

A joint meeting of the Victor Town Board was held on April 25, 2016 starting at 6:30 PM with the following members present:

PRESENT:	Supervisor	Jack Marren
	Councilman	Mike Guinan
	Councilman	David Tantillo
	Councilman	Silvio Palermo
	Councilman	Dan Crowley
	Village Trustee	Michael Crowley
	Village Trustee	Larry Rhodes
	Village Trustee	Gary Hadden
	Village Trustee	Carol Commisso
	Village Mayor	Jason Ashton

OTHERS PRESENT: Debra Denz, Town Clerk; David Hou, Town Attorney; Mark Years, Highway Superintendent; Brian Emelson, Parks & Recreation Director; Pam Hogenes, Village Clerk; Steve Metzger, Town Engineer; Michael Reinhardt, Bob Cantwell, Kim Kinsella, Ken Curry, Mary McCarthy, Neil Stein, John C. Knapp, Jeffery A. Knapp, David C. Nellis, Ruth Nellis, Jean Laitenberger, Dianne Herrick, Merrill Herrick, Meg CHades, Kathy Rayburn, Marsha Senges, Ernie Santoro, Tony Baker, Robert Schlueter, Deborah Charlebois, Bill Connell, Pat Liberti, Matt Matteson, Jim Mason, Gregg Richards, Wes Pettee, Gordy Phillips Jr., Sandra Sweet, Julie Doyle, Kent Kiikka, Lubin Mason, John Hurley, Allen Ibrismovic, Ryon McElhery, Deb Mackey, Cherie Dragonmani, Tim Brown, Ronald Courtney, Melody Burri and 3 unreadable names.

Supervisor Marren called the meeting to order at 6:30 PM, and made the following announcements:

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

The flag was saluted.

#### RESOLUTION #173

##### MOVE TO SCHEDULED PUBLIC HEARING

On motion of Councilman Hadden, seconded by Councilman Palermo, the following resolution was

ADOPTED AYES 10 (Marren, Palermo, Crowley, Guinan, Tantillo, NAYS 0  
Ashton, Hadden, Commisso, Rhodes, Crowley)

RESOLVED that the regular meeting of the Victor Town Board be interrupted to hold the scheduled Public Hearing.

##### JOINT PUBLIC HEARING FOR THE TOWN AND VILLAGE BOARD TO CONSIDER THE PETITION TO ANNEX TOWN OF VICTOR TERRITORY TO THE VILLAGE OF VICTOR, NEW YORK

Public Hearing was opened at 6:30 PM.

Legal Notice was read into the record by the Town Clerk. The Town Clerk then read a summary of the following written comments that were received to date:

- Email received from Lyn D. opposed to the Gullace project with traffic concerns and property values.
- Email from David Phillips, opposed to the Gullace project, felt that the annexation changes the political landscape.
- Two Emails from Ken Curry, on 3/30/16 requested to see the proposed project plan first before he can comment regarding the annexation. On 4/22/16 opposed to any annexation before the Town and Village have an approved project plan.
- Correspondence from Mary McCarthy. Concerned about drainage. Requested distribution to Town Board and Planning Board members of copies of an article in the NY Times dated 11/20/15 "An Ancient Stream Under a Manhattan Building Leads to a dispute". She had underlined

information where an underground stream there caused soil erosion, basement flooding, foundation damage and backyard sinkholes.

- Email received from Diane Bold opposed to the Gullace project, concerns with density.

**All oral and written comments received were transcribed by Tammy Figler, Alliance Court Reporting, Inc. The complete transcript is made part of this Public Hearing.**

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3                               JOINT VICTOR TOWN &  
   VILLAGE PUBLIC  
   HEARING

4   4/25/16

5   ANNEXATION

6       - - - - -

7   -

8    Public Hearing in the Above-Titled

Matter: 9

10           Location:           Town of Victor  
 11                               85 East Main Street  
                                   Victor, New York  
                                   14564

12

13           Date:                April 25, 2016

14

15           Time:                 6:30 p.m.

16

17

18   Reported By:   TAMMY B. FIGLER

19 Alliance Court Reporting, Inc.

20                               120 East Avenue, Suite 200

21                               Rochester, New York 14604

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A P P E A R A N C E S

Appearing on Behalf of Town of Victor:

Jack Marren, Supervisor

Michael Guinan

Dan Crowley

Silvio Palermo

Dave Tantillo

David Howe, Esq.

Appearing on Behalf of Village of Victor:

Jason Ashton, Mayor

Michael Crowley, Deputy Mayor

Larry Rhodes

Gary Hadden

Carol Commisso

Reid Holter, Esq.

\* \* \*

1 PUBLIC HEARING - APRIL 25, 2016

2 MONDAY, APRIL 25, 2016;

3 (Proceedings in the above-titled matter  
4 commencing at 6:30 p.m.)

5 \* \* \*

6 SUPERVISOR MARREN: Good evening, ladies  
7 and gentlemen. I'd like to call the regular-scheduled  
8 Victor Town Board meeting of Monday, April 25, 2016,  
9 to order.

10 I'd ask all who have not signed in, please  
11 do so. Please turn off all cell phones and other  
12 electronic devices, and please conduct any private  
13 conversations in the hallway outside.

14 The emergency exits can be found on your  
15 right and to your left, and at this time, would you  
16 please join us, the Village and Town Boards in a  
17 salute to the flag.

18 (The Pledge of Allegiance.)

19 SUPERVISOR MARREN: So the first order of  
20 action will be for both the Joint Public Hearing for  
21 the Village and Town Board to offer a motion to open  
22 the Public Hearing, so why don't we start with that.

23 I'd ask for a motion to open the Joint  
24 Public Hearing.

25 TRUSTEE HADDEN: I'll make the motion.

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2 COUNCILMAN PALERMO: I'll second it.

3 SUPERVISOR MARREN: Offered by Trustee  
4 Hadden and seconded by Councilman Palermo.

5 Signify by saying aye.

6 (The motion carried.)

7 SUPERVISOR MARREN: I'd ask the Town Clerk  
8 to read the Public Hearing Notice.

9 TOWN CLERK DENZ: Notice of Joint Public  
10 Hearing on Petition to Annex Town of Victor Property  
11 to the Village of Victor, New York.

12 PLEASE TAKE NOTICE, pursuant to General  
13 Municipal Law, Section 704, that a petition by Lynaugh  
14 Road Properties LLC for annexation to the Village of  
15 Victor, New York, (the "Village"), of certain  
16 territory adjoining said village has been received by  
17 the Town Board of the Town of Victor, New York (the  
18 "Town"), and Board of Trustees of the village. The  
19 property located solely in the Town, and more  
20 particularly described as follows:

21 Tax map #16.00-1-46.00, also identified as  
22 995 County Road 9, consisting of approximately 2.2  
23 acres and a portion of tax map #16.18-3-1.200, also  
24 identified as 188 Church Street, said portion  
25 consisting of approximately 5,774 square feet located

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2 on east side of Church Street where it intersects with  
3 Hillcrest Drive at or about the boundary of the  
4 village and town.

