

**VICTOR TOWN BOARD MEETING  
MONDAY, JULY 25, 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. HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (UTILITIES), LETTER OF CREDIT, RELEASE 2 (Debra Denz)
- B. HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (GRADING), LETTER OF CREDIT, RELEASE 3 (Debra Denz)
- C. LEHIGH CROSSING, SECTION 2, LETTER OF CREDIT, RELEASE 3 (Debra Denz)
- D. CORRECTION OF MANIFEST #12 (Debra Denz)
- E. AUTHORIZATION TO PURCHASE OFFICE PANELS FOR PARKS & RECREATION OFFICES (Mike Stockman)
- F. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CONTRACT WITH YOUNG EXPLOSIVES FOR FIREWORKS FOR VICTORFEST – PARKS AND RECREATION (Mike Stockman)
- G. ACCEPTANCE OF THE RESIGNATION AND RETIREMENT OF GLORIA DUNTON (Tina Kolaczyk)
- H. ABOLISHMENT OF THE FISCAL MANAGER POSITION (Tina Kolaczyk)
- I. CREATION OF ACCOUNTANT I POSITION FOR FINANCE DEPARTMENT (Tina Kolaczyk)
- J. APPOINTMENT OF BARBARA COLE TO THE ACCOUNTANT I POSITION FOR THE FINANCE DEPARTMENT (Tina Kolaczyk)
- K. ABOLISHMENT OF THE FISCAL ASSISTANT POSITION (Tina Kolaczyk)
- L. CREATION OF SENIOR ACCOUNT CLERK POSITION FOR FINANCE DEPARTMENT (Tina Kolaczyk)
- M. CREATION OF ADDITIONAL TEN (10) NEW CIVIL SERVICE LIFEGUARD POSITIONS FOR THE TOWN OF VICTOR PARKS AND RECREATION DEPARTMENT (Tina Kolaczyk)

- N. AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 6404 SUNRAY CREST, VICTOR, NEW YORK 14564 (TAX MAP #28.04-2-37.000) FOR A TEMPORARY LICENSE FOR THE LIMITED PURPOSE OF ALLOWING VEHICULAR INGRESS AND EGRESS OVER TOWN PROPERTY AT SUNRAY CREST (TAX MAP #28.12-1-40.411) TO REMOVE EQUIPMENT FROM OWNER'S PROPERTY BEGINNING ON JULY 29, 2016 AND CONCLUDING ON AUGUST 12, 2016 (Jack Marren)
- O. AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR TOWN PROFESSIONAL SERVICES FOR A REAL PROPERTY APPRAISAL CONSULTANT (Jack Marren)
- P. AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FROM CONSULTANTS FOR ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN (Jack Marren)
- Q. AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PORTION OF REAL PROPERTY LOCATED AT 8037 MAIN STREET FISHERS (Jack Marren)
- R. AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PERMANENT EASEMENT OVER A PORTION OF REAL PROPERTY LOCATED AT 657 OLD DUTCH ROAD (Jack Marren)
- S. AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PORTION OF REAL PROPERTY AND TEMPORARY EASEMENTS OVER REAL PROPERTY LOCATED AT 660 OLD DUTCH ROAD (Jack Marren)
- T. AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. \_\_\_\_\_ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING,” SECTION 211-3B ENTITLED “GENERAL REGULATIONS FOR LAND USE,” AND SECTION 211-24C(8) ENTITLED “LIGHT INDUSTRIAL DISTRICT REGULATIONS,” 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)
- U. AFTER PUBLIC HEARING - LOCAL LAW NO. \_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING” IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS “EASTVIEW COMMONS” (Jack Marren)

8A

RESOLUTION #

HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (UTILITIES), LETTER OF CREDIT, RELEASE 2

WHEREAS, Rainbros Associates, LLC, received Planning Board approval for High Point Business Park, High Point Drive Extension (Utilities) 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. SB1859600001 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 July 6, 2016 and recommends in his letter July 12, 2016 that \$243,261.89 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. SB1859600001 in the amount of \$243,261.89 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$251,436.27 in said Letter of Credit; and further

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

8B

RESOLUTION #

HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (GRADING), LETTER OF CREDIT, RELEASE 3

