with the Planning & Building Department Project Coordinator, has reviewed developer chargeback accounts with prepayment (credit) balances; and

WHEREAS, several accounts have been identified that have prepayment balances and no further engineering or legal charges are anticipated to apply to against these prepayment balances; and

WHEREAS, the Finance Director and the Project Coordinator agree it is in the best interest of the Town of Victor and the Developer to refund prepayments and close these chargeback accounts; now, therefore be it

RESOLVED that upon Board approval the Finance Director will refund the developers identified below:

- Cynthia Martinez-Capolilno
- O'Connell Electric
- F. L. Radio Group

RESOLVED that a copy of this resolution will be forwarded to Kim Kinsella, Project Coordinator; Karen Bodine, Town Clerk; Barbara Cole, Finance Director; Cynthia Martinez-Capolilno, O'Connell Electric, and F. L. Radio Group.

RESOLUTION #10

REAPPOINTMENT OF STEPHANIE HOLTZ, SOLE ASSESSOR FOR THE TOWN OF VICTOR

WHEREAS, on January 7, 2019 the Town Board approved Resolution No. 43-19 - Appointment of Stephanie Holtz as Sole Town Assessor; and

WHEREAS, Ms. Holtz's term expires on September 30, 2019; now, therefore, be it

RESOLVED that the Victor Town Board hereby reappoints Ms. Stephanie Holtz to the position of Assessor for a six-year term, as prescribed in the Real Property Tax Law (RPTL) §310, with her new term effective October 1, 2019 and expiring on September 30th 2025; and, further

RESOLVED that a copy of this resolution be forwarded to Stephanie Holtz, Ontario County Real Property Tax Services, Finance Dept., Town Clerk, and Human Resources.

RESOLUTION #11

RE-APPOINTMENT TO PARKS AND RECREATION CITIZENS' ADVISORY COMMITTEE –
LIAM RICHARDS, STUDENT REPRESENTATIVE

WHEREAS, Liam Richards is the current Student Representative on the Town of Victor Parks and Recreation Citizens' Advisory Committee; and

WHEREAS, according to the By-Laws of the Parks and Recreation Citizens' Advisory Committee, it is required that one Student Representative be present on the committee; and

WHEREAS, Liam Richards, Victor, New York has forwarded a letter to the Human Resources Department and to the Chairperson of the Parks and Recreation Citizens' Advisory Committee indicating that he wishes to serve another term on the Committee; and

WHEREAS, it is the recommendation of the Committee that Liam Richards be re-appointed to the Committee as a Student Representative; now, therefore be it

RESOLVED, that the Town Board hereby re-appoints Liam Richards to the Parks and Recreation Citizens Advisory Committee as a Student Representative with a term ending on June 30, 2020; and be it further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Gregg Richards, Chairperson of the Parks and Recreation Citizens' Advisory Committee; Town Clerk, Human Resources, and Liam Richards.

RESOLUTION #12

ACCEPTANCE OF THE RESIGNATION OF JUSTIN ELLIOTT FROM THE PARKS
SEASONAL MOTOR EQUIPMENT OPERATOR - LIGHT POSITION

WHEREAS, Justin Elliott was appointed to the position of Parks Seasonal Motor Equipment Operator- Light by Resolution #185 on April 8, 2019; and

WHEREAS, Justin Elliott submitted his letter of resignation from the Parks Seasonal Motor Equipment Operator- Light position for the Town of Victor, effective August 8, 2019; now, therefore be it

RESOLVED that the Victor Town Board accepts the resignation of Justin Elliott from the Parks Seasonal Motor Equipment Operator- Light position for the Town of Victor, effective August 8, 2019, and thanks him for his service and dedication to the Town of Victor and its residents, and wishes him well on his new adventures; and be it further

RESOLVED that a copy of this resolution be sent Justin Elliott, Director of Parks & Recreation, Human Resources, Town Clerk, and Finance Department.

RESOLUTION #13

ACCEPTANCE OF THE RESIGNATION OF CAROL MONTEVECCHIO FROM THE PART-TIME TYPIST POSITION FOR THE PLANNING & BUILDING DEPARTMENT

WHEREAS, on January 25, 2016 the Town Board approved Resolution #70 - Authorization to appoint Carol A. Montevecchio to the position of Part-Time Typist – Planning & Building Department; and

WHEREAS, Carol Montevecchio submitted her letter of resignation from the position of Part-Time Typist for the Planning & Building Department for the Town of Victor, effective August 23, 2019; now, therefore be it

RESOLVED that the Victor Town Board accepts the resignation of Carol Montevecchio from Part-Time Typist position for the Planning & Building Department for the Town of Victor, effective August 23, 2019, and thanks her for her service and dedication to the Town of Victor and its residents, and wishes Carol well on her new adventures; and be it further

RESOLVED that a copy of this resolution be sent Carol Montevecchio, Planning & Building Department, Human Resources, Town Clerk, and Finance Department.

RESOLUTION #14

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO PROFESSIONAL CONSULTING SERVICES AGREEMENT - RAYMOND F. WAGER, CPA, P.C., A DIVISION OF MENGEL METZGER BARR & CO. LLP, - 2019, 2020, AND 2021 ANNUAL AUDITS OF THE TOWN AND COURTS

WHEREAS, pursuant to New York's Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services, including but not limited to contracts for legal, consulting, accounting, and engineering services prior to the execution of such contracts by the Town Supervisor; and

WHEREAS, pursuant to General Municipal Law 103-b and the Town's Procurement Policy, the Town Board may direct a policy for the acquisition of the Town's professional services; and

WHEREAS, the Director of Finance wishes to engage Raymond F. Wager, CPA, P.C., a division of Mengel Metzger Barr & Co. LLP, to perform annual audits of the Town and Courts, as specified in the proposal submitted by Raymond F. Wager, CPA, P.C. dated July 25, 2019, and labelled as "Schedule A" to be kept in the subject file in the Town Clerk's Office, at a cost not to exceed as follows:

| <u>Year</u> | <u>Town Audit</u> | <u>Courts Audit</u> |
|-------------|-------------------|---------------------|
| 2019 | \$13,325.00 | \$2,650.00 |
| 2020 | \$13,725.00 | \$2,725.00 |
| 2021 | \$14,125.00 | \$2,810.00 |

and

WHEREAS, funds are available in the 2020 Budget line item A.1310.400 Finance-Audit & Services Contractual; and

WHEREAS, Raymond F. Wager, CPA, P.C. has been identified by the Director of Finance as having the appropriate internal auditing services for the Town of Victor; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a three-year contract with Raymond F. Wager, CPA, P.C., a division of Mengel Metzger Barr & Co. LLP, for the 2019, 2020, and 2021 Annual Audit Professional Consulting Services, under the terms and conditions as provided in the 2019 proposal submitted by Raymond F. Wager, CPA, P.C. dated July 25, 2019, and labelled as "Schedule A" to be kept in the subject file in the Town Clerk's Office, at a cost not to exceed as follows:

| <u>Year</u> | <u>Town Audit</u> | <u>Courts Audit</u> |
|-------------|-------------------|---------------------|
| 2019 | \$13,325.00 | \$2,650.00 |
| 2020 | \$13,725.00 | \$2,725.00 |
| 2021 | \$14,125.00 | \$2,810.00 |

And be it further

RESOLVED that said funds are available in the 2020 Budget line item A.1310.400 Finance-Audit & Services Contractual; and further be it

RESOLVED that a copy of this Resolution be forwarded to Raymond F. Wager, CPA, P.C., the Finance Director, Town Clerk, and the Human Resources Department.

RESOLUTION #15

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A 3-YEAR AGREEMENT WITH ADP FOR PAYROLL SERVICES

WHEREAS, pursuant to New York's Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services, including but not limited to contracts for legal, consulting, accounting, and engineering services prior to the execution of such contracts by the Town Supervisor; and

WHEREAS, pursuant to General Municipal Law 103-b and the Town's Procurement Policy, the Town Board may direct a policy for the acquisition of the Town's professional services; and

WHEREAS, ADP has been providing payroll services to the Town of Victor and has been identified by the Human Resources Department as having appropriate additional payroll services and modules needed for the Town of Victor; and

WHEREAS, the Town of Victor received an increase of 2.45% in all ADP services, effective July 1, 2019; and

WHEREAS, ADP has agreed to provide the Town with a three (3) year pricing contract with increases as follows:

| | |
|-------------------|-------------------------|
| 8/7/2019-8/6/2020 | No additional increases |
| 8/7/2020-8/6/2021 | 1% price increase |
| 8/7/2021-8/6/2022 | 1% price increase |

now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a three (3) year contract with ADP for payroll services through August 6, 2022, under the terms and conditions as provided in the 2019 agreement, with Budget Line A.1989.400 Other General Government Contractual being charged annually; and be it further

RESOLVED that a copy of this Resolution be forwarded to ADP, Human Resources, Town Clerk, and the Finance Department.

RESOLUTION #16
AUTHORIZATION TO ENTER INTO SNOW PLOW AGREEMENTS 2019-2020 SEASON
(LIABILITY WAIVER)

RESOLVED, that pursuant to Resolution No. 320 adopted on October 15, 1996 and amended by Resolution No. 61 adopted on January 11, 1999; Resolution No. 419-12 adopted on December 7, 2012; and Resolution No. 314 adopted on August 8, 2016, the Supervisor is hereby authorized to enter into Snow Plow Agreements (Liability Waivers) as follows:

| DEVELOPER | SUBDIVISION | STREET NAME | 2019 |
|-----------------------|------------------------------|------------------|-----------------|
| 7203 Rawson Road, LLC | Drumlins, Section 3, Phase 2 | Chapelhill Drive | 7 th |
| | Drumlins, Section 3, Phase 3 | Chapelhill Drive | 3 rd |
| Dorchester Park, LLC | Dorchester Park, Section 2 | Bradhurst Street | 5 th |

RESOLVED, that a copy of this resolution be forwarded to Building & Planning, Town Clerk, Highway Superintendent, 7203 Rawson Road, LLC and Dorchester Park, LLC.

RESOLUTION #17

AWARD OF BID – 2019 PHASE 2 FISHERS RUN DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Stormwater Program Manager has identified the need for Fishers Run Drainage improvements to be completed in 2019; and

WHEREAS the Town Board classifies the Fishers Run Drainage Improvements project as a Type II Action per Section 617.5 subparagraph (c)(2) of SEQRA's implementing regulations, which indicates "replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site", and such classification of Type II are not subject to further SEQRA review and concludes the SEQRA process; and

WHEREAS, funding for the project is available in the 2019 budget line item B.8140.400FRD Stormwater Management Contractual Fishers Run Drainage; and

WHEREAS, the Town Clerk advertised an invitation to bid on the Fishers Run Drainage Improvements project which consists of improvements to the drainage channel north of Fishers Run road and south of the parking lots to buildings 590 and 600 owned by Reh Stark Real Estate LLC in the Town of Victor, NY. The improvement section is approximately 650 feet in length and will include construction of a low flow channel, construction of a plunge pool, and installation of three (3) permanent rock check dams; and

WHEREAS, on Monday, July 8, 2019 at 10:00 AM all bids were opened and read publicly with the following results:

| Bidder | Bid |
|----------------------------|--------------|
| Hewett Young Electric, LLC | \$344,050.00 |
| Rochester Pipeline Inc. | \$125,000.00 |
| Macedon Landscaping, Inc. | \$140,200.00 |

and

WHEREAS, the Town Engineer has reviewed the submitted bids and recommends that this Contract be awarded to the low bidder, Rochester Pipeline Inc. in the amount of One Hundred Twenty Five Thousand dollars (\$125,000.00); now, therefore, be it

RESOLVED that the bid for the Fishers Run Drainage Improvements project be awarded to Rochester Pipeline Inc. in the amount of One Hundred Twenty Five Thousand dollars (\$125,000.00), said funds are available in the 2019 budget line item B.8140.400FRD Stormwater Management Contractual Fishers Run Drainage; and further

RESOLVED that a copy of this resolution be forwarded to Rochester Pipeline Inc., LaBella PC, Stormwater Program Manager, Finance, and the Town Clerk.

RESOLUTION #18
POTENTIAL ACCESS EASEMENT – MCA GROUP, LLC

WHEREAS, MCA Group, LLC (“Owner”) is the owner of that certain parcel of real property known as the Omnitech Business Park (the “Park”); and

WHEREAS, the Owner now wishes to potentially expand the Park with the acquisition of additional real property; and

WHEREAS, the expansion of the Park will necessitate the construction of a portion of a roadway that would cross a portion of the Lehigh Valley Trail (the “Trail”) which is owned by the Town of Victor (the “Town”); and

WHEREAS, in the event that the Owner elects to expand the Park, the Town would be agreeable to granting the Owner an Access Easement across a portion of the Trail for vehicular and pedestrian access to the new portion of the Park upon such terms and conditions as reasonably approved by the Town; now, therefore, be it

RESOLVED that the Supervisor, on behalf of the Town of Victor, is hereby authorized to negotiate and execute an approximately fifty foot (50’) wide Access Easement along a portion of the Trail for vehicular and pedestrian access to lands acquired by the Owner, upon such terms and conditions as are agreed upon by the Town and said Access Easement shall be filed in the Ontario County Clerk’s Office; and further

RESOLVED that a copy of this resolution be forwarded to MCA Group, LLC; Building and Planning Department, and the Town Clerk.

RESOLUTION #19

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 1515 STATE ROUTE 444

WHEREAS, the Monroe County Water Authority (“Authority”) is responsible for the existing water main that provides water service to 1515 State Route 444, located in the town of Victor; and

WHEREAS, the acquisition of an easement is necessary for the operation, maintenance and future replacement of the water main; and

WHEREAS, the easement, located along the frontage of 1515 State Route 444 (Tax Acct. No. 40.00-1-1.210), which is owned by Michael E. Spoon and Reva Selle, and is approximately 15' x 1590' as shown on Schedule “A”; and

WHEREAS, the acquisition is necessary to allow for the operation, maintenance and future replacement water main which will allow the Water Authority to continue to provide potable water supply and fire protection to these properties and the property owners have agreed to voluntarily grant the easements to the Water Authority; and

WHEREAS, §1096(6-a) of New York's Public Authorities Law requires the Water Authority to obtain the prior approval of the above-referenced acquisition by the Town Board; now, therefore, be it

RESOLVED, that the Town hereby approves of the Water Authority's voluntary acquisition of an easement over 1515 State Route 444 (Tax Acct. No. 40.00-1-1.210), in accordance with §1096(6-a) of the New York Public Authorities Law; and be it further

RESOLVED, that a copy of the filed easement be forwarded to the Victor Town Clerk; and further

RESOLVED, that a copy of this resolution be provided to Julianna Papineau, Monroe County Water Authority; Town of Victor Stormwater Management Officer, Town Assessor, Highway Superintendent and the Town Clerk.

RESOLUTION #20

SET PUBLIC HEARING - LOCAL LAW NO. ____ - 2019 TO AMEND THE OFFICIAL ZONING MAP AND CHAPTER 211 ZONING, SECTION 211-13 ESTABLISHMENT, SECTION 211-14 MAPPED ZONING DISTRICTS DESIGNATED AND CREATE SECTION 211-27.12 HIGHLINE PARK PLANNED DEVELOPMENT DISTRICT

WHEREAS, the Town of Victor has received an application (the "Application") from Morrell Builders seeking to establish the Highline Park Planned Development District to allow for the development of apartments, single family patio homes and townhomes, all at vacant lands commonly known and referred to as 7652 County Road 42 - Tax Map # 6.00-1-58.310 and County Road 42 - Tax Map # 6.00-1-58.320 (the "Property") currently zoned Light Industrial; and

WHEREAS, after review by the Town Attorney and Town Engineer and after advisement by the same, the Victor Town Board has determined that the Application is complete; and

WHEREAS, the Victor Town Board has referred the Application to the Victor Planning Board and the Ontario County Planning Board; and

WHEREAS, a draft Local Law No. ____-2019 to amend Chapter 211 Zoning, Section 211-13 Establishment, Section 211-14 Mapped Zoning Districts Designated and create Section 211-27.12 Highline Park Planned Development District has been prepared and submitted to the Town Board for its consideration; said draft Local Law is on file with the Town Clerk; now, therefore, be it; and

RESOLVED, by the Town Board of the Town of Victor that a Public Hearing shall be held on the 23rd day of September, 2019, at 7:00 p.m., for the purpose of adopting Local Law No. ____-2019 to amend Chapter 211 Zoning, Section 211-13 Establishment, Section 211-14 Mapped Zoning Districts Designated and create Section 211-27.12 Highline Park Planned Development District, all in order to allow for the development of currently vacant land to 162 differing types of residential units; and be it further

RESOLVED, that the Town Clerk advertise for said public hearing in a manner consistent with law; and be it further

RESOLVED, that a copy of this resolution and draft Local Law be forwarded to the Town Engineer, the Town Attorney, the Town Clerk, the Victor Town Planning Board and the applicant.