5 PLEASE TAKE FURTHER NOTICE THAT, on  
6 April 25, 2016, at 6:30 p.m. at the Victor Town Hall,  
7 85 East Main Street, Victor, New York, a joint Public  
8 Hearing will be held by the aforesaid Town Board and  
9 Board of Trustees of the Village regarding said  
10 petition.

11 PLEASE TAKE FURTHER NOTICE THAT, the  
12 members of the aforesaid governing Boards of the Town  
13 and Village will meet at the time and place above  
14 specified, and all persons interested in the matter  
15 may be heard. Any and all written comments, including  
16 objections, support or otherwise, shall be directed to  
17 the Town of Victor Planning and Zoning Board at 85  
18 East Main Street, Victor, New York by 12:00 p.m.  
19 (noon) on May 2, 2016, and said comments may also be  
20 directed to the Town of Victor Planning -- Town of  
21 Victor Planning and Zoning Department by email at  
22 [planning@town-victor-ny-us](mailto:planning@town-victor-ny-us). The Victor Town Hall has  
23 barrier-free access for the physically handicapped,  
24 and any such handicapped person seeking transportation  
25 to said Public Hearing may contact Victor Town Clerk

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2 during regular business hours.

3 So this was advertised. It ran April 1,  
4 2016.

5 I've also received seven written comments.  
6 I'll read those into the record, just a summary. And  
7 the full comments will be in the transcript.

8 There's an email received from Lyn D.  
9 against the Gullace project with traffic concerns and  
10 property values.

11 Email received from David Phillips against  
12 the Gullace project. Felt the annexation changes the  
13 political landscape.

14 Two emails from Ken Curry, on 3/30/16  
15 requesting to see the proposed project plan first  
16 before he can comment regarding the annexation. On  
17 4/22/16, opposed to any annexation before the town and  
18 village have been an approved project plan.

19 Correspondence from Mary McCarthy  
20 concerned about drainage. Requested distribution to  
21 Town Board and Planning Board members of copies of an  
22 article in the "New York Times" dated 11/20/15, titled  
23 "An Ancient Stream Under a Manhattan Building Leads to  
24 Dispute." She had underlined information where an  
25 underground stream there caused erosion, basement

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2 flooding, foundation damage and backyard sinkholes.

3 An email received from Diane Bold against  
4 the Gullace project, concerns with density.

5 So that's all the written comments that  
6 I've received.

7 SUPERVISOR MARREN: Thank you, Town Clerk.

8 Now those written comments that the Town  
9 Clerk did receive, she did forward them onto the  
10 Village Clerk, forwarded them onto the members of the  
11 Board of Trustees, and the Town Board members have  
12 them as well.

13 A few other things I'd like to mention.  
14 There is a stenographer here sitting in the front row  
15 to capture all comments, either by the public or  
16 members of the board. Because many times -- let me  
17 back up.

18 There will be public hearings held at both  
19 the Town and Village Planning Board meetings for  
20 comments on density, drainage, traffic and other  
21 concerns prior to any consideration for site plan  
22 approvals. And, again, those will be in the future.

23 And because many residents, unfortunately,  
24 don't frequent public hearings, I just want to  
25 describe some of the procedures of a Public Hearing.

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2 So when approaching the podium, please  
3 provide your name and address for the record. Public  
4 Hearings are meant to provide the Board with comments  
5 for the public to help guide them with their  
6 decisionmaking. Public Hearings are not question and  
7 answer periods.

8 At the conclusion of the Public Hearing  
9 period, both boards will be asked if they have any  
10 comments. At that time they may choose to address  
11 some of the questions that have been presented. When  
12 both boards have completed their comments, there will  
13 be a motion to close the Public Hearing. Public  
14 written comment period will remain open until noon on  
15 May the 2nd, a week from today.

16 I would ask that you keep your comments to  
17 three minutes. If you exceed that, I will ask you to  
18 discontinue your comments at five. I realize that  
19 many of our speakers here this evening have probably  
20 spent a considerable amount of time developing their  
21 comments. With that in mind, please attempt to  
22 minimize the repetitive comments.

23 Please recognize not everyone's beliefs  
24 may coincide with yours. I ask that members of the  
25 audience treat each speaker with respect and conduct

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2 themselves in a professional manner.

3 We'll now ask Bob Cantwell to provide an  
4 overview of the intent of the annexation for both the  
5 public and both boards.

6 MR. CANTWELL: Thank you, Mr. Supervisor.

7 My name is Bob Cantwell. I'm with BME  
8 Associates on behalf of Lynaugh Rd. Properties LLC to  
9 present the annexation request to both boards. With  
10 me tonight is Chris Gullace and Dante Gullace who  
11 represent the applicant.

12 The first thing I would like to do is  
13 thank the Town Board, as well as the Village Trustees  
14 for agreeing to conduct a Joint Public Hearing for  
15 this proposal, just from the standpoint of expediency  
16 and for the purpose of the Public Hearing.

17 As was read, the annexation is for a  
18 transfer of land from the town to the village. The  
19 purpose for that is to -- as I'll get into a little  
20 bit -- to be able to provide access to the proposed  
21 subdivision in the Village of Victor limits as shown  
22 on the graphic that's on the board, as well as was  
23 provided in reduced copies in the back of the room.

24 The current configuration involves three  
25 existing parcels in the Village of Victor that

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2 encompasses currently a total of 2.2 acres. It also  
3 includes a 19.3 acre piece of property in the Town of  
4 Victor currently. All of those properties are owned  
5 by the applicant, and the town lands also includes  
6 approximately 4 acres on the west side of Church  
7 Street. That is not affected by the actual limits of  
8 the annexation, per se.

9 Upon annexation, the area in the village  
10 would increase to 5.8 acres, and in the town it would  
11 be reduced to 17.1 acres.

12 Again, getting back to the purpose of the  
13 annexation. In the early stages of the joint board  
14 informal discussions relative to the conceptual plan  
15 of the project, it was unanimously supported by all of  
16 the planners that were present that the alignment of  
17 the proposed road that connects to Church Street,  
18 actually in the village, should line up opposite the  
19 existing Hillcrest Drive. That location on the map  
20 and on the maps, that hopefully the public has, it  
21 shows as a dashed red line, that's the current  
22 existing town/village line. To the north is the town,  
23 and to the south in yellow is the village.

24 The green on the map represents the  
25 proposed annexation limits. Again, the limits of that

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2 would be added to the yellow for that total of, I  
3 think I said 5.8 acres. So that's kind of what's  
4 driving the configuration of the access point to  
5 Church Street.

6 The other part of the purely planning of  
7 the project site includes the desire for -- with that  
8 road location and the configuration of the access, the  
9 desire for the entire neighborhood within the village  
10 limits to be served by village services, i.e., the  
11 dedicated road that will be going through the site, as  
12 well as village utilities.

13 You might also use the analogy that it  
14 didn't make sense from a planning perspective for  
15 homes on one side of the road to be in the town, and  
16 roads on the other side of the street to be in the  
17 village, and where does the, you know, the taxes and  
18 support for that infrastructure go?

19 So, again, just to kind of reiterate the  
20 intent from purely a planning perspective was to  
21 include the entire neighborhood, if you will, that's  
22 been shown as 17 lots, conceptually all as within the  
23 limits of the Victor Village.