WHEREAS, Rainbros Associates LLC, received Planning Board approval for High Point Business Park, High Point Drive Extension (Grading) 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. SB1836770001 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. 3 dated July 6, 2016 and recommends in his letter July 12, 2016 that \$84,039.16, minus engineering and inspection fees, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the M & T Bank Irrevocable Letter of Credit No. SB1836770001 in the amount of \$84,039.16, minus engineering and inspection fees, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$114,518.91 in said Letter of Credit; and further

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

8c

RESOLUTION #

LEHIGH CROSSING, SECTION 2, LETTER OF CREDIT, RELEASE 3

WHEREAS, Bluestone Creek Development, LLC, received Planning Board approval for Lehigh Crossing, Section 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Five Star Bank Irrevocable Letter of Credit No. 7002054929 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. 3 dated June 29, 2016 and recommends in his letter July 12, 2016 that \$126,697.66, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Five Star Bank Irrevocable Letter of Credit No. 7002054929 in the amount of \$126,697.66, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$477,141.11 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Bluestone Creek Development, LLC, and BME Associates.

8D

RESOLUTION #  
CORRECTION OF MANIFEST #12

WHEREAS the Finance Dept. has submitted the following voided check due to error or duplicate payments that were made resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED, that the following Manifest be corrected:

#12-2016 6/27/16 total amount be corrected to \$633,929.79 void check # 54058 totaling \$57.00 (Voucher #20161346)
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and further

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

8E

RESOLUTION #

AUTHORIZATION TO PURCHASE OFFICE PANELS FOR PARKS & RECREATION OFFICES

WHEREAS the Department of Parks and Recreation has the need to purchase office panels for the common office area in the new facility; and

WHEREAS, the Assistant Director of Parks and Recreation has obtained the following quotes for this service:

OfficeWerks, Rochester, NY	\$2,304.65
KI, Rochester, NY	\$5,250.96

WHEREAS, the Assistant Director of Parks and Recreation recommends that the Town purchase the office panels from OfficeWerks in the amount not to exceed for Two Thousand Three Hundred and Four dollars and Sixty Five cents, (\$2,304.65); and

WHEREAS, the funds are available in the 2016 budget line item A7021.2 Parks & Recreation Department Equipment; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase the office panels in the amount not to exceed Two Thousand Three Hundred and Four dollars and Sixty Five cents, (\$2,304.65), said funds are available in the 2016 budget line item A7021.2 Parks & Recreation Department Equipment; and further

RESOLVED that a copy of this resolution be forwarded to, Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager, and Bret DeVito, OfficeWerks.

8F

RESOLUTION #  
AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CONTRACT WITH YOUNG  
EXPLOSIVES FOR FIREWORKS FOR VICTORFEST – PARKS AND RECREATION

WHEREAS, the Department of Parks and Recreation has a need for a contractor to deliver a fireworks exhibition for Victorfest on Saturday, September 10, 2016; and

WHEREAS, the Assistant Director of Parks and Recreation has obtained the following quotes for this service:

Contractor	Price Proposal
Young Explosives, Rochester, NY	\$3,500.00
Pyrotecnico, Auburn, NY	No Proposal
Zambelli Fireworks, New Castle, PA	No Proposal

WHEREAS, the Director of Parks and Recreation recommends that the Town enter into a three (3) year contract with Young Explosives for these services and in consideration for performing these services the Town will compensate Young Explosives and amount not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) per year; and

WHEREAS, funds are included and available in the 2016 Budget line item A7550.4 Celebrations Contractual; now therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to enter into a three (3) year contract with Young Explosives in an amount not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) per year, said funds are included and available in the 2016 Budget line item 7550.4 Celebrations Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager; and James Young, Young Explosives.

86

RESOLUTION #

ACCEPTANCE OF THE RESIGNATION AND RETIREMENT OF GLORIA DUNTON

WHEREAS, Gloria Dunton submitted a letter of retirement and resignation from her position as the Fiscal Manager for the Town of Victor's Finance Department on July 18, 2016, with an effective date of August 21, 2016; now, therefore be it

RESOLVED that the Town Board accepts the resignation of Gloria Dunton, and thanks Gloria for her hard work and dedication to the residents of the Town of Victor over the past 6 years, and wishes her all of the best on her retirement; and be it further

RESOLVED that a copy of this resolution be forwarded to Gloria Dunton, Human Resources Department, Finance Department, Town Clerk, and Ontario County Human Resources.

