

Regular Meeting of the Victor Town Board – October 15, 2019

SPECIAL MEETING- Town Board Executive was held to discuss Town Certiorari Matters that are currently being negotiated for settlement or heading towards litigation.

Special Meeting called to order at 6:00PM

PRESENT: Councilman Condon, Councilman Kahovec, Councilman Guinan, Barb Cole- Director of Finance, Stephanie Holtz- Assessor, and Shelia Chalifoux- Attorney

RESOLUTION #359

MOTION TO OPEN EXECUTIVE SESSION

Time: 6:00 PM

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

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

RESOLVED that the Victor Town Board enter into Executive Session for proposed, pending or current litigation.

No Board Action Taken

RESOLUTION #360

MOTION TO CLOSE EXECUTIVE SESSION

Time: 6:48PM

On motion of Councilman Kahovec seconded by Councilman Guinan, the Executive session of the Victor Town Board was closed.

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

A regular meeting of the Victor Town Board was held on October 15, 2019 at 7:00PM with the following Board Members present:

PRESENT:

Supervisor	Jack Marren
Councilman	David Condon
Councilman	Mike Guinan
Councilman	Ed Kahovec

OTHERS PRESENT: Karen Bodine-Town Clerk, Kevin Overton- Town Attorney, Mark Years-Highway Superintendent, Brian Emelson- Parks & Recreation, Lee Wagar, David Nankin, Neil Stein, Steve Metzger and Wes Pettee- LaBella Associates, Barb Cole- Finance Director, Stephanie Holtz-Assessor, Tim Brown, Jeff Smith, Bob Bringley, Dean Wallace, and Susan Stehling.

RESOLUTION #361

MOTION TO OPEN PUBLIC HEARINGS

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

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

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RESOLVED that the Public Hearing of the Victor Town Board open @ 7:05pm

The Clerk read aloud the following Public Hearing Continuation Notices:

- 1) **PROPOSED LOCAL LAW TO AMEND CHAPTER 211 ZONING, SECTION 211-27 PLANNED DEVELOPMENT DISTRICT REGULATIONS**
Closed @ 7:06 PM
- 2) **PROPOSED LOCAL LAW TO AMEND CHAPTER 211 ZONING TO AUTHORIZE ESTABLISHMENT OF MIXED USE OVERLAY DISTRICTS**
Opened @7:06PM-Closed @7:07PM
- 3) **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**
Opened @ 7:07PM-Closed @7:08PM

RESOLUTION #362

MOTION TO MOVE TO REGULAR MEETING @7:09PM

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

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

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 exits were pointed out to the right and left sides of the Main Meeting Room.
- Flag Salute
- Dave Tantillo necessarily absent
- Employee Birthdays for the month of October

RESOLUTION #363

APPROVAL OF MINUTES

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

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

RESOLVED that the minutes of the regular meetings of September 9, 2019 be approved.

RESOLUTION #364

PAYMENT OF BILLS

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

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

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RESOLVED that the bills be approved for Manifest #19 in the amount of \$1,199,122.57. Documentation for these expenditures can be found on vouchers filed by numbers #20191980-20192144.

<i>General Townwide</i>	<i>\$113,601.33</i>
<i>General Outside Village</i>	<i>2,660.38</i>
<i>Highway Townwide</i>	<i>214,447.43</i>
<i>Special Revenue SWMP</i>	<i>513.20</i>
<i>Park Land Trust Fund</i>	<i>2,910.00</i>
<i>Sanitary Sewer Capital Project</i>	<i>851,964.80</i>
<i>Fishers Light</i>	<i>186.33</i>
<i>Brookwood Meadows Lighting</i>	<i>194.86</i>
<i>High Point Lighting</i>	<i>469.97</i>
<i>Cobblestone Lighting</i>	<i>2,760.73</i>
<i>Quail Ridge Lighting</i>	<i>538.87</i>
<i>Rolling Meadows Lighting</i>	<i>574.41</i>
<i>Legacy at the Fairways Lighting</i>	<i>716.52</i>
<i>Stoneleigh Lighting</i>	<i>28.74</i>
<i>SS Consolidated Sewer Fund</i>	<i>5,400.00</i>
<i>Trust & Agency</i>	<i>2,155.00</i>

Supervisor Marren reviewed the following expenditures for Manifest #19 that were in the range of or exceeded \$10,000.00.

- **Lehigh Hanson** Expenditures as follows:
 - Voucher#20191988-Crusher Run for Willis Hill and Cork Road projects
 - Voucher#20192027-Crusher Run for Dryer and Willis Hill Road projects
 - Voucher#20192058-Crusher Run for Dryer and Willis Hill Road projects
 - Voucher#20192107-Type 7 RAP and Crusher Run for Malone, Parish and Willis Hill Road projects
- Van Bortel Ford - 2019 Ford F150 for Highway
- Griffith Energy - Diesel fuel
- Bluestone Creek Development - School taxes on the Parks and Recreation Facility
- Atlantic Pavement Marking - Striping of the town roads
- Villager Construction - Sanitary Conveyance Capital Project payment
- Dakksco Pipeline Corp. - Final Payment for County Road Sewer Project
- B & M International - November rental for Courts Facility
- Green Renewable of Manchester - Tub grinding and mulch

PRIVILEGE OF THE FLOOR:

- **Jeff Smith** from Woodstone Builders and **Bob Bringley** from Marathon Engineering addressed the Board requesting a Sewer District Extension for a proposed project called “Strong Estate” on Willis Hill Road. Bob gave a brief overview of the 170 acres between Strong Road and Willis Hill Road which is zoned residential in which approximately 53 lots would be available. Sanitary sewers are directly to the North about 1500 ft. and gravity fed sewers can be extended all the way along Willis Hill Road to the project. They are asking for feedback from the Board.

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- **Supervisor Marren** asked if access to Strong Road would be needed. Bob noted they would access off of Willis Hill Road. Level of depth for Sewer was discussed, easements acquired could minimize depth.
- **Councilman Kahovec** asked about lot sizes and potential for future developments. The Board was in agreement that they need more information on the sewer flow before they give their feedback.
- **Wes Pettee** also commented that Mike Schaffron has taken a preliminary look at Pump Station #26 where this particular project is proposed. Also waiting for figures from Dave Degear with pump run times.
- **Dean Wallace-** 6506 Gillis Road addressed the Board concerning the flooding of his property on 6/20/19 when a culvert collapsed leaving about 2 ½ feet of water in his basement. Mr. Wallace had to replace many items such as furnace, hot water heater, and washer/dryer. Mr. Wallace is asking for some compensation from the Town to help with the costs of replacing the damaged items also noting his homeowner's insurance did not cover anything.
- **Supervisor Marren** commented that the Town's insurance broker has rendered they are not responsible for the damages. While the Board expressed concern for the loss Mr. Wallace incurred they were also in agreement that you cannot use Town residents' money as a gifting of public funds.

PUBLIC COMMENTS AND CONCERNS:

- **Neil Stein-** addressed the Board with questions about the cancellation of budget meetings and time frame for the budget. When the Tax Cap resolution was proposed on 7-22-19, he was opposed to this noting that the budget was not even developed or a proposed copy available.
- **Supervisor Marren** explained to Mr. Stein that the Town is right on track in the same time frame as last year and the tentative budget once approved will go on the website in the morning.

REPORTS OF TOWN OFFICIALS: None

SUPERVISOR REPORT:

- State Sales Tax through September 2019
- Dangerous Crossing at Route 96 and Benson Road follow-up with DOT
- High Street midblock crossing meeting with the Valentown Historic Society
- Petition for reduction of speed on High Street beginning at the Fishers Fire House
- NYS Cashless tolls continues to move forward /exit 45 toll booth removal April 2020
- Compliment from the Real Property Department in Albany in regards to our Assessor
- Safety Committee back on track and Tina going to training at County
- Fishers Fire District officials swearing in ceremony
- Town Board Meetings for next year will be one meeting a month in June, July, and August and the rest of the year 2 meetings. In the months with one meeting, need a corium to pay bills. Board in full agreement.

