

**VICTOR TOWN BOARD MEETING  
MONDAY, JULY 11, 2016  
DRAFT RESOLUTION PACKET**

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

**REGULAR MEETING STARTS AT 7:00 PM**

**8) BUSINESS**

- A. AUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE THE EMPIRE STATE DEVELOPMENT “INCENTIVE PROPOSAL” TO RECEIVE FUNDING TOWARDS THE NYS ROUTE 96 INFRASTRUCTURE STRATEGIC PLAN (Katie Evans)
- B. AUTHORIZATION TO ENTER INTO AGREEMENT WITH CAPTIVE LIFE FORMS FOR A REPTILE SHOW (Mike Stockman)
- C. AUTHORIZATION TO ENTER INTO AGREEMENT WITH MARK RUST FOR MUSICAL PERFORMANCE (Mike Stockman)
- D. AUTHORIZATION TO ENTER INTO AGREEMENT WITH ROCHESTER FENCING CLUB FOR RECREATION PROGRAM (Brian Emelson)
- E. AUTHORIZATION TO ENTER INTO AGREEMENT WITH AIR PLAY FOR JUGGLING SHOW FOR RECREATION PROGRAM (Brian Emelson)
- F. AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 7575 HANNAN PARKWAY (TAX MAP # 15.01-1-22.210) TO ALLOW A FENCE TO ENCROACH ONTO THE TOWN’S EASEMENTS (Jack Marren)
- G. TOWN OF VICTOR - SEQR LEAD AGENCY – AUBURN TRAIL SANITARY SEWER PUMP STATION AND FORCE MAIN (Jack Marren)
- H. DECLARING THE VICTOR TOWN BOARD’S INTENT TO SERVE AS LEAD AGENCY FOR SEQR WITH REGARD TO A PROPOSED LOCAL LAW TO AMEND THE TOWN CODE AT CHAPTER 211, “ZONING” SECTION 211-3B, AND SECTION 211-24C(8) TO PERMIT PRIOR NONCONFORMING SINGLE AND TWO-FAMILY USES IN COMMERCIAL, COMMERCIAL/LIGHT INDUSTRIAL, AND LIGHT INDUSTRIAL DISTRICTS TO HAVE CUSTOMARY ACCESSORY USES AND STRUCTURES (Jack Marren)

8A

RESOLUTION #  
AUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE THE EMPIRE STATE  
DEVELOPMENT "INCENTIVE PROPOSAL" TO RECEIVE FUNDING TOWARDS THE NYS  
ROUTE 96 INFRASTRUCTURE STATEGIC PLAN

WHEREAS, transportation, sanitary sewer, and storm water infrastructure limitations in the New York State Route 96 Corridor ("Route 96 Corridor) in the Town of Victor are currently adversely affecting the review and approval of new industrial, commercial, and residential projects in the Town; and

WHEREAS, the Town of Victor, the County Planning Department, the County Office of Economic Development, and the Victor Local Development Corporation support developing a concept plan for improving infrastructure and growth management in the Route 96 Corridor to support development that has been approved and will be proposed consistent with the Town's Comprehensive Plan; and

WHEREAS, the Route 96 Corridor in the Town of Victor has been identified as a regional commercial and industrial corridor of significance and its continued growth as integral to the continued fiscal stability of the Town, County and the region; and

WHEREAS, in an effort to implement portions of the Town's Comprehensive Plan, a Consolidated Funding Application ("CFA") was submitted on July 31, 2015 to the Finger Lakes Regional Economic Development Council for the purpose of developing an Infrastructure and Growth Management Plan for the Route 96 Corridor within the Town of Victor; and

WHEREAS, the Ontario County Local Development Corporation and the Victor Local Development Corporation agreed to be project partners to assist in meeting the required local match; and