24 The other -- just to point out the  
25 configuration of the road that's shown on the graphic

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2 that was handed out, at the proposed municipal limit  
3 between the town and village, then the town would take  
4 jurisdiction and dedication of the road right-of-way,  
5 and that would -- again, the intent is for that to be  
6 a dedicated road and ultimately the Planning Board, as  
7 Mr. Supervisor had indicated, the Planning Board would  
8 be reviewing not only the site plans, but also the  
9 subdivision plans for the remaining lands of the  
10 project.

11 So, again, we are here tonight simply to  
12 request consideration for the annexation alone, and we  
13 recognize that down the road, we will also have to get  
14 into the specifics of the requirements of both the  
15 town and the village planning process.

16 And just finally to wrap it up: As part  
17 of the proposed limits of the village, there is also  
18 approximately an 8/10ths of an acre parcel shown in  
19 green that would be also annexed as part of the  
20 annexation to the village, and that would be combined  
21 with the existing Harlan Fisher Park and added to that  
22 park land. So that's kind of then the reason for that  
23 configuration.

24 So with that, I would be happy to address  
25 any questions or comments from either the Town or the

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2 Village Board. And, again, thank you for the  
3 opportunity to meet jointly.

4 SUPERVISOR MARREN: Any questions for Mr.  
5 Cantwell at this time, either the Village or Town  
6 Board?

7 Mr. Cantwell, you may take a seat.

8 Dave Nellis.

9 DAVE NELLIS: I'm Dave Nellis. I live at  
10 93 East Parkway. I had these written as questions.  
11 They are rhetorical questions I'd like you to think  
12 about.

13 The annexation line is quite irregular,  
14 drawn to accommodate a plan submitted in 2015. Would  
15 this be appropriate for any future changes in the  
16 Gullace plan?

17 The Gullace plan has not been approved.  
18 Will this annexation of a .7 acres to the park force  
19 the village to accept the clustering and resulting  
20 undersized R-2 lots?

21 On any of the proposed maps, houses in the  
22 village area are not drawn to scale. The proposed  
23 1,900-square-foot patio homes appear smaller than an  
24 875-square-foot home on East Parkway, and my concern  
25 is for drainage. The more houses allowed on a few

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2 acres, the more concrete and asphalt there will be to  
3 prevent absorption of surface water with more drainage  
4 headaches. Thank you.

5 SUPERVISOR MARREN: Thank you for your  
6 comments.

7 For the public's awareness, as well, I do  
8 know there's members of the Village and Town Planning  
9 Board in attendance, as well, to hear first-hand your  
10 comments here as well.

11 Mr. Ken Curry.

12 KEN CURRY: I'm Ken Curry, 63 East  
13 Parkway.

14 I submitted this letter to the boards this  
15 weekend, but I wanted to read it for the public's  
16 benefit. It's short.

17 I think we have the cart before the horse  
18 here. One can't seriously consider an annexation  
19 request until the details of the underlying project  
20 proposal are effectively communicated, discussed and  
21 agreed to. If one does agree to the annexation  
22 request, it would imply acceptance of the underlying  
23 plan.

24 When I received the meeting notice, I  
25 requested a copy of the project proposal. What I

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received back was not legible. The details of setbacks, et cetera, were too blurry to read. If the current proposal is the same as the last one we saw in 2015, it would require numerous variances for code violations. I oppose any project proposal that requires variances when the opportunity to annex property to avoid variances is on the table.

It also relied on being granted a clustering request. Clustering is intended to preserve an asset like an apple orchard or a fish pond with turtles and waterfowl, not an acre of standing water. I oppose any project proposal for clustering to save a swamp.

What we need to see in front of us at this meeting is the project proposal, not an annexation map. We need to talk about the project details for both the village and town, because we all want the entire development to be aesthetically pleasing. I oppose any annexation requests until we have an agreed-to project plan.

I think annexation is going to be easy. I think the village and the town will both grant the annexation once we have an acceptable plan because it's in the best interest of the community. Thank

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2 you.

3 SUPERVISOR MARREN: Thank you for your  
4 letter and your comments.

5 Mrs. Mason. I'm sorry. Mr. Mason.

6 JIM MASON: I'm Jim Mason. I live at 120  
7 Church Street.

8 I think everyone here would like to settle  
9 the question of the development once and for all, but  
10 so far every proposal is ignored or primary objection.  
11 You know, those people who are affected by this  
12 development, we object to the clustering. We'd like  
13 to see single-family homes built, not 170 apartments,  
14 not 70 townhouses, just houses.

15 We moved to this village five years ago  
16 because of its charming nature, and we'd be  
17 disappointed to see it spoiled by years of bulldozers  
18 and construction and digging and rows and rows and  
19 rows of high-density housing.

20 I understand the land is currently zoned  
21 for multiple units, but this land was zoned decades  
22 ago and not developed. Our community doesn't feel  
23 that this construction is appropriate for the area  
24 anymore. We've collected hundreds of signatures from  
25 people in the neighborhood that confirm that.

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2 The original zoning also described  
3 something far less aggressive than what's currently  
4 being proposed. I think that granting this petition  
5 sets in motion the development for the land for  
6 high-density housing, ignoring the explicit objections  
7 of the neighbors of this project.

8 We hear much in the news about voters  
9 feeling disenfranchised, and although we as a  
10 community are not voting on this proposal, it's your  
11 responsibility to listen to us regardless of your own  
12 personal views on this matter. It's clear if the  
13 community was voting on this, it would be immediately  
14 rejected.

15 And submitted maps have demonstrable and  
16 intentional inaccuracies. The fine print also  
17 describes setbacks that I don't think are appropriate  
18 for any community. Zero foot setback front side and  
19 rear, 10 feet between structures. Who wants to live  
20 next to that? Does anyone here live next to this  
21 development?

22 I did manage to, you know, blow up the  
23 fine print on the submitted map and, you know, it  
24 claims that there's, you know, four units per acre.  
25 And, you know, it's 23 acres we're talking about, so

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2 you know, why not build, you know, 90 single-family  
3 homes? And the answer is because you can't. Four  
4 units per acre is not accurate. You know, this  
5 proposed development is closer to eight to ten units  
6 per acre. I have a map that proves it. That's it.

7 SUPERVISOR MARREN: Thank you very much.  
8 Mary McCarthy.

9 MARY MCCARTHY: Mary McCarthy, 21 East  
10 Parkway. This is my daughter, Deborah, who's my moral  
11 support.

12 As you mentioned before the meeting, I did  
13 send handouts for you. I don't know how many of you  
14 have had the opportunity to read it, but it's  
15 emphasized over and over again about the flooding  
16 drainage and backyard sinkholes in this particular  
17 unit area in New York.

18 Now, as you all know, there has been other  
19 sinkholes at the Finger Lakes Community College.  
20 Certainly Florida has had a number of them, and I can  
21 visualize the water coming off of this hill down to  
22 Main Street, and wouldn't it be wonderful to have a  
23 sinkhole on Main Street and Church Street. Imagine  
24 what that would do to traffic in this community. And  
25 that is not an impossibility, because there are many

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subterranean streams on this hillside, and this is why most of the houses on Parkway and many of the houses in Victorwood do not have basements, because of the underground stream problem. And I don't know if how many of you are aware of this or not, but it's a real problem and it's not something to be taken lightly. Because who's going to take care of all these problems? Certainly Mr. Gullace is not going to be around anymore. The taxpayer is going to pay the results of all this destruction from these underground streams, and they are there because they're on the maps.