Town Officials Reports:

- Fiscal Manager submitted the monthly expense & revenue control reports
- Parks and Recreation Director

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- Town Historian
- Victor Fire Department
- Conservation Meeting Minutes were in the Town Board Packets:
- **Councilman Condon, Councilman Guinan**, the Conservation Board and some residents walked the Dorchester Park Development to figure out a plan moving forward with the easements.
- **Councilman Condon** noted that clearly there is one parcel that needs some relief. The parcel is 6585 Bradhurst Street, first house on the left as you drive in. The developer blew through the easement and part of the house is on the easement. One recommendation was to have our Building and Codes Department map off the easements so there is a clear understanding of where the lines are. Some of the residents who brought property in the development had no idea of where the easements were. The Conservation Board would like to have this property properly marked and noted where the easements are and who would be paying for this survey.
- **Councilman Guinan** noted there were no issues on the properties with markers. He noted that the residents have been very cordial and just want help with a solution.
- **Councilman Condon** gave an update on Boughton Park. The Commission is working aggressively with the DEC to lower the classification of the dams from high hazard to low - intermediate hazard. This will require lowering the level of the water in the dam and the main purpose is to be able to maintain and operate with the local DEC in Avon. He also noted the Commission are excellent stewards of the park. Councilman Condon asked the Commission to keep Keith Maynard with Storm Water Management up to date with work being done.
- **Councilman Guinan** commented on the Planning Board Meeting due to the fact it was a light format, Wes Pettee was able to give direct one on one explanations to the Board about the Mixed Use Overlay. Kudos to Wes for a good job.

BUSINESS:**RESOLUTION #365****AMEND RESOLUTION #338-19 - AUTHORIZATION FOR GRANT APPLICATION - VICTOR TOWN JUSTICE COURT**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, on September 9, 2019 the Town Board approved Resolution # 338 – Authorization for Grant Application – Victor Town Justice Court; and

WHEREAS, the State requires specific language be included in the resolution; now, therefore, be it

RESOLVED that Resolution # 338 – Authorization for Grant Application – Victor Town Justice Court be amended to read as follows:

AUTHORIZATION FOR GRANT APPLICATION - VICTOR TOWN JUSTICE COURT

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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 of the Town of Victor does hereby authorize the Town of Victor Justice Court to submit an application for grant monies from the Justice Court Assistance Program in the 2019-2020 grant cycle for an amount up to Thirty Thousand dollars (\$30,000.00); 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 #366

AUTHORIZING THE TOWN OF VICTOR TO PERFORM MAINTENANCE TO THE LANDSCAPED FEATURES INSTALLED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE ROUTE 96 AT LYNAUGH ROAD ROUNDABOUT PROJECT PIN 4096.69

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the New York State Department of Transportation ("NYSDOT") proposes to construct a roundabout at the intersection of New York State Route 96 and Lynaugh Road, in the Town of Victor, Ontario County under P.I.N. 4096.69; and

WHEREAS, the NYSDOT will include as part of the construction of the above mentioned project, enhanced landscape plantings to be constructed within the roundabout center and surrounding splitter islands if the Town of Victor accepts responsibility for all maintenance and care of the landscape trees, shrubs, vegetation and planting beds; and

WHEREAS, NYSDOT shall not be liable for any damage or injury to the employees, or to any other person, or to any property covered by the landscape maintenance; now, therefore, be it

RESOLVED, that the Town Board of the Town of Victor ("Town") agrees that provided the NYSDOT installs landscape plantings, including; trees, shrubs and perennials in around the roundabout center and splitter islands, the Town shall maintain said landscape features; and be it further

RESOLVED, that this maintenance resolution shall take effect immediately after the 1-year post-planting care guarantee provided to NYSDOT by the contractor; and be it further

RESOLVED, that the Town will continue to provide routine maintenance on the above mentioned landscape enhancements; and be it further

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RESOLVED that a copy of this resolution be sent to the Highway Superintendent, Finance Department, Town Clerk, and NYSDOT.

Comments for Resolution #367

**Supervisor Marren commented that he and the Highway Superintendent and Town Counsel have met with the DOT several times concerning the maintenance for the roundabout lighting noting that the state owns the lighting but does not maintain it. Town working with a third party to assist with this. The Town will try and model this roundabout like a few surrounding municipalities.*

RESOLUTION #367

AUTHORIZING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ROUTE 96 AT LYNAUGH ROAD ROUNDABOUT PROJECT PIN 4096.69 AND AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT FOR THE MAINTENANCE OF THE LIGHTING OF THE PROJECT

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the New York State Department of Transportation (“NYSDOT”) proposes the construction, reconstruction, or improvement of NY-96 at Lynaugh Road; Town of Victor, Ontario County, P.I.N. 4096.69.321 (the “Project”); and

WHEREAS, the State of New York (“State”) will include as part of the construction, reconstruction, or improvement of the above mentioned project the installation of highway lighting, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Note relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans and Utility Special Notes, relating to the Project; now, therefore, be it

RESOLVED, that the Town approves of the installation of the aforementioned highway lighting to include underground conduit, pull boxes, hand holes, foundations, light standards, bracket arms, luminaires, wiring, switches, ballasts, and all other components necessary to complete the system as shown on the contract plans relating to the Project and that the Town will maintain or cause to be maintained the highway lighting system and its components as above stated and as shown on the contract plans; and be it further

RESOLVED, that the Supervisor for the Town of Victor (the “Supervisor”) is hereby authorized to execute that certain Agreement for Maintenance, Repair and Energizing of Highway Lighting For State Highway/Arterial/Interstate Identified as PIN 4096.69.321 for the Project with the State, as well as all documents necessary to effectuate the Project and that such documents shall be subject to the review thereof by the Town Attorney as to form and substance; and be it further

RESOLVED that the Supervisor is hereby authorized to take any and all additional actions as necessary to facilitate the Project; and be it further

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RESOLVED that a copy of this resolution be sent to the Highway Superintendent, Finance Department, Town Clerk, and NYSDOT.

RESOLUTION #368
CORRECTION OF MANIFEST #16-2019

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

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

WHEREAS the Finance Dept. has submitted the following voided check to International Public Management due to payment made twice in error. Therefore resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED, that the following Manifest be corrected:

8/26/2019 Manifest # 16-2019 total amount be corrected to \$889,157.96 with the voided check # 60660 (Voucher #20191757) in the amount of \$384.75
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and further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk and the Finance Department.

RESOLUTION #369
ANTON VALLEY SUBDIVISION, LETTER OF CREDIT, RELEASE 5

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

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

WHEREAS, Antonelli Development, LLC, received Planning Board approval for Anton Valley Subdivision with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, Genesee National Bank Irrevocable Letter of Credit No. 180012791 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 5 dated September 23, 2019 and recommends in his letter September 27, 2019 that \$101,423.07, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 5 on the Genesee National Bank Irrevocable Letter of Credit No. 180012791 in the amount of \$101,423.07, as recommended by the Town Engineer and conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$198,755.05 in said Letter of Credit; and further

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RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Antonelli Development, LLC, and Parrone Engineering.

RESOLUTION #370

VALENTOWN PLAZA, LOT 3, LETTER OF CREDIT, RELEASE 2

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, 46 North Avenue, LLC, received Planning Board approval for Valentown Plaza, Lot 3 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, M & T Bank Irrevocable Letter of Credit No. SB1871010001 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 2 dated September 17, 2019 and recommends in his letter September 27, 2019 that \$35,438.91, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 2 on the M & T Bank Irrevocable Letter of Credit No. SB1871010001 in the amount of \$35,438.91, as recommended by the Town Engineer and conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$57,055.75 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, 46 North Avenue, LLC and BME Associates.