8A

RESOLUTION #  
ABOLISHMENT OF THE FISCAL MANAGER POSITION

WHEREAS, Gloria Dunton, Fiscal Manager for the Town of Victor, will be retiring from her position effective on August 21, 2016; and

WHEREAS, the Town Board has examined the duties and requirements of the Fiscal Manager position and believes that the position is no longer required for the Town; and

WHEREAS, the Town Board has decided to abolish the position of Fiscal Manager for the Town; now, therefore be it

RESOLVED that the Fiscal Manager position be abolished from the Town of Victor, effective August 22, 2016; and be it further

RESOLVED that a copy of this resolution be sent to the Finance Department, Human Resources Department, Town Clerk, and to the Ontario County Department of Human Resources.

81

RESOLUTION #

CREATION OF ACCOUNTANT I POSITION FOR FINANCE DEPARTMENT

WHEREAS, the Finance Department has the need to create an Accountant I position due to the review of duties, responsibilities, and needs within the current Finance Department staff; and

WHEREAS, the Town Supervisor and Human Resources have worked with Ontario County Human Resources to define the job description, roles, and responsibilities of this position; now, therefore be it

RESOLVED that the Accountant I position for the Finance Department be created; and be it further

RESOLVED that the position of the Accountant I position be created at a Grade 7 step A annual rate salary rate of Sixty Two Thousand Five Hundred Seventy Six dollars and Twenty Eight cents (\$62,576.28) and is to be funded from the 2016 Operating Budget line A.1220.100 Supervisor Personal Services; and be it further

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

85

RESOLUTION #  
APPOINTMENT OF BARBARA COLE TO THE ACCOUNTANT I POSITION FOR THE  
FINANCE DEPARTMENT

WHEREAS, the Victor Town Board created the Accountant I position for the Finance Department by Resolution # \_\_\_\_\_ on July 25, 2016 due to the realignment of duties and responsibilities within the Finance Department, and due to the retirement of Gloria Dunton, Fiscal Manager; and

WHEREAS, Barbara Cole has resigned her position as the Fiscal Assistant for the Finance Department, effective August 22, 2016; and

WHEREAS the Town Board wishes to appoint Barbara Cole to the position of Accountant I for the Finance Department, effective August 22, 2016; now, therefore be it

RESOLVED that Barbara Cole be appointed to the position of Accountant I for the Finance Department at a Grade 7 step A annual rate salary rate of Sixty Two Thousand Five Hundred Seventy Six dollars and Twenty Eight cents (\$62,576.28) and is to be funded from the 2016 Operating Budget line A.1220.100 Supervisor Personal Services; and be it further

RESOLVED that a copy of this resolution be forwarded to Barbara Cole, Human Resources, Finance Department, Town Clerk, and Ontario County Department of Human Resources.

8k

RESOLUTION #  
ABOLISHMENT OF THE FISCAL ASSISTANT POSITION

WHEREAS, Gloria Dunton, Fiscal Manager for the Town of Victor, will be retiring from her position effective on August 21, 2016; and

WHEREAS, the Town Board has examined the duties and requirements of the Fiscal Assistant position for the Finance Department, and believes that the position is no longer required for the Town; and

WHEREAS, the Town Board has decided to abolish the position of Fiscal Assistant; now, therefore be it

RESOLVED that the Fiscal Assistant position be abolished from the Town of Victor, effective August 21, 2016; and be it further

RESOLVED that a copy of this resolution be sent to the Finance Department, Human Resources Department, Town Clerk, and to the Ontario County Department of Human Resources.

8L

RESOLUTION #

CREATION OF SENIOR ACCOUNT CLERK POSITION FOR FINANCE DEPARTMENT

WHEREAS, the Finance Department has the need to create a Senior Account Clerk position due to the review of duties, responsibilities, and needs within the current Finance Department staff; and

WHEREAS, the Town Supervisor and Human Resources have worked with Ontario County Human Resources to define the job description, roles, and responsibilities of this position; now, therefore be it

RESOLVED that the Senior Account Clerk position for the Finance Department be created; and be it further

RESOLVED that the position of the Senior Account Clerk position be created at a Grade 4 step an annual salary rate of Forty Six Thousand Three Hundred Twenty dollars and Four cents (\$46,320.04) and is to be funded in the 2016 Operating Budget line A.1220.100 Supervisor Personal Services; and be it further