And the second point I would like to make is we just recently completed a master plan that was updated after ten years. What I would like to know is, if a master plan needs updating in ten years, why has not the zoning map updated in 30 years for Mr. Gullace? It seems to me that he has had plenty of time to take this development under consideration in 30 years' time and has done nothing with it, and I would say that it needs to be reconsidered before it goes forth.

Thank you, and I do appreciate the opportunity to speak.

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2 SUPERVISOR MARREN: Your letter regarding  
3 Manhattan and the drainage, again, was provided to all  
4 members up here.

5 MARY McCARTHY: Correct. I hope they've  
6 had the opportunity to look at it.

7 SUPERVISOR MARREN: That exhausts the  
8 names that I had on this list, so in an orderly  
9 fashion, feel free to come to the podium, state your  
10 name and address and make your comments to the boards.

11 LUBA MASON: I just have a quick thought  
12 that -- and I've already said it before that it's very  
13 important to do it right and not just for the benefit  
14 of somebody, but mostly, hopefully, for the benefit of  
15 everybody.

16 I know you can't please everybody, and  
17 everybody has their own ideas, but I think it's fair  
18 to ask -- to hear us, the residents who are going to  
19 live here with all of this big project. Thank you.

20 SUPERVISOR MARREN: Thank you for your  
21 comments.

22 Are there other members? Yes, sir.

23 ROBERT SCHLUETER: My name is Robert  
24 Schlueter, 7 Valley View Circle.

25 Originally I did not intend on speaking

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2 this evening, but there were two points made during --  
3 from other people that have been at the podium here  
4 that I would like to expound upon.

5 First, drainage issues. I know for a fact  
6 that a neighbor just three doors away from me had a  
7 serious drainage issue within the last six months, and  
8 I believe the town was involved and had to make some  
9 emergency equipment excavation, or whatever, in the  
10 area. That's with the existing conditions.

11 The two other things I'd like to comment  
12 on: One is a traffic issue. I know that studies have  
13 been done, and they claim that there is no adverse  
14 effect on the traffic. But I will tell you -- and I  
15 invite every member of the board to do what I do quite  
16 often -- and that is try and make a left-hand turn off  
17 of Hillcrest Drive onto Victor-Egypt Road. That is a  
18 blind spot right now as it stands. To put -- to add  
19 more confusion and add additional traffic to that  
20 intersection, that's going to be an accident waiting  
21 to happen. So, again, I invite you to try it yourself  
22 because it's a blind spot.

23 The final comment that I want to make, it  
24 was mentioned that previous petitions have been  
25 submitted to the Planning Board over the last three

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2 years, and I know for a fact that the one -- the  
3 earlier one had over 800 signatures on it. So this is  
4 a very small representation here tonight of people  
5 that really do not see this as an improvement to the  
6 community but rather a detriment. Thank you.

7 SUPERVISOR MARREN: Thank you for your  
8 comments.

9 Other members of the public?

10 JULIE DOYLE: Julie Doyle. I live at 37  
11 Hillcrest Drive, and I agree with the prior comments.  
12 I just had one thing to point out that was slightly  
13 different than what people said.

14 If you look to the left of Church Street  
15 with those lots that are in white, those are the lots  
16 on Hillcrest right across the street from me. They  
17 are third of an acre lots, like they're 3.7 lots. If  
18 you look now at the proposed lots, those lots are  
19 considerably smaller than what's on the other side of  
20 the street, however, the houses going on those lots  
21 are close to 2,000 square feet, which is bigger than  
22 almost all the other houses in the area.

23 I think the scale on this map is grossly  
24 underestimated somehow, where if you're going to  
25 improve an annexation based on a plan like that, the

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2 lots should really be shown to scale. I'm concerned  
3 that the houses shown are going to be much larger and  
4 take up much more than the actual lot size than what  
5 is actually shown.

6 I've been told that the lots on East  
7 Parkway behind the yellow lots, the houses there are  
8 875 square feet versus a 2,000-square-foot house right  
9 behind it. However, on the plan that you see, the  
10 houses are the same size, and there's no possible way  
11 that those houses can be the same size.

12 I'm concerned about the smallness of the  
13 lots, and I'm also concerned about how that road will  
14 go straight into Hillcrest. And as many of you may  
15 know, people use Hillcrest kind of as a drag strip to  
16 kind of get through the village. They go easily 45,  
17 50 miles past my house, and I do have small children  
18 as do many other people on Hillcrest do. And it's  
19 certainly a concern that additional building in this  
20 area and an annexation of 17 new houses in very small  
21 density are going to cause traffic concerns, not only  
22 on Church Street, but also all the surrounding  
23 neighborhoods in the area.

24 I would just ask if you will consider  
25 annexation, consider it with a viable plan that is

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2 accurate in place instead of maybe something on the  
3 plan that has not been yet approved.

4 Thank you for the time.

5 SUPERVISOR MARREN: Thank you for your  
6 comments.

7 Other members of the public?

8 DEBORAH CHARLEBOIS: I came up -- my name  
9 is Deborah Charlebois. I came up with my mother, but  
10 I do have a couple of comments myself. I do actually  
11 own that property with her.

12 I have three concerns. One is I was at a  
13 board meeting a few months ago and someone came in and  
14 spoke intensively about the sewer situation in the  
15 town. It was at its capacity and unable to hold much  
16 more, and I don't think at this point there's been any  
17 plan on increasing that but, yet, increasing housing  
18 in the area is going to tax that sewer even more.

19 The second thing I'd like to talk about  
20 is, again, the traffic. Not only -- I do understand  
21 the people's concern on Hillcrest, but come down  
22 either Church or Lynaugh and trying to get just about  
23 any place, especially in the morning or night rush  
24 hour with no lights or traffic lights, is pretty much  
25 impossible.

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2 The third thing I do have a question is I  
3 have seen a hydrant actually at the Harlan Fisher  
4 Park, and it's in the middle of the park, and I'm kind  
5 of questioning if this was put in by the Town,  
6 Village, or whatever, with mind that this whole  
7 procedure was going to go through without it being  
8 approved, because I don't understand why there's a  
9 hydrant in the middle of a park where all there is  
10 right now is a port-a-john and a metal swing set.

11 So that's what I've got to say. Thank  
12 you.

13 SUPERVISOR MARREN: Public bathrooms is  
14 our goal there. It has been our goal for some time.

15 Any other members of the public care to  
16 speak this evening?

17 GENE PRATT: Gene Pratt. I live at the  
18 corner of Andrews and Church Street just three houses  
19 up from up from Main. And my concern can be summed up  
20 in two words: Traffic and traffic.