RESOLUTION #21

SEQR: ACTION TO AMEND THE PARKS AND RECREATION MASTER PLAN AND AMEND THE TOWN OF VICTOR COMPREHENSIVE PLAN

WHEREAS, the Town Board intends to amend the Town Parks and Recreation Master Plan by adopting the draft Parks and Recreation Master Plan recommended by the Parks and Recreation Master Plan Advisory Committee (the “updated Parks and Recreation Plan”) in a manner that would replace the present 2007 Parks and Recreation Master Plan in its entirety; and

WHEREAS, the Town Board intends to also amend and update the Town of Victor Comprehensive Plan (the “Comprehensive Plan”) references to the 2007 Parks and Recreation Master Plan so as to reflect the adoption in its place of the updated Parks and Recreation Plan; and

WHEREAS, relative to prior environmental reviews, the Generic Environmental Impact Statement (“EIS”) and associated State Environmental Quality Review (“SEQR”) completed by the Town Board in 2015 relative to adoption of the Comprehensive Plan included within that action certain Comprehensive Plan implementation activities among which was Ch. 5 Strategy 17 entitled “Develop and Maintain Community Development Plans” that called for development and adoption of an update to the 2007 Parks and Recreation Master Plan; and

WHEREAS, relative to classification of this Action, the amendment of the Town Parks and Recreation Master Plan in its entirety could be characterized as the adoption of a “comprehensive resource management plan” as the term is used in the regulations governing environmental reviews (6 NY-CRR 617.4 (b)(1)) to describe an action that should be classified as a Type I action, which term DEC guidance documents (“The SEQRA Handbook” 3rd Edition, 2010, page 20, Response to Question 16) indicate could include a park master plan; and

WHEREAS, also relative to classification of this Action, the amendment of the Town Comprehensive Plan could be characterized as a limited form of the adoption of a “municipality’s land use plan” as the term is used in the regulations governing environmental reviews (6 NY-CRR 617.4 (b)(1)) to describe an action that should be classified as a Type I action; and

WHEREAS, relative to the involvement of other agencies, officials of the Village of Victor having indicated that the Village will not consider a legislative action to undertake, fund or approve the updated Parks and Recreation Plan now being considered for adoption by the Town, the Action is, therefore, not one in which more than one agency is involved; and

WHEREAS, relative to lead agency status, regulations governing environmental reviews (6 NY-CRR 617.6 (b)(1)) provide that, when a single agency proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency, that single agency will be the lead agency; and

WHEREAS, relative to review coordination, the requirement imposed upon lead agencies in the regulations governing environmental reviews (6 NY-CRR 617.4 (b)(3)) to coordinate a review with other agencies is inapplicable when only a single agency is involved; and

WHEREAS, the proposed amendments to the Comprehensive Plan included as part of the Action are administrative in nature, primarily substituting references to the updated Parks and

Recreation Plan in place of present references to the 2007 plan and, as such, represent neither planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions nor the undertaking, funding or approval of projects or physical activities, including construction, that may affect the environment; and

WHEREAS, the updated Parks and Recreation Plan now being considered for adoption identifies and recommends a total of 199 initiatives, some of which are limited to planning and policy making activities as well as others that identify and recommend multiple projects or physical activities, including construction, that may affect the environment; and

WHEREAS, the regulations governing environmental reviews (6 NY-CRR 617.3 (g)) provide, in general, that actions subject to review commonly consist of a set of activities or steps and that the entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it; and

WHEREAS, the regulations governing environmental reviews (6 NY-CRR 617.3 (g)(1)) provide that if a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance the supporting reasons and must demonstrate that such review is clearly no less protective of the environment; and

WHEREAS, among the projects or physical activities identified and recommended in the updated Parks and Recreation Plan are some, such as operation and maintenance activities, that the regulations governing environmental reviews (6 NY-CRR 617.5) would, were those activities being considered alone, classify as Type II actions not subject to review under the State Environmental Quality Act ("SEQRA") as well as others that would not qualify for such a classification and that would, therefore, require review under SEQRA prior to being undertaken, funded or approved; and

WHEREAS, the information available regarding many of the projects or physical activities, including construction, identified and recommended in the updated Parks and Recreation Plan is presently incomplete and uncertain regarding 1) whether they will, in fact, be undertaken, funded or approved, 2) should they be undertaken, funded or approved, the expected timing, schedule and duration, including the potential for delays of multiple years or even decades, 3) their final scale, design and precise location should they ultimately be undertaken, funded or approved, and 4) the context and environmental setting that will prevail at the time should they be undertaken, funded or approved including the extent and characteristics of the surrounding natural environment and resources, the nature, intensity, style and appearance of surrounding developments and neighborhoods, and the state of other sensitive resources including transportation and traffic; and

WHEREAS, assessing and evaluating the potential environmental impacts of projects or physical activities, including construction, that are identified and recommended in the updated Parks and Recreation Plan and regarding which only incomplete and uncertain information is presently available would be more definitive, accurate and reliable were it to be deferred until such time as the available information becomes more complete and certain; and

WHEREAS, the regulations governing environmental reviews (6 NY-CRR 617.5) describe criteria utilized to distinguish activities not subject to review due to a determination that they would not have a significant impact on the environment; and

WHEREAS, the Town's engineering and planning consultant, LaBella Associates, has prepared and submitted for the Town Board's consideration and review Parts 1, 2 and 3 of a Full Environmental Assessment Form ('Full EAF') describing the Action; now, therefore, be it

RESOLVED, that the Action which includes both the adoption of the updated Parks and Recreation Master Plan and the adoption of related amendments to the Comprehensive Plan is hereby classified by the Town Board as a Type I action under SEQRA; and it is further

RESOLVED, that the Town Board, as a single agency involved in proposing to undertake, fund or approve the Action, is also the lead agency responsible for conducting an environmental review of the Action under SEQRA; and it is further

RESOLVED, that a segmented review excluding projects or physical activities, including construction, that are identified and recommended in the updated Parks and Recreation Plan, that may have some adverse impact on the environment, and that regarding which only incomplete and uncertain information is presently available would be more protective of the environment by deferring the assessment and evaluation of the potential impacts from such excluded projects or physical activities until such time as the more complete and certain information necessary to a more definitive, accurate and reliable assessment and evaluation of impacts becomes available; and it is further

RESOLVED, in order to be more protective of the environment, that this present environmental review shall be segmented to exclude projects or physical activities, including construction, that are identified and recommended in the updated Parks and Recreation Plan and that may have a significant impact on the environment so as to defer the assessment and evaluation of their potential impacts until such time as further consideration is given to their undertaking, funding or approval, at which time more complete and certain information will be available; and it is further

RESOLVED, that the criteria to be utilized to identify which projects or physical activities, including construction, that are identified and recommended in the updated Parks and Recreation Plan may not have a significant impact on the environment and that are therefore to be included in this segmented review shall be the same criteria provided in the regulations governing environmental reviews (6 NY-CRR 617.5) to identify Type II actions that are not subject to review; and it is further

RESOLVED, having reviewed the Full EAF Parts 1, 2 and 3 prepared by LaBella Associates, the Town Board hereby accepts the same; and it is further

RESOLVED, that the set of activities considered in this review does not include, and should not later be interpreted to have included, the undertaking, funding, or approval of specific projects or physical activities, including construction, that are identified and recommended in the updated Parks and Recreation Plan and that are also identified in the attached Full EAF Part 3 as being among those that the regulations governing environmental reviews (6 NY-CRR 617.5) would not classify as Type II actions; and it is further

RESOLVED, that the subsequent undertaking, funding, or approval of specific projects or physical activities, including construction, that are identified and recommended in the updated Parks and Recreation Plan and that are also identified in the attached Full EAF Part 3 as being among those that the regulations governing environmental reviews (6 NY-CRR 617.5) would not classify as Type II actions shall require further action by the Town Board to assess and evaluate

their potential environmental impacts prior to their undertaking, funding or approval by the Town Board; and it is further

RESOLVED, in accordance with the criteria described in the regulations governing environmental reviews (6 NY-CRR 617.7 (c)) and based upon the hard look, analyses and other information presented in the Full EAF Parts 1, 2 and 3 submitted by LaBella Associates, the Town Board has determined that no adverse environmental impacts from the Action will be significant and that the Action is, therefore, not one that “may include the potential for at least one significant adverse environmental impact”; and it is further

RESOLVED, that the Town Clerk, in concert with LaBella Associates, shall, therefore, prepare and file on the Town Board’s behalf and as required under SEQRA, a Negative Declaration relative to this Action consistent with the foregoing including the submitted Full EAF.

DRAFT

RESOLUTION #22

ADOPT THE AMENDED PARKS AND RECREATION MASTER PLAN AND THE AMENDMENTS TO THE TOWN OF VICTOR COMPREHENSIVE PLAN

WHEREAS, on February 11, 2002 the Town Board adopted Resolution No. 78 - Adoption of Parks and Recreation Master Plan and on April 2, 2007 the Town Board adopted Resolution No. 137 - Adoption of Updated Parks and Recreation Master Plan; and

WHEREAS, with much public input and with much time and effort, the Parks and Recreation Master Plan Advisory Committee has now recommended to the Town Board a draft Parks and Recreation Master Plan to amend, update and replace the present 2007 Parks and Recreation Master Plan in its entirety; and

WHEREAS, the Town of Victor Comprehensive Plan, adopted August 24, 2015 and amended most recently on March 25, 2019, presently references the 2007 Parks and Recreation Master Plan in multiple instances and also incorporates it as Appendix XIII; and

WHEREAS, the Town Board intends to amend the Town Parks and Recreation Master Plan by adopting the draft Parks and Recreation Master Plan recommended by the Parks and Recreation Master Plan Advisory Committee in a manner that would replace the 2007 Parks and Recreation Master Plan in its entirety; and

WHEREAS, the Town Board also intends to amend and update the Town of Victor Comprehensive Plan references to the 2007 Parks and Recreation Master Plan so as to reflect the adoption in its place of the draft Parks and Recreation Master Plan now recommended by the Parks and Recreation Master Plan Advisory Committee; and

WHEREAS, both the draft Parks and Recreation Master Plan under consideration for adoption and the related amendments proposed to the Town of Victor Comprehensive Plan have been on file with the Victor Town Clerk where they have been available for examination and review by the public; and

WHEREAS, the Town Clerk first noticed and, on the 26th day of August, 2019 at 7:00 pm, the Town Board then conducted a public hearing to consider whether it is in the public interest to adopt the recommended draft Parks and Recreation Master Plan and to also consider the related amendments proposed to the Town of Victor Comprehensive Plan; and

WHEREAS, the Town Board has referred to the Ontario County Planning Board the proposed adoption of amendments intended to amend and update the Town of Victor Comprehensive Plan references to the 2007 Parks and Recreation Master Plan; and

WHEREAS, the Town Board has complied with the provisions of SEQR by conducting an environmental review as lead agency, which review culminated in the Town Board's determination that neither adoption of the recommended draft Parks and Recreation Master Plan nor adoption of the proposed related amendments to the Town of Victor Comprehensive Plan would result in significant adverse environmental impacts, followed by the Town Board's issuance of a SEQR negative declaration; now, therefore, be it

RESOLVED, by the Town Board that the draft Parks and Recreation Master Plan recommended to the Town Board by the Parks and Recreation Master Plan Advisory Committee is hereby

adopted to update and amend the present Parks and Recreation Master Plan by replacing the 2007 Parks and Recreation Master Plan in its entirety; and it is further

RESOLVED, that the following related amendments to the Town of Victor Comprehensive Plan, as it was adopted August 24, 2015 and since amended most recently on March 25, 2019 (hereinafter the "Comprehensive Plan"), are hereby adopted:

1. The Comprehensive Plan cover and title page shall both be amended to reflect the amendment of the Comprehensive Plan on the date of this resolution's adoption.
2. Comprehensive Plan Appendix XIII shall be amended by substituting the draft Parks and Recreation Master Plan adopted in this resolution in place of the 2007 Parks and Recreation Master Plan.
3. In Chapter 5 of the Comprehensive Plan ("Community Development"), the four paragraphs appearing beneath the sub-heading "Parks and Recreation Master Plan", which paragraphs presently appear on Comprehensive Plan pages 5.6 and 5.7 in the following form:

"The present Victor Parks and Recreation Master Plan was completed in 2007. The plan documents recreational demand, the availability of recreational opportunities and the delivery of recreational resources. The plan is comprehensive in that it addresses needs and opportunities as diverse as traditional parks, recurrent recreational programs, and the system of trails available within the community for use by pedestrians and cyclists.

The mission statement of the Victor Parks and Recreation Department is: "The Town of Victor Parks and Recreation Department is dedicated to offering residents a balanced system of parklands, preservation of open spaces, and broad-based leisure opportunities that will foster growth of healthy lifestyles."

The goals of the 2007 Master Plan include:

- Promote the creation of a diversity of active and passive recreation facilities within the Town for all age groups.
- Capitalize on unique scenic, historical, and cultural assets, including Ganondagan and scenic ravines, for recreational and education pursuits.
- Provide high-quality recreational lands, facilities, and programs in a fiscally appropriate manner.
- Ensure that parks and recreational offerings are responsive to the needs and desires of the community.

The Victor Parks and Recreation Master Plan, last updated in 2007 and intended to function as a living document, requires updating in the short-term."

shall be amended to instead read, in their entirety, as follows:

"The present Victor Parks and Recreation Master Plan ("Parks and Recreation Master Plan Update 2019") was adopted in 2019 as a complete amendment and restatement of the preceding plan adopted in 2007.

The aim of the 2019 update to the 2007 Parks and Recreation Master Plan is to “refine and enhance Victor’s parks and recreation system for the current community, as well as the future” and to “serve in planning for needed improvements and enhancements to the parks, a clearer system-wide identity and create stronger, greener linkages throughout and between individual parks, the community, and the region”.

The 2019 plan identifies the current recreation needs of the community and plans for the future of the parks and recreation system. Development of the update was guided by the following objectives:

- Engage the community, Parks and Recreation Department, Citizens’ Advisory Committee, recreation stakeholders and town leadership to identify the community’s recreational needs and build a shared vision for the parks and recreation system in Victor for the next 10 years plus;
- Identify the current factors that shape the community’s recreational needs and establish goals, programmatic improvements, and amenities for the future of the parks and recreation system;
- Preserve and enhance the town’s natural and historic park features;
- Provide recommendations for improvements to undeveloped park lands and possible acquisitions that would benefit the parks and recreation system; and,
- Develop an action and capital improvement plan to identify and budget for program and facility improvement and help guide future park and recreational projects.”

4. In Chapter 5 of the Comprehensive Plan (“Community Development”), footnote 13 appearing beneath the sub-heading “Strategy 17. Develop and Maintain Community Development Plans”, which footnote presently appears on Comprehensive Plan page 5.33 in the following form:

“As noted earlier in this chapter, the Victor Parks and Recreation Master Plan completed in 2007 requires updating in the short term.”

shall be amended to instead read, in its entirety, as follows:

“The 2007 Parks and Recreation Master Plan in place when this Comprehensive Plan was adopted on August 24, 2015 was subsequently updated in 2019 by adoption of the “Parks and Recreation Master Plan Update 2019” which replaced the 2007 plan in its entirety. The 2019 update is appended (see Appendix XIII).”

5. In Chapter 7 of the Comprehensive Plan (“Transportation”), as that chapter was amended most recently on January 28, 2019, the second full paragraph appearing beneath the sub-heading “Parks and Recreation Master Plan”, which paragraph presently appears on Comprehensive Plan page 7.45 in the following form:

“The 2007 Town of Victor Parks and Recreation Master Plan establishes the foundation for Victor’s bicycle and pedestrian environment. A Trails Master Plan completed in 2007 makes recommendations for connections to the existing network of trails where connections do not now exist.”

shall be amended to instead read, in its entirety, as follows:

“The 2007 Town of Victor Parks and Recreation Master Plan in place when this Comprehensive Plan was adopted on August 24, 2015 established the foundation for Victor’s bicycle and pedestrian environment. A Trails Master Plan completed in 2007 made recommendations for connections to the existing network of trails where connections did not exist. The findings and recommendations presented in the 2007 plan have since been updated by the “Parks and Recreation Master Plan Update 2019” which is included in Appendix XIII.”