WHEREAS, support letters or resolutions for the project were provided by the Village of Victor, Town of Farmington, Ontario County Office of Economic Development, Ontario County Planning Department, Ontario County Public Works, Victor Chamber of Commerce, Victor Local Development Corporation, Genesee Transportation Council, Genesee/Finger Lakes Regional Planning Council, Assembly Minority Leader Brian Kolb of the 131<sup>st</sup> District, NYS Senator Rich Funke of the 55<sup>th</sup> District, Congressman Chris Collins of the 27<sup>th</sup> District, and nine local companies including Constellation Brands, DiMarco Group, Finger Lakes Technologies Group, Inc., Gallina Development Corporation, Gorbel, John W. Danforth Company, Morrell Development, LSI Solutions, and Wilmorite; and

WHEREAS, the New York State Department of Economic Development and the New York State Urban Development Corporation d/b/a Empire State Development (collectively as "ESD") has allocated Thirty Thousand dollars (\$30,000.00) to the Town of Victor through a CFA through the Finger Lakes Regional Economic Development Council where Fifty Thousand dollars (\$50,000.00) had been requested; and

WHEREAS, the Town of Victor, in conjunction with the Village of Victor, Victor Local Development Corporation, Ontario County and NYS Department of Transportation submitted an application to the Genesee Transportation Council's Unified Planning Work Program (UPWP) for federal funds to identify, prioritize and describe strategies for improving overall traffic conditions and operations within the Route 96 corridor in the Town and Village of Victor,

including approaches at key intersections, on October 23, 2015, which was fully funded at Seventy Five Thousand dollars (\$75,000.00); and

WHEREAS, due to the overlapping scopes of work for the CFA application and the UPWP application ESD and the Genesee Transportation Council have permitted the Town to do one project with two funding sources thereby reducing the overall local match by Fifty Thousand dollars (\$50,000.00) and Five Thousand dollars (\$5,000.00) of in-kind work, for a total project cost of One Hundred Twenty Five Thousand dollars (\$125,000.00); and

WHEREAS, ESD requires the Town to sign the "Incentive Proposal" which outlines the general terms and conditions of the incentive package being offered by ESD to the Town of Victor to assist with the aforementioned infrastructure and growth management plan for State Route 96 Corridor; and

WHEREAS, the "Incentive Proposal" is required to be submitted by July 17, 2016 and accompanied by a Two Hundred Fifty dollar (\$250.00) Application Fee; now; therefore be it

RESOLVED that the Town Board authorizes the Town Supervisor to execute the "Incentive Proposal" and any other documents which may be reasonably required, upon forms as may be approved by the Attorney for the Town, in order for the Town to receive the aforementioned Thirty Thousand dollar (\$30,000.00) grant funds from ESD, in furtherance of the Town's proposed Infrastructure and Growth Management Plan; and be it further

RESOLVED that a copy of this resolution be sent to Stephen Golding of Empire State Development, Katie Evans, Debra Denz, Tina Kolaczyk, and the Finance Office.

8B

RESOLUTION #  
AUTHORIZATION TO ENTER INTO AGREEMENT WITH CAPTIVE LIFE FORMS FOR A REPTILE SHOW

WHEREAS, the Department of Parks and Recreation seeks to offer a reptile show for youth in their summer camp program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Captive Life Forms to provide equipment and animals for a reptile show at a cost not to exceed Eight Hundred Dollars (\$800.00); and

WHEREAS, funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor and Director of Parks and Recreation to enter into agreement with Captive Life Forms to provide the equipment and animals for a reptile show at a cost not to exceed Eight Hundred Dollars (\$800.00), said funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's insurance broker and the Attorney for the Town; and further

RESOLVED, that a copy of this resolution be forwarded to Steve Hendrickson, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Gloria Dunton, Fiscal Manager; Debra Denz, Town Clerk; and Scott Oechle, Captive Life Forms.