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

8M

RESOLUTION #

CREATION OF ADDITIONAL TEN (10) NEW CIVIL SERVICE LIFEGUARD POSITIONS FOR THE TOWN OF VICTOR PARKS AND RECREATION DEPARTMENT

WHEREAS, the Town of Victor Parks & Recreation Department and Victor Central School both maintain a staff of lifeguards for pool safety and operation; and

WHEREAS, for scheduling purposes, lifeguard personnel are certified to work both for the Town of Victor Parks & Recreation Department and Victor Central Schools so that the pool can be sufficiently staffed for Parks and Recreation programs; and

WHEREAS, the Town wishes to create ten (10) additional part-time Civil Service lifeguard positions that can be used at various times to staff Parks & Recreation swim programs throughout the year and for summer camps to ensure that we meet the safety staffing requirements for the use of the Victor Central School pool; now, therefore, be it

RESOLVED, that ten (10) Lifeguard positions be added to the Town's Civil Service position listing; and be it further

RESOLVED that the salary ranges for these positions are from Nine dollars (\$9.00)/hour to Ten dollars (\$10.00)/hour, and are charged to the 2016 Town Budget Line Item # A.7020.100 – Recreation Administration Personal Services, and be it further

RESOLVED, that a copy of this resolution be sent to Human Resources, Finance Department, Brian Emelson, Christine Winter, Town Clerk, and the Ontario County Human Resources Department.

8N

RESOLUTION #

AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 6404 SUNRAY CREST, VICTOR, NEW YORK 14564 (TAX MAP #28.04-2-37.000) FOR A TEMPORARY LICENSE FOR THE LIMITED PURPOSE OF ALLOWING VEHICULAR INGRESS AND EGRESS OVER TOWN PROPERTY AT SUNRAY CREST (TAX MAP #28.12-1-40.411) TO REMOVE EQUIPMENT FROM OWNER'S PROPERTY BEGINNING ON JULY 29, 2016 AND CONCLUDING ON AUGUST 12, 2016.

WHEREAS, Dean R. and Argetha V. Newcomb (the "Owners") are the record owners of the premises at 6404 Sunray Crest (the "Premises") in the Town of Victor; and

WHEREAS, the Owners desire to remove equipment from the Premises by obtaining vehicular access to the rear of the Premises, which requires access over adjacent private property and the Town's Property, as set forth in the attached diagram; and

WHEREAS, the Town is the owner of property located behind the Premises that connects to the land of a private third-party who, upon information and belief, has consented to allow the Owner ingress and egress over said property; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement to allow a license to be given to Owner for the limited purpose of allowing vehicular ingress and egress over Town Property to remove equipment from Owner's property beginning on July 29, 2016 and concluding on August 12, 2016; now, therefore, be it

RESOLVED that, upon approval of the License and Hold Harmless Agreement by the attorneys for the Town, the Supervisor is authorized to execute the License and Hold Harmless Agreement with Dean R. and Argetha V. Newcomb to grant a license for the limited purpose and for the limited time described above; and further be it

RESOLVED that a copy of this Resolution be provided to the Town Building Department, Debra Denz, Town Clerk; and Dean R. and Argetha V. Newcomb.

80

RESOLUTION #

AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR TOWN  
PROFESSIONAL SERVICES FOR A REAL PROPERTY APPRAISAL CONSULTANT

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

WHEREAS, the Town requires the assistance of a Real Property Appraiser to evaluate and determine the fair market value of several parcels of land for potential purchase for the expansion of Town facilities and services; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to solicit proposals for Real Property Appraisal services, and be it further

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

8P

RESOLUTION #

AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FROM CONSULTANTS FOR ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN

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

WHEREAS, the Town of Victor, Village of Victor, Victor Local Development Corporation, Ontario County, and NYS Department of Transportation support developing a detailed 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, industrial, and tourism corridor of significance and its continued growth is 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 ("FLREDC") for the purpose of developing an Infrastructure and Growth Management Plan for the Route 96 Corridor within the Town of Victor; and

WHEREAS, in an effort to implement portions of the Town's Comprehensive Plan, a Unified Planning Work Program ("UPWP") Application was submitted on October 23, 2015 to the Genesee Transportation Council ("GTC") for the purpose of developing a detailed action plan to improve overall traffic conditions and operations within the Victor Route 96 corridor, including approaches at key intersections; and