RESOLUTION #371

TAMBE ENTERPRISES LLC - SELF STORAGE PHASE 1, LETTER OF CREDIT, RELEASE NO. 1 (FINAL)

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, Tambe Enterprises LLC, received Planning Board approval for Tambe Enterprises LLC - Self Storage Phase 1, with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Lyons National Bank Irrevocable Letter of Credit No. 431 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developers Request for Release of Funds Statement of Construction No. 1 (Final) dated October 4, 2019 and recommends in his

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letter October 10, 2019 that \$69,063.28 minus engineering and inspection fees and any other fees owed the Town be released from said letter of credit; now, therefore, be it

RESOLVED, that the Victor Town Board hereby approves Release No. 1 (Final) on the Lyons National Bank Irrevocable Letter of Credit No. 431 in the amount of \$69,063.28 minus engineering and inspection fees and any other fees owed the Town as recommended by the Town Engineer; and, further

RESOLVED that given said release there now remains \$0.00 in said Lyons National Bank Irrevocable Letter of Credit No. 431; and, further

RESOLVED, that a copy of this resolution be forwarded to the Engineer for the Town, Town Clerk, Tambe Enterprises LLC, and ADP Engineering.

RESOLUTION #372**REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

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>
Allyson Nutting	Dance and Creative Play	Victor Recreation Center	60% / 40%	December 31, 2020	Insufficient Coverage
Gregory Mitchell	Coordinate Antique Toy Show	Victor Recreation Center	\$750.00	October 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>

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Allyson Nutting	Dance and Creative Play	Victor Recreation Center	60% / 40%	December 31, 2020	Insufficient Coverage
Gregory Mitchell	Coordinate Antique Toy Show	Victor Recreation Center	\$750.00	October 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; Allyson Nutting, and Gregory Mitchell.

RESOLUTION #373

AUTHORIZATION TO ENTER INTO AGREEMENT - GREGORY MITCHELL FOR COORDINATION OF ANTIQUE TOY SHOW

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

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

WHEREAS, the Department of Parks and Recreation seeks to offer an antique toy show at the Victor Recreation Center; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Gregory Mitchell to coordinate the activities of the antique toy show including advertising, recruitment of vendors, staffing for the event, and managing the event logistics to take place on Saturday, October 19 and Sunday, October 20, 2019 at the Victor Recreation Center for a fee of Seven Hundred Fifty Dollars (\$750.00); 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 A7550.4 Celebrations Contractual; 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 Gregory Mitchell to coordinate the activities of the antique toy show including advertising, recruitment of vendors, staffing for the event, and managing the event logistics to take place on Saturday, October 19 and Sunday, October 20, 2019 at the Victor Recreation Center for a fee of Seven Hundred Fifty Dollars (\$750.00), said funds are included and available in the 2019 Operating Budget line item A7550.4 Celebrations Contractual; 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, Finance Director; Karen Bodine, Town Clerk; and Gregory Mitchell.

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RESOLUTION #374**AUTHORIZATION TO ENTER INTO AGREEMENT - ALLYSON NUTTING FOR CHILDRENS' DANCE AND CREATIVE PLAY PROGRAMS**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation seeks to offer dance and creative play classes for youth in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Allyson Nutting to provide instruction in dance and creative play for youth to be held on various dates & times 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 Contractual; 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 Allyson Nutting to provide instruction in dance and creative play for youth to be held at various dates & times 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 Contractual; 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, Finance Director; Karen Bodine, Town Clerk; and Allyson Nutting.

RESOLUTION #375**AUTHORIZATION TO ENTER INTO AGREEMENT - RICHARD STEIN FOR MAGIC SHOW AT CHRISTMAS IN THE VILLAGE SPECIAL EVENT**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation seeks to offer a magic show at the Christmas in the Village community wide special event; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Richard Stein to offer a magic show to take place on Saturday, December 7, 2019 at the Victor Town Hall for a fee of Two Hundred Seventy Five Dollars (\$275.00); and

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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 A7550.4 Celebrations Contractual; 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 Richard Stein to offer a magic show to take place on Saturday, December 7, 2019 at the Victor Town Hall for a fee of Two Hundred Seventy Five Dollars (\$275.00), said funds are included and available in the 2019 Operating Budget line item A7550.4 Celebrations Contractual; 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, Finance Director; Karen Bodine, Town Clerk; and Richard Stein.

RESOLUTION #376

AUTHORIZATION TO ENTER INTO AGREEMENT - CIVICPLUS FOR ONLINE RECREATION PROGRAM REGISTRATION AND FACILITY RESERVATION SOFTWARE SYSTEM

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Department of Parks and Recreation has the need to provide an online recreation program registration and facility reservation software service system for their Department's programs and facilities; and

WHEREAS, the Director of Parks and Recreation organized a Department-wide Committee consisting of all full-time and part-time, permanent recreation staff to review proposals from six different vendors, which provide these services; and

WHEREAS, the Committee has recommended that we enter into agreement with CivicPlus, the existing vendor, to provide these services; 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 A7021.4 Parks and Recreation Department Administration – Contractual; now, therefore, be it

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

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RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with CivicPlus to provide an online recreation program registration and facility reservation software service system for their Department's programs and facilities at a cost not to exceed Seven Thousand Two Hundred Sixty Five dollars and Fifteen cents (\$7,265.15), said funds are included and available in the 2019 Operating Budget line item A7021.4 Parks and Recreation Department Administration – Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barb Cole, Director of Finance; Karen Bodine, Town Clerk; and Sascha Ohler / Deb McNew, CivicPlus.

RESOLUTION #377**BUDGET TRANSFER TO TOWN OUTSIDE VILLAGE (B) FUND - BUILDING SAFETY LITIGATION**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the contract with Harris Beach has an annual "not to exceed" clause for Town legal fees exclusive of litigation; and

WHEREAS, the Town has received invoices for litigation service in the Building Safety account; and

WHEREAS, in the past we have not experienced fees in this area; and

WHEREAS, the Finance Director has determined a budget transfer is required to separate general legal from litigation fees in the Building Safety to accurately track legal spending; and

WHEREAS, there are available funds in the Drainage.Contractual account (B.8540.400), Drainage.Legal account (B.8540.430), and Drainage.Engineering account (B.8540.440); now, therefore, be it

RESOLVED that the following 2019 budget transfer be approved in the Town Outside Village Fund (B) as recommended by the Finance Director:

TO:			FROM:		
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
B.3620.431	Building Safety.Litigation	\$6,000.00	B.8540.400	Drainage.Contractual	\$6,000.00
B.3620.431	Building Safety.Litigation	\$3,000.00	B.8540.430	Drainage.Legal	\$3,000.00
B.3620.431	Building Safety.Litigation	\$3,000.00	B.8540.440	Drainage.Engineering	\$3,000.00

and

RESOLVED that all entries to achieve the above-mentioned budget transfers be completed upon Town Board approval of this resolution; and

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RESOLVED that a copy of this Resolution be forwarded to Kim Kinsella, Director of Planning & Building; Karen Bodine, Town Clerk; and Barbara Cole, Finance Director.

RESOLUTION #378**AMEND BUDGET FOR THE CONSOLIDATED SEWER DISTRICT (SS) FOR ACTUAL AND ANTICIPATED EXPENSES FOR THE REMAINDER OF 2019**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Town has identified a shortfall in appropriated funds for expenses involved in necessary improvements to the existing sewer infrastructure and the proposed sewer infrastructure; and

WHEREAS, expenses to year end 2019 are anticipated not to exceed an additional Fifty Thousand Dollars (\$50,000.00), and

WHEREAS, there are available funds in the Assigned Unappropriated Fund Balance (SS.0915.000) to cover anticipated expenses to year end 2019; now, therefore be it

RESOLVED the Town Board approves amendment of the Consolidated Sewer District Budget (SS Fund) of Fifty Thousand Dollars (\$50,000.00) from Assigned Unappropriated Fund Balance to Assigned Appropriated Fund Balance as indicated below:

FROM	AMOUNT	TO	AMOUNT
SS.0915.000	\$50,000.00	SS.0914.000	\$50,000.00

And further

RESOLVED the increase in Appropriate Fund Balance will be used to increase the Expense Account in the SS Fund Sanitary Sewers Contractual (SS.8120.400) in the amount of Thirty Five Thousand Dollars (\$35,000.00), and in the SS Fund Sanitary Sewers Engineering (SS.8120.440) in the amount of Fifteen Thousand Dollars (\$15,000.00); and further

RESOLVED that the Finance Director is to ensure all appropriate accounting entries to reflect the above statements are made in the Consolidated Sewer District (SS) upon board approval; and further

RESOLVED that a copy of this resolution be forwarded to Barb Cole, Finance Director; and Karen Bodine, Town Clerk.

