

SPECIAL MEETING- Town Board Executive was held to discuss medical, financial, credit or employment history of a particular person/corp., or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

Special Meeting called to order at 6:03PM

PRESENT: Supervisor Marren, Councilman Condon, Councilman Kahovec, Councilman Tantillo, Barb Cole, and Tina Kolaczyk.

RESOLUTION #332
MOVE TO EXECUTIVE SESSION

On motion by Councilman Condon, seconded by Councilman Tantillo, the following resolution was adopted:

4 Ayes: Marren, Condon, Tantillo, Kahovec
Unanimously Approved

RESOLVED that the Victor Town Board enter into Executive Session to discuss medical, financial, credit or employment history of a particular person/corp., or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.
No Board Action Taken

RESOLUTION #333
MOTION TO CLOSE EXECUTIVE SESSION @ 6:59PM

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was adopted:

4 Ayes: Marren, Condon, Tantillo, Kahovec
Unanimously Approved

RESOLUTION #334
MOTION TO OPEN PUBLIC HEARINGS

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was adopted:

4 Ayes: Marren, Condon, Tantillo, Kahovec
Unanimously Approved

RESOLVED that the Public Hearings of the Victor Town Board open @ **7:04pm**

The Clerk read aloud the following Public Hearing Notices and Supervisor Marren made the following announcements:

Everyone was asked to sign in on the attendance sheet, cell phones were requested to be silenced, and any private conversations or interviews to be conducted in the hallway or outside. Emergency exits were pointed out to the right and left sides of the Main Meeting Room.

Limit speaking at Public Hearings to three minutes, noting many residents want to voice their concerns either for or against the projects.

LOCAL LAW 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
Held open

Jeff Morrell, Morrell Builders, Overviewed the Highline Park Planned Development project.

- The project is a multi-family project on a current Light Industrial (LI) zoned parcel.
- Rental community.
- Design stemmed from a strong demand and requests from many Tech companies as this location is within the Tech corridor.
- Cater to the young professional community and some seniors.
- Downzoning from LI benefits are traffic calculations (reduction from LI project), lighting, impervious surface area is reduced, reduce stormwater management requirement, increase buffer in open space, and create a fraction in the traffic profile. Also, it meets one of the Towns Comprehensive Plans objectives which is to accomplish a housing segment for the young professional market place.
- The project has 18 single family homes – single story designed towards seniors, townhouses, 3 story apartment buildings – designed towards the young professionals.

Some of the comments previously received were

- 50 foot buffer on western side of the project increased to 100 feet.
- Accommodate guest parking
- Ownership – this is a Portfolio Project that will be owned & operated by Morrell Builders.
- Built in 2 to 3 phases – Phase 1 one will be homes, townhomes & one of the apartment buildings and Phase 2 and/or 3 will be the rest of the apartment buildings.
- Planned Development Districts (PDD) vs. Multi-family zoning – when designing PDDs they are extremely strict in their nature and lock in all of the zoning requirements so that that the public can be comfortable with what exactly is going to be built. (PDD is a more defined route).
- Morrell builders has acquired these parcels, if the rezoning is not approved they will develop the parcels as a high-tech Light Industrial park.

Supervisor Marren reported that the Public Hearing will remain open, noted the comments received (Ontario County Planning Board, Clark Patterson Lee (Traffic Consultant), Stormwater Management, Petition opposed from Residents (98 signatures) – received 8/26/19, Petition opposed from Residents (12 signatures) – received 9/9/19, Resident Debra Hogan, Business owner Brian Reh – Gorbels), requests for an additional traffic study and market research study.

Opened to Public Comment:

Randolph Lee – Concerned with the population density and the impact on traffic.

Enrica Sharp – Regarding the petitions. The main reason people came to Victor/Fishers is that it is a rural area. The main oppositions are to the 3 story apartment buildings, that the PDD allows for a retail portion, and questions the real need for this housing.

Dave Nankin questioned the price point of the different housing types.