6. In Chapter 7 of the Comprehensive Plan (“Transportation”), as that chapter was amended most recently on January 28, 2019, the first full paragraph appearing beneath the sub-heading “II.6. Bicycle and Pedestrian Provisions”, which paragraph presently appears on Comprehensive Plan page 7.90 in the following form:

“The 2007 Town of Victor Parks and Recreation Master Plan establishes the foundation for Victor’s bicycle and pedestrian environment. The Parks and Recreation Master Plan’s key findings and recommendations are provided in the following description of Victor’s bicycle and pedestrian environment.”

shall be amended to instead read, in its entirety, as follows:

“The 2007 Town of Victor Parks and Recreation Master Plan established the foundation for Victor’s bicycle and pedestrian environment. The key findings and recommendations of the 2007 Parks and Recreation Master Plan are provided in the following description of Victor’s bicycle and pedestrian environment. It should be noted however, that the 2007 Town of Victor Parks and Recreation Master Plan in place when this Comprehensive Plan was adopted on August 24, 2015 has since been updated and replaced by the “Parks and Recreation Master Plan Update 2019” now included in Appendix XIII.”

7. In Chapter 7 of the Comprehensive Plan (“Transportation”), as that chapter was amended most recently on January 28, 2019, the second full paragraph appearing beneath the sub-heading “Bicycle and Pedestrian Provisions”, which paragraph presently appears on Comprehensive Plan page 7.91 in the following form:

“The volunteer Walkable Communities Committee is working toward this goal and their efforts should be supported and tied into the Town’s planning, property permitting, park land acquisition, and trail easement access efforts. The 2007 Parks and Recreation Master Plan makes recommendations complete sidewalk construction locations.”

shall be amended to instead read, in its entirety, as follows:

“As adopted on August 24, 2015, this Comprehensive Plan stated here that the volunteer Walkable Communities Committee was working toward this goal and that their efforts should be supported and tied into the Town’s planning, property permitting, park land acquisition, and trail easement access efforts. The 2015 Comprehensive Plan also cited recommendations regarding complete sidewalk construction locations that were presented in the 2007 Parks and Recreation Master Plan. It should be noted however, that the 2007 Town of Victor Parks and Recreation Master Plan has since been updated and replaced by the “Parks and Recreation Master Plan Update 2019” now included in Appendix XIII.”

RESOLVED that a copy of this resolution be sent to the Director of Parks & Recreation, the Parks and Recreation Master Plan Advisory Committee, and Town Clerk.

DRAFT

RESOLUTION #23

DETERMINATION OF SIGNIFICANCE, CONCERNING THE PROPOSED ADOPTION OF THE ACCESS MANAGEMENT PLAN AS AN AMENDMENT TO THE TOWN OF VICTOR COMPREHENSIVE PLAN, LOCAL LAW -2019 TO ADOPT CHAPTER 55 ACCESS MANAGEMENT OF THE TOWN CODE, LOCAL LAW -2019 TO AMEND CHAPTER 184 SUBDIVISION OF LAND OF THE TOWN CODE, LOCAL LAW -2019 TO AMEND CHAPTER 211 ZONING OF THE TOWN CODE, ADOPTION OF THE OFFICIAL MAP OF THE TOWN OF VICTOR, AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH NYSDOT AND THE ONTARIO COUNTY COMMISSIONER OF PUBLIC WORKS

WHEREAS, on July 22, 2019 the Victor Town Board adopted Resolution No. 292-2019 that established itself as lead agency for the environmental review pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as 'SEQR') of a proposed Access Management Plan as an amendment to the Town Comprehensive Plan, the adoption of Local Laws to make the following changes to the Town Code: 1. Create Chapter 55 Access Management, 2. Amend Chapter 184 Subdivision of Land, and 3. Amend Chapter 211 Zoning, adoption of an Official Map of the Town of Victor, and approve a Memorandum of Understanding (MOU) with Region 4 of the New York State Department of Transportation and the Ontario County Commissioner of Public Works; and

WHEREAS, adoption of said comprehensive plan amendment, local laws, official map, and MOU are 'actions' as such term is defined in the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617, hereinafter collectively referred to as 'SEQR;' and

WHEREAS, the Town Board has determined that the adoption of said comprehensive plan amendment, local laws, official map, and MOU are related actions and should be reviewed together under SEQR, and that the only involved agency is the Victor Town Board; and

WHEREAS, the Ontario County Planning Department has prepared a draft full Environmental Assessment Form Part 1 and draft Part 2 (hereinafter referred to as the 'EAF') in regard to the environmental review of said comprehensive plan amendment, local laws, official map, and MOU, on file with the Town Clerk; and

WHEREAS, the Town Clerk has sent copies of said EAF and related materials to the Village of Victor, Region 4 of the NYS Dept. of Transportation, and the County Planning Department; now, therefore, be it

RESOLVED, that the information developed and the public input received concerning said proposed Access Management Plan as an amendment to the Town Comprehensive Plan, local laws, official map, and approval of said MOU are sufficient for weighing the impacts involved and for choosing the alternative design to pursue; and further

RESOLVED, that this Board hereby makes the following findings in regard to said EAF:

1. The management of vehicular access onto public roads is in the best interest of the Town and the Public as it will increase safety for vehicles, bicyclists, and pedestrians, and will preserve the traffic handling capacities of public roads thereby reducing the need for future expansions.
2. The public and affected property owners were consulted in drafting the proposed Access Management Plan as an amendment to the Town Comprehensive Plan, and

- the draft plan received nearly universal support; and
3. That the adoption of the proposed Access Management Plan as an amendment to the Town Comprehensive Plan, the adoption of the proposed Access Management Local Law, and the proposed local laws to amend the Zoning and Subdivision of Land chapters of the Town Code, the adoption of an Official Map of the Town of Victor, and approval of a Memorandum of Understanding with Region 4 of the NYS Dept. of Transportation and the Ontario County Commissioner of Public Works are carefully written to work together in a coordinated fashion to create an efficient method of managing access on public streets and highways within the town, guiding future public and private development or redevelopment of land within the town in order to create an efficient and well managed road network; and
 4. No potential large nor significant impact has been identified with the adoption of said Access Management Plan as an amendment to the Town's Comprehensive Plan, local laws, official map, and approval of said MOU; and further

RESOLVED, that the Town Board hereby makes a negative declaration of significance in regard to the environmental review of the adoption of the proposed Access Management Plan as an amendment to the Town's Comprehensive Plan, the adoption of the proposed Access Management Local Law, and the proposed local laws to amend, Zoning and Subdivision of Land chapters of the Town Code, the adoption of an Official Map of the Town of Victor, and approval of a Memorandum of Understanding with Region 4 of the NYS Dept. of Transportation and the Ontario County Commissioner of Public Works, stating that their adoption will not result in any significant adverse environmental impacts; and further

RESOLVED, that the Town Supervisor be and hereby is authorized and empowered to complete the determination of significance section of said EAF, indicating that the proposed action will not result in any large and important impact(s) and, therefore, is one which will not have significant impact on the environment; and further

RESOLVED, that copies of this resolution and the completed EAF be sent by the Town Clerk to the Victor Village Board, the Ontario County Planning Department, Director of Region 8 of the New York State Department of Environmental Conservation, and the Director of Region 4 of the New York State Department of Transportation; and further

RESOLVED, that this resolution take effect immediately.

RESOLUTION #24

ADOPTION OF ACCESS MANAGEMENT PLAN AS AN AMENDMENT TO THE TOWN OF VICTOR COMPREHENSIVE PLAN

WHEREAS, on September 24, 2018 the Victor Town Board adopted Resolution No. 483-2018 that established and appointed a Special Committee to prepare an access management plan as an amendment to the Town's comprehensive plan jointly with the Village of Victor; and

WHEREAS, said Special Committee has worked diligently with LaBella Associates to prepare a draft access management component for the Village of Victor Comprehensive Plan and an Access Management update to the Town of Victor comprehensive plan in a single document hereinafter referred to as the Access Management Plan; and

WHEREAS, said Special Committee has conducted multiple public information meetings and meetings with landowners to collect information used in preparing the Access Management Plan; and

WHEREAS, said Special Committee duly advertised and conducted a formal public hearing to solicit public input on the Access Management Plan at 7 p.m. on June 12, 2019 at the Victor Town Hall; and

WHEREAS, after closing said public hearing on June 12, 2019 said Special Committee did adopt a resolution recommending the Access Management Plan be adopted by the Victor Town Board as an amendment to the Town of Victor Comprehensive Plan; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 22nd day of July, 2019, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 26th day of August, 2019, at the Victor Town Hall, 85 East Main Street, at 7:00 PM, to hear all interested parties with respect to the adoption of said Access Management Plan as an amendment to the Town of Victor Comprehensive Plan and as a component of the Village of Victor Comprehensive Plan; and

WHEREAS, the Town Board did issue a negative determination of significance pursuant to an environmental review of the adoption of the Access Management Plan as an amendment to the Town Comprehensive Plan, the adoption of Chapter 55 Access Management, a proposed local law to amend Chapter 184 Subdivision of Land, a proposed local law to amend Chapter 211 Zoning, the approval of an Official Map of the Town of Victor, and the approval of a Memorandum of Understanding with Region 4 of the New York State Dept. of Transportation and the Ontario County Commissioner of Public Works conducted pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as 'SEQR'); now, therefore, be it

RESOLVED, that the Town Board hereby finds that adoption of said Access Management Plan as an amendment to the Town Comprehensive Plan is necessary to conserve and protect the public health, safety, and general welfare by providing for the efficient development of the Town and as a necessary and integral element of managing access onto public roads in the Town of Victor outside of the Village of Victor; and further

RESOLVED, that the Access Management Plan on file with the Town Clerk is hereby adopted as an amendment to the Town of Victor Comprehensive Plan pursuant to Section 272-a of the Town Law of the State of New York; and further

RESOLVED, that the Town Clerk is hereby directed and authorized to incorporate said Access Management Plan into the hardcopy and digital versions of the Town Comprehensive Plan, and distribute copies of this resolution and the Access Management Plan to the Town Planning and Building Department, and the Director of the Ontario County Planning Department.

RESOLUTION #25

AFTER PUBLIC HEARING - ADOPT LOCAL LAW -2019 TO CREATE CHAPTER 55
ACCESS MANAGEMENT

WHEREAS, on September 24, 2018 the Victor Town Board adopted Resolution No. 483-2018 that established and appointed a Special Committee to prepare an access management plan as an amendment to the Town's comprehensive plan jointly with the Village of Victor; and

WHEREAS, this Special Committee has worked diligently with LaBella Associates to prepare a draft access management component for the Village of Victor Comprehensive Plan and an Access Management update to the Town of Victor comprehensive plan in a single document hereinafter referred to as the Access Management Plan; and

WHEREAS, the Town Board has adopted said Access Management Plan as an amendment to the Town's Comprehensive Plan; and

WHEREAS, to implement said Access Management Plan, the Special Committee has recommended an Access Management Local Law be adopted; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 22nd day of July, 2019, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 26th day of August, 2019, at the Victor Town Hall, 85 East Main Street, at 7:00 PM, to hear all interested parties on a proposed Local Law to create Chapter 55 Access Management; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 26th day of August, 2019, at 7:00 PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the Victor Town Board has referred the draft Local Law to the Victor Town Planning Board and the County of Ontario Planning Board and has reviewed and considered any comments received in response thereto; and

WHEREAS, the Town Board did issue a negative determination of significance pursuant to an environmental review of the adoption of the Access Management Plan as an amendment to the Town Comprehensive Plan, the adoption of Chapter 55 Access Management, a proposed local law to amend Chapter 184 Subdivision of Land, proposed local law to amend Chapter 211 Zoning, the approval of an Official Map of the Town of Victor, and the approval of a Memorandum of Understanding with Region 4 of the New York State Dept. of Transportation and the Ontario County Commissioner of Public Works conducted pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as 'SEQR'); and

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; now, therefore be it

RESOLVED, that the Town Board hereby finds that adoption of the Local Law creating Chapter 55 Access Management of the Code of the Town of Victor is necessary to conserve and protect the public health, safety, and general welfare by providing for the efficient development of the

Town and as a necessary and integral element of managing access onto public roads in the Town of Victor outside of the Village of Victor; and further

RESOLVED, by the Town Board of the Town of Victor, that the Town Board hereby adopts said Local Law __-2019 creating Chapter 55 Access Management pursuant to New York State Municipal Home Rule as follows:

LOCAL LAW NO. ____-2019 TO CREATE CHAPTER 55 ACCESS MANAGEMENT

BE IT ENACTED by the Town Board of the Town of Victor, Ontario County, State of New York as follows:

Section I. Authorization

This Local Law is adopted pursuant to the authority granted to the Town of Victor at Municipal Home Rule Law.

Section II. Title and Purpose

This local law shall be known as and may be cited as Local Law No. ____-2019 to create Chapter 55 Access Management. The purpose of this Local Law is to create Chapter 55 Access Management in order to implement the recommendations of the Access Management Plan Amendment of the Town of Victor Comprehensive Plan (hereinafter referred to as the "Victor Access Management Plan" or as the "VAM Plan").

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that it is necessary to update Chapter 184 Subdivision of Land.

Section IV. Amendment

The addition of new Chapter 55 which shall read as follows:

Section 55-1. Intent

The intent of this Chapter is to implement the recommendations of the Access Management Plan Amendment of the Town of Victor Comprehensive Plan (hereinafter referred to as the "Victor Access Management Plan" or as the "VAM Plan"). This Chapter requires compliance with the VAM Plan and specifies requirements and procedures to provide and manage access to properties while preserving the operating efficiency of the roadway system in order to improve the safety of motorists, emergency responders, pedestrians, and bicyclists, to reduce traffic congestion and delay associated with poor access location and design, and to protect the investments made in the public road system. This Chapter also provides for coordinating access management with the New York State Department of Transportation (NYSDOT) and Ontario County on public roads and highways under the jurisdiction of those agencies to achieve these purposes.

Section 55-2. Applicability

A. Compliance with this Chapter shall be required in the granting of all building permits, site

plans, subdivisions, and other development permits by all Town of Victor officials and boards. The requirements, minimum standards, and procedures specified herein shall govern the review of all zoning permit, rezoning, building permit, variance, special use permit, site plan, subdivision, and other applications made to the Town Board, Zoning Board of Appeals, Planning Board, Building Inspector, Zoning Officer, and/or Code Enforcement Officer of the Town of Victor.

B. The standards and requirements specified in this Chapter shall apply to all public arterial, collector and local through roadways within the Town of Victor limits, to all privately owned roads and driveways providing access to developments generating 100 or more peak hour trips or the equivalent stacking distance of heavy vehicles/trucks, and to all properties that abut or have access to these roadways. If any standards contained in this Chapter are different than standards promulgated in any other local law of the Town of Victor, the more restrictive requirement shall apply. Different requirements in other local laws shall not constitute a basis for requesting a waiver or exemption from any requirement or standard contained in this Chapter.

C. Additional Submission requirements for certain development applications:

(1) In addition to any other permit application requirements specified in the laws of the Town of Victor, a traffic impact study (TIS) shall be required to be submitted for any use generating 100 or more peak hour trips or as required by the roadway authority for the public road(s) that will service such trips. The applicant must submit a TIS or a letter from an engineer with experience in conducting traffic studies to document expected trip generation and potential roadway operational consideration for any proposed new or redeveloped use equaling the following thresholds the Town of Victor has determined likely to generate 100 peak hour trips:

- (a) 100 or more single family homes
- (b) 175 or more apartments
- (c) 50,000 SF general office
- (d) 24,000 SF medical office
- (e) 75,000 SF industrial
- (f) 4,000 SF shopping center
- (g) Any restaurant

Prior to submission of the TIS, the scope of any such TIS should be reviewed with a municipal representative and the Ontario County Commissioner of Public Works and/or NYSDOT Regional Traffic Engineer if County Roads or Highways under the jurisdiction of NYSDOT provide public access to the subject property, will contribute 100 or more peak hour trips to roads or highways under the jurisdiction of said entities, or are within one mile of the site.