RESOLUTION #379**AMEND HIGHWAY BUDGET FOR ADDITIONAL CHIPS, PAVE NY, AND EWR FUNDS RECEIVED FROM NEW YORK STATE**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

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WHEREAS, the Town Highway Department receives revenue from New York State for CHIPS (Consolidated Local Street and Highway Improvement Program), PAVE NY and EWR (Extreme Winter Recovery) programs; and

WHEREAS, the budgeted Town Highway CHIPS Revenue (DB.3501.000) is an estimate of funds to be distributed in the following calendar year; and

WHEREAS, the Town Highway Superintendent has been notified of the funds to be distributed in 2019 for these programs totaling Two Hundred Sixteen Thousand Five Hundred Eight dollars and Eighty Six cents (\$216,508.86), an increase of Sixteen Thousand Five Hundred Eight dollars and Eighty Six cents (\$16,508.86) over projected revenues; and

WHEREAS, these funds are used for road projects during the current calendar year; now, therefore be it

RESOLVED that the Town Board approves amendment of the CHIPS Revenue budget line, DB.3501, to a total of Two Hundred Sixteen Thousand Five Hundred Eight dollars and Eighty Six cents (\$216,508.86) from the originally budgeted amount of Two Hundred Thousand dollars (\$200,000.00), an increase of Sixteen Thousand Five Hundred Eight dollars and Eighty Six cents (\$16,508.86); and

RESOLVED that the Town Board further approves amendment of the Improvements Contractual expense budget, DB.5112.400, be increased to a total of Two Hundred Sixteen Thousand Five Hundred Eight dollars and Eighty Six cents (\$216,508.86) from the originally budgeted amount of Two Hundred Thousand dollars (\$200,000.00), an increase of Sixteen Thousand Five Hundred Eight dollars and Eighty Six cents (\$16,508.86) to be used for additional road improvements in 2019. Approved budget amendment is to be recorded upon Town Board approval; and be it further

RESOLVED that a copy of this resolution be forwarded to Mark Years, Highway Superintendent; Barbara Cole, Finance Director; and Karen Bodine, Town Clerk.

RESOLUTION #380
BUDGET TRANSFERS

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

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

WHEREAS, the Finance Director has determined that budget transfers are required for expenses in the 2019 budget; therefore, now be it

RESOLVED that the following 2019 budget transfers be approved as recommended by the Finance Director:

	TO:			FROM:	
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT

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A.6772.100	Programs for the Aging. Personal Services	\$3,000.00	A.6772.400	Programs for the Aging. Contractual	\$3,000.00
A.7020.100	Rec. Administration. Personal Services	\$15,000.00	A.7550.400	Celebrations. Contractual	\$15,000.00
CM.8160.200	Refuse & Garbage. Equipment	\$23,168.00	CM.8160.400	Refuse & Garbage. Contractual	\$23,168.00
DB.5110.400	General Repairs. Contractual	\$150,000.00	DB.5110.400. FRN	General Repairs. Contractual. Fishers Run	\$150,000.00
DB.5110.410	General Repairs. Fuel	\$17,000.00	DB.5110.400. FRN	General Repairs. Contractual. Fishers Run	\$17,000.00
DB.5110.100	General Repairs. Personal Services	\$3,000.00	DB.5110.150	General Repairs. Personal Services Overtime	\$3,000.00
DB.5130.400	Machinery. Contractual	\$20,000.00	DB.5110.400. FRN	General Repairs. Contractual. Fishers Run	\$20,000.00

And further

RESOLVED, that the Town Board authorizes the Finance Director to make all necessary entries to achieve these budget transfers upon Town Board approval; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director Parks & Recreation; Mark Years, Highway Superintendent; Karen Bodine, Town Clerk; and Barbara Cole, Finance Director.

RESOLUTION #381

ACCEPTANCE OF RESIGNATION - ANN KING FROM THE PART-TIME TYPIST POSITION FOR THE PLANNING & BUILDING DEPARTMENT

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

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

WHEREAS, Ann King was appointed to the position of Part-Time Typist for the Planning & Building Department by Resolution #69 on January 25, 2016; and

WHEREAS, Ann King submitted her letter of resignation from the position of Part-Time Typist for the Planning & Building Department for the Town of Victor, effective September 12, 2019; now, therefore be it

RESOLVED that the Victor Town Board accepts the resignation of Ann King from Part-Time Typist position for the Planning & Building Department for the Town of Victor, effective

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September 12, 2019, and thanks her for her service and dedication to the Town of Victor and its residents in the Planning & Building Department; and be it further

RESOLVED that Ann King will be placed on the Substitute Part-Time Typist list to work for the Town of Victor, as needed; and be it further

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

RESOLUTION #382

RE-APPOINTMENT OF SUSAN STEHLING TO THE BOARD OF ASSESSMENT REVIEW

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, Susan Stehling's term on the Town of Victor Board of Assessment Review ended on September 30, 2019; and

WHEREAS, Susan Stehling wishes to be re-appointed to the Board of Assessment Review and meets the eligibility requirements to be re-appointed; now, therefore be it

RESOLVED that Susan Stehling be re-appointed to the Town of Victor Board of Assessment Review, effective October 1, 2019 for a term of five (5) years to expire on September 30, 2024; and be it further

RESOLVED that a copy of this resolution be sent to the Human Resources Office, Finance Office, Board of Assessment Review Chair, Assessor, Robin Johnson – Ontario County Real Property Office, Town Clerk, and Susan Stehling.

RESOLUTION #383

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

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Highway Superintendent has received a request to evaluate the speed limit on Lane Road between State Route 96 and High Street; now, therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the NYS Department of Transportation to evaluate the speed limit for Lane Road between State Route 96 and High Street; 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 #384

AUTHORIZATION TO ENTER INTO ADDITIONAL SNOW PLOW AGREEMENT 2019-2020 SEASON (LIABILITY WAIVER)

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

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

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
Antonelli Development LLC	Anton Valley	Valley Court	1 st

RESOLVED, that a copy of this resolution be forwarded to Building & Planning, Town Clerk, Highway Superintendent, Antonelli Development LLC.

RESOLUTION #385
AMEND THE TOWN OF VICTOR DESIGN AND CONSTRUCTION STANDARDS AT SECTION 5.0 ACCESS MANAGEMENT GUIDELINES

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

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

WHEREAS, on August 26, 2019 the Town Board approved Resolution No. 327-19 adopting the Access Management Update to the Town of Victor Comprehensive Plan; and

WHEREAS, on August 26, 2019 the Town Board adopted Resolution No. 328-19 Local Law No. 7-2019 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 and reserved for future use.
- Modify the Table of Contents to note that Section 5 is reserved
- Modify the Introduction to note that Section 5 is reserved
- Modify Section 2.9.2 Item 6 to reference Chapter 55 of the Victor Town Code rather than Section 5 of the Design and Construction Standards

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

RESOLUTION #386
SET PUBLIC HEARING - CONSIDERATION OF MASS GATHERING PERMIT APPLICATION FOR EVENT REFERRED TO AS VICTOR HILLS CHRISTMAS LIGHT FESTIVAL

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

5 Ayes: Marren, Tantillo, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, Chapter 135 entitled “Mass Gatherings” Section 135-4C entitled “Permit Requirements” of the Victor Town Code requires that the Victor Town Board hold a public hearing to consider a mass gathering permit application prior to issuance of any permit; and

WHEREAS, an applicant has submitted a mass gathering permit application for an event referred to as the Victor Hills Christmas Light Festival and said application is on file with the Town Clerk; and

WHEREAS, the Town Board seeks to set a public hearing with respect to the consideration of said application; now, therefore, be it

RESOLVED by the Town Board of the Town of Victor that a Public Hearing shall be had on the 28th day of October, 2019, at 7:00 p.m. at the Victor Town Hall, 85 East Main Street for the purpose of considering the application for a mass gathering permit for an event referred to as the Victor Hills Christmas Light Festival; and be it further