WHEREAS, the CFA application was partially funded and the UPWP application was fully funded, due to the overlapping scopes of work for both applications Empire State Development ("ESD") and GTC 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);

WHEREAS, ESD required an "Incentive Proposal" to be executed by the Town of Victor which was authorized by the Town Board on July 11, 2016 and mailed to ESD on July 12, 2016; and

WHEREAS, GTC requires a scope of work to be approved by the GTC Planning Committee prior to soliciting proposals from consultants and said scope of work received approval from the GTC Planning Committee on July 14, 2016; and

WHEREAS, it is the intention of this study to use the work of the Traffic Task Force incorporated into Chapter 7 of the Town's adopted Comprehensive Plan as a spring board to work from, to identify realistic and obtainable solutions, rank alternatives to identify those which anticipate to have the greatest return on investment, and to identify sources of funding to implement the outcome of this study; and

WHEREAS, the Town of Victor wishes to request proposals from consultants for the completion of this described study described; now, therefore be it

RESOLVED that the Victor Town Board authorizes the Supervisor to solicit proposals for the completion of a study to develop a detailed 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, GTC's Long Range Transportation Plan, and the FLREDC's Upstate Revitalization Initiative Plan; and be it further

RESOLVED that a copy of this Resolution be forwarded to Gloria Dunton, Barb Cole, Tina Kolaczyk, Debra Denz, and Katie Evans.

86

RESOLUTION #

AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER  
FOR A PORTION OF REAL PROPERTY LOCATED AT 8037 MAIN STREET FISHERS

WHEREAS, the Town of Victor is currently engaged in a road infrastructure improvement project (a/k/a the Old Dutch Road Improvements or the "Project") in the vicinity of Main Street Fishers and Old Dutch Road; and

WHEREAS, the Town has determined that it is in the best public interest to purchase a portion of certain real property in furtherance of the Project, for the purpose of widening the roadway and to allow for storm drainage infrastructure improvements along Main Street Fishers and Old Dutch Road; and

WHEREAS, said real property is located at 8037 Main Street Fishers, identified by Tax Map #5.00-1-68.100 and owned by Carol MacInnes f/k/a Carol Amish (the "Owner"), and the portion of the real property to be acquired (the "Acquired Property") is approximately 1,469 square feet at the western portion of the parcel, as identified in Exhibit "A" which is kept in the subject file in the Town Clerk's office; and

WHEREAS, the Victor Town Board has previously authorized an appraisal of the Acquired Property, which valued said Acquired Property at One Thousand Five Hundred Seventeen dollars (\$1,517.00); and

WHEREAS, funding for the purchase is available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve and DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and

WHEREAS, the Owner has agreed to sell the Acquired Property to the Town for the amount of One Thousand Five Hundred dollars (\$1,500.00) (the "Proposed Purchase Price"); and

WHEREAS, the proposed purchase is subject to a full and complete environmental review pursuant to SEQR; and

WHEREAS, the proposed purchase has been classified as an unlisted action pursuant to SEQR; now therefore, be it

RESOLVED, that the Town has reviewed the potential environmental impacts of the proposed purchase and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, that there are no other involved agencies, and has determined that said proposed purchase and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, that the Town Board finds that the Acquired Property is necessary for the completion of the Project and is therefore in the best public interest; and be it further

RESOLVED, that the Proposed Purchase Price for the Acquired Property is reasonable in light of the appraised value; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the Proposed Purchase Price in the amount of One Thousand Five Hundred dollars (\$1,500.00) to the Owner

in exchange for a duly executed deed to the Acquired Property, on forms approved by the Attorney for the Town said funds are available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve and DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and be it further

RESOLVED, that the Supervisor or his designee is hereby authorized, empowered and directed to execute and deliver such documents and take all such action on behalf of the Town as may be deemed necessary, appropriate or advisable to carry out the intent or purposes of the this Resolution; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, the Town Highway Superintendent, the Attorney for the Town, and the Owner.