The applicant or their representatives should review this Chapter and its standards for shared access, connection spacing, and waivers, as well as the information on turning lanes and signal spacing in the VAM Plan before proceeding with a TIS. The Town of Victor do not anticipate approving development densities that would require waiving the signal location and spacing plan outlined in the VAM Plan.

(2) Site Plan or Subdivision Approval Required: Regardless of the requirements found in any other local law, where an officer or board of the Town of Victor finds that the application for any building or zoning permit involves construction of a new building or use, or where a

change from a residential to commercial use, or an addition of more than 10% in square feet of building's floor area or peak hour trips is involved, or changes to existing access is proposed, no building or zoning permit shall be issued until a Site Plan or Subdivision application is made and approved in compliance with this Chapter including any waivers issued by the Planning Board.

D. Exemptions

(1) Interstate Highways and any other limited access highway where the roadway authority is the Federal Highway Administration or New York State Department of Transportation are exempt from the requirements of this Chapter.

(2) Farm Access Road: The location and design of Farm access roads are exempt from the requirements of this Chapter except that their location, design, and operation shall maintain safe travel and operation on the adjoining public road. A farm access road and connection location from such onto a public road or highway that does not comply with the requirements of this Chapter shall not be used to provide access to a non-farm use. In other words, a new non-farm use proposed in the future must provide access in compliance with this Chapter and shall not be entitled as of right to use a pre-existing non-conforming access point and/or driveway or road used for a farm or other related agricultural use.

(3) Any Freight or Passenger Service Railroad and their road crossings.

(4) Permits involving temporary or short term uses, such as garage sales, road side stands within the boundaries of an Ontario County Agricultural District, emergency responses, or law enforcement operations.

Section 55-3. Definitions

ACCESS

A way or means of approach to provide vehicular or pedestrian entrances or exit to a property.

ACCESS CLASSIFICATION

A system for assigning the appropriate degree of access control to roadways, based upon roadway functional classification, traffic characteristics, and community development objectives. See Table B-1.

ACCESS MANAGEMENT

The process of providing and managing access to land development, while preserving the safety and efficiency of travel on the surrounding roadway system.

ARTERIAL ROADWAY

Routes that provide service that is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States (U.S.) numbered highway is an arterial road. Arterial roadways are given the highest capacities since they are designed to carry the greatest amount of through-traffic while generally providing a lower amount of access to adjacent land uses.

AUXILIARY LANE

The portion of the roadway adjoining the traveled way for speed change, turning, storage for turning, weaving, truck climbing or for other purposes.

COLLECTOR ROADWAY

Routes that provide service that is of moderately average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

COMMERCIAL DRIVEWAY

A driveway serving a commercial establishment, industry, government or educational institution, business, public establishment, multi-family developments, or other comparable traffic generator.

CONNECTION

Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system. For the purpose of this section, two one-way connections to a property may constitute a single connection.

CONNECTION OFFSET

The distance the centerlines of driveways or roadways on opposite sides of a road or highway are from being aligned.

CONNECTION SPACING

The distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

CONNECTIVITY

A term used to infer connections between adjoining properties for vehicular and/or pedestrian usage.

CORNER CLEARANCE (C)

The distance from an intersection of a public or private road to the nearest connection along the public roadway. The distance is measured from the closest edge of pavement of the intersecting road to the closest edge of the pavement of the connection. The projected future edge of pavement of the intersecting road should be used, where available. See Figure F-1 herein.

CROSS ACCESS

An easement or service drive providing access between two or more contiguous sites so that the driver does not need to reenter the public roadway system.

DIRECTIONAL MEDIAN OPENING

An opening in a restrictive median that provides for specific traffic movements and physically and psychologically restricts other movements.

DRIVEWAY

Every entrance and/or exit to service vehicle traffic to or from property fronting the roadway system. Usually a driveway is in private ownership.

DRIVEWAY ANGLE (Y)

The angle between the driveway centerline and the edge of traveled way. See Figure F-3.

DRIVEWAY RETURN (R)

The outside curve radius on the edge of the driveway. See Figure F-1.

DRIVEWAY WIDTH (W)

The narrowest width of driveway measured parallel with the edge of traveled way. See Figure F-1.

EDGE CLEARANCE (E)

The distance measured along the edge of traveled way between the frontage boundary line and the tangent projection of the nearest edge of the driveway. See Figure F-1.

EDGE OF PAVEMENT The existing edge of a paved road or the proposed future edge of a paved road. The future edge shall be used for any measurement herein where a road, highway, or driveway is planned as stated in the Town of Victor's adopted 5 year capital improvement plan, accepted as mitigation under SEQR, associated with a dedicated easement, or indicated on the Official Map.

FARM ACCESS ROAD

A private road or driveway that serves primarily access needs to a public road for limited or seasonal farm related vehicles and equipment. A driveway or road used to provide access for the public for a farm or agriculturally related use, such as but not limited to a greenhouse or farm market where sales to the public are offered, an agri-tourism business, a home business, a bed-and-breakfast, a home or farm worker housing on the premises of an agricultural operation, or other non-agricultural use shall not be considered a Farm Access Road for the purpose of this Chapter.

FRONTAGE

The length along the highway right-of-way line of a single property tract or roadside development area between the edges of the property lines. Property at a roadway intersection has a separate frontage along each roadway.

FRONTAGE BOUNDARY (FB)

A line, perpendicular to the highway centerline, at each end of the property frontage, extending from the right-of-way line to the edge of the through traffic lane. See Figure F-1.

FULL MEDIAN OPENING

An opening in a restrictive median designed to allow all turning movements to take place from the public road system and the adjacent connection, and which therefore is intended for signalization.

FUNCTIONAL AREA OF AN INTERSECTION

That area beyond the physical intersection of two roadways that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and connection spacing standards. The functional area of an intersection consists of the distance traveled during reaction time, the deceleration distance, and queue storage length, as shown in Figure C-2.

FUNCTIONAL CLASSIFICATION

A system used by NYSDOT to group public roadways into classes according to their purpose in moving vehicles and providing access.

INTERNAL ROADWAY NETWORK

An internal circulation system of larger developments that allows vehicular travel within the property.

INTERSECTION RETURNS (R)

The radius of the edge of pavement between intersecting roads. See Figure F-1.

ISLAND AREA

An area adjacent to the roadway which serves as a physical barrier to direct the flow of traffic and to separate highway traffic from the activity on private property.

ISLAND OFFSET DISTANCE (S)

Distance between the edge of pavement and the near edge of an island area parallel to the highway.

JOINT ACCESS (OR SHARED ACCESS)

A single connection serving two or more adjoining lots or parcels.

LOCAL ROAD

A roadway with the primary function of providing access to adjacent properties and to roadways of a higher functional classification. Such routes provide service that is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. Local roads provide the greatest amount of access to adjacent properties and subdivision streets.

LOCAL THROUGH ROADWAY

A local road carrying through traffic in addition to providing access to individual lots. Such roads typically have lower traffic volumes than collector roadways but moderate to high speeds.

LOT FRONTAGE

For the purpose of this Chapter, the linear portion of property that directly abuts a roadway.

MAJOR WAIVER

A request to the Planning Board for a greater than 10 percent deviation in access connection spacing standards or other standards of this Chapter.

MEDIAN

That portion of a highway separating opposing traffic flows, Medians can be traversable or non-traversable.

MEDIAN OPENING

An opening in a non-traversable median that provides for crossing and turning traffic.

MINIMUM CONNECTION SPACING

The minimum allowable distance between conforming connections, measured from the closest edge of the pavement of the first connection to the closest edge of the pavement of the second connection along the edge of the traveled way.

MINIMUM MEDIAN OPENING SPACING

The minimum allowable spacing between openings in a restrictive median to allow for crossing the opposite traffic lanes to access property or for crossing the median to travel in the opposite direction (U-turn). The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

MINIMUM SIGNAL SPACING

The minimum distance between adjacent traffic signals on a public roadway measured from centerline to centerline of the signalized intersections along the traveled way.

MINOR WAIVER

A request to the Planning Board for a deviation of 10 percent or less from the access connection spacing standards or other standards in this Chapter.

NONCONFORMING ACCESS

Features of the access system of a property that existed prior to the effective date of this Chapter and that do not conform to the requirements of this Chapter.

NONTRAVERSABLE, RESTRICTIVE OR RAISED MEDIAN

The portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that restrict movement of traffic across the median such as a concrete barrier, a raised concrete curb and /or island, or a median with a grass swale.

OUTPARCEL

A lot identified on a site plan or subdivision plan that is owned by a party other than the primary owner of the parent property, and is intended to be developed separately from the parent property and/or is intended to be developed for a different use (e.g. a non-residential use vs. residential use).

PEAK HOUR

The highest hour of vehicular traffic volume on the adjacent public street network. In some instances, the peak hour of the development is evaluated for access management purposes when the project could create an operational or safety problem on the public road network during an off-peak time for adjacent street traffic.

PRIVATE RESIDENTIAL DRIVEWAY

A driveway connecting a roadway with a private residential dwelling for the exclusive use and benefit of those residing within.

REASONABLE ACCESS

The minimum number of connections, direct or indirect, necessary to provide safe ingress and egress to the public road system based on the roadway classification, the proposed connection(s) and projected roadway traffic volumes, posted speeds, and the type and intensity of the land use.

RIGHT-OF-WAY

The land within legally defined property boundaries whose title is designated or intended for highway purposes.

ROADWAY AUTHORITY

The municipality, agency, or official with ownership and regulatory jurisdiction over a publically accessible road or highway. Examples would be the Town for Town roads, Ontario County Commissioner of Public Works for County Roads, New York State Department of Transportation for State Highways.

SERVICE ROAD

A public or private street or road, auxiliary to another public roadway, which has as its purpose the maintenance of local road continuity and provision of access to parcels adjacent to the public roadway. Frontage and reverse frontage/backage roads are classified as service roads.

SIGHT DISTANCE

The area that establishes a clear line of sight for a waiting vehicle to see oncoming traffic and make turning movements into or out of a street or driveway connection safely or for traffic to see entering or waiting vehicles.

STUB-OUT (STUB STREET)

A portion of a roadway or cross access drive used as an extension to an abutting property that may be developed in the future.

TEMPORARY ACCESS

Access that is permitted for use until alternative access becomes available.

THROAT LENGTH

The distance parallel to the centerline of a road or driveway to the first on-site location at which a driver can make a right turn or a left turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the shoulder.

TRAVELED WAY

The physical existing edge of a paved road, or edge of travel lane where a white stripe is present, or future edge. Future edge shall be used for the measurement where the associated capital improvements are within an adopted five (5) year capital improvement program, SEQMR mitigation, or dedicated easement.

TRAVERSABLE, NON-RESTRICTIVE, OR FLUSH MEDIAN

A median or painted centerline that does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways.

URBAN AREA

Territory generally within an incorporated area or with frontage on a highway that is at least 50% built-up with structures devoted to business, industry, or dwellings for a distance of a quarter-mile or more.

VEHICLE QUEUING AREA

Space used by vehicles while being served or until service begins.

Section 55-4. Roadway Functional and Access Classification

A. Functional Classification

The functional classification of roadways in Victor is determined by the NYSDOT. The Official Map and Figure 12 in Appendix B of the VAM Plan depict the NYSDOT functional classification of roadways within the Town and Village of Victor.

B. Access Classification

For the purpose of regulating access along local roads in the Town of Victor, this Chapter defines the category of Local Through Roadway. Table B-1 identifies Local Through Road segments in the Town of Victor.

**Table B-1
Local Through Roadway Segments – Town of Victor**

| Road Name | Segment Begin | Segment End | Road Name | Segment Begin | Segment End |
|------------------|-----------------|---------------------|--|-----------------------------|-----------------------------|
| Aldridge Rd | High St | County Road 9 | McMahon Rd | State Rt 96 | Plastermill Rd |
| Baker Rd | Valentown Road | Perinton T/L | Modock Rd | Willis Hill Rd | Cork Rd |
| Benson Rd | State Rt 96 | Fisher Rd | Murray Rd | County Road 41 | Town Line Rd |
| Blazey Rd | Gillis Rd | Perinton T/L | New Road from Route 96 Transformative Corridor Strategic Infrastructure Plan | State Rt 251 | Western Victor Village Line |
| Bortle Rd | Blazey Rd | Cline Rd | New Road from Route 96 Transformative Corridor Strategic Infrastructure Plan | Eastern Victor Village Line | Plastermill Rd. |
| Brace Rd | State Rt 96 | East Bloomfield T/L | Old Dutch Rd | State Rt 251 | Main St Fishers |
| Break of Day Rd | Brace Rd | East Victor Rd | North Road | Townline Rd | Strong Rd |
| Cherry St. | State Rt 444 | Brace Rd | Parrish Rd | Strong Rd | Mendon T/L |
| Cline Road | Farmington T/L | Perinton T/L | Phillips Rd | State Rt 251 | County Road 42 |
| Cork Rd | State Rt 251 | Dryer Rd | Plastermill Rd | Brownsville Rd | Farmington T/L |
| Dryer Rd | State Rt 444 | Mendon T/L | Railroad Mills | Probst Rd | Perinton T/L |
| East Victor Rd | State Rt 96 | County Road 41 | Rawson Rd | Cork Rd | Town Line |
| Fisher Rd | Main St Fishers | Perinton T/L | Richardson Rd | County Road 9 | Blazey Rd |
| Gillis Rd | High St | Cline Rd | School Rd | Town Line | County Road 41 |
| Lane Rd | State Rt 96 | County Road 9 | Strong Rd | State Rt 251 | East Bloomfield T/L |
| Log Cabin Rd | County Road 42 | Benson Rd | Taylor Rd | Strong Rd | Mendon T/L |
| Lower Fishers Rd | Benson Rd | Log Cabin Rd | Valentown Rd | High St | County Road 9 |
| Main St Fishers | County Road 42 | Mendon T/L | Willis Hill Rd | State Rt 251 | Dryer Rd |
| Malone Rd | Dryer Rd | North Rd | Willowbrook Rd | Rowley Rd | High St |

Section 55-5. Access Connection Requirements

A. Word Usage: This section discusses and provides design requirements for the principles of Access Management. Throughout this document and other referenced manuals and guidelines, the following terms are used:

- “Shall” or “Must” – indicates a required or mandatory standard, with deviations restricted to those permitted by the Planning Board using the waiver procedure of this Chapter.
- “Should” – indicates guidance of recommended practice.
- “May” – indicates a statement of practice that is a permissive condition.

B. Parcels created after the adoption of this Chapter do not have a right to individual access. Temporary and permanent access shall be as identified during the subdivision and/or site plan review process based on applying the regulations of this Chapter to existing and proposed lot access connections.

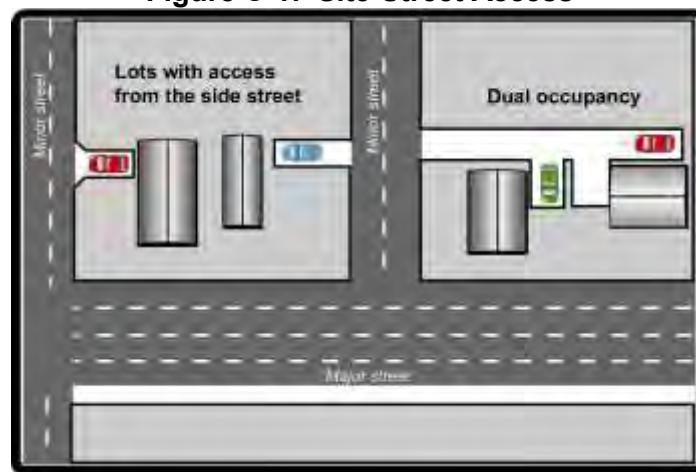
C. Connection Location for Road Intersections and Driveways.

The location of street intersections and driveways is critical for minimizing potential impact to vehicular and pedestrian traffic. Street and driveway connections to the roadway system should be clearly visible to all approaching traffic. The location of driveways should be related to nearby street intersections and adjacent driveways on both sides of the street. In the interest of public safety and mobility, the Planning Board may prohibit, restrict, or modify the placement of a driveway or street along the property owner’s frontage in accordance with the procedures and standards contained in this Chapter.

Similarly in accordance with the procedures contained in this Chapter, the Planning Board may also prohibit or restrict access to a roadway if alternate access is available through other access points that conform with or are more nearly conforming to the requirements and standards of this Chapter.