21 The sometimes inability for us to get out  
22 of your driveway because of traffic which is backed up  
23 from Main Street up the Church Street hill is  
24 unacceptable for us, and I am aware that there are  
25 plans -- and I'm not sure how far they've

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2 progressed -- a roundabout at the intersection of Lane  
3 and Victor-Egypt Road, and also at the intersection of  
4 Lynaugh and Main Street, Route 96, with no plans for  
5 addressing the Church Street intersection.

6 As I understand it, a traffic light there  
7 has been deemed by the DOT as inappropriate, not  
8 acceptable. I'm not sure what the DOT's words are,  
9 but if we talk about this density and the number of  
10 additional vehicles that could potentially be using  
11 the Church Street, Main Street intersection, if  
12 there's, whatever, 80 residents -- and I don't know  
13 what the average number of cars per residence is these  
14 days, if it's one and a half, whatever -- we are  
15 talking about 120 additional vehicles that could  
16 potentially be using that intersection.

17 So for us it's a very high level of  
18 concern.

19 SUPERVISOR MARREN: Thank you, Gene.

20 Other members of public?

21 ELEANOR BARRY: Eleanor Barry from  
22 Hillcrest Drive. I happen to be the matriarch of  
23 Hillcrest. I've been there the longest. I was there  
24 before Quail Ridge was built. It was a field in front  
25 of me and a field behind me, and I get a little upset

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2 where people don't want -- they move in, but they  
3 don't want the next person to move in. If I had  
4 fought that, none of you -- most of you people  
5 wouldn't be here because there wouldn't be a house for  
6 you.

7 I'm not here for or against the  
8 development. I personally was interested when they  
9 were going to have apartments. I'm looking for an  
10 apartment, and I'm looking for an apartment in the  
11 Village of Victor.

12 And twice two areas have been turned down  
13 because they don't want "trash." Now, I don't  
14 consider myself trash, and I think that there's  
15 something that has to be said about senior citizens  
16 who need a place to live in the village without having  
17 to take care of property. And I would like to see --  
18 I'm speaking for myself, and I'm sure for many other  
19 senior citizens who are looking for apartments,  
20 first-floor apartments -- you can find second floor,  
21 but first-floor apartments in the village. Now, I'd  
22 like to put a push on that. Thank you.

23 SUPERVISOR MARREN: Thank you for your  
24 comments.

25 Other members of the public?

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2 PATRICK LOVERDI: Patrick Loverdi, 996

3 Kensington Court. I want to be really quick. My main  
4 concern here is that we're considering annexation  
5 before a plan has been approved, and I do kind of  
6 believe that's putting the cart before the horse.

7 There's been multiple plans submitted. In  
8 one of the earlier plans, the area west of Church  
9 Street actually had single-family homes and now we're  
10 back to townhouses. So now there's a lot of room  
11 between left and right as to what final plan it might  
12 be.

13 I'm not opposed to developing the land but  
14 I'm worried about doing an annexation of any land  
15 which might hem the options, whether it's for the  
16 developer or for us to discuss, before the plan has  
17 been put before us. I think that's a little bit of  
18 the cart before the horse. I would like to see the  
19 plans finalized, or at least coalesced into something  
20 firm.

21 At one time there was talk of even  
22 annexing that land west of Church Street, so there's  
23 lots of options thrown around in the last 24 months,  
24 so I would like to see the proposal moved along  
25 further before actual annexation is done just to give

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2 everybody a clear idea of what's going on.

3 SUPERVISOR MARREN: Thank you for your  
4 comments.

5 Ms. Herrick.

6 DIANE HERRICK: Diane Herrick, 6707 St.  
7 John's Parkway, our third residence in Victor. That  
8 means we like the place and we really want to keep it  
9 controlled to a certain extent.

10 I agree with the cart before the horse  
11 comments that people have made. Also the traffic, we  
12 live off Lynaugh Road in St. John's Parkway. Drainage  
13 is also a concern. Lot size. The scale of these  
14 drawings, that really bothers me if this isn't  
15 accurate.

16 I'm also concerned about the schools. I  
17 taught in the schools. I know how great Victor  
18 Schools are. I know that a campus like we have is  
19 very appealing. It's a wonderful place to move to. I  
20 don't think we need high density development.

21 As a teacher when I started in Victor, I  
22 would hear about another high density development, and  
23 I kept just listening, not forming my opinion, but  
24 that high density development really brought a lot of  
25 concerns to the Victor Central Schools.

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2 This also could bring a lot of concerns to  
3 the Victor Central Schools. I've worked on fund  
4 drives to get them to add to the Victor Schools, and  
5 I've heard all those responses from those people that  
6 don't want to see their taxes rise. They don't want  
7 to see Victor get too big. They want to maintain  
8 what's special about Victor.

9 So I would certainly like to see this in  
10 its right form before anything is decided about  
11 annexing it into the village. Thank you.

12 SUPERVISOR MARREN: Thank you.

13 Other members of the public?

14 Last call any other members of the public?

15 We'll start with members of Village Board.

16 Any comments?

17 TRUSTEE RHODES: Thank you all for coming  
18 and for your input.

19 SUPERVISOR MARREN: Members of the Town  
20 Board?

21 COUNCILMAN TANTILLO: Mr. Cantwell, hello  
22 my friend.

23 I have a few things I'd like to say.  
24 First, has it been shared with you the impact that  
25 this development will have on the Harlan Fisher Park?

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2 MR. CANTWELL: From the standpoint of a  
3 correspondence?

4 COUNCILMAN TANTILLO: No, no. The Parks  
5 and Recreation Citizens Advisory Committee put  
6 together a recommendation from the residents and  
7 ourselves. We had a few residents, Tom Hooker and  
8 Ruth Nellis and few residents helped work with Parks  
9 and Rec Citizens Advisory Committee to come up that,  
10 if you had a full build out here, the impact it would  
11 have on that park, and there was recommendations that  
12 were forwarded. I wanted to know if you had received  
13 that?

14 MR. CANTWELL: Can I ask for the date on  
15 that?

16 COUNCILMAN TANTILLO: It's on the last  
17 page. There's a request by the residents and the  
18 Citizens Advisory Committee that it would have a huge  
19 impact on that park. It would go to what's called an  
20 "active park," meaning that there's going to be more  
21 people using it, and the massive issues it would have  
22 on storm water management on that park. And we want  
23 to make sure if there are pipes run through the park,  
24 that the park is put back to what it originally was  
25 and the access points. So it's spelled out on the

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2 last page. I wasn't sure if it was presented to you.  
3 I wanted to make sure you have it, and I'll make sure  
4 it's forwarded to both the Zoning Board and the  
5 Planning Board.

6 MR. CANTWELL: Thank you. I think we have  
7 had received this, and I think one of the concerns was  
8 with regard to the sewer, the proposed sewer that  
9 would go through the village park.

10 And on the conceptual plan that we had  
11 last presented to the Planning Board for the town, we  
12 did include that sewer to connect into the town's  
13 system. Again, that's something that has to be  
14 ultimately reviewed and accepted by the Town Planning  
15 Board and Public Works and town engineer, as well as  
16 village systems, so I think that's what you had  
17 referred to.