Jeff Morrell responded that the typical rent structure is about \$1.40-\$1.50 per square foot, rents are approximately \$850 month to \$1,800-\$2,000 per month for the largest units (full homes).

Debra Hogan wanted to check that the Board received her letter.

The public hearing will be kept open. The supervisor concluded the Public Hearing and moved to the regular meeting.

The regular meeting of the Victor Town Board was held on September 9, 2019 at 7:33PM with the following Board Members present:

PRESENT:

Supervisor	Jack Marren
Councilman	David Condon
Councilman	David Tantillo
Councilman	Ed Kahovec

OTHERS PRESENT: Renee McConnell, Deputy Town Clerk; Kevin Overton, Town Attorney; Mark Years, Highway Superintendent; Brian Emelson, Parks & Recreation Director; Barb Cole, Finance Director; Steve Metzger, LaBella Associates; Wes Pettee, LaBella Associates; David Nankin, Lee Wagner, Neil Stein, Jean Krym, Elizabeth Lee, Randolph Lee, Greg Yott, Edward Lysyczyn, Enrica Sharp, Mac Weaver, Jeff Morrell, Scott Morrell, Richard Tieds, Marsha Senges, Ron Gallo, Barry Buffan, Debra Hogan, and Mike Copeland.

Supervisor Marren called the regular meeting to order and made the following announcements:

- Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off, and any private conversations or interviews to be conducted in the hallway or outside. Emergency exit locations were pointed out to the left and right sides of the Main Meeting Room.
- Flag Salute
- Councilman Mike Guinan is necessarily absent.
- Resolution # 1 – the Appointment of a Part-time Typist has been pulled, Interviews have not been completed

RESOLUTION #335

PAYMENT OF BILLS

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was adopted:

4 Ayes: Marren, Tantillo, Condon, Kahovec

Unanimously Approved

RESOLVED that the bills be approved for Manifest #17 in the amount of \$300,862.06. Documentation for these expenditures can be found on vouchers filed by numbers #20191759-20191859.

General Townwide	\$47,801.57
General Outside Village	\$3,262.91
Special Revenue –SWMP	\$2,366.80
Highway Townwide	\$211,361.52
Sanitary Conveyance Capital Improvement	\$4,691.76
SS Consolidated Sewer	\$31,040.00
Trust & Agency	\$337.50

Supervisor Marren reviewed the following ten expenditures that were in the range of or exceeded \$10,000.00.

- Bluestone Creek Development –Parks & Recreation Rent for the month of October
- Suit – Kote Corp., Crack Sealing on 5 Town Roads
- Lehigh Hanson for 1,714 Tons of # 1 Type 6 Rap for Paving

- Lehigh Hanson for Type 6 Stone, Type 7 Stone and Binder
- D. Clark Distributors for Tack Coat used for Paving Various Town Roads
- Dakksco Pipeline Co. – Final Invoice County Rd 9 – Emergency Forcemain Repairs

PRIVILEGE OF THE FLOOR-

- Ronald Gallo, 6 Esker Rise – addressed the Town Board requesting to install a fence in a utility easement. The Town Board had no objection. The Clerk’s office will prepare a Hold Harmless Agreement.

PUBLIC COMMENTS AND CONCERNS: None

REPORTS OF TOWN OFFICIALS:

SUPERVISOR REPORT

Supervisor Marren reported:

1. Changes to Snow Plow agreements for roads – in discussion on changing the letter of credit and/or developer’s assurance.
2. 5 year Capital Plan for sewer lift stations received from Farmington.

Town Officials Reports: In packets

Supervisor
 Park and Recreation Director
 Historian
 IT/Website
 Victor Fire Department

Town Clerk

Speed Limit reduction – Received notification from NYSDOT that Railroad Mills Road between Probst Road and Fisher Road will be reduced to 40 mph.