- (1) Properties with frontages along more than one street shall access the minor street (street with the lower functional classification) as shown in Figure C-1.

Figure C-1: Site-Street Access



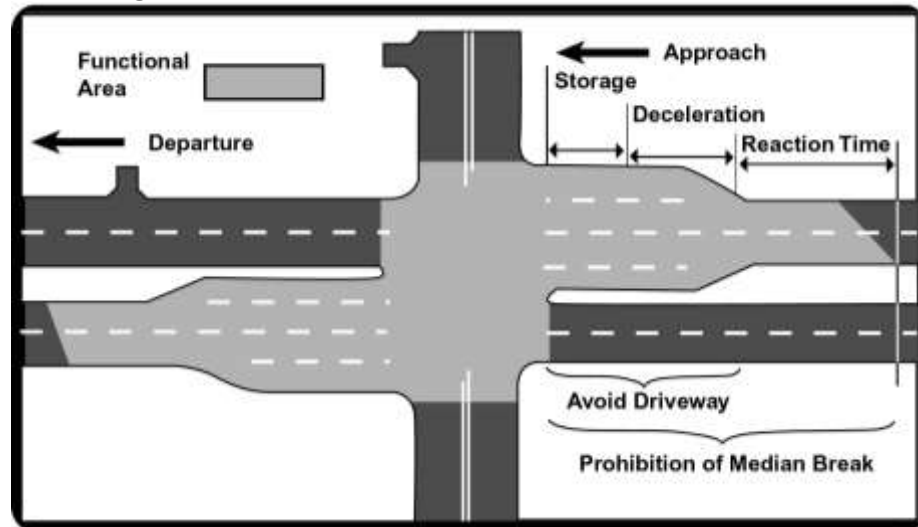
- (2) Access to through lots shall be required on the minor street (lower functional classification) as shown in Figure C-1.

- (3) Waiver: Access onto the major street may be approved by the Planning Board in accordance with the waiver procedures outlined in Section 8 of this Chapter and the consent of the roadway authority.

D. Connections within the Functional Area of an Intersection

(1) New connections shall not be permitted within the functional area of an intersection (see Figure C-2) unless:

Figure C-2: Functional Area of an Intersection



(a) Such access shall be located along the furthest property boundary from the intersection and be labeled as a non-confirming access, and

(b) The Planning Board finds that:

[1] No other reasonable access to the property is available, and

[2] The connection does not create a potential safety or operational problem as determined by the roadway authority and the Planning Board, and

(c) A condition is included in any relevant permit granted by the Planning Board that the applicant shall agree to close such non-confirming access within six (6) months of the date the applicant is notified by the Town of Victor that a means of providing access outside the functional area of an intersection is available, and

(d) A site plan or subdivision plat be approved by the Planning Board showing the opportunity for future access from or through adjacent property or future roads in conformance with the standards of this Chapter. The applicant shall be required to execute cross access easements to all adjoining property as a condition of approval of any such plan or plat with temporary access within the functional area of the intersection. The Planning Board may waive the requirement for providing cross access easements in the event that it finds that access between adjoining properties is not feasible due to topography, the presence of streams, or other natural or manmade obstructions.

(e) As a condition of approval of any subdivision plat or site plan for a project involving a connection within the functional area of an intersection, the Planning Board may restrict access to "right-in/right-out" or other limited movements (see Figure C-5) in order to

maintain public safety. Driveways so restricted shall meet all other access connection requirements and connection spacing requirements

(2) Where a TIS is not required, the following reaction time and distances shall be used to determine the functional area of an intersection:

**Table C-1
Reaction Time and Distances**

| Area ¹ | Reaction Time (sec) | Distance (ft.) | | |
|-------------------|---------------------|----------------|--------|--------|
| | | 35 mph | 45 mph | 55 mph |
| Rural | 2.5 | 130 | 165 | 200 |
| Urban | 1.5 | 75 | 100 | 120 |

¹ As defined by the Functional Classification of the roadway

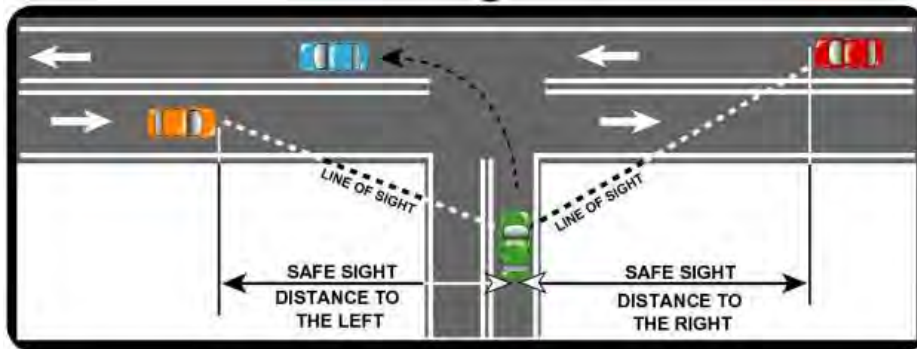
E. Sight Distance

Street and driveway connections shall provide for adequate vertical and horizontal sight distance (see Figure C-3). Proper sight distance is necessary for a stopped vehicle to safely cross the roadway and any auxiliary lanes.

Sight distance shall be evaluated for all proposed driveways or roadways using the standards set forth in the current version of *A Policy on Geometric Design of Highways and Streets* ("Green Book") published by AASHTO. Sight distance for each driveway or roadway shall be evaluated based on the site-specific conditions such as the design speed, grade, and intersection control.

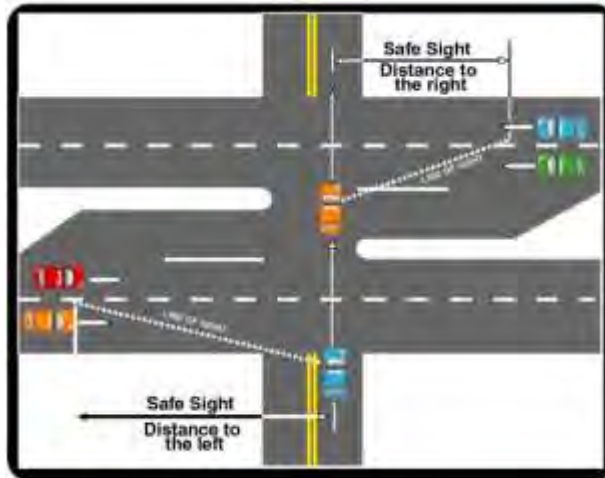
At signalized intersections, recommended sight distance values shall be maintained due to the possibility of signal malfunctions, late night flashing operations, right turns on red, and permissive turn movement phases. Limited sight distance shall not be used as sole justification for the installation of a traffic signal.

Figure C-3: Intersection Sight Distance: One-Stop Crossing



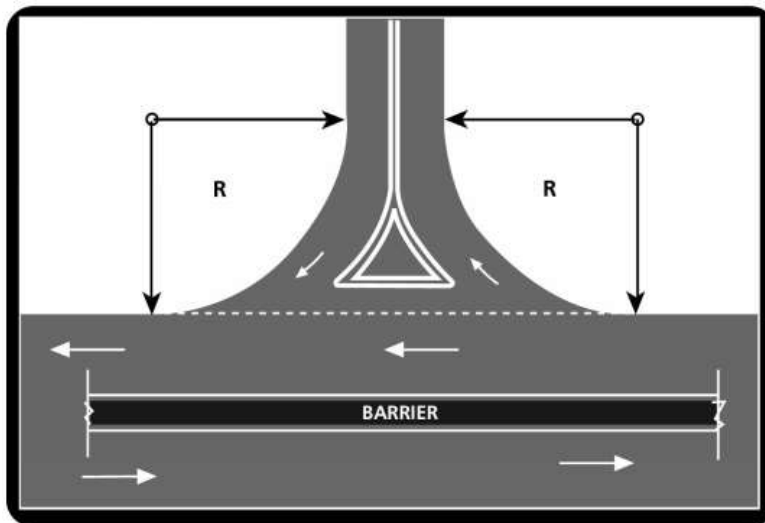
If the access is located on a divided facility and the median width is 20 feet or more for passenger vehicle crossings or 40 feet or more for truck crossings, sight distance may be based on a two-stop crossing with consideration given to the width of each one-way pavement (see Figure C-4).

Figure C-4: Intersection Sight Distance: Two-Stop Crossing



At locations where adequate sight distance cannot be met on both sides of the driveway, the Planning Board may deny the installation of the driveway, or may permit the driveway but restrict left turn movements into and/or out of the driveway, thus restricting the driveway operation to right turns only (see Figure C-5).

Figure C-5: Left Turn Prohibition



In addition, a deceleration lane and/or right turn acceleration lane or other mitigation may be required where the recommended sight distance cannot be provided. Auxiliary lanes and other required mitigation shall be designed in accordance with AASHTO and any applicable Local, County or State design standards.

The available sight distance at street and driveway connections to the roadway system shall not be restricted by landscaping, permanent or temporary signage, or in any other manner. In order to achieve adequate sight distance, the applicant may at a minimum be required to dedicate an easement near the entrance and keep it clear of visual obstructions.

The property owner or lessee having access to the roadway system shall be fully responsible for providing and maintaining safe sight distances along their property frontage. If the property owner or lessee fails to comply with this requirement, Town of Victor Code Enforcement Officer or Town Highway Superintendent may, upon written notice to the property owner or lessee, remove such obstacles from the right-of-way (at the property owner's expense) or barricade the driveway from further use until such corrections and improvements deemed necessary are made.

F. Clear Zone

A clear recovery area should be preserved along the traveled way that would allow a vehicle that inadvertently left the roadway to safely return to the roadway. The recovery area should be flat, firm and free of hazards or fixed objects. The clear recovery area ("clear zone") is measured between the traveled way and any hazardous fixed object such as utility poles, monuments, markers or trees. The required clear zone shall be calculated on a site-specific basis using the requirements set forth in the current version of the AASHTO *Roadside Design Guide*.

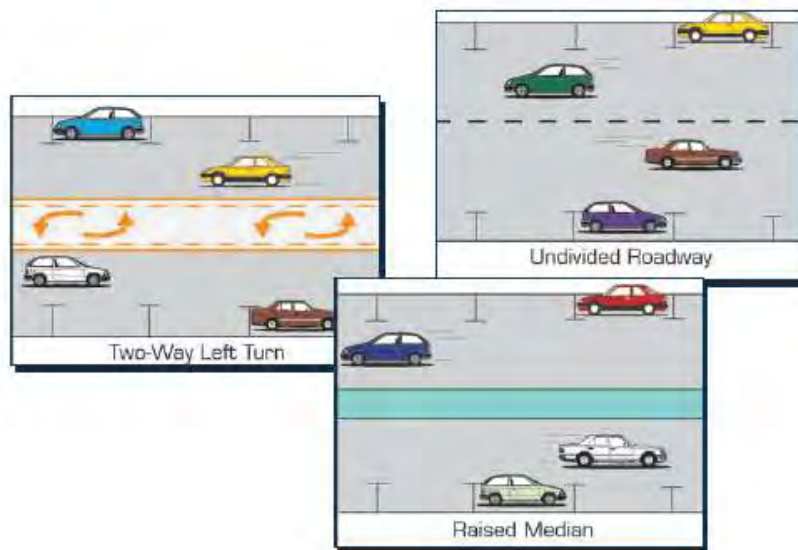
G. Restricted Access

No street or driveway access will be allowed where the roadway authority has restricted access rights such as established easements. Any request for a break in this access must be approved by the Planning Board and the roadway authority holding said easement.

H. Medians

Medians serve to delineate travel lanes and turn lanes, and also control where travel should and should not occur. Medians may be raised or flush (see Figure C-6). Raised medians are a physical barrier that prevent turns from occurring except at specific locations where breaks in the median are provided. Flush medians may delineate where turns are and are not permitted using paint, pavement or other materials. The Planning Board or other roadway authority may require the installation of a median at locations where turns should not occur due to operational or safety concerns.

Figure C-6: Median Types



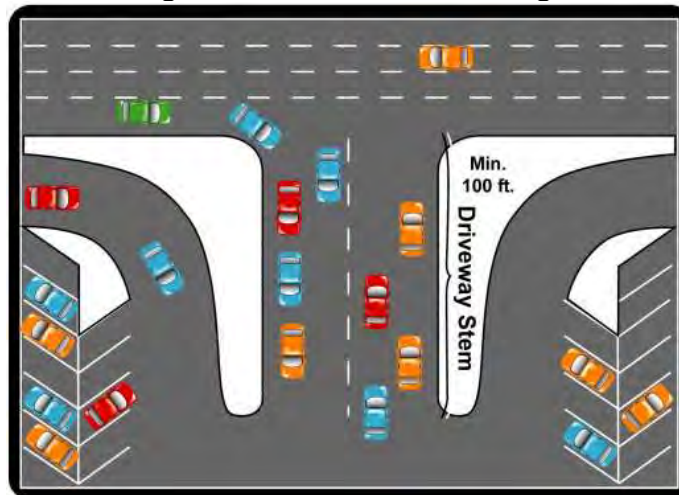
I. Driveway Throat

In order to protect the storage needs of the site and the operational needs of the driveway/street intersection, a protected driveway throat (also referred to as “stem”) of a sufficient length may be required as a condition of site plan or subdivision approval (see Figure C-7). The Planning Board shall require a sufficient length of protected throat (beyond the right-of-way limit) within the site for operational and safety needs of the adjacent roadway system.

The length of the protected throat will be determined from the maximum vehicle storage required for the anticipated vehicular volumes. Subdivision or Site Plan applications for projects involving peak traffic generation of 100 vehicle trips an hour or more shall include determination of adequate protected driveway throat distances within the TIS. If a traffic signal is proposed at the driveway/street intersection, the TIS shall consider cycle length, as well as any upstream or downstream traffic control device(s) that may impact vehicle storage in its determination of adequate protected throat length. A driveway median may also be required in order to preserve the length of storage, or to prevent cross access to outparcel driveways within the storage area of the driveway.

For any development with an internal roadway network, a minimum storage length of 100 feet measured from the near edge of the right-of-way will be required before any crossing or left-turning conflicts are allowed.

Figure C-7: Internal Site Design



The Planning Board may require additional protected throat length where it finds that it would provide better internal vehicular circulation, or minimize congestion on adjacent roadways, or that it is prudent to plan for future growth in vehicle trip generation on the site. The TIS may be required to forecast future growth of vehicle trip generation from the properties and uses served by the driveway in order to determine the minimum protected driveway throat distance required.

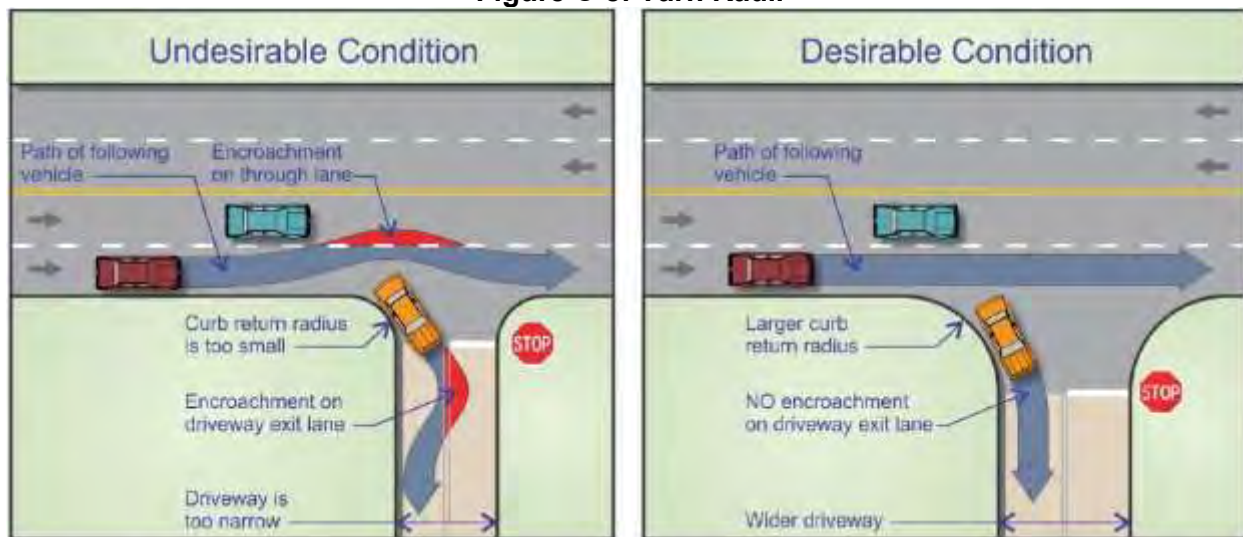
Traffic calming measures or traffic control devices that slow or stop traffic entering the development shall not cause vehicles to back up into the public right-of-way.