8R

RESOLUTION #

AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PERMANENT EASEMENT OVER A PORTION OF REAL PROPERTY LOCATED AT 657 OLD DUTCH ROAD

WHEREAS, the Town of Victor is currently engaged in a road infrastructure improvement project (a/k/a the Old Dutch Road Improvements or the "Project") in the vicinity of Main Street Fishers and Old Dutch Road; and

WHEREAS, the Town has determined that it is in the best public interest to purchase a permanent easement over a portion of certain real property in furtherance of the Project, for the purpose of widening the roadway and to allow for storm drainage infrastructure improvements along Main Street Fishers and Old Dutch Road; and

WHEREAS, said real property is located at 657 Old Dutch Road, identified by Tax Map #5.00-1-67.111, and owned by Jonathan Friedlander (the "Owner"), and the permanent easement to be acquired (the "Easement") is an irregularly shaped parcel, approximately 741 square feet, at the western portion of the parcel, as identified in Exhibit "A" which is kept in the subject file in the Town Clerk's office; and

WHEREAS, the Victor Town Board has previously authorized an appraisal of the Easement, which valued said Easement at Two Hundred Thirty Dollars (\$230.00); and

WHEREAS, the Owner has agreed to sell the Easement to the Town for the amount of Two Hundred and Thirty Dollars (\$230.00) (the "Proposed Purchase Price"); and

WHEREAS, funding for the purchase is available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve And DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and

WHEREAS, the proposed purchase is subject to a full and complete environmental review pursuant to SEQR; and

WHEREAS, the proposed purchase has been classified as an unlisted action pursuant to SEQR; now therefore, be it

RESOLVED, that the Town has reviewed the potential environmental impacts of the proposed purchase and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, that there are no other involved agencies, and has determined that said proposed purchase and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, that the Town Board finds that the Easement is necessary for the completion of the Project and is therefore in the best public interest; and be it further

RESOLVED, that the Proposed Purchase Price for the Easement is reasonable in light of the appraised value; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the Proposed Purchase Price in the amount of Two Hundred Thirty Dollars (\$230.00) to the Owner in

exchange for the Easement, on forms approved by the Attorney for the Town, said funds are available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve And DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and be it further

RESOLVED, that the Supervisor or his designee is hereby authorized, empowered and directed to execute and deliver such documents and take all such action on behalf of the Town as may be deemed necessary, appropriate or advisable to carry out the intent or purposes of the this Resolution; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, the Town Highway Superintendent, the Attorney for the Town, and the Owner.

83

RESOLUTION #

AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PORTION OF REAL PROPERTY AND TEMPORARY EASEMENTS OVER REAL PROPERTY LOCATED AT 660 OLD DUTCH ROAD

WHEREAS, the Town of Victor is currently engaged in a road infrastructure improvement project (a/k/a the Old Dutch Road Improvements or the "Project") in the vicinity of Main Street Fishers and Old Dutch Road; and

WHEREAS, the Town has determined that it is in the best public interest to purchase a portion of certain real property and to obtain temporary easements over the same property in furtherance of the Project, for the purpose of widening the roadway and to allow for storm drainage infrastructure improvements along Main Street Fishers and Old Dutch Road; and

WHEREAS, said real property is located at 660 Old Dutch Road, and identified by Tax Map #5.00-1-67.231 and owned Chauncy C. Young (the "Owner"), and the portion of the real property to be acquired (the "Acquired Property") is approximately 2,043 square feet at the eastern portion of the parcel, and the temporary easements are approximately 943 square feet and 1,806 square feet, respectively, (collectively as the "Easements") both at the eastern portion of the parcel, and all as identified in the Exhibit "A" which is kept in the subject file in the Town Clerk's office hereto; and

WHEREAS, the Victor Town Board has previously authorized an appraisal of the Acquired Property and Easements, which valued said Acquired Property at One Thousand One Hundred Forty dollars (\$1,140.00), and the Easements collectively at Eighty dollars (\$80.00); and

WHEREAS, the Owner has agreed to sell the Acquired Property to the Town for the amount of One Thousand One Hundred Forty dollars (\$1,140.00), and to offer the Temporary Easement for the amount of Eighty dollars (\$80.00), for the total amount of One Thousand Two Hundred Twenty dollars (\$1,220.00) (the "Proposed Purchase Price"); and

WHEREAS, funding for the purchase is available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve and DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and

WHEREAS, the proposed purchase is subject to a full and complete environmental review pursuant to SEQR; and

WHEREAS, the proposed purchase has been classified as an unlisted action pursuant to SEQR; now therefore, be it

RESOLVED, that the Town has reviewed the potential environmental impacts of the proposed purchase and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, that there are no other involved agencies, and has determined that said proposed purchase and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, that the Town Board finds that the Acquired Property is necessary for the completion of the Project and is therefore in the best public interest; and be it further