RESOLVED that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #387

SET PUBLIC HEARING - 2019 SPECIAL ASSESSMENT ROLL TO COLLECT SEWER DISTRICT CAPITAL RECOVERY CHARGE, SEWER DISTRICT CAPITAL IMPROVEMENT COSTS, LIGHTING DISTRICT O&M COSTS AND CENTRAL WATER DISTRICT CAPITAL IMPROVEMENT COSTS BASED ON BENEFIT FORMULAS

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, the Victor Consolidated Sewer District (“Sewer District”) has previously incurred capital debt and the annual interest and principal payments will be due; and

WHEREAS, the Sewer District will incur additional capital expenses through capital improvements including engineering fees; and

WHEREAS, the collection of funds in the amount of Seven Hundred Twenty Thousand dollars (\$720,000.00) is necessary to cover the Sewer District expenses in 2020; and

WHEREAS, the Victor Central Water District (“Water District”) has previously incurred capital debt and the annual interest and principal payments will be due; and

WHEREAS, the collection of funds in the amount of Fifteen Thousand Nine Hundred Twenty Two dollars (\$15,922.00) is necessary to cover the Water District expenses in 2020; and

WHEREAS, the Town will also incur operation and maintenance (O&M) costs for respective Lighting Districts in 2020; and

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WHEREAS, it is necessary for the Town to collect funds to cover said Sewer District expenses, Water District expenses and Lighting Districts O&M costs; and

WHEREAS, all property owners in the Sewer District and Water District benefit from said districts and must contribute to the repayment of the district's capital debt and capital improvements in accord with the benefit received; and

WHEREAS, the Board seeks to collect a Capital Recovery Charge ("CRC") from all property owners within the Sewer and Water Districts through a benefit-based special assessment; and

WHEREAS, the Town Board has directed the Assessor to compute the CRC charge for the Sewer District on the 2019 Special Assessment Roll by applying a benefit formula where one-third of this charge is based on water consumption, one-third on property use and the last one-third on acreage; and

WHEREAS, the Town Board has directed the Assessor to compute the CRC charge for the Water District on the 2019 Special Assessment Roll by applying a benefit formula where one half of this charge will be applied as an ad valorem levy to the entire District and the other one half of this charge will be applied as an ad valorem levy just to the Northeast Quadrant Water District Extension. Also a meter surcharge will be levied on all meter sizes greater than 5/8" and on all additional 5/8" meters numbering more than one per tax parcel, and

WHEREAS, each Lighting District's O&M costs will be spread over each respective lighting district as established when each lighting district was approved or revised since its inception; and

WHEREAS, the Town's budgeted tax levy amount for each lighting district is:

Brookwood Meadows Light	\$2,370.00
Cobblestone Light	\$31,740.00
Quail Ridge Light	\$6,560.00
Rolling Meadows Light	\$6,864.00
Fairways Light	\$8,096.00
Stoneleigh Light	\$407.00

WHEREAS, the Assessor has prepared and presented a 2019 Special Assessment Roll to the Town Board; and

WHEREAS, it is necessary to hold a public hearing on the 2019 Special Assessment Roll; and it is hereby

RESOLVED, by the Town Board of the Town of Victor that a Public Hearing shall be had on the 28th day of October 2019, at 7:00 p.m., for the purpose of hearing public comment regarding the 2019 Special Assessment Roll; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing and notice all property owners within the Districts in a manner consistent with law; and be it further

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RESOLVED, that a copy of this Resolution be provided to the Town Assessor, Town Clerk, and the Finance Office.

RESOLUTION #388**SET PUBLIC HEARING DATE - 2020 BUDGET**

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

4 Ayes: Marren, Condon, Kahovec, Guinan

Unanimously Approved

WHEREAS, on September 23, 2019 the Town Clerk presented the Town Board with the 2020 Tentative Budget; and

WHEREAS, on October 15, 2019 the Town Board approved the 2020 Tentative Budget thereby becoming the 2020 Preliminary Budget filed with the Town Clerk; now, therefore, be it

RESOLVED, that a Public Hearing date of Tuesday, October 28, 2019, 2018 at 7:00 PM be scheduled for the purpose of hearing public comment, both oral and written, on the 2020 Preliminary Budget; and further

RESOLVED, that said Public Hearing shall be held at the Victor Town Hall, Main Meeting Room, 85 East Main St., Victor, New York; and further

RESOLVED, that the Town Clerk is hereby directed to advertise for said Public Hearing in a manner consistent with law; and further

RESOLVED, that a copy of this resolution be forwarded to the Finance Department, Town Clerk and the Assessor.

RESOLUTION #389**AFTER PUBLIC HEARING - LOCAL LAW TO AMEND CHAPTER 211 ZONING, SECTION 211-27 PLANNED DEVELOPMENT DISTRICT REGULATIONS**

Motion by Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

Roll Call Vote:

Supervisor Marren	aye	Councilman Condon	aye
Councilman Guinan	aye	Councilman Kahovec	aye

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 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 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

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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, 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 intended benefits of the two-step process, and the rationale that might justify a lead agency's election, in certain instances, to conduct two separate segmented environmental reviews under SEQRA; and

WHEREAS, a proposed Local Law that would amend the Town Zoning Code to clarify Planned Development District establishment procedures by providing 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, the Town Board has scheduled, noticed, held and closed the Public Hearing(s) required relative to the proposed amendment to the Zoning Code; and

WHEREAS, the Town Board has referred the proposed amendment of the Zoning Code to both the Town Planning Board and the Ontario County Planning Board for their review, comments and recommendations thereon; and

WHEREAS, in order to comply with 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"), the Town Board has initiated an environmental review of the proposed action and been established as the Lead Agency responsible under SEQRA for completing the required environmental review; and

WHEREAS, the Town Board has previously, received, reviewed and accepted a State Environmental Quality Review ("SEQR") Environmental Assessment Form ("EAF") Part 1 describing this action and prepared for its consideration by the Town Engineer, LaBella Associates, DPC; and

WHEREAS, LaBella Associates has now prepared and submitted for the Town Board's consideration a SEQR EAF Parts 2 and Part 3 describing the proposed adoption of the Local Law that would amend the Zoning Code to clarify Planned Development District establishment procedures by providing guidance relative to the two-step process; and

WHEREAS, the SEQR EAF Part 2 submitted for the Town Board's consideration by LaBella Associates identified no potential impacts; and

WHEREAS, the action involves no physical activity and would only amend Zoning Code provisions describing the manner in which a Planned Development District proposal is reviewed and potentially approved; and

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WHEREAS, it is anticipated that the additional guidance that the amendment would include in the Zoning Code could lead to more effective and consistent environmental reviews that would be more protective of the environment; now therefore be it

RESOLVED, that the Town Board hereby accepts, in accordance with SEQRA, the SEQR EAF Parts 2 and Part 3 describing the action that was prepared by LaBella Associates, DPC; and, be it further

RESOLVED, that the Town Board hereby finds that, as described more fully in the SEQR EAF Part 2 and Part 3 accepted by the Town Board, the proposed action will result in no significant adverse impacts on the environment, and that, therefore, no environmental impact statement need be prepared; and, be it further

RESOLVED, accordingly, that the Town Board hereby issues a negative declaration under SEQRA; and, be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to amend Chapter 211 Zoning to Clarify Procedures for the Establishment of Planned Development Districts as follows:

LOCAL LAW TO AMEND CHAPTER 211 ZONING, SECTION 211-27 PLANNED DEVELOPMENT DISTRICT REGULATIONS

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

Section I. Authorization

The adoption of this Local Law is in accordance with Municipal Home Rule Law Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 10-2019 to amend Chapter 211 Zoning to clarify procedures for the Establishment of Planned Development Districts. The purpose of this Local Law is to provide clarification regarding the purpose and proper beneficial use of the two-step procedure set forth in the code for the establishment of Planned Development Districts.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Local Law to clarify procedures for the establishment of Planned Development Districts is in the best interest of the Town.

Section IV. Amendment

Chapter 211 Zoning, Section 211-27 Planned Development District regulations, subsection A, General Guidelines shall be amended in its entirety to read as follows:

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A. General Guidelines.

(1) Establishment of a Planned Development District project shall require two steps: amendment of the Zoning District Map to establish a planned district; and approval of a project in a planned district.