J. Driveway Radius

A driveway return (also referred to as “radius”) shall be designed to accommodate the types of traffic designated to use the driveway (see Figure C-8). A curved radius design should be used, unless the driveway meets the design standards for a “taper layout” at a “Minor Commercial” driveway as specified in the New York State Department of Transportation’s *Policy and Standards for the Design of Entrances to State Highways*. The radius of the street-type driveway connection shall be as required in the Town of Victor *Design and Construction Standards for Land Development*, or applicable design standards of the roadway authority. The radius should be designed to accommodate the swept turning path of the design vehicle, so that the vehicle does not over-track the corner.

The effects of a driveway return on pedestrian travel must also be considered. Unnecessarily large driveway radii increase the pedestrian crossing distance and should be avoided.

Figure C-8: Turn Radii



K. Subdivision Road Standards

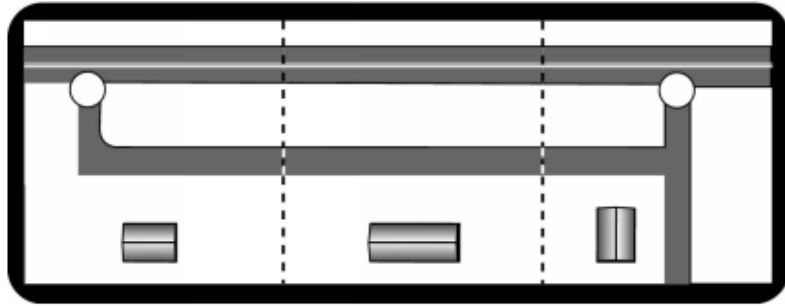
Residential subdivisions shall be designed in accordance with the requirements in the current edition of the Town of Victor *Design and Construction Standards for Land Development*.

L. Circulation and Connection to Adjacent Sites

The geometrics of the internal circulation pattern should allow all desirable maneuvers to be made with ease including service, delivery and emergency vehicle movements. For residential subdivisions, internal circulation shall be directed to one or more local through or collector streets within the subdivision, and where possible, avoid accessing the County and/or State roadway system directly.

In order to meet the connection spacing standards of Section 55-6 of this Chapter, the Planning Board may require cross-access (connectivity) for vehicles and/or pedestrians between adjacent properties (see Figure C-9), in order to reduce repetitive vehicle trips to and from the adjacent public road. Where vehicle connections are spaced farther than 600' apart, pedestrian connections should be provided.

Figure C-9: Connectivity with Adjacent Sites



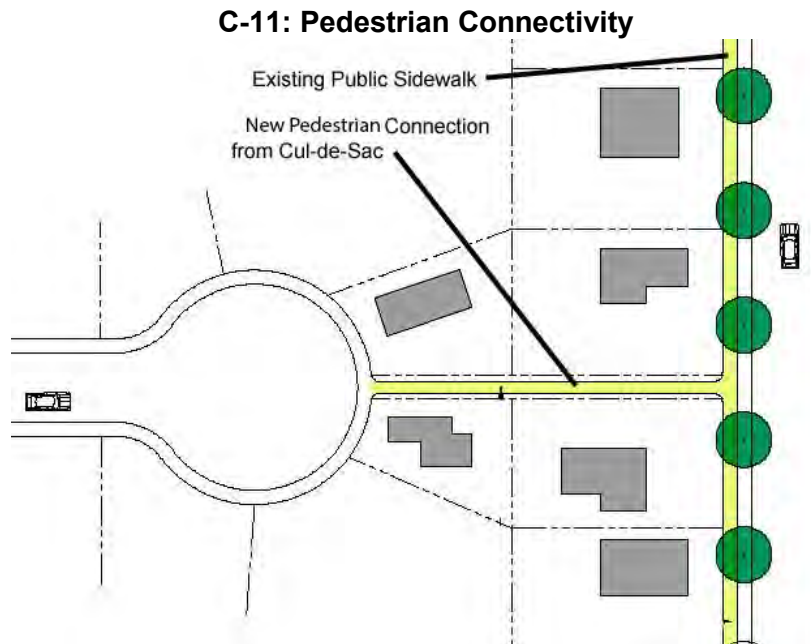
Where adjacent property is not yet developed but future interconnection between adjoining properties is recommended in the VAM Plan, or shown on the Official Map, or the Planning Board believes it is desired to improve the efficiency and safety of public roads, the Planning Board shall grant site plan or subdivision plan approval with conditions and/or modifications that require dedication of property for future roads, and/or construction of stub road connections to adjacent properties, cross access easements to adjoining properties, and/or other similar considerations including financial surety in a form approved by the Town of Victor. (see Figure C-10). The site plan or subdivision plat shall indicate the location of any required cross access easements and any requirement for the removal of temporary access once alternative access is available.

Figure C-10: Stub Road for Future Interconnection



Generally cross access roads and/or driveways are not intended to be publically owned or maintained. The Town Board may decide to hold a cross access easement with the right to transfer such easement when a similar easement from adjoining property owners(s) is authorized. The arrangement for maintenance of roads or driveways constructed pursuant to any site plan or subdivision approval and the manner of its execution between adjoining property owners shall be in a form deemed acceptable by the Planning Board.

A pedestrian connection to link pedestrian generators or connect to existing or planned pedestrian facilities may also be required (see Figure C-11).



Internal site circulation for residential development shall also provide pedestrian connections to on-site recreation areas, trail, open space or other shared amenities.

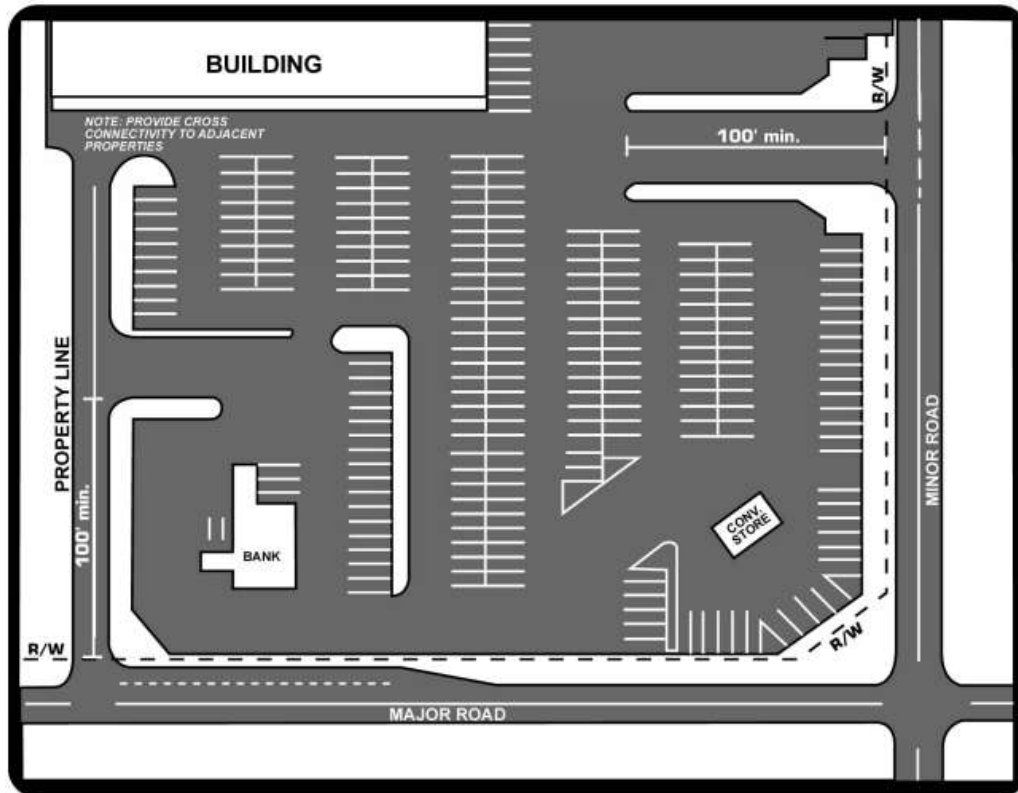
The Planning Board may deny access to the adjacent public roadway from “out-lots” or “out-parcels” of a larger development (outparcels are typically separate, smaller buildings within a shopping plaza that are located along the roadway frontage) where reasonable access can be provided via the larger development’s internal circulation system (see Figure C-12).

Where abutting properties are in different ownership and not part of an overall development plan, cooperation among the various owners in development of a unified access and circulation system is encouraged; this includes pedestrian connections. Only the building site(s) under consideration for development approval shall be subject to the requirements of this section. Abutting properties shall not be required to provide unified access and circulation until they are developed or are redeveloped.

Access to an outparcel shall be appropriately designed and marked with pavement markings, signage, and similar appropriate guidance to maximize the efficiency of the internal traffic circulation. An adequately demarcated pedestrian pathway shall provide a safe route for pedestrians between the outparcel and other uses.

Outparcels for land uses with connection volumes exceeding 100 peak hour trips may be considered for a single right-in access point. This access shall not be within the functional area of an existing intersection. The roadway authority shall determine whether or not the proposed right-in access point is appropriate, based upon the roadway characteristics, relevant traffic data, and the existing and proposed land use(s).

Figure C-12: Shopping Center with Outparcels



M. Shared Access, Frontage Roads, Rear Access Roads

The Planning Board may require construction of an internal street system or service road (frontage or rear access road) to eliminate or reduce multiple lot access connections directly to the adjacent public roadway system (see Figures C-13 and C-14). Rear access roads shall be encouraged, especially for properties where connection to a side street is available. Direct connection(s) to the major street may be allowed, provided the access meets requirements for number of driveways, spacing and location (see Section 55-6: Connection Spacing Standards and Section 55-7 Design Standards in this Chapter).

In areas where frontage or rear access roads are recommended, but adjacent property is not yet developed, the site shall be designed to accommodate future road connections in accordance with local road design standards. The Planning Board may grant site plan or subdivision plan approval with conditions and/or modifications that require dedication of property for future roads, and/or construction of stub road connections to adjacent properties, cross access easements to adjoining properties, construction of internal circulation roads and/or driveways, and/or other similar considerations including financial surety in a form approved by the Town of Victor. If the preferred location for future interconnection is known, such interconnection may be formalized with an easement, pavement (stub road) and/or financial surety. If the location of future interconnection is unknown, the approval may be granted with condition and associated financial surety. The site plan shall indicate any required cross access as well as any requirement that allowed temporary access be removed once alternative access is available.

Cross access easements are not intended to be publically owned or maintained. The Victor Town Board may, however, hold such an easement with the right to transfer such easement when a similar easement from adjoining property owners(s) is authorized. Such cross access easements shall also be accompanied by a joint maintenance agreement in a form deemed acceptable by the Planning Board.

Figure C-13: Shared Residential Access

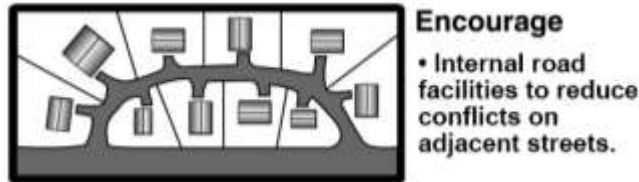
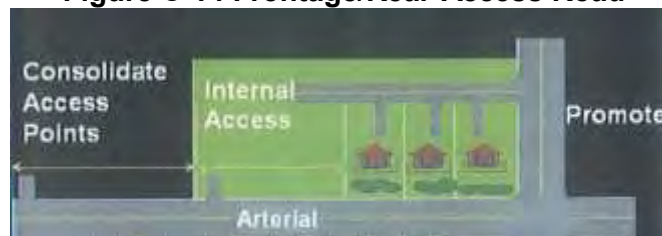


Figure C-14 Frontage/Rear-Access Road



Service roads shall be built to public road standards and offered for dedication or the applicant may propose an alternative design, ownership, and maintenance method that shall be determined acceptable by the Planning Board, the municipal engineer, and the municipal attorney.

N. Setbacks

Improvements on private property adjacent to the public right-of-way shall be located so that parking, stopping, storage and maneuvering of vehicles will not be necessary within the right-of-way in order for the vehicles or patrons associated with the private development to be properly served, and shall not restrict the sight distance of adjacent driveways.

O. Right-of-way Reservations/Dedication

The Planning Board and roadway authority will review all plans for right-of-way including sight distance and easements required to accommodate additional or future transportation needs (including but not limited to vehicular and pedestrian users). The applicant will be responsible for all necessary right-of-way dedication to accommodate auxiliary lanes for site traffic, traffic control devices, drainage facilities or sight distance.

Section 55-6. Connection Spacing Standards

A. General Spacing Standards

(1) Connections under the jurisdiction of the New York State Department of Transportation shall, at a minimum, meet the standards that are outlined in the NYSDOT Policy and Standards for Entrances to State Highways, latest edition, unless waived by the NYSDOT Regional Traffic Engineer.

(2) Connections under the jurisdiction of Ontario County shall, at a minimum, meet the guidelines that are outlined in the Ontario County Highway Access Guidelines, unless waived by the County Commissioner of Public Works.

(3) Parcels created after the adoption of this Chapter do not have a right to individual access. Temporary and permanent access shall be as identified during the subdivision process based on applying the regulations of this Chapter to existing and proposed lot access connections.

(4) The minimum lot frontage for all newly created lots on public arterial, collector, and local through roadways shall not be less than the applicable minimum connection spacing standards of this section, as defined in Table D-1, unless the property is served by an internal road system or access is shared between adjacent parcels.

(5) The number of street and driveway connections permitted to serve a single property or commercial development along a roadway will be the minimum deemed necessary by the Planning Board for reasonable service to the property without undue impairment of safety, mobility and utility of the roadway. Normally, one driveway connection will be permitted for a single property or commercial site. However, the Planning Board may consider additional entrances or exits as justified if such access does not negatively impact traffic operations and public safety. Only one combined entrance and exit connection shall be permitted where the frontage is less than 125 feet.

(6) Existing individual or multiple lots sharing or intending to share access having less than the required frontage may be permitted individual access where the Planning Board determines joint or cross access is not feasible.

(7) Adjacent properties under the same ownership shall be considered as a single property for application of connection spacing or for connection permits. Adjacent properties some of which are owned singly and others owned jointly with others or as a corporation with one or more same owner(s) may be considered as under same ownership for application of connection spacing standards.

(8) Applications for multiple connections for a single development shall conform to the spacing standards of this section, as defined in Table D-1. Multiple connections shall be considered by the roadway authority and the Planning Board for approval based on the following criteria:

- (a) Separation of standard vehicles from heavy trucks or emergency vehicles;
- (b) Two one-way connections that in combination serve ingress and egress to the development;
- (c) Where multiple connections enhance the safety of the abutting roadway and improve the on- site traffic circulation.

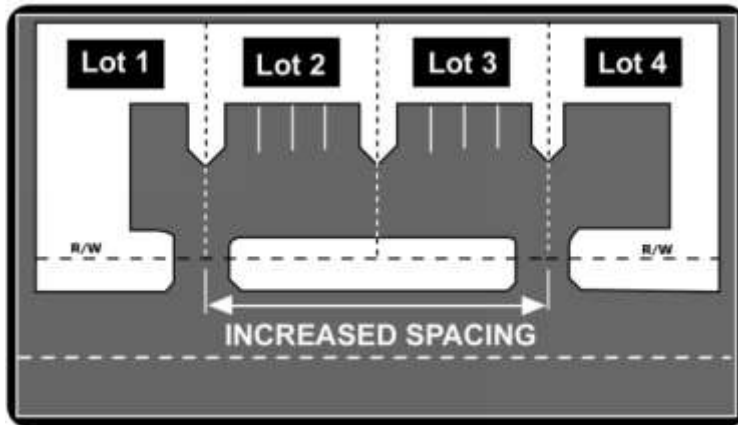
B. Shared Driveways

Adjacent property owners are encouraged to construct a shared driveway by written mutual agreement to serve both properties (see Figure D-1). Joint Access provides improved internal

circulation and parking capabilities, as well as reduces conflict points and increases distance between driveways. Shared driveways are subject to all requirements of the Town of Victor *Design and Construction Standards for Land Development*.