RESOLVED, that the Proposed Purchase Price for the Acquired Property is reasonable in light of the appraised value; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the Proposed Purchase Price in the amount of One Thousand One Hundred Forty dollars (\$1,140.00), and to offer the Temporary Easement for the amount of Eighty dollars (\$80.00), for the total amount of One Thousand Two Hundred Twenty dollars (\$1,220.00) to the Owner in exchange for a duly executed deed to the Acquired Property, on forms approved by the Attorney for the Town, said funds are available from DB.5110.400.R2S General Repairs Contractual Old Dutch Rd. Proj R2 Street Reserve and DB.5110.440.R2S General Repairs Engineering Old Dutch Rd. Proj R2 Street Reserve; and be it further

RESOLVED, that the Supervisor or his designee is hereby authorized, empowered and directed to execute and deliver such documents and take all such action on behalf of the Town as may be deemed necessary, appropriate or advisable to carry out the intent or purposes of the this Resolution; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, the Town Highway Superintendent, the Attorney for the Town, and the Owner.

8T

RESOLUTION #  
AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. \_\_\_\_\_ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING,” SECTION 211-3B ENTITLED “GENERAL REGULATIONS FOR LAND USE,” AND SECTION 211-24C(8) ENTITLED “LIGHT INDUSTRIAL DISTRICT REGULATIONS,” 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, a resolution was duly adopted by the Town Board of the Town of Victor on the 13<sup>th</sup> day of June, 2016, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 27<sup>th</sup> day of June, 2016, at the Victor Town Hall, 85 East Main Street, at 7:30 p.m., to hear all interested parties on a proposed Local Law to amend the Victor Town Code at Chapter 211 Section 211-3B and Section 211-24C(8) in order 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, pursuant to General Municipal Law Section 239-m, the Town Board has referred the proposed Local Law to the County of Ontario Planning Board, which returned the proposed Local Law with a recommendation of approval, and the Town Board has reviewed and considered any comments received in response thereto; and

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

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 27<sup>th</sup> day of June, 2016, at 7:30 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

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

WHEREAS, the Town Board of the Town of Victor finds that Chapter 211 Section 211-3B and Section 211-24C(8) of the Victor Town Code should be amended as set forth herein; now, therefore be it

RESOLVED, that the Town Board has reviewed the potential environmental impacts of the proposed Local Law and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, has determined that said Local Law and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law No. \_\_\_\_\_-2016 to amend the Town Code at Chapter 211 Section 211-3B and Section 211-24C(8) in order 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, as follows:

LOCAL LAW NO. \_\_\_\_\_ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING,” SECTION 211-3B ENTITLED “GENERAL REGULATIONS FOR LAND USE,” AND SECTION 211-24C(8) ENTITLED “LIGHT INDUSTRIAL DISTRICT REGULATIONS,” 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

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 Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. \_\_\_\_\_-2016, to amend Chapter 211 "Zoning", Section 211-3B, entitled "General Regulations For Land Use", and Section 211-24C(8), entitled "Light Industrial District regulations" of the Town Code of the Town of Victor. This law is adopted in order 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.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby makes the following determination:

- that under the existing Town Code, owners of prior nonconforming single and two-family uses in non-residentially zoned districts in the Town, specifically, in Commercial, Commercial/Light Industrial, and Light Industrial Districts, where residential uses are not otherwise permitted, are disadvantaged in not being able to use and derive a benefit from the nonconforming residential use that is comparable to similar residential uses in other districts where residential uses are permitted; and
- that permitting some limited expansion of prior nonconforming residential uses for customary accessory uses and structures, as set forth herein, would allow such owners to continue to reasonably benefit from their ongoing use of the property in a manner more equivalent with existing residential uses in other districts, and that such limited expansion would achieve a fair balance between the Town's policy of regulating and ultimately abolishing nonconforming uses and allowing an existing residence to reasonably benefit from the ongoing residential use; and
- that the Town Code should be amended to permit prior nonconforming residential uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures.

Section IV. Amendment

Chapter 211-3 entitled "Zoning" Section 211-3B entitled "General Regulations For Land Use" shall be amended as follows:

- (5) Notwithstanding the foregoing provisions of this Section 211-3(B), prior nonconforming single and two-family dwelling uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts shall be entitled to customary accessory uses and structures as follows:

(a) Customary accessory uses and structures, such as garages and storage sheds, as set forth in Section 211-19. Any proposed accessory uses or structures must comply with the requirements of Chapter 83, where applicable, and must comply with current dimensional area and height requirements of the district in which the property is located.