Letter from Sussex Manor Neighbors (Mendon) Re: code violations of 900 & 930 Old Dutch Road – John W. Danforth Company

BUSINESS:

**RESOLUTION # PULLED
APPOINTMENT OF _____ AS PART-TIME TYPIST FOR THE TOWN OF VICTOR
 PLANNING & BUILDING DEPARTMENT**

**RESOLUTION #336
AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS
 AGREEMENT AT 6 ESKER RISE TO ALLOW ENCROACHMENT INTO UTILITY EASEMENT**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

**4 Ayes: Marren, Tantillo, Condon, Kahovec
*Unanimously Approved***

WHEREAS, Ronald E. Gallo and Anthony Pacilio are the record owners (the “Owners”) of the premises at 6 Esker Rise, Tax Map #7.01-2-78.000, (the “Property”) in the Town of Victor; and

WHEREAS, the Town is the owner of an utility easement, as shown in Book 917 of Deeds at page 98 in the Ontario County Clerk’s Office, which utility easement is situated running in an

east-west direction along the southern side of the Property between Tax Map #7.01-2-78.000 and Tax Map #7.01-2-79.000 approximately twenty (20) feet wide as shown on Map #19786 filed in the Ontario County Clerk's Office ("Easement"); and

WHEREAS, the Owners of the property proposes to install a fence (the "Fence") with a portion of said proposed Fence encroaching onto the Easement on the Property; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the Fence to encroach onto the Easement, said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Fence to be constructed, but would require the Owners to remove and/or repair said Fence, hold the Town harmless, and return the Property within the Easement to its pre-alteration condition should the Town need to exercise its rights relating to the Easement in a manner which would require removal of the portion of Fence, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed Fence and have indicated that the aforementioned proposed encroachment of the Fence into the Easement would not materially adversely affect the integrity, purpose, or function of the Easement, including but not limited to utilities, or be a hindrance in gaining access to any facilities or other infrastructure located within the Easement to effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Ronald E. Gallo and Anthony Pacilio, in a form approved by the Attorney for the Town, to allow the proposed Fence to encroach into the Easement, and any other document reasonably necessary to effect said Agreement; and further be it

RESOLVED, that upon filing with the Ontario County Clerk's office, a copy of the filed License and Hold Harmless Agreement with Ronald E. Gallo and Anthony Pacilio will be provided to the Town Clerk; and further

RESOLVED, that a copy of this Resolution be provided to the Town Planning and Building Department, the Town Clerk, and the Owners.

RESOLUTION #337

AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON CORK ROAD

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was adopted:

4 Ayes: Marren, Tantillo, Condon, Kahovec
Unanimously Approved

WHEREAS, the Highway Superintendent has received a request to evaluate the speed limit on Cork Road; now, therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the NYS Department of Transportation to evaluate the speed limit for Cork Road; and further

RESOLVED that a copy of this resolution be forwarded to the Ontario County Superintendent of Highways, Karen Bodine, Town Clerk; and Mark Years, Highway Superintendent.

RESOLUTION #338

AUTHORIZATION FOR GRANT APPLICATION - VICTOR TOWN JUSTICE COURT

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was adopted:

4 Ayes: Marren, Tantillo, Condon, Kahovec

Unanimously Approved

WHEREAS, the New York State Unified Court System's Justice Court Assistance Program has grant monies available to local courts; and

WHEREAS, the Town of Victor Justice Court may be eligible for certain funds through this program, to be used for updating current surveillance system, updating walkthrough metal detector and new phone system; now, therefore, be it

RESOLVED that the Town Board does hereby authorize the submission of an application for grant monies from the Justice Court Assistance Program; and further

RESOLVED that a copy of this resolution be forwarded to the New York State Unified Court System's Justice Court Assistance Program, Terri Bolt, Court Clerk; the Finance Department, and the Town Clerk.