Where adjacent properties are not yet developed but joint access is desired, the Planning Board may require that property owners maintain future opportunities for shared driveways by providing easements and/or stub roads. The Planning Board may also approve driveways on a temporary basis until joint access is available, at which time a connection to an adjacent shared driveway is constructed and the original driveway is removed.

Figure D-1: Joint and Cross Access



C. Driveway Consolidations

Consolidating multiple, closely-spaced driveways should be considered when possible (see VAM Plan for an example of driveway consolidation).

D. Driveway Alignment and Spacing

Spacing of driveways/access connections on all arterials, collector and local through roads shall be per the as specified in Table D-1, unless the roadway authority other than the Town of Victor requires greater spacing.

**Table D-1
Access Connection Spacing**

| Posted Speed (mph) | Connection Spacing (ft.) | |
|--------------------|--------------------------|--|
| | Arterial ¹ | Collector & Through Local ¹ |
| 35 or less | 245 | 125 |
| 36 to 45 | 440 | 245 |
| 45 or greater | 660 | 440 |

¹ Based on the functional and access classifications of the roadway

Connection spacing shall be measured from the closest edge of the pavement of one connection to the next closest edge of pavement of the next connection (NOT centerline to centerline).

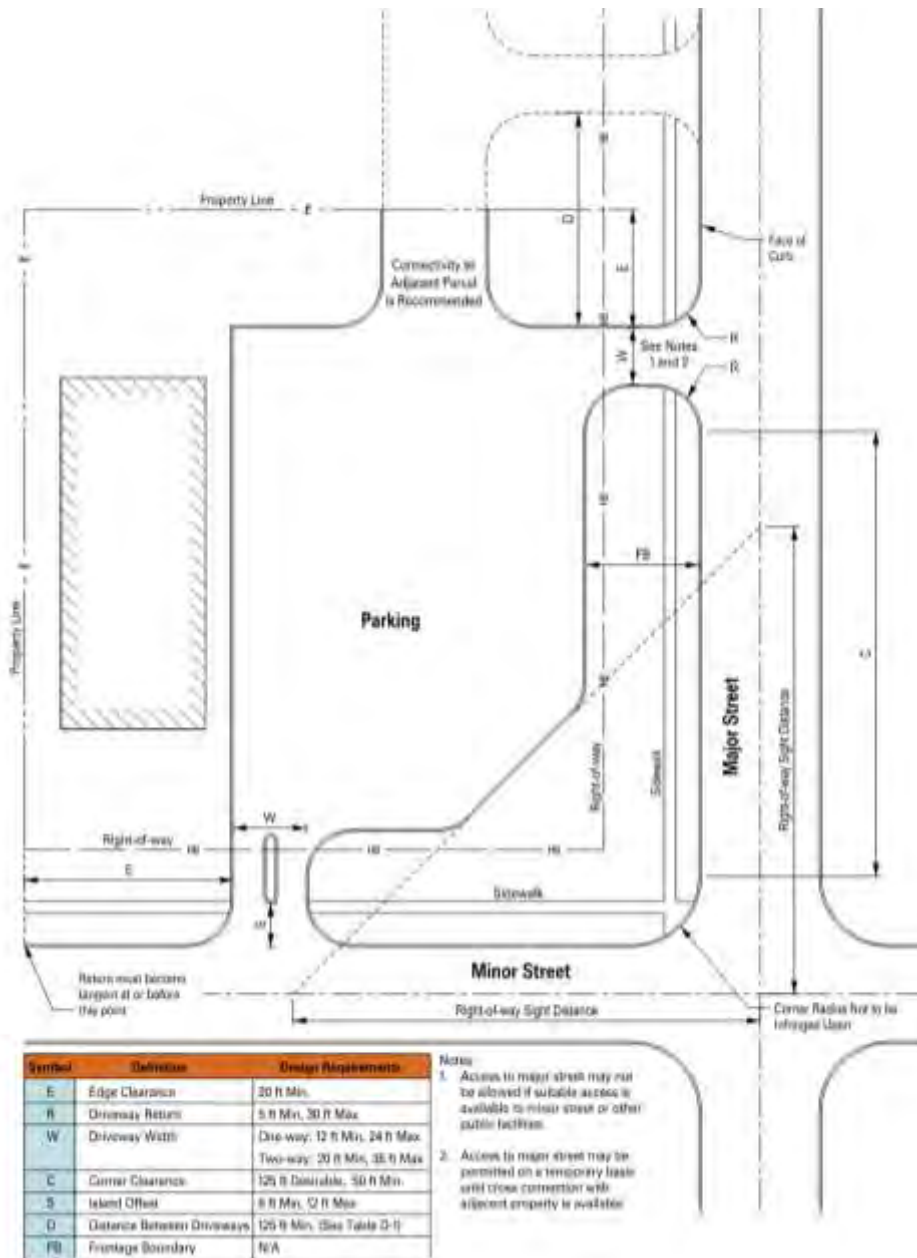
The Planning Board shall take into consideration minimizing left turn conflicts related to access connections on opposite sides of the road

Section 55-7. Design Standards

A. General

Street and driveway connections shall comply with the following control dimensions (see Figure F-1):

Figure F-1: Design Standards



B. Driveway Width (W)

Open road frontages (where entire frontage is paved or used for access) shall not be permitted. Driveways shall be clearly delineated and identifiable so as to not inhibit travel on the connecting roadway.

The width of driveways, W, measured parallel to the edge of travel way and from edge of pavement to edge of pavement at the narrowest width, shall be within the specified minimum and maximum limits specified in Table F-1.

**Table F-1
Driveway Width**

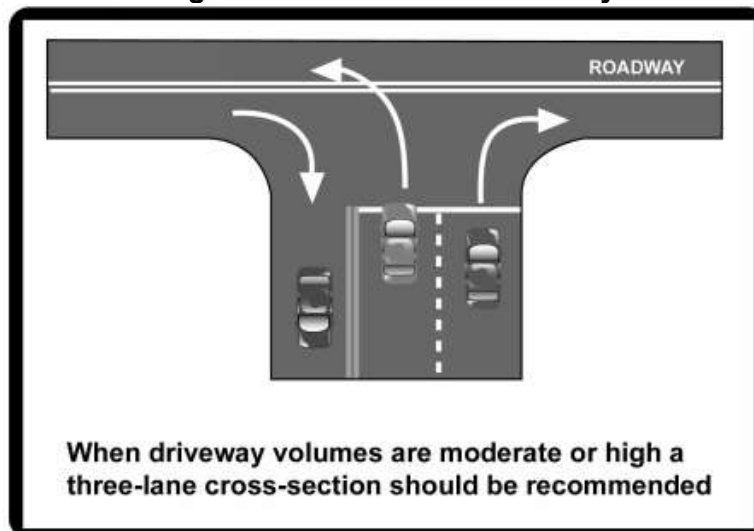
| Driveway Type | Driveway Width (W) | |
|---------------|--------------------|-----------------|
| | Minimum | Maximum |
| One-Way | 12 | 24 |
| Two-Way | 20 | 36 ¹ |

¹ Planning Board may allow a maximum width of 50' if necessary for use

Where the roadway is undivided or where there is no signal control, and when existing or projected connection volumes exceed 75 vehicles during the peak hour or 500 vehicles per day, a three-lane connection may be required (see Figure F-2).

Street type connections with multi-lane ingress or egress may exceed 50 feet based on traffic operation requirements. These values are based on edge of pavement dimensions not including the width of gutter if a curb-and-gutter section is proposed.

Figure F-2: Three-Lane Driveway



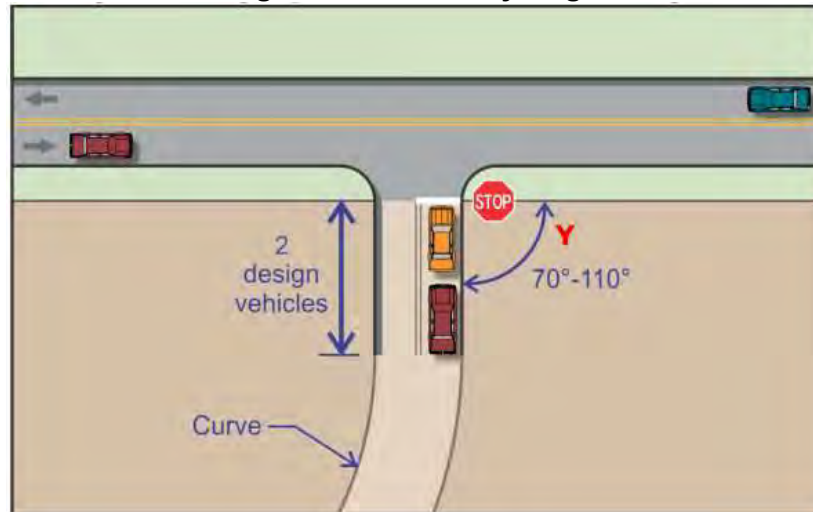
C. Driveway Angle (Y)

The recommended driveway angle, Y, for a full access driveway is 90 degrees. The angle of the two-way operation driveway with respect to the pavement edge shall not be less than 70

degrees or greater than 110 degrees. For one-way or right-in/right-out driveways, driveway angles between 45 and 90 degrees may be allowed on a case-by-case basis.

The driveway's horizontal alignment should include a minimum tangent section accommodating two design vehicles before any curvature. Figure F-3 depicts the recommended driveway angle and alignment criteria.

Figure F-3: Driveway Angle



C. Edge Clearance (E)

All portions of a commercial driveway including the returns shall be between two frontage boundary lines of the current or future right-of-way line. The edge clearance, E, measured parallel to the edge of pavement from the frontage boundary line to the nearest point on the projected edge of the driveway shall be a minimum of 20 feet.

D. Driveway Return (R)

The radius of the street-type driveway connection, R, shall be a minimum of 20 feet and a maximum of 50 feet. However the maximum radii dimension may be exceeded as an exception if larger radii are needed to accommodate larger vehicles at a proposed development such as service entrances, fueling stations serviced by tanker trucks, or truck terminals.

E. Island Offset Distance (S)

The near edge of an island area parallel to the highway shall be located a distance, S, from the edge of pavement along uncurbed roadways or from the curb line on curbed roadways a minimum of 6 feet and maximum of 12 feet, unless otherwise requested or approved by the Planning Board.

F. Distance Between Driveways (D)

The distance, D, measured along the right-of-way line between the tangent projections of the inside edges of adjacent driveways (NOT centerline to centerline) shall be at least 125 feet (refer to Table D-1). The required distance applies where more than one driveway is permitted

along a single property frontage, between driveways on adjacent properties, and between driveways on the opposite side of the roadway.

G. Corner Clearance (C)

The minimum corner clearance, C, to the proposed driveway should be at least 125 feet from the point of tangency of the radius curvature of the intersecting streets (see Figure F-4). If site conditions do not allow for the desired 125 feet, at no time shall the corner clearance be less than 50 feet from the point of tangency of the radius curvature. Additional distance may be required to locate driveways outside the functional area of an intersection in accordance with a TIS.

Section 55-8. Deviation from Connection Standards

A. The purpose of this section is to establish a reasonable process for relief from the requirements of this Chapter where local site conditions, the timing of construction on the property or adjacent property, lack of cross access easements, and other factors make compliance impossible or impractical. In all cases, however, safety for the driving public and pedestrians shall be the primary consideration in granting deviations or waivers from the standards and requirements specified in all other sections of this Chapter.

B. General Waiver Authority: The Planning Board is hereby granted the authority to grant Waivers from the requirements for connection spacing and/or design and/or the requirements and/or provisions of any other section of this Chapter where the characteristics of the subject property, and/or of abutting property, the lack of cross access easements, the timing of development, or any other practical difficulty would make adherence to the standards contained therein impractical or not in the best interest of traffic safety. All considerations for the granting of waivers by the Planning Board shall be made in consultation with the roadway authority and shall be based on the requirements and procedures established in this section. The Planning Board shall not grant any waiver that deviates from the processes and procedures specified in this or any other section of this Chapter. All applications for a waiver shall require submission of a site plan or subdivision application for review by the Planning Board as specified in the Subdivision Regulations and/or Zoning Local Law of the Town of Victor.

C. Minor Waivers: Deviations of up to ten percent (10%) of the connection standards or other requirements in this Chapter are considered Minor Waivers. The Planning Board may grant a Minor Waiver upon a finding that roadway or site characteristics, the timing of land development, the characteristics of a particular land use involved in a development proposal, traffic operations, and safety make strict adherence to the standard impractical.

D. Major Waivers:

(1) Major waivers are those that deviate from one or more of the standards or requirements by more than ten percent (10%).

(2) The applicant for a Major Waiver shall provide adequate data and analysis to demonstrate how the proposed alternate access management and/or site circulation plan is equal to or better than the relevant required access management and internal circulation provisions of this Chapter. Applicants for Major Waivers from connection standards shall submit an access management plan to the Planning Board as follows:

(a) Encompasses a study area that includes the length of the property frontage on all abutting roadways, plus the distance established by access spacing standards on either side of the property lines, and the corresponding area on the opposite side of undivided roadways.

(b) Addresses existing and future access for study area properties.

(c) Evaluates operational and safety impacts of the proposed plan versus impacts of adherence to adopted standards.

(d) Includes all improvements and recommendations necessary to implement the proposed plan.

(3) Planning Board standards for granting Major Waivers: In considering and granting a Major Waiver, the Planning Board shall find:

(a) The granting of a waiver is in harmony with the purpose and intent of this Chapter

(b) That every reasonable option for meeting the provisions of this Chapter is explored and determined to be not feasible.

(c) The applicant has demonstrated unique or special conditions that make strict application of the provision of this Chapter impractical. This shall include a showing that:

[1] Indirect or restricted access cannot be obtained, and there is no reasonable expectation that such access may be able to be obtained in the future,

[2] No reasonable engineering or construction solution can be applied to mitigate the condition, and

[3] No alternative access is available from a road with a lower functional classification than the proposed access connection.

(4) Under no circumstances shall a Major Waiver be granted unless not granting the waiver would deny all reasonable access, endanger public health, welfare, or safety, or cause an exceptional and undue hardship on the applicant. No waiver shall be granted where such hardship is self-created.

Section 55-9. Compliance with Access Management Plan Maps and/or Official Map

A. All development, permit review, and applications for development review made pursuant to the subdivision regulations, and/or zoning local law, or any other local law of the Town of Victor shall comply with the Access Management Maps contained in the VAM Plan and any Official Map duly adopted by the Town of Victor and on file with the Town Clerk. Future amendments to the Official Map may supersede information on the VAM Plan Maps.

B. The Planning Board shall ensure compliance with the Access Management Maps and Official Map during the review of development review applications such as but not limited to site plans, subdivisions, special use permits. These Maps together indicate:

(1) A future road network intended to provide vehicular traffic alternative means of travel,

and the location for future connection points for future roads and shared driveways that comply with the spacing requirements of this Chapter. These are intended to guide the Planning Board and applicants in designing new development to provide road rights of ways across subject properties.

(2) Driveway elimination/consolidation areas intended to create spacing between access points on a public road that are in compliance with this Chapter when properties are developed, redeveloped, or repurposed (such as going from a residential to a commercial use).

(3) Locations of potential future traffic signals in accordance with the signal spacing standards in the VAM Plan.

C. The Town of Victor may update and expand the VAM Plan Maps based upon future studies and to encompass additional areas. The Town of Victor may update its Official Map in the manner prescribed by statute.

Section V. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws.

All other Ordinances or Local Laws of the Town of Victor which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date.