(6) Any structure destroyed by fire or other calamity may be restored within 12 months of such destruction and the former use continued, provided that the reconstruction shall not exceed the dimensions of the destroyed property.

(7) Failure to exercise any nonconforming use for a period of 12 months or more shall terminate such nonconforming use of the structure or premises, and thereafter such structure or premises shall be used only in conformity with the provisions of this chapter.

Chapter 211 entitled "Zoning" Section 211-24C(8) entitled "Light Industrial District regulations" shall be amended as follows:

(8). Residential uses.

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 Zoning Board of Appeals, Planning Board, Planning and Building Department, and Secretary of State of the State of New York.

86

AFTER PUBLIC HEARING - LOCAL LAW NO. \_\_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING" IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS "EASTVIEW COMMONS"

WHEREAS, the Victor Town Board duly called for a public hearing and held the same on June 27, 2016, where all interested parties were permitted to speak on a proposed Local Law to amend the Town Code at Chapter 211 entitled "Zoning" in order to "Modify the Planned Development District Known as 'Eastview Commons';" and

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

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

RESOLVED, that the Town Board has reviewed the potential environmental impacts of the proposed Local Law and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, has determined that said Local Law and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to modify the Eastview Commons Planned Development District, as follows:

LOCAL LAW NO. \_\_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING" IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS "EASTVIEW COMMONS"

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

Section I. Authorization

This Local Law is adopted pursuant to the authority granted to the Town of Victor at Municipal Home Rule Law Section 10 and in accordance with the Victor Town Code at Section 211-27.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. \_\_\_\_ - 2016 to amend the Town Code at Chapter 211 entitled "Zoning" in order to modify the Planned Development District Known as "Eastview Commons." The purpose of this amendment is to modify the existing PDD to allow for the construction and operation of a self-storage facility as well for the relocation of business offices related to a small business, all in an area formerly occupied by an asphalt plant.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the applicant has submitted an application in compliance with the Victor Town Code at Section 211-27 to amend the Eastview Commons Planned Development District, that the Town Board has reviewed said application and has otherwise duly complied with the procedures set out at Section 211-27 of

the Victor Town Code, and that it is in the public interest to grant the relief requested by applicant, so that the subject PDD and related improvements, business, etc. that are a part thereof can continue to thrive, providing valued business and office opportunities in the Town as well as tax revenues, among other benefits. The Town Board further finds that the re-implementation of the site as a mixed small business office and self-storage business use is a benefit to the Town of Victor as it replaces an unused and abandoned site formerly the home of an asphalt plant.

Section IV. Amendment

Chapter 211 entitled "Zoning," Section 27.10 entitled "Eastview Commons Planned Development District" shall be established and shall read as follows:

Eastview Commons Planned Development District Regulations.

The rules, regulations, restrictions and conditions of the Eastview Commons Planned Development District are set forth in Local Law No. 14 of 1997 of the Town of Victor and Resolution # 310 of 1997 of the Town of Victor, which documents incorporate a number of requirements and conditions that also comprise the rules, regulations, restrictions and conditions of the Eastview Commons Planned Development District. Said Local Law, Resolution, all amendments thereto and all related documents are fully incorporated herein and are made a part of these Planned Development District Regulations.

A map filed with the Victor Town Clerk and entitled "Site Plan, Victor Self Storage East, 7606 Commons Blvd, Victor, NY 14564" drawn by Mitchel Design Build, Project No. 15.031, dated February 23, 2016, shall comprise further regulations of this PDD applicable to the lands depicted thereon, said lands being commonly known as 7606 Commons Blvd., Lot #8, Tax #6.00-1-3.100, comprising approximately 6.983 acres (the "Victor Self Storage Lands"). The Victor Self Storage Lands (which are a part of the Eastview Commons PDD) shall fully comply and be consistent with all aspects of said 2016 map. Said 2016 map is fully incorporated herein and made a part of these Eastview Commons Planned Development District regulations. To the extent said 2016 map conflicts with the prior regulations formerly established via the aforementioned local law and resolution, the 2016 map shall control.

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.