(2) There shall be no minimum acreage requirement, provided that the overall intents and purposes of this section are complied with.

(3) The purpose of requiring a two-step procedure for establishment of a Planned Development District is to:

(a) Provide the Town Board an opportunity to consider the suitability of both the mix of principal uses and the general approach proposed for development of a planned development project.

(b) Preserve 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.

(c) Avoid an applicant's need to commit significant effort and expense developing unnecessary detail prior to the Town Board's decision regarding a proposed PDD rezoning.

(d) Preserve the Town Planning Board's opportunity to consider, potentially modify, and approve the detailed site plan that will be relied upon to bring a planned development project to fruition.

(e) Ensure that the detailed site plan approved by the Town Planning Board for development of a planned development project is consistent with the general development approach anticipated by the Town Board when approving the PDD rezoning.

(4) The two-step procedure accomplishes the foregoing purposes by:

(a) Providing for a Town Board decision relative to PDD rezoning based upon a development plan that is only preliminary in nature.

(b) Avoiding the need for more detailed information until such time as the Town Board has made a decision relative to PDD rezoning and the Town Planning Board is considering approval of a detailed site plan for the planned development project.

(c) Requiring that any detailed site plan approved by the Town Planning Board relative to a planned development project be consistent with the Preliminary Development Plan approved by the Town Board when implementing the PDD rezoning.

(5) Requiring the inclusion of unnecessary detail in a Preliminary Development Plan submitted to the Town Board for their consideration in connection with a proposed PDD rezoning may frustrate the foregoing purposes by:

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- (a) Increasing the time and applicant's investment required for the Town Board and the applicant to articulate and explore alternative use mixes and general approaches to the planned development.
 - (b) Decreasing the flexibility and willingness to explore alternatives as a consequence of the foregoing increases in time and cost and the resulting increase in the burden imposed upon the applicant.
 - (c) Requiring the applicant to risk significant effort and investment in developing detailed information before any final determination as to whether the Town Board will grant the proposed PDD rezoning.
 - (d) Diminishing 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 as a consequence of the requirement that the site plan approved by the Town Planning Board remain consistent with a very detailed Preliminary Development Plan approved by the Town Board rather than one that is more general and truly preliminary in nature.
- (6) In complying with SEQR requirements, the Town Board or Town Planning Board, as the case may be, should consider whether the need to avoid the inclusion of unnecessary detail in a Preliminary Development Plan submitted to the Town Board for their consideration in connection with a proposed PDD rezoning would be a sufficient circumstance to warrant segmenting the environmental reviews of the PDD rezoning step and the site plan approval step and how such segmented reviews might be conducted so as to be no less protective of the environment.

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 and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

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RESOLUTION #390**AFTER PUBLIC HEARING - LOCAL LAW TO AMEND CHAPTER 211 ZONING TO AUTHORIZE THE ESTABLISHMENT OF MIXED USE OVERLAY DISTRICTS**

Motion by Councilman Guinan, seconded by Councilman Kahovec, the following resolution was adopted:

Roll Call Vote:

Supervisor Marren	aye	Councilman Condon	aye
Councilman Guinan	aye	Councilman Kahovec	aye

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

WHEREAS, the Town Board has scheduled, noticed, held and closed the Public Hearing(s) required relative to the proposed amendment to the Zoning Code; and

WHEREAS, the Town Board has referred the proposed amendment of the Zoning Code to both the Town Planning Board and the Ontario County Planning Board for their review, comments and recommendations thereon; and

WHEREAS, in order to comply with 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"), the Town Board has initiated an environmental review of the proposed action and been established as the Lead Agency responsible under SEQRA for completing the required environmental review; and

WHEREAS, the Town Board has previously, received, reviewed and accepted a State Environmental Quality Review ("SEQR") Environmental Assessment Form ("EAF") Part 1 describing this action and prepared for its consideration by the Town Engineer, LaBella Associates, DPC; and

WHEREAS, LaBella Associates has now prepared and submitted for the Town Board's consideration a SEQR EAF Parts 2 and Part 3 describing the proposed adoption of the Local Law that would amend the Zoning Code to authorize the establishment of Mixed Use Overlay districts; and

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WHEREAS, the SEQR EAF Part 2 submitted for the Town Board's consideration by LaBella Associates identified no potential impacts; and

WHEREAS, the action involves no physical activity and would only amend Zoning Code provisions governing the establishment of overlay districts to authorize and describe procedures for the Town Board's subsequent establishment of Mixed Use Overlay districts; and

WHEREAS, subsequent establishment of specific overlay districts would require further action by the Town Board including consideration of whether the affected site was appropriate for a satisfactory combination of residential, recreational, commercial and/or light industrial uses, whether the affected site could accommodate a mix of such uses without departing from the spirit and intent of the Town's zoning regulations, and how any potential mix of uses should be limited, conditioned or otherwise constrained to ensure that the mix of uses on the site would remain appropriate and within the sites capacity to accommodate such uses; and

WHEREAS, prior to subsequent action to establish a specific overlay district, the Town Board would necessarily complete an environmental review under SEQRA to consider and evaluate the foregoing as well as other potential environmental impacts; and

WHEREAS, even subsequent to the establishment of a specific overlay district, the Town Board would have further opportunity to consider the foregoing community and environmental issues when considering approval of a Mixed Use Plan for the site and further opportunity to decline to approve the mix or to modify the mix by imposing conditions or taking other such steps to minimize potential impacts and ensure that the mix of uses is both appropriate and within the capacity of the site to accommodate; now therefore it is

RESOLVED, that the Town Board hereby accepts, in accordance with SEQRA, the SEQR EAF Parts 2 and Part 3 describing the action that was prepared by LaBella Associates, DPC; and, be it further

RESOLVED, that the Town Board hereby finds that, as described more fully in the SEQR EAF Part 2 and Part 3 accepted by the Town Board, the proposed action will result in no significant adverse impacts on the environment, and that, therefore, no environmental impact statement need be prepared; and, be it further

RESOLVED, accordingly, that the Town Board hereby issues a negative declaration under SEQRA; and, be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to amend Chapter 211 Zoning to Authorize Establishment of Mixed Use Overlay Districts as follows:

LOCAL LAW TO AMEND CHAPTER 211 ZONING TO AUTHORIZE THE ESTABLISHMENT OF MIXED USE OVERLAY DISTRICTS

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

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Section I. Authorization

The adoption of this Local Law is in accordance with Municipal Home Rule Law Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 11-2019 to amend Chapter 211 Zoning to Authorize the Establishment of Mixed Use Overlay Districts. The purpose of this Local Law is to provide 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.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Local Law to authorize the establishment of Mixed Use Overlay Districts is in the best interest of the Town.

Section IV. Amendment

Chapter 211 Zoning shall be amended as follows:

Section 211-12 Word usage; definitions shall be amended by inclusion of the following definition:

OVERLAY ZONING DISTRICT

A special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries.

Section 211-14 Mapped zoning districts designated shall be amended in its entirety to read as follows:

The mapped zoning districts created herein and elsewhere in the Code of the Town of Victor are designated as follows:

R-1	Residential District
R-2	Residential District
R-3	Residential District
C	Commercial District
C/LIND	Commercial/Light Industrial District
LI	Light Industrial District
LDD	Limited Development District
C-O	Route 96/251 Corridor Overlay District
PDD	Planned Development District (Affronti at McMahon Road)
PDD	Planned Development District (Conifer Village at Eastview)
PDD	Planned Development District (Eastgate Square)
PDD	Planned Development District (Eastview Commons)
PDD	Planned Development District (Forest Park at Eastview)

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PDD	Planned Development District (Gypsum Mills on Plastermill Road)
PDD	Planned Development District (High Point Business Park)
PDD	Planned Development District (Park Crescent on High Street)
PDD	Planned Development District (Pinnacle Athletic Campus)
PDD	Planned Development District (Royal Car Wash at Cole and Parks)
PDD	Planned Development District (Victor Terrace)
MHD	Manufactured Home Park District
MDD	Multiple Dwelling District
RDO-A	Residential Density Overlay District A
RDO-B	Residential Density Overlay District B
RDO-C	Residential Density Overlay District C

Additional zoning districts created herein and elsewhere in the Code of the Town of Victor are yet to be mapped. These are designated as follows:

S-C	Senior Citizen Housing District
WM	Waste Management Facility District
MUO	Mixed Use Overlay District

Section 211-15 Planned zoning districts designated shall be amended in its entirety to read as follows:

Section 211-15 Planned and overlay zoning districts designated.