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York; and be it further

RESOLVED that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting, incorporate said new Chapter 55 Access Management into the Town Code, and distribute copies of this resolution and Local Law to the Town Planning and Building Department, the Director of the Ontario County Planning Department and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

RESOLUTION #26

AFTER PUBLIC HEARING - ADOPT LOCAL LAW -2019 TO AMEND CHAPTER 184
SUBDIVISION OF LAND

WHEREAS, on September 24, 2018 the Victor Town Board adopted Resolution No. 483-2018 that established and appointed a Special Committee to prepare an access management plan as an amendment to the Town's comprehensive plan jointly with the Village of Victor; and

WHEREAS, this Special Committee has worked diligently with LaBella Associates to prepare a draft access management component for the Village of Victor Comprehensive Plan and an Access Management update to the Town of Victor comprehensive plan in a single document hereinafter referred to as the Access Management Plan; and

WHEREAS, the Town Board has adopted said Access Management Plan as an amendment to the Town's Comprehensive Plan; and

WHEREAS, to implement said Access Management Plan, this Board has adopted an Access Management Local Law as Chapter 55 of the Town Code and will need to make amendments to Chapter 184 Subdivision of Land and Chapter 211 Zoning to integrate those chapters with Chapter 55, and will also need to adopt an Official Map of the Town; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 22nd day of July, 2019, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 26th day of August, 2019, at the Victor Town Hall, 85 East Main Street, at 7:00 PM, to hear all interested parties on a proposed Local Law to amend Chapter 184 Subdivision of Land; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 26th day of August, 2019, at 7:00 PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the Victor Town Board has referred the draft Local Law to the Victor Town Planning Board and the County of Ontario Planning Board and has reviewed and considered any comments received in response thereto; and

WHEREAS, the Town Board did issue a negative determination of significance pursuant to an environmental review of the adoption of the Access Management Plan as an amendment to the Town Comprehensive Plan, the adoption of Chapter 55 Access Management, a proposed local law to amend Chapter 184 Subdivision of Land, a proposed local law to amend Chapter 211 Zoning, the approval of an Official Map of the Town of Victor, and the approval of a Memorandum of Understanding with Region 4 of the New York State Dept. of Transportation and the Ontario County Commissioner of Public Works conducted pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as 'SEQR'); and

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; now, therefore be it

RESOLVED, that the Town Board hereby finds that the amendment of Chapter 184 Subdivision of Land pursuant to New York State Town Law Section 276 is necessary to conserve and protect the public health, safety, and general welfare by providing for the efficient development of the Town and as a necessary and integral element of managing access onto public roads in the Town of Victor outside of the Village of Victor; and further

RESOLVED, by the Town Board of the Town of Victor, that the Town Board hereby adopts said Local Law ___-2019 to amend Chapter 184 Subdivision of Land pursuant to New York State Municipal Home Rule as follows:

LOCAL LAW # ___-2019 TO AMEND CHAPTER 184 SUBDIVISION OF LAND

BE IT ENACTED, by the Town Board of the Town of Victor, Ontario County, State of New York as follows:

Section I. Authorization.

This Local Law is adopted pursuant to the authority granted to the Town of Victor at Municipal Home Rule Law.

Section II. Title and Purpose.

This local law shall be known as and may be cited as Local Law No. ___-2019 to amend Chapter 184 Subdivision of Land. The purpose of this amendment is to integrate development review requirements to be consistent with the Access Management Update to the Town's Comprehensive Plan and to refer to the requirements of Chapter 55 Access Management of the Town Code.

Section III. Legislative Finding.

The Town Board of the Town of Victor finds and hereby determines that it is necessary to update the Subdivision of Land Code.

Section IV. Amendment.

Chapter 184 Subdivision of Land shall be amended as follows:

Section 184-8 Definitions; word usage, shall be amended to replace the existing definitions with the following:

DRIVEWAY

Undedicated common and individual driveways are an access point used as ingress and egress for not more than three properties which are not fronting on a dedicated road or street or front on a dedicated road but have common or shared access in compliance with Chapter 55 Access Management. The creation of a common or shared driveway requires reciprocal easements and a common maintenance agreement.

PARENT PARCEL

A parcel of land as it existed on the effective date of these regulations, (September 12, 1977). For the purpose of determining future access, properties created after adoption of Chapter 55 Access Management, do not have right to direct or individual access.

Section 184-12 Sketch Plat Review, shall be amended as follows:

B(2)(c) The sketch plat shall comply with the Design and Construction Standards for Land Development of the Town of Victor, Chapter 55 Access Management, and the Official Map, and incorporate the recommendations of the Town Comprehensive Plan and overlay districts, if applicable.

Section 184-13 Preliminary Plat Review shall be amended as follows:

B(3) The preliminary plat shall comply with the Design and Construction Standards for Land Development of the Town of Victor, Chapter 55 Access Management, and the Official Map.

C(2)(e)[1] The Planning Board shall, by resolution, within 62 days after the close of the public hearing, approve conditionally, approve with or without modification or disapprove such plat. The resolution shall contain the findings of fact generated from the public hearing and agency review of the project, including a finding that the project complies with Chapter 55 Access Management and the Official Map or that waivers have been approved in compliance with said Chapter 55.

Section 184-14 Final Plat Review shall be amended to add the following:

B(8) Waiver. The Planning Board may waive, subject to appropriate conditions and guaranties, for such period as it may determine, the provision of any or all such improvements or processes as, in its judgment of the special circumstances of a particular plat or plats, are not requisite in the interest of the public health, safety and general welfare or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

With regard to waivers of any provisions of Chapter 55 Access Management, the Planning Board shall comply with the requirements of Chapter 55 in considering and granting said waivers.

C(9)(g) Surety may also be required to guarantee eventual removal of any temporary access connections allowed and replacement with permanent access connection as adjacent property(ies) are developed, and to necessary landscaping/buffering, and other improvements required by subdivision approval.

Section V. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws.

All other Ordinances or Local Laws of the Town of Victor which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date.

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York and be it further

RESOLVED that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting, incorporate said amendment to Chapter 184 Subdivision of Land into the Town Code, distribute copies of this resolution and Local Law to the Town Planning and Building Department, the Director of the Ontario County Planning Department and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

RESOLUTION #27

AFTER PUBLIC HEARING - ADOPT LOCAL LAW -2019 TO AMEND CHAPTER 211
ZONING

WHEREAS, on September 24, 2018 the Victor Town Board adopted Resolution No. 483-2018 that established and appointed a Special Committee to prepare an access management plan as an amendment to the Town's comprehensive plan jointly with the Village of Victor; and

WHEREAS, this Special Committee has worked diligently with LaBella Associates to prepare a draft access management component for the Village of Victor Comprehensive Plan and an Access Management update to the Town of Victor comprehensive plan in a single document hereinafter referred to as the Access Management Plan; and

WHEREAS, the Town Board has adopted said Access Management Plan as an amendment to the Town's Comprehensive Plan; and

WHEREAS, to implement said Access Management Plan, this Board has adopted an Access Management Local Law as Chapter 55 of the Town Code, Amended Chapter 184 Subdivision of Land to incorporate references to and procedures with new Chapter 55 of the Town Code, and will need to make amendments to Chapter 211 Zoning to integrate with Chapter 55, and will also need to adopt an Official Map of the Town; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 22nd day of July, 2019, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 26th day of August, 2019, at the Victor Town Hall, 85 East Main Street, at 7:00 PM, to hear all interested parties on a proposed Local Law to amend Chapter 211 Zoning; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 26th day of August, 2019, at 7:00 PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the Victor Town Board has referred the draft Local Law to the Victor Town Planning Board and the County of Ontario Planning Board and has reviewed and considered any comments received in response thereto; and

WHEREAS, the Town Board did issue a negative determination of significance pursuant to an environmental review of the adoption of the Access Management Plan as an amendment to the Town Comprehensive Plan, the adoption of Chapter 55 Access Management, a proposed local law to amend Chapter 184 Subdivision of Land, a proposed local law to amend Chapter 211 Zoning, the approval of an Official Map of the Town of Victor, and the approval of a Memorandum of Understanding with Region 4 of the New York State Dept. of Transportation and the Ontario County Commissioner of Public Works conducted pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as 'SEQR'); and

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; now, therefore be it

RESOLVED, that the Town Board hereby finds that amendment of Chapter 211 Zoning pursuant to New York State Town Law Section 276 is necessary to conserve and protect the public health, safety, and general welfare by providing for the efficient development of the Town and as a necessary and integral element of managing access onto public roads in the Town of Victor outside of the Village of Victor; and further

RESOLVED, by the Town Board of the Town of Victor, that the Town Board hereby adopts said Local Law __-2019 to amend Chapter 211 Zoning pursuant to New York State Municipal Home Rule as follows:

LOCAL LAW # 2019 TO AMEND CHAPTER 211 ZONING

Be it enacted by the Town Board Town of Victor, Ontario County, State of New York as follows:

Section I. Authorization.

This Local Law is adopted pursuant to the authority granted to the Town of Victor at Municipal Home Rule Law.

Section II. Title and Purpose.

This local law shall be known as and may be cited as Local Law No. __-2019 to amend Chapter 211 Zoning. The purpose of this amendment is to integrate development review requirements to be consistent with the Access Management Update to the Town's Comprehensive Plan and to refer to the requirements of Chapter 55 Access Management of the Town Code.

Section III. Legislative Finding.

The Town Board of the Town of Victor finds and hereby determines that it is necessary to update the Zoning Code.

Section IV. Amendment.

Chapter 211 Zoning shall be amended as follows:

Section 211-9 Planning Board shall be amended as follows:

C(1)(b) The power to approve, approve with conditions or deny site plans is vested in the Planning Board. Prior to issuing a building permit, the Planning Board shall review the site plan and supporting documentation for all construction except residential additions or one single-family home or residential accessory structures of less than 1,000 square feet. All motions and/or resolutions adopted by the Planning Board approving a site plan with or without modification shall include a finding that the site plan is in conformance with Chapter 55 Access Management and the Official Map, or shall state that waivers have been issued in compliance with the provision of Chapter 55 Access Management.

C(2)(a)[10] The project is found to be in conformance with Chapter 55 Access Management and the Official Map, or shall state that waivers have been issued in compliance with Chapter 55 Access Management.

Section 211-12 Word usage; definitions, shall be amended to replace existing definitions with the following:

DRIVEWAY

Undedicated common and individual driveways are an access point used as ingress and egress for not more than three properties which are not fronting on a dedicated road or street or front on a dedicated road but have common or shared access in compliance with Chapter 56 Access Management. The creation of a common or shared driveway requires reciprocal easements and a common maintenance agreement.

PRIVATE DRIVE OR ROAD

An undedicated access point or thoroughfare serving four or more lots, and consistent with Town of Victor Design and Construction Standards for dedicated roads and streets and Chapter 55 Access Management.

Section 211-31 Site plan review shall be amended as follows:

A(2) Means of access and traffic and compliance with sight distance and access connection spacing standards of Chapter 55 Access Management.

Section 211-36 Driveways shall be amended as follows:

In all districts, all plans for structures to be erected, altered, moved or reconstructed and for the use of premises within such districts shall contain a plan for the proposed driveway access to the premises. Driveway locations and relocations must be approved by the Code Enforcement Officer, Town Highway Department and/or Town Engineer and for roads under County authority, Ontario County Commissioner of Public Works or for roads under New York State authority, Regional Traffic Engineer of NYSDOT. The creation of a common driveway requires reciprocal easements and a common maintenance agreement.

Section 211-48 is deleted and replaced as follows:

Section 211-48 Compliance with Town Design and Construction Standards and Chapter 55 required.

All development shall be consistent with the current Town design and construction standards and the Access Management standards of Chapter 55 unless specifically waived by the Planning Board. In waiving any standards or requirements of Chapter 55, the Planning Board shall comply with the requirements and procedures contained therein.

Section V. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws.

All other Ordinances or Local Laws of the Town of Victor which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date.

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York; and

RESOLVED that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting, incorporate said amendment to Chapter 211 Zoning into the Town Code, distribute copies of this resolution and Local Law to the Town Planning and Building Department, the Director of the Ontario County Planning Department and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

RESOLUTION #28

ADOPTION OF OFFICIAL MAP OF THE TOWN OF VICTOR

WHEREAS, on September 24, 2018 the Victor Town Board adopted Resolution No. 483-2018 that established and appointed a Special Committee to prepare an access management plan as an amendment to the Town's comprehensive plan jointly with the Village of Victor; and

WHEREAS, this Special Committee has worked diligently with LaBella Associates to prepare a draft access management component for the Village of Victor Comprehensive Plan and an Access Management update to the Town of Victor comprehensive plan in a single document hereinafter referred to as the Access Management Plan; and

WHEREAS, the Town Board has adopted said Access Management Plan as an amendment to the Town's Comprehensive Plan; and

WHEREAS, to implement said Access Management Plan, this Board has adopted an Access Management Local Law as Chapter 55 of the Town Code and adopted amendments to Chapter 184 Subdivision of Land and Chapter 211 Zoning to integrate those chapters with Chapter 55; and

WHEREAS, the Ontario County Planning Department has recommended and prepared a draft Official Map of the Town dated July 8, 2019 pursuant to New York State Town Law §270 showing existing and proposed streets and highways in compliance with said Access Management Plan, that is on file with the Town Clerk; and

WHEREAS, said draft Official Map also shows existing town park land as required by to New York State Town Law §270; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 22nd day of July, 2019, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 26th day of August, 2019, at the Victor Town Hall, 85 East Main Street, at 7:00 PM, to hear all interested parties on a proposed Local Law to amend Chapter 211 Zoning; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 26th day of August, 2019, at 7:00 PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition with respect to the adoption of said Official Map and any comments on the environmental review being conducted pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as 'SEQR'); and

WHEREAS, the Town Board did issue a negative determination of significance pursuant to SEQR in regard to the adoption of said plan, local laws, and the adoption of the proposed Official Map; now, therefore, be it

RESOLVED, that the Town Board hereby finds that adoption of an Official Map pursuant to New York State Town Law Section 270 is necessary to conserve and protect the public health, safety, and general welfare by providing for the efficient development of the Town as a necessary and integral part to manage access onto public roads in the Town of Victor outside of the Village of Victor; and further

RESOLVED, that the draft Official Map on file with the Victor Town Clerk is hereby adopted as the Official Map of the Town of Victor pursuant to New York State Town Law Section 270 upon reprinting with the effective date of adoption; and further

RESOLVED, that said Official Map shall be conclusive with respect to the location and width of roads and the location of parks within the Town outside the boundary of the Village of Victor; and further

RESOLVED, that the Town Clerk is hereby directed and authorized to:

1. Sign the reprinted hardcopy Official Map and place said Official Map into the permanent records of the Town,
2. Send copies of this resolution and the Official Map to the Town Planning and Building Department, the Town Department of Public Works, the Ontario County Clerk, the Director of the Ontario County Planning Department, the Ontario County Commissioner of Public Works, and the Director of Region 4 of the New York State Department of Transportation; and further

RESOLVED, that the Town Board recognizes that in adopting an Official Map all future dedication of roads and park land must be in compliance with such Official Map unless it is amended by the Town Board; and further

RESOLVED, that the Town Board recognizes that the amendment of the Town's Official Map is governed by the process described in New York State Town Law Section 273, specifically:

1. Referral of any proposed modification to the Town Planning Board.
2. Receipt of a recommendation from the Town Planning Board within 30 days of referral.
3. Advertising of a Public Hearing before the Town Board on the proposed modification at least 10 days in advance of such hearing.
4. Holding a Public Hearing before the Town Board.
5. Adoption of the Modification by Resolution; and further

RESOLVED, that the Ontario County Planning Department shall:

1. Maintain the digital version of the Official Map of the Town of Victor and update such map to reflect amendments or modifications duly made by the Victor Town Board upon receipt of written notice from the Town Clerk.
2. Provide reprints of the Official Map of the Town of Victor in digital or hardcopy form upon the request of the Town Supervisor or the Town Clerk.
3. Provide the Town Clerk with a single dated original hardcopy Official Map for signature as the Official Map of the Town of Victor as such map may be duly adopted and/or amended by the Town Board; and further

RESOLVED, that this resolution shall take effect immediately; and further

RESOLVED, that a copy of this resolution be sent to the Building and Planning Department and Town Clerk.

RESOLUTION #29

AMEND THE TOWN OF VICTOR DESIGN AND CONSTRUCTION STANDARDS AT SECTION 5.0 ACCESS MANAGEMENT GUIDELINES

WHEREAS, on _____, 2019 the Town Board approved Resolution No. ____-19 adopting the Access Management Update to the Town of Victor Comprehensive Plan; and

WHEREAS, on _____, 2019 the Town Board adopted Resolution No. ____-19 Local Law No. ____-2019 to Create Chapter 55 Access Management; now, therefore be it

RESOLVED that the following amendment to the Town of Victor Design and Construction Standards be made as follows:

All provisions of the 2018 document shall remain in full force and effect except as specifically described in the following proposed changes.

Section 5 Access Management Guidelines shall be deleted in its entirety

RESOLVED, that a copy of this resolution be forwarded to the Town Engineer.