RESOLUTION #339

REFERRAL AND SET PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTER 211 ZONING, SECTION 211-27 PLANNED DEVELOPMENT DISTRICT REGULATIONS

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

4 Ayes: Marren, Tantillo, Condon, Kahovec

Unanimously Approved

WHEREAS, existing Planned Development District (PDD) provisions describe a two-step procedure for establishment of a Planned Development District, the first being Town Board amendment of the Zoning District Map and approval of a Preliminary Development Plan and the second being Town Planning Board approval of a detailed Site Plan for the Planned Development District; and

WHEREAS, the benefits of the two-step procedure include 1) providing the Town Board an opportunity to consider the suitability of both the proposed mix of principal uses and the general approach proposed for development of a planned development project, 2) preserving flexibility for the Town Board and the applicant to articulate and explore alternative use mixes and general approaches to the planned development as the Town Board considers the proposed rezoning, 3) avoiding the need for an applicant to commit significant effort and expense developing unnecessary detail prior to the Town Board's decision regarding a proposed PDD rezoning, 4) preserving the Town Planning Board's opportunity to consider, potentially modify, and approve the detailed site plan that will be relied upon to bring the planned development project to fruition, and 5) ensuring that the detailed site plan approved by the Town Planning Board for development of planned development project remains consistent with the general development approach anticipated by the Town Board when approving a PDD rezoning; and

WHEREAS, the foregoing benefits are diminished or even lost when unnecessary detail is developed for inclusion in a Preliminary Development Plan presented for Town Board approval as part of a PDD rezoning; and

WHEREAS, the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as “SEQRA”) generally require 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 to be reviewed, whether the agency decision-making relates to the action as a whole or to only a part of it; and

WHEREAS, the general requirement for an environmental review of the Town Board’s consideration of a proposed PDD rezoning and associated approval of a Preliminary Development Plan to also encompass an environmental review of the Planning Board’s review and potential approval of detailed Site Plan for the Planned Development District has, in the past, led to the development and inclusion of much unnecessary detail in the Preliminary Development Plan presented for Town Board approval; and

WHEREAS, in past instances the Town has, in order to preserve the benefits of the two-step process, elected to conduct two separate segmented reviews under SEQRA, one for the Town Board’s consideration of the PDD rezoning and associated approval of a Preliminary Development Plan and a second for the Town Planning Board’s consideration and potential approval of a detailed Site Plan for the Planned Development District; and

WHEREAS, SEQRA (6 NY-CRR 617.3 (g)(1)) provides that if a lead agency believes that circumstances warrant a review that does not include the entire set of activities or steps in the action, that 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, the existing Zoning Code provisions describing the two-step procedure for establishment of a Planned Development District provide little guidance regarding the benefits of the two-step process, the manner in which the inclusion of unnecessary detail in a Preliminary Development Plan submitted to the Town Board may eliminate or diminish those benefits, and the rationale that might justify a lead agency’s election, in such instances, to conduct two separate segmented reviews under SEQRA; and

WHEREAS, amending the existing Zoning Code provisions describing the two-step procedure for establishment of a Planned Development District to include guidance regarding the benefits of the two-step process, the manner in which the inclusion of unnecessary detail in a Preliminary Development Plan submitted to the Town Board may eliminate or diminish those benefits, and the rationale that might justify a lead agency’s election, in such instances, to conduct two separate segmented reviews under SEQRA would facilitate more compliant and consistent decision-making in that regard; and

WHEREAS, a proposed Local Law that would amend the Town Zoning Code to clarify Planned Development District establishment procedures by providing such guidance relative to the two-step process has been prepared and submitted for the Town Board’s review, which Local Law the Town Board will now consider for adoption; and

WHEREAS, LaBella Associates has prepared and submitted for the Town Board’s consideration a State Environmental Quality Review (“SEQR”) Environmental Assessment Form (“EAF”) Part 1 describing the proposed adoption of the Local Law that would amend the Town Zoning Code

to clarify Planned Development District establishment procedures by providing such guidance relative to the two-step process; and

WHEREAS, in order to comply with SEQRA, the Town Board must determine whether the action now being proposed may involve one or more other agencies and make a preliminary classification of the action now being proposed as Type I, Unlisted or Type II; and