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RESOLUTION #  
AUTHORIZATION TO ENTER INTO AGREEMENT WITH MARK RUST FOR MUSICAL  
PERFORMANCE

WHEREAS, the Department of Parks and Recreation seeks to offer a musical performance for youth in their summer camp program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mark Rust to provide equipment necessary and perform a musical show at a cost not to exceed Six Hundred Dollars (\$600.00); and

WHEREAS, funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor and Director of Parks and Recreation to enter into agreement with Mark Rust to provide equipment and perform a musical show at a cost not to exceed Six Hundred Dollars (\$600.00), said funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's insurance broker and the Attorney for the Town; and further

RESOLVED, that a copy of this resolution be forwarded to Steve Hendrickson, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Gloria Dunton, Fiscal Manager; Debra Denz, Town Clerk; and Mark Rust, performer.

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RESOLUTION #  
AUTHORIZATION TO ENTER INTO AGREEMENT WITH ROCHESTER FENCING CLUB FOR RECREATION PROGRAM

WHEREAS, the Department of Parks and Recreation seeks to offer fencing instruction for youth in their summer camp program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Rochester Fencing Club to provide equipment and instructional staff for a fencing program at a cost not to exceed Six Hundred Dollars (\$600.00); and

WHEREAS, funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with the Rochester Fencing Club to provide equipment and instruction for fencing instruction at a cost not to exceed Six Hundred Dollars (\$600.00), said funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's insurance broker and the Attorney for the Town; and further

RESOLVED, that a copy of this resolution be forwarded to Steve Hendrickson, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Gloria Dunton, Fiscal Manager; Debra Denz, Town Clerk; and Iris Zimmerman, Rochester Fencing Club.

8E

RESOLUTION #  
AUTHORIZATION TO ENTER INTO AGREEMENT WITH AIR PLAY FOR JUGGLING SHOW  
FOR RECREATION PROGRAM

WHEREAS, the Department of Parks and Recreation seeks to offer a juggling show for youth in their summer camp program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Air Play to provide equipment and instructional staff for a juggling show at a cost not to exceed Three Hundred Twenty Five Dollars (\$325.00); and

WHEREAS, funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Air Play to provide equipment and instruction for a juggling show at a cost not to exceed Three Hundred Twenty Five Dollars (\$325.00), said funds are included and available in the 2016 Operating Budget line item A7020.4 Recreation Administration Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's insurance broker and the Attorney for the Town; and further

RESOLVED, that a copy of this resolution be forwarded to Steve Hendrickson, Recreation Supervisor; Brian Emelson, Director of Parks and Recreation; Gloria Dunton, Fiscal Manager; Debra Denz, Town Clerk; and Jeffrey Peden, Air Play.

REVISED 7/8/16

8F)

RESOLUTION #  
AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 7575 HANNAN PARKWAY (TAX MAP # 15.01-1-22.210) TO ALLOW A FENCE TO ENCROACH ONTO THE TOWN'S EASEMENTS

WHEREAS, Pooler Park LLC is the record owner (the "Owners") of the premises at 7575 Hannan Parkway, Tax Map # 15.01-1-22.210, (the "Premises") in the Town of Victor; and

WHEREAS, the Owners of the Premises desire to construct a fence on said Premises (the "Fence"); and

WHEREAS, the Town is the owner of an easement on the Premises (the "Easement"); and

WHEREAS, the proposed Fence would encroach onto the Town's Easement; and

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

WHEREAS, the Agreement would permit the Fence to be constructed, but would require the Owner to remove and/or repair the Fence and hold the Town harmless should the Town need to exercise its rights relating to the Easements in a manner which would require removal of the fence or would otherwise damage the fence; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Pooler Park LLC to allow the proposed fence to encroach into the Easement; and further be it

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

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RESOLUTION #

TOWN OF VICTOR - SEQR LEAD AGENCY - AUBURN TRAIL SANITARY SEWER PUMP STATION AND FORCE MAIN

WHEREAS, the Town of Victor intends to authorize and undertake the Auburn Trail Sanitary Sewer Pump Station and Force Main Project along the Auburn Trail and the New York State Route 96 area, including contributing portions of the Town's sanitary sewer system; and