18 But I think raising the point, it seemed  
19 to make an awful lot of sense of constructing, I'm  
20 going to say, approximately 800 to 1,000 feet of sewer  
21 simply to serve a fewer number of lots, when the  
22 system and municipal cooperative relationship between  
23 the village and the town could have alleviated the  
24 need to go through the parkland.

25 So it's a kind of long and drawn-out

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2 answer to one of your questions.

3 COUNCILMAN TANTILLO: I want to make sure  
4 this is captured in your proposal. That's number 1.

5 I'm not against, first of all to be clear,  
6 I'm not against people developing their land as it's  
7 zoned, but, you know, if we look at this historically,  
8 it was zoned residential in the early '80s. And when  
9 it moved to multiple density in, I believe 1985, 1986,  
10 at that time no Quail Ridge, no Ravenwood, no Camden  
11 Hills, no Duck Hollow, and Lane Road wasn't connected  
12 to the County Road 9. So when the Town Board at that  
13 time rezoned it, multiple dwellings made sense. No  
14 investment around there.

15 I agree with one of residents saying that  
16 we need multiple dwellings in the village. I totally  
17 understand that. Now, let's flash ahead 30 years, and  
18 we have to use some common sense here and say, "Okay,  
19 now all this development is around it. Look at the  
20 impact it's going to have on the traffic."

21 I live in Camden Hills. I know what it's  
22 like to turn left on Lynaugh Road onto Route 96.  
23 Seriously? I was on the traffic infrastructure  
24 committee and both Lane Road, both Church Street and  
25 both County Road 9 all failed. I don't know how

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2 you're going to get around that.

3 Storm water management, last year we had a  
4 major rainy event. If you came down Lynaugh Road,  
5 literally by Harlan Fisher Park, that house right  
6 next-door to it, there was water from the road to the  
7 person's foundation and that's with a field. Now  
8 imagine if there's an impervious pavement with all  
9 these houses. How are you going to prevent that from  
10 happening?

11 Once again, I think what I'm getting at is  
12 I'm not against annexation, but it is clear by the  
13 residents there's no way, me personally, I'm going to  
14 prove annexation until I see the details in front of  
15 me. I just want to be clear on that. There's a lot  
16 of work, and I believe the residents aren't opposed to  
17 them developing it. What I heard them saying is,  
18 let's walk before we run, and let's see the details,  
19 because they bring up a lot of interesting questions  
20 with regard to the scales to the map with storm water  
21 and traffic.

22 If we were going to vote today, I'd vote  
23 no, so I want to make sure we're clear.

24 SUPERVISOR MARREN: Thank you, Councilman.  
25 Any other councilmen?

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2 I do have a few comments. Again, I don't  
3 want you to go home without any answers, so I want to  
4 provide you with a few answers here to a couple  
5 questions.

6 The portion on the map that is identified  
7 as the area to be considered for annexation, my  
8 understanding is the sewage from that portion would be  
9 to the village sewage treatment plant. The rest of  
10 the project would go to the Town of Farmington sewer  
11 treatment plant.

12 You are correct, there was comments at  
13 previous Town Board meetings regarding sewer issues.  
14 It's not a matter of capacity at the Farmington sewer  
15 treatment plant, it's a matter of system capacity in  
16 some parts of the town. The farther away you get away  
17 from the plant, more on the west side of the town,  
18 it's more where it's reaching a point of capacity, and  
19 we are in the plans of making some future changes  
20 here, and hopefully in the near future.

21 Again, to reiterate that portion goes to  
22 the village sewage treatment plant, that would be under  
23 the Water Village DPW, their jurisdiction as well.  
24 The rest of the project, sewage to the Farmington  
25 sewage treatment plant, and water, again, would be

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2 under the jurisdiction of Monroe County Water  
3 Authority.

4 Traffic, bottom of Church Street and Main  
5 Street, clearly I think the DOT unfortunately sent a  
6 message a number of years ago when the Village DPW was  
7 doing their refurbishing of Church Street, and it was  
8 closed off and maybe one lane. And at that time they  
9 had asked for a signal light at the bottom of Lynaugh  
10 Road, turned down and even a four-way at that time.  
11 So that was problematic. And unfortunately they keep  
12 telling us no at the bottom of Church Street. I don't  
13 know if it's cuing space. Not sure what their true  
14 rationale is.

15 I do know, Mr. Pratt mentioned as well,  
16 the DOT have not come before the board, Town or  
17 Village Board, but I have heard they are consideration  
18 plans for a roundabout at the bottom of Lynaugh Road.  
19 But I visualize that and I just don't know where  
20 they're getting space for that.

21 If there was consideration for County Road  
22 9 and Lane Road, that would be a County of Ontario  
23 project, and I do know now certainly safety is a big  
24 concern. It's certainly well-documented. There was a  
25 fatality over in Farmington in a difficult

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2 intersection over there, and I know that's an area  
3 that they're looking at as well. So certainly  
4 fatalities, accident rates, things like that, they  
5 take into consideration as well.

6 Drainage. I had a now deceased  
7 father-in-law that lived on Ambassador Drive. I  
8 have -- the wife has an aunt and uncle that live on  
9 Ambassador Drive, and I do know there's springs  
10 throughout that entire -- use the term -- "cigarette  
11 hill" as some have alluded to it. And I do know the  
12 Village DPW and the Village Board spent considerable  
13 money years ago to tie in a lot of drainage to really  
14 minimize that, but clearly there's some type of  
15 springs underneath that whole development. And I know  
16 many individuals who I know, their sump pumps never  
17 shut off no matter what time of year. That's  
18 certainly a financial drain on individuals, replacing  
19 sump pumps, the electricity as well.

20 So I would have to believe, I do know that  
21 both Village and Town Planning Boards would be charged  
22 with making sure that drainage is meeting the needs of  
23 our residents, current residents, and certainly our  
24 future residents.

25 And lastly, from a traffic standpoint, I

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2 reside on Church Street, so the Public Hearing for  
3 myself actually started at 5:30 tonight when my wife  
4 sat across from me at the table and started giving me  
5 her comments as well, and I couldn't gavel her out.  
6 But anyways, with that said, I also know, you know,  
7 backing in and out, things like that.

8 So hopefully I answered a few questions:  
9 Drainage, roundabout. I do appreciate the comment on  
10 the left-hand turn off of Hillcrest. I know sometimes  
11 I've departed there on the right, and I know there's a  
12 hill there that can be problematic, especially in the  
13 wintertime. Because let's face it, I know the speed  
14 limit for the village there is 25 miles per hour, but  
15 residents layoff the gas pedal when they hit the light  
16 on top, so probably hitting 50 at that mark.

17 So certainly speed of motorists, and I  
18 know I'm getting on a soapbox, but speed of motorists  
19 throughout our town and village is a challenge to all  
20 of us here.

21 I'll ask the Village and Town Board one  
22 last time?

23 GARY HADDEN: Gary Hadden. Just a couple  
24 things. Thinking about Hillcrest Drive, I grew up on  
25 Hillcrest Drive, and probably 40 years ago, or close

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2 to it, that hill was actually cut down for that very  
3 reason, that safety concern. I know it's built back  
4 up. The pavement has built back up. I'm not an  
5 engineer. I don't know if it's at the point where we  
6 need to do something about it, but I thought I'd throw  
7 that comment out.