WHEREAS, SEQRA provides that, when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency; and

WHEREAS, Zoning Code Section 211-6A requires the Town Board to hold a public hearing prior to amendments of Zoning Code; and

WHEREAS, Zoning Code Section 211-6B requires that a proposed amendment of the Town of Victor Zoning Code be referred to the Town Planning Board for a report prior to the Public Hearing thereon; and

WHEREAS, General Municipal Law Section 239-m requires that the Town Board shall refer an amendment of a zoning ordinance or local law to the Ontario County Planning Board before taking final action; and

WHEREAS, the Municipal Home Rule Law requires that a public hearing be held on each proposed local law; now therefore be it

RESOLVED, that the Town Board hereby makes a preliminary classification under SEQRA of the action now being proposed as an Unlisted action; and be it further

RESOLVED, that the Town Board, as the only agency involved in the action now being proposed and as an agency proposing to undertake, fund or approve said action, is therefore the lead agency under SEQRA; and be it further

RESOLVED, that the Town Board hereby accepts, in accordance with SEQRA, the SEQRA Full EAF Part 1 prepared by LaBella Associates; and it is further

RESOLVED, a draft Local Law to amend Chapter 211 Zoning to Clarify Procedures for the Establishment of Planned Development Districts has been prepared and submitted to the Town Board for its consideration; said draft Local Law is on file with the Town Clerk; and be it further

RESOLVED, that the Local Law being proposed to clarify Planned Development District establishment procedures by providing such guidance relative to the two-step process and the SEQRA Full EAF Part 1 prepared by LaBella Associates and accepted by the Town Board are hereby referred to both the Town Planning Board and the Ontario County Planning Board for their review and recommendation; and be it further

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 the proposed Local Law to amend Chapter 211 Zoning to Clarify Procedures for the Establishment of Planned Development Districts by providing such guidance relative to the two-step process; and be it further

RESOLVED, that the Town Clerk shall provide and publish such notice(s) of the Public Hearing(s) scheduled herein as are required under the Town Zoning Code, the NY Town Law and the NY Municipal Home Rule Law.

RESOLUTION #340

REFERRAL AND SET PUBLIC HEARING - PROPOSED LOCAL LAW TO AMEND CHAPTER 211 ZONING TO AUTHORIZE THE ESTABLISHMENT OF MIXED USE OVERLAY DISTRICTS

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

4 Ayes: Marren, Tantillo, Condon, Kahovec

Unanimously Approved

WHEREAS, changing commercial circumstances have led to the need for owners and tenants of non-residential parcels to repurpose some spaces to incorporate a more wide-ranging mix of uses and for zoning provisions to afford them flexibility to do so in the absence of any plan for development provided the affected sites are considered appropriate for a satisfactory combination of residential, recreational, commercial and/or light industrial use and can accommodate a mix of such uses without departing from the spirit and intent of the Town's zoning regulations; and

WHEREAS, a LaBella Associates report indicated that existing Planned Development District (PDD) provisions were unlikely to provide the desired flexibility due to the need for a detailed application, the need for an applicant to submit for approval a detailed plan for site development, and the manner in which the PDD provisions would necessarily vacate and replace all rights and requirements that would otherwise be applicable in the traditional commercial or industrial zoning district; and

WHEREAS, the aforementioned LaBella Associates report further indicated that establishment of a Mixed Use Overlay District could provide the desired flexibility given that all rights and requirements applicable in the traditional commercial or industrial zoning district would remain in force, that establishment of such an overlay could apply to developed properties with no redevelopment plans, and could be established either in response to an application or on the Town Board's own initiative; and

WHEREAS, the Town Zoning Code presently authorizes establishment of only two types of overlay districts, one related to special requirements within the Route 96/Route 251 corridor and the other related to maximum development densities within residential districts; and

WHEREAS, a proposed Local Law that would amend the Town Zoning Code to authorize the establishment of Mixed Use Overlay districts has been prepared and submitted for the Town Board's review, which Local Law the Town Board will now consider for adoption; and