WHEREAS, the Project, as fully described in the SEQR Part 1 Environmental Assessment Form identified as Schedule A and kept in the subject file in the Town Clerk's office, would involve replacement of existing and installation of new sanitary sewer infrastructure that would enable sanitary sewer flows to be redirected from PS-28 (Wendy's) and PS-27 (Phillips Road) to PS-30 (Lehigh Crossing), leading to a route along New York State Routes 96 and 251, the Auburn Trail, Break of Day Road, East Victor Road, and McMahon Road; now, therefore, be it

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Victor hereby announces its intent to serve as Lead Agency to conduct an environmental review of the Auburn Trail Sanitary Sewer Pump Station and Force Main Project; and further

RESOLVED, the Town Board has determined that, as the project site is occurring on or partially within or substantially contiguous to publically owned or operated parkland, recreation area or designated open space, the proposed Action is a Type I action as defined under SEQR; and further

RESOLVED, that The Town Board hereby accepts the Part 1 Environmental Assessment of this project, prepared by LaBella Associates; and further

RESOLVED, the Town Board will notify the Involved Agencies of its intent to serve as Lead Agency for this project and will provide them with a copy of the Part 1 Environmental Assessment Form; and further

RESOLVED, that a copy of this resolution be forwarded to the Town Engineer, Debra Denz, Town Clerk; Brian Emelson, Director of Parks and Recreation; and the Involved Agencies.

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RESOLUTION #

DECLARING THE VICTOR TOWN BOARD'S INTENT TO SERVE AS LEAD AGENCY FOR SEQR WITH REGARD TO A PROPOSED LOCAL LAW TO AMEND THE TOWN CODE AT CHAPTER 211, "ZONING" SECTION 211-3B, AND SECTION 211-24C(8) TO PERMIT PRIOR NONCONFORMING SINGLE AND TWO-FAMILY USES IN COMMERCIAL, COMMERCIAL/LIGHT INDUSTRIAL, AND LIGHT INDUSTRIAL DISTRICTS TO HAVE CUSTOMARY ACCESSORY USES AND STRUCTURES

WHEREAS, on or about June 13, 2016, the Victor Town Board set a public hearing for a proposed local law to amend the Town Code at Chapter 211, "Zoning" Section 211-3B, and Section 211-24C(8) to permit prior nonconforming single and two-family uses in commercial, commercial/light industrial, and light industrial districts to have customary accessory uses and structures; and

WHEREAS, the proposed local law was submitted to the Ontario County Planning Board pursuant to N.Y. General Municipal Law Section 239-m; and

WHEREAS, the proposed local law requires approval by the Town Board of a change in allowed use in zoning districts throughout the Town (the "Action"), which is subject to a full and complete environmental review pursuant the New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, in accordance with SEQR, the Town Board feels that it is best suited to serve as Lead Agency in order to a conduct coordinated environmental review of the proposed Action; and

WHEREAS, the Action has been preliminary classified as a Type I action pursuant to SEQR; now therefore, be it

RESOLVED, that, in accordance with SEQR, the Town Board of the Town of Victor hereby declares its intent to serve as Lead Agency to conduct an environmental review of the Action; and be it further

RESOLVED, that the Supervisor of the Town be and each hereby is authorized to execute the lead agency request which shall include an EAF; and be it further

RESOLVED, that the Town Supervisor shall cause the lead agency request and EAF to be filed and circulated with the involved agencies designated in the request, copies of which documents are attached hereto, thereby notifying the involved agencies of the Town Board's intent to serve as lead agency; and be it further

RESOVLED, that in absence of objections to the Town Board's intent to serve as lead agency within the thirty day period following notification, the Town Board of the Town of Victor shall proceed to assume lead agency status with respect to the rezoning portion of the Action; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Engineer, Town Zoning Board, Town Planning Board, Town Clerk, and the Ontario County Planning Board.