8 The other thing is I've heard loud and  
9 clear from residents tonight how they feel about the  
10 details about this proposal, and how they want to know  
11 more about the details before we consider or vote on  
12 annexation. Personally, I'm kind of glad I'm not  
13 having to vote tonight, because there's a lot of  
14 things that have come out tonight that I wasn't really  
15 understanding before, as far as your concerns.

16 The one thing I will say about annexation,  
17 everybody has mentioned density. And it's my  
18 understanding that if this land is annexed into the  
19 village, it's going to help reduce the density, or the  
20 potential for density, in this project because of the  
21 current zoning in the town's portion. That's not to  
22 say I'm 100 percent for annexation. But I want to  
23 make that clear that, you know, it does, in my  
24 understanding, reduce that potential for density in  
25 the town's portion of the project.

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2 So other than that, I want to say I've  
3 heard from some people tonight that I've known for  
4 years and years: Eleanor Barry, Mary McCarthy. You  
5 guys are something else. I appreciate your comments,  
6 and I appreciate everybody's comments tonight. It's  
7 been an eye-opening experience for me on the board and  
8 I will consider everything carefully before I go  
9 forward.

10 SUPERVISOR MARREN: Town Counsel, David  
11 Howe.

12 DAVID HOWE: Sure. So for the benefit of  
13 the public, as well as the board here, you're all  
14 aware of the fact that one of the major considerations  
15 that you'll be tasked with in this annexation  
16 proceeding is to determine whether or not this  
17 petition is in the overall best public interest. And  
18 to that, and I know that Mr. Cantwell, you and your  
19 clients have been through this process for quite some  
20 time and the public as well, obviously, as we've seen  
21 from the comments tonight. And I know obviously the  
22 various boards have been familiar with this project  
23 for quite some time.

24 But for the purpose of this record here  
25 tonight, I'm wondering, Mr. Cantwell, if you could

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2 provide to the board a little more detail about the  
3 petition, insofar as how this annexation in terms of  
4 the redrawing of the municipal lines is in the public  
5 interest.

6 I know you discussed earlier, the process  
7 early on in this project as it pertained to planning  
8 and the various people you dealt with in terms of  
9 lining up the proposed road with Hillcrest Drive and  
10 the impacts on infrastructure, but I'd like you to, if  
11 you could, detail a little more for the benefit of  
12 this record and this forum.

13 MR. CANTWELL: Sure. Thank you.

14 I'll try to explain that essentially the  
15 17 lots that are shown on the plan would all be served  
16 by village utilities, be it public utilities, as  
17 Mr. Supervisor had indicated. They would also be  
18 served by a dedicated village road that would go  
19 through the site.

20 So all -- basically all of their -- they  
21 would become village residents that are paying taxes  
22 for village services, as opposed to if the municipal  
23 line stayed where it was, then you'd have the homes on  
24 the north side of that line in the town, and the homes  
25 on the south side of the line in the village, and

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2 those homeowners on the north side would be receiving,  
3 basically, village services while living in the town.  
4 I guess that's kind of a benefit for the annexation.

5 MAYOR ASHTON: I believe, just commenting  
6 on the road line up, from one of the original drawings  
7 if the annexation didn't go through, the line up with  
8 Hillcrest would actually be down further on the  
9 northern side of County Route 9, which would actually  
10 cause a blind hazard while turning left onto the  
11 development, if that's not correct.

12 MR. CANTWELL: Yeah, that's absolutely  
13 correct. And, again, going back to the initial  
14 planning studies, not only from both the village and  
15 Town Planning Board when this was presented  
16 conceptually, but also the village engineer, the town  
17 engineer, as well as the traffic consultants all  
18 supported that intersection lining up.

19 So as opposed to having an offset  
20 intersection further to the south, which is usually in  
21 traffic planning if you want a larger offset distance  
22 or dimension, than what this would provide if it was  
23 offset. So it would end up being a very irregularly  
24 shaped development, neighborhood, if you will, from  
25 the standpoint of planning. And, again, that's, you

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2 know, based on input from both the Village and Town  
3 Planning Boards.

4 MAYOR ASHTON: And it also creates traffic  
5 hazards; correct? I mean, if you are turning in  
6 left -- if you are going south turning left into the  
7 development, if that road didn't exist and the road  
8 was actually further north, you're actually creating a  
9 blind spot from what I understand talking to the  
10 planners who were involved in this.

11 MR. CANTWELL: Right. The current  
12 location is at the high point, which gives the best  
13 site distance in both directions. And certainly the  
14 other component is the fact that there's a flashing  
15 light, caution light there.

16 MAYOR ASHTON: And if we do go through the  
17 annexation, it will go from high density to R-2 from  
18 the village end. That's correct.

19 MR. CANTWELL: The existing zoning in the  
20 village will -- the proposal is for that zoning to be  
21 consistent with what the existing village land is.  
22 Correct.

23 SUPERVISOR MARREN: Any other comments?

24 If there are no more comments from these  
25 respective boards, I ask for a motion to close the

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2 Public Hearing.

3 COUNCILMAN TANTILLO: I'll make a motion.

4 COUNCILMAN GUINAN: I'll second it.

5 SUPERVISOR MARREN: All those in favor,  
6 signify by saying aye.

7 (The motion carried.)

8 SUPERVISOR MARREN: This concludes the  
9 joint portion of the meeting.

10 You're more than welcome to stay for the  
11 remaining Town Board Meeting. We'll take a  
12 five-minute recess for those wishing to

depart. 13 (TIME: 7:29 p.m.)

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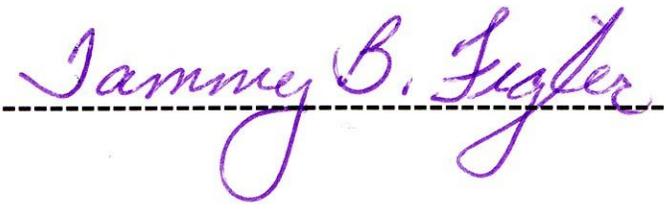
C E R T I F I C A T I O N STATE OF NEW  
YORK:  
COUNTY OF ONTARIO:

I, TAMMY B. FIGLER, do hereby certify that  
I reported in machine shorthand the above-styled  
cause; and that the foregoing pages were produced by  
computer-aided transcription (CAT) under my personal  
supervision and constitute a true and accurate record  
of the testimony in this proceeding;

I further certify that I am not an  
attorney or counsel of any parties, nor a relative or  
employee of any attorney or counsel connected with the  
action, nor financially interested in the action;

WITNESS my hand in the City of Farmington,  
County of Ontario, State of New

York.



TAMMY B. FIGLER  
Freelance Court Reporter  
and Notary Public No.  
01FI4573724  
in and for Ontario County, New York

Public Hearing closed 7:30 PM

RESOLUTION #174

CLOSE JOINT PUBLIC HEARING FOR THE TOWN AND VILLAGE BOARD TO CONSIDER THE PETITION TO ANNEX TOWN OF VICTOR TERRITORY TO THE VILLAGE OF VICTOR, NEW YORK AND RE-OPEN REGULAR MEETING OF THE VICTOR TOWN BOARD

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 10 (Marren, Palermo, Crowley, Guinan, Tantillo, Ashton, Hadden, Commisso, Rhodes, Crowley) NAYS 0

RESOLVED that the joint public hearing for the Town and Village Boards to consider the petition to annex Town of Victor territory to the Village of Victor, New York be closed and the regular meeting of the Victor Town Board be reconvened.