WHEREAS, LaBella Associates has prepared and submitted for the Town Board's consideration a State Environmental Quality Review ("SEQR") Environmental Assessment Form ("EAF") Part 1 describing the proposed adoption of the Local Law that would amend the Town Zoning Code to authorize the establishment of Mixed Use Overlay districts; and

WHEREAS, authorization for the establishment of Mixed Use Overlay districts could be considered the adoption of changes in the allowable uses within any zoning district with the potential to affect 25 or more acres of a district as those terms are utilized in the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, in order to comply with SEQRA, the Town Board must determine whether the action now being proposed may involve one or more other agencies and make a preliminary classification of the action now being proposed as Type I, Unlisted or Type II; and

WHEREAS, SEQRA provides that, when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency; and

WHEREAS, Zoning Code Section 211-6A requires the Town Board to hold a public hearing prior to amendments of Zoning Code text or maps; and

WHEREAS, Zoning Code Section 211-6B requires that a proposed amendment of the Town of Victor Zoning Code be referred to the Town Planning Board for a report prior to the Public Hearing thereon; and

WHEREAS, General Municipal Law Section 239-m requires that the Town Board shall refer an amendment of a zoning ordinance or local law to the Ontario County Planning Board before taking final action; and

WHEREAS, the Municipal Home Rule Law requires that a public hearing be held on each proposed local law; now, therefore, be it

RESOLVED, that the Town Board hereby makes a preliminary classification under SEQRA of the action now being proposed as a Type I action; and be it further

RESOLVED, that the Town Board, as the only agency involved in the action now being proposed and as an agency proposing to undertake, fund or approve said action, is therefore the lead agency under SEQRA; and be it further

RESOLVED, that the Town Board hereby accepts, in accordance with SEQRA, the SEQR Full EAF Part 1 prepared by LaBella Associates; and be it further

RESOLVED, a draft Local Law to amend Chapter 211 Zoning to Authorize the Establishment of Mixed Use Overlay Districts has been prepared and submitted to the Town Board for its consideration; said draft Local Law is on file with the Town Clerk; and be it further

RESOLVED, that the Local Law being proposed to authorize the establishment of Mixed Use Overlay districts and the SEQR Full EAF Part 1 prepared by LaBella Associates and accepted by the Town Board are hereby referred to both the Town Planning Board and the Ontario County Planning Board for their review and recommendation; and be it further

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 the proposed Local Law to amend Chapter 211 Zoning to Authorize the Establishment of Mixed Use Overlay Districts; and be it further

RESOLVED, that the Town Clerk shall provide and publish such notice(s) of the Public Hearing(s) scheduled herein as are required under the Town Zoning Code, the NY Town Law and the NY Municipal Home Rule Law.

RESOLUTION #341**REFERRAL AND SET PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND THE OFFICIAL ZONING MAP AND CHAPTER 211 ZONING TO ESTABLISH SECTION 211-27.14 EASTVIEW MALL MIXED USE OVERLAY DISTRICT**

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

4 Ayes: Marren, Tantillo, Condon, Kahovec

Unanimously Approved

WHEREAS, changing commercial circumstances have led to the need for owners and tenants of some non-residential parcels to repurpose some spaces to incorporate a more wide-ranging mix of uses and for zoning provisions to afford them flexibility to do so in the absence of any plan for development provided the affected sites are considered appropriate for a satisfactory combination of residential, recreational, commercial and/or light industrial use and can accommodate a mix of such uses without departing from the spirit and intent of the Town's zoning regulations; and

WHEREAS, Zoning Code Sections 211-14, 211-15, 211-17, and 211-27.13 authorize the establishment of Mixed Use Overlay districts for the purpose of providing additional flexibility to authorize a mix of multiple principal uses on land areas within the community considered appropriate for a satisfactory combination of residential, recreational, commercial and/or light industrial use without departing from the spirit and intent of these zoning regulations and in the absence of a plan for development; and