A. The planned zoning districts created herein are designated as follows:

MDD	Multiple-Dwelling District
S-C	Senior Citizen Housing District
MHD	Manufactured Home Park District (see Chapter 138 of the Code of the Town of Victor)
PDD	Planned Development District
WM	Waste Management Facility District

B. The overlay zoning districts created herein are designated as follows:

C-O	Route 96 Corridor Overlay District
RDO	Residential Density Overlay Districts
MUO	Mixed Use Overlay Districts

C. Planned and overlay zoning districts are created through rezoning. The application for a planned zoning district must be made to the Town Board, and the Planning Board makes a recommendation to the Town Board on the planned zoning district rezoning. An application for an overlay zoning district may be made to the Town Board or the Town Board may create an overlay zoning district in the absence of any application. The Planning Board makes a recommendation to the Town Board on any overlay zoning district rezoning.

Section 211-17 Basic regulations for land use shall be amended in its entirety to read as follows:

Section 211-17 Basic regulations for land use.

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The basic regulations governing the use of land are established in this Article.

A. Uses in districts.

(1) Permitted uses. Uses listed as permitted uses shall be by right and shall require no special action by the Planning Board before a permit is granted by the Code Enforcement Officer.

(2) Special permit uses. Uses listed as special permit uses shall require individual consideration in each case by the Planning Board because of their unique characteristics.

B. Uses in planned districts. All uses for each planned zoning district may be permitted after public hearing and rezoning by the Town Board.

C. Uses in overlay districts.

(1) Permitted uses.

(a) Within any overlay district, uses listed as permitted uses within the underlying base zone shall be by right and shall require no special action by the Planning Board before a permit is granted by the Code Enforcement Officer.

(b) The special provisions identified in a Mixed Use Overlay district may not eliminate a use from the permitted uses listed within the underlying base zone or otherwise modify uses listed as permitted uses within the underlying base zone.

(c) The special provisions identified in a Mixed Use Overlay district may list one or more additional permitted uses not listed as permitted uses within the underlying base zone.

(d) Uses listed as additional permitted uses in the special provisions identified in a Mixed Use Overlay district shall be by right within the Mixed Use Overlay district and shall require no special action by the Planning Board before a permit is granted by the Code Enforcement Officer.

(e) The special provisions identified in a Mixed Use Overlay district may list one or more additional permitted uses already listed as special permit uses within the underlying base zone. Such uses shall then be by right within the Mixed Use Overlay district and shall require no special action by the Planning Board before a permit is granted by the Code Enforcement Officer.

(2) Special permit uses.

(a) Within any overlay district, uses listed as special permit uses within the underlying base zone shall require individual consideration in each case by the Planning Board because of their unique characteristics.

(b) The special provisions identified in a Mixed Use Overlay district may not eliminate a use from the special permit uses listed within the underlying base zone.

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(c) The special provisions identified in a Mixed Use Overlay district may list as a special permit use any use not listed as either a permitted use or a special permit use within the underlying base zone.

(d) The special provisions identified in a Mixed Use Overlay district may only modify a use listed as a special permit use within the underlying base zone by listing it as an additional permitted use.

(e) Within a Mixed Use Overlay district, uses listed as special permit uses in the special provisions identified in the Mixed Use Overlay district shall require individual consideration in each case by the Planning Board because of their unique characteristics.

Section 211-27.13 Mixed Use Overlay District regulations shall be added as follows:

Section 211-27.13 Mixed Use Overlay District regulations

A. The purpose of this district is to provide 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.

B. Mixed Use Overlay Districts are overlay districts designated for a compatible mix of uses in one or more of the following categories:

- (1) Residential.
- (2) Commercial.
- (3) Light Industrial.
- (4) Recreational.

C. General guidelines.

(1) Mixed Use Overlay Districts shall only be established over the following underlying base zones: Commercial, Commercial/Light Industrial and Light Industrial Districts. The overlay district can share common boundaries with the underlying base zone or cut across base zone boundaries. The existence of another overlay zoning district or districts in the same location shall not preclude establishment of a Mixed Use Overlay District.

(2) No Mixed Use Overlay District shall be established over any underlying residential base zone including the R-1, R-2, R-3 or LD Districts. No Mixed Use Overlay District shall be established over any underlying planned zoning base zone including the following planned zoning districts: MDD, S-C, MHD, PDD, or WM.

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(3) Establishment of a Mixed Use Overlay District shall require two steps: Town Board amendment of the Zoning District Map to establish or expand a Mixed Use Overlay District; and the Town Board's approval of a Mixed Use Plan for a parcel or parcels of land within the district.

(4) The Town Board may impose conditions in establishing a Mixed Use Overlay District. All conditions imposed by the Town Board in establishing a Mixed Use Overlay District or incorporated in the approval of an associated Mixed Use Plan shall run with the land and shall not lapse or be waived because of an ownership or tenancy change in any or all of the designated district.

(5) The Mixed Use Plan approved by the Town Board shall describe, at a minimum:

(a) The site to which the Mixed Use Plan is applicable.

(b) The mix of uses to be made of the site.

(c) For each of the uses included in the mix of uses whether the use is:

[1] A use listed as a permitted use within the underlying base zone.

[2] A use listed as a special permit use within the underlying base zone.

[3] A use listed as special permit use within the underlying base zone but also listed as a permitted use in the special provisions identified in the applicable Mixed Use Overlay district.

[4] A use not listed as either a permitted use or a special permit use within the underlying base zone but listed as a permitted use in the special provisions identified in the applicable Mixed Use Overlay district.

[5] A use not listed as either a permitted use or a special permit use within the underlying base zone but listed as a special permit use in the special provisions identified in the applicable Mixed Use Overlay district.

[6] An accessory or other use not described in one of the foregoing categories.

(d) For each of the uses included in the mix of uses listed as a special permit use within the special provisions identified in the applicable Mixed Use Overlay district, the conditions governing Planning Board approval of such use.

(e) Conditions imposed by the Town Board when amending the Zoning District Map to establish or expand the Mixed Use Overlay District and how the Mixed Use Plan would comply with any such conditions.

(f) Conditions to be imposed by the Town Board when approving the Mixed Use Plan to ensure that the mix of uses described in the Mixed Use Plan would be appropriate for a satisfactory combination of residential, recreational, commercial and/or light industrial

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use in the absence of a plan for development and how the mix of uses would remain consistent with the spirit and intent of these zoning regulations.

(6) Although the Town Board may establish a Mixed Use Overlay District in response to an application, no application is required and the Town Board may establish such a district on its own initiative.

(7) Establishment of a Mixed Use Overlay District shall affect only the uses to which land may be put. All other requirements described in this or other chapters of the Victor Town Code, including those regarding Planning Board approval of Site Plans, requirements described in regulations applicable to the underlying base zone, requirements described in regulations applicable to other overlay districts, and requirements described in provisions applicable to all districts shall remain unchanged and in force.

D. Procedures to establish or expand a Mixed Use Overlay District shall be as follows:

(1) Any application to the Town Board proposing establishment or expansion of a Mixed Use Overlay District shall include, at a minimum:

(a) A description of the nature, extent, characteristics and present zoning of the proposed site.

(b) A draft Mixed Use Plan including the content described in the foregoing section C (5) or, in specific instances, why the indicated information cannot be provided and why its absence should not delay action relative to the proposed amendment to the Zoning District Map.

(c) A completed State Environmental Quality Review (“SEQR”) Environmental Assessment Form Part 1 describing the proposed establishment or expansion of a Mixed Use Overlay District.

(2) The Town Board shall refer the potential establishment or expansion of any Mixed Use Overlay District and/or the potential approval of any Mixed Use Plan to the Town Planning Board for their consideration and recommendation. The Town Planning Board shall report its findings and render its recommendation on rezoning to the Town Board within 62 days of submission of a complete application. It may recommend approval, disapproval or conditional approval subject to modifications regarding the proposed development.

(3) The Town Board shall refer the potential establishment or expansion of any Mixed Use Overlay District and/or the potential approval of any Mixed Use Plan to the Ontario County Planning Board for their review and comment within 30 days and as required under the provisions of the General Municipal Law of the State of New York.

(4) The Town Board shall consider the report and recommendations of the Planning Board, address SEQR requirements and all other comments, reviews and statements pertaining thereto and shall hold a public hearing after proper public notice as required for any potential amendment to the Zoning District Map and/or potential approval of a proposed Mixed Use Plan.

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(5) When amending the Zoning Map to establish and define the type and boundaries of any Mixed Use Overlay District the Town Board may impose specific conditions in addition to those provided by other regulations.

(6) When approving any Mixed Use Plan relative to sites within a Mixed Use Overlay District the Town Board may impose specific conditions in addition to those provided by other regulations.

(7) The Town Board shall retain the authority to again amend the map to abolish the established or expanded Mixed Use Overlay District if approval of an associated Mixed Use Plan is not granted within three years. The Town Board may also choose to extend the three-year period.

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 and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

RESOLUTION #391

AFTER PUBLIC HEARING - LOCAL LAW TO AMEND THE OFFICIAL ZONING MAP AND CHAPTER 211 ZONING TO ESTABLISH SECTION 211-27.14 EASTVIEW MALL MIXED USE OVERLAY DISTRICT

Motion by Councilman Kahovec, seconded by Councilman Guinan, the following resolution was adopted:

Roll Call Vote:

Supervisor Marren	aye	Councilman Condon	aye
Councilman Guinan	aye	Councilman Kahovec	aye

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

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

WHEREAS, the Town Board has scheduled, noticed, held and closed the Public Hearing(s) required relative to the proposed amendment to the Zoning Code; and

WHEREAS, the Town Board has referred the proposed amendment of the Zoning Code to both the Town Planning Board and the Ontario County Planning Board for their review, comments and recommendations thereon; and

WHEREAS, in order to comply with 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"), the Town Board has initiated an environmental review of the proposed action and been established as the Lead Agency responsible under SEQRA for completing the required environmental review; and

WHEREAS, the Town Board has previously, received, reviewed and accepted a State Environmental Quality Review ("SEQR") Environmental Assessment Form ("EAF") Part 1 describing this action and prepared for its consideration by the Town Engineer, LaBella Associates, DPC; and

WHEREAS, LaBella Associates has now prepared and submitted for the Town Board's consideration a SEQR EAF Parts 2 and Part 3 describing the proposed adoption of the Local Law that would amend the Zoning Code and Zoning District Map to establish the Eastview Mall Mixed Use Overlay District; and

WHEREAS, the SEQR EAF Part 2 submitted for the Town Board's consideration by LaBella Associates identified no potential impacts; and

WHEREAS, the action involves no physical activity and would only establish a specific Mixed Use Overlay District; and

WHEREAS even following establishment of the proposed Mixed Use Overlay District, further action by the Town Board would be required to approve a specific Mixed Use Plan before the mix of uses on the site could be expanded beyond those presently permitted and specially permitted on the site pursuant to the regulations governing the underlying base zoning district; and

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WHEREAS even following establishment of the proposed Mixed Use Overlay District, further Town Board action to approve the required Mixed Use Plan will provide further opportunity to consider how any potential mix of uses should be limited, conditioned or otherwise constrained to ensure that the mix of uses on the site would remain appropriate and within the site's capacity to accommodate such uses; and

WHEREAS, prior to subsequent action to approve a specific Mixed Use Plan for the site, the Town Board would necessarily complete an environmental review under SEQRA to consider and evaluate the foregoing as well as other potential environmental impacts; and

RESOLVED, that the Eastview Mall site described in the proposed Local Law is one that is appropriate for a satisfactory combination of residential, recreational, commercial and/or light industrial uses given the site configuration, spaces available and wide range of uses already permitted upon the site pursuant to the regulations governing the underlying base district; and be it further

RESOLVED, that the Eastview Mall site described in the proposed Local Law is one that has sufficient capacity to accommodate a wide mix of uses without departing from the spirit and intent of the Town's zoning regulations; and be it further

RESOLVED, that the Town Board hereby accepts, in accordance with SEQRA, the SEQR EAF Parts 2 and Part 3 describing the action that was prepared by LaBella Associates, DPC; and, be it further

RESOLVED, that the Town Board hereby finds that, as described more fully in the SEQR EAF Part 2 and Part 3 accepted by the Town Board, the proposed action will result in no significant adverse impacts on the environment, and that, therefore, no environmental impact statement need be prepared; and, be it further

RESOLVED, accordingly, that the Town Board hereby issues a negative declaration under SEQRA; and, be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to amend Chapter 211 Zoning to Establish the Eastview Mall Mixed Use Overlay District as follows:

LOCAL LAW TO AMEND THE OFFICIAL ZONING MAP AND CHAPTER 211 ZONING TO ESTABLISH SECTION 211-27.14 EASTVIEW MALL MIXED USE OVERLAY DISTRICT

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

Section I. Authorization

The adoption of this Local Law is in accordance with Municipal Home Rule Law Section 10.

Section II. Title and Purpose

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This law shall be known as and may be cited as Local Law No. 12-2019 to amend the Official Zoning Map and Chapter 211 Zoning to establish Section 211-27.14 Eastview Mall Mixed Use Overlay District. The purpose of this Local Law is to provide additional flexibility within the Eastview Mall site for authorization of a mix of multiple principal residential, recreational, commercial and/or light industrial uses without departing from the spirit and intent of these zoning regulations and in the absence of a plan for development.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Local Law to establish the Eastview Mall Mixed Use Overlay District is in the best interest of the Town.

Section IV. Amendment

The Town of Victor Official Zoning Map, on file in the Office of the Town Clerk, and the Town of Victor Zoning Code (located at Chapter 211 of the Victor Town Code), inasmuch as the Zoning Map is incorporated into the Town of Victor Zoning Code, be and hereby is amended by this Local Law.

Chapter 211 Zoning and the Zoning District Map shall be amended by the addition of Section 211-27.14 Eastview Mall Mixed Use Overlay District as follows:

Section 211-27.14 Establishment of the Eastview Mall Mixed Use Overlay District

A. The Zoning District Map shall be amended to depict the Eastview Mall Mixed Use Overlay District.

B. Extent of the Eastview Mall Mixed Use Overlay District. The Eastview Mall Mixed Use Overlay District is comprised of approximately 160.9 acres and multiple contiguous parcels identified by the following tax map numbers, street addresses and acreages:

- (1) Tax Map No. 6.00-1-12.100, 100 – 1020 Eastview Mall Drive, 89.59 acres.
- (2) Tax Map No. 6.00-1-12.500, 70 Eastview Mall Drive, 14.1 acres.
- (3) Tax Map No. 6.00-1-11.000, 100 Eastview Mall Drive, 15.9 acres.
- (4) Tax Map No. 6.00-1-10.200, 300 Eastview Mall Drive, 8.4 acres.
- (5) Tax Map No. 6.00-1-12.600, 700 Eastview Mall Drive, 8.4 acres.
- (6) Tax Map No. 6.00-1-12.700, 600 Eastview Mall Drive, 10.8 acres.
- (7) Tax Map No. 6.00-1-9.000, 200 Eastview Mall Drive, 13.7 acres.

C. The underlying base zone is:

- (1) Commercial District.

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D. For a site within the Eastview Mall Mixed Use Overlay District, in addition to uses listed as a permitted use or as a special permit use within the underlying base zone, the mix of uses to be made of sites within the overlay district shall include other permitted uses and special permit uses identified in a Mixed Use Plan for the site(s) approved by a resolution of the Town Board.

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 and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

PUBLIC COMMENTS: *None*

ADJOURNMENT:

With no further business to come before the Board, the regular Town Board meeting was adjourned at 8:15 PM on motion by Councilman Condon, seconded by Councilman Kahovec. Motion carried.

Respectfully Submitted,

Karen C. Bodine -Town Clerk