WHEREAS, the Eastview Mall site of approximately 160.9 acres which includes a total of seven contiguous parcels some of which now are or previously were occupied by retail department stores accessed via the mall property has been identified as a land area appropriate for a satisfactory combination of residential, recreational, commercial and/or light industrial use; and

WHEREAS, Zoning Code Section 211-27.13 requires two steps for establishment of a Mixed Use Overlay district, the first being amendment of the Zoning District Map to establish such a district and the second being the Town Board's approval of a Mixed Use Plan for parcels of land within the district; and

WHEREAS, a proposed Local Law that would amend the Town Zoning Code and Zoning District Map to establish the Eastview Mall Mixed Use Overlay district has been prepared and submitted for the Town Board's review, which Local Law the Town Board will now consider for adoption; and

WHEREAS, LaBella Associates has prepared and submitted for the Town Board's consideration a State Environmental Quality Review ("SEQR") Environmental Assessment Form ("EAF") Part 1 describing the proposed adoption of the Local Law that would establish the Eastview Mall Mixed Use Overlay district; and

WHEREAS, establishment of Eastview Mall Mixed Use Overlay district could be considered the adoption of changes in the allowable uses within any zoning district with the potential to affect 25 or more acres of a district as those terms are utilized in the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, in order to comply with SEQRA, the Town Board must determine whether the action now being proposed may involve one or more other agencies and make a preliminary classification of the action now being proposed as Type I, Unlisted or Type II; and

WHEREAS, SEQRA provides that, when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency; and

WHEREAS, Zoning Code Section 211-6A requires the Town Board to hold a public hearing prior to amendments of Zoning Code text or maps; and

WHEREAS, Zoning Code Section 211-6 B requires that a proposed amendment of the Town of Victor Zoning Code be referred to the Town Planning Board for a report prior to the Public Hearing thereon; and

WHEREAS, General Municipal Law Section 239-m requires that the Town Board shall refer an amendment of a zoning ordinance or local law to the Ontario County Planning Board before taking final action; and

WHEREAS, the Municipal Home Rule Law requires that a public hearing be held on each proposed local law; now, therefore, be it

RESOLVED, that the Town Board hereby makes a preliminary classification under SEQRA of the action now being proposed as a Type I action; and be it further

RESOLVED, that the Town Board, as the only agency involved in the action now being proposed and as an agency proposing to undertake, fund or approve said action, is therefore the lead agency under SEQRA; and be it further

RESOLVED, that the Town Board hereby accepts, in accordance with SEQRA, the SEQR Full EAF Part 1 prepared by LaBella Associates; and be it further

RESOLVED, a draft Local Law to amend the Official Zoning Map and amend Chapter 211 Zoning to establish Section 211-27.14 Eastview Mall Mixed Use Overlay District has been prepared and submitted to the Town Board for its consideration; said draft Local Law is on file with the Town Clerk; and be it further

RESOLVED, that the Local Law being proposed to amend the Official Zoning Map and establish the Eastview Mall Mixed Use Overlay district and the SEQR Full EAF Part 1 prepared by LaBella Associates and accepted by the Town Board are hereby referred to both the Town Planning Board and the Ontario County Planning Board for their review and recommendation; and be it further

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 the proposed Local Law to amend the Official Zoning Map and amend Chapter 211 Zoning to establish Section 211-27.14 Eastview Mall Mixed Use Overlay District; and be it further

RESOLVED, that the Town Clerk shall provide and publish such notice(s) of the Public Hearing(s) scheduled herein as are required under the Town Zoning Code, the NY Town Law and the NY Municipal Home Rule Law.

PUBLIC COMMENTS: None

ADJOURNMENT:

With no further business to come before the Board, the regular Town Board meeting was adjourned at 7:51PM on motion by Councilman Tantillo, seconded by Councilman Kahovec. Motion carried.

Respectfully Submitted,

Renee McConnell, Deputy Town Clerk