Supervisor Marren called for a short break 7:30 PM

Village Board exited the meeting.

Meeting Resumed 7:45 PM

RESOLUTION #175

MOVE TO SCHEDULED PUBLIC HEARING

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

RESOLVED that the regular meeting of the Victor Town Board be interrupted to hold the scheduled Public Hearing.

PUBLIC HEARING

LOCAL LAW NO. -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-19B ENTITLED "R-1 AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211- ENTITLED "SHORT-TERM VACATION HOME RENTALS" IN ORDER TO ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM VACATION HOME RENTALS IN THE TOWN

Public Hearing was opened at 7:45 PM.

Legal Notice was read into the record by the Town Clerk.

Supervisor Marren called for comments.

Rosemary Graham, 6950 Valentown Road requested clarification of the proposed local law. She reviewed that she feels she has a hotel, not a neighbor located next to her with the way the property at 135 Baker Rd. is used. She advised that the Zoning Board of Appeals determined last year that the current use of the property at 135 Baker Rd. was inconsistent with the purpose and intent of Town Code, yet the property is still being used the same way. Concerned that the proposed local law does not mention or address "transient" people, noise and trespassing issues that are continuing.

Atty. David Hou clarified the proposal advising that the intent is to regulate this use with a Special Use Permit as the Town does not want to prohibit short term vacation rentals preventing people from lawfully renting their home.

Dan Graham, 6950 Valentown Road reviewed that he and his wife do not have a problem with Short Term Vacation Rentals but feel that the use of the property at 135 Baker Rd. is extreme. He reiterated that winning the ZBA appeal last year did not stop the problems with way the property is used there.

Joe Hurley, 248 Benson Rd, owner of Kettle Ridge Farm, 515 Log Cabin Rd. reviewed that he may look to do short term rentals in the future, mentioning that Agri-Tourism is promoted in the Master Plan.

He supported the proposal stating he felt it goes to protect neighbor's rights. Regarding Revocation of Special Use Permit, recommended extension of days from 30 to 45 days for Planning Board to determine whether or not a Special Use Permit should be revoked.

Dave Nankin, 1174 Chaucer Court, referenced Air B & B, and questioned if he would need permission to rent his house for a three day weekend.

Atty. David Hou clarified Mr. Nankin's question answering "No", purpose is for people operating as commercial ventures.

Councilman Guinan felt that this draft needs more definition to have an enforceable product for code and offered assistance to make the restrictions more concise.

Councilman Crowley reviewed the history of the ZBA appeal regarding 135 Baker Rd., and advised that this draft was the Town Board's response.

No one else wished to comment.

Supervisor Marren directed that more research be completed for the draft.

Public Hearing closed 8:30 PM

#### RESOLUTION #176

##### RE-OPEN REGULAR MEETING OF THE VICTOR TOWN BOARD

On motion of Councilman Crowley, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

RESOLVED that the regular meeting of the Victor Town Board be reconvened.

#### RESOLUTION #177

##### APPROVAL OF MINUTES

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0 ABSTAIN 1 (Tantillo)

RESOLVED that the minutes of the regular meeting of March 28 be approved.

#### RESOLUTION #178

##### PAYMENT OF BILLS

On motion of Councilman Tantillo, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

RESOLVED that the bills be paid on Manifest #8 in the amount of \$681,373.54. Documentation for these expenditures can be found on vouchers filed by numbers #20160748-20160892.

A- General Townwide	\$127,827.21
B- General Outside Village	\$21,204.95
DB – Highway Townwide	\$78,406.75
H19 –High Street Capital Improvement Project	\$196,487.96
H21- Community Connectivity Capital Project	\$11,421.20

H22 –Acquisition of Equipment	\$213,255.00
SL1 –Fishers Light	\$5.40
SL2 –Brookwood Meadows Light	\$4.64
SL3 –High Point Light	\$12.00
SL4 –Cobblestone Light	\$59.80
SL5 –Quail Ridge Light	\$10.83
SL6 –Rolling Meadows Light	\$13.41
SL7 –Legacy at Fairways	\$8.26
SL8 –Stoneleigh Light	\$4.49
SS –S5 CVS Sewer	\$5,454.90
TA –Trust & Agency	\$27,196.74

Supervisor Marren reviewed each of the eight large expenses that were included in Manifest #8.

#### PUBLIC COMMENT

Tim Brown, 1249 Cork Road –regarding improvements to Maple Ave. road reconstruction project and the planned detour that the Village DPW reviewed at the 3/28/16 Town Board meeting, concerned that there is no signage posted. He felt that communication is very important to the residents and business owners.

Supervisor Marren advised that a liaison from the Village Board will be attending Town Board meeting, starting with this one.

Village Trustee Hadden responded to Mr. Brown’s concerns advising that Mr. Turner, the Village DPW is currently developing the timeline that will be communicated.

Councilman Guinan advised that Mr. Turner was waiting for the letting of the bid, and that was just opened.

Ron Courtney, 1151 Ridge Crest Drive –homeowners in Victoria Woods are complaining about potholes at Route 96 and Heath Row. Question if the Town or NYSDOT would be responsible for the repair. Expressed concern with the Ballerina Court Subdivision backing up to a townhome community and children using property owner’s swing sets. Suggested some kind a forever wild barrier to prevent this.

#### SUPERVISOR

Supervisor Marren distributed information in a submitted report to Town Board members, and discussed the following items:

- 1) Village Trustees will be on rotation as Liaisons to the Victor Town Board. Trustee Gary Hadden was in attendance this meeting.
- 2) Pinnacle Sports Complex –met with them last week to discuss applying for a modification to their PDD regarding an addition to the existing site.

#### REPORTS SUBMITTED

Highway  
Fiscal Manager  
Economic Development  
Attorney  
Engineer

#### TOWN CLERK

Debra Denz reported:

- 1) Notice received for Public Hearing scheduled 4/25/16, 9 AM at the Victor Town Hall for Victor Business Park Partners LLC relating to their application to Ontario County Industrial Development Agency for a proposed project for acquisition of approx. 24.84 acres of land and improvements to existing facility located at 100 Rawson Rd.

2) The 2016 Town & County Tax settlement was completed on 4/6/16. There were 5,970 tax bills, 97% collected, 136 unpaid turned over to the County, and 54 returned payments (check errors/payment after collection cycle). The Collection Summary report was distributed to the Town Board and available in the Town Clerk's office.

3) Congratulations to Kimberly Heuer and Roxann Ammerman, Deputy Town Clerks, for achieving certification as Registered Municipal Clerks from the New York State Town Clerks Association.

#### COUNCILMAN TANTILLO

1) Communications Workshop will be held May 2<sup>nd</sup> at 6pm at the Town Hall. Goal is to gain citizen input on improved communications between Town Government and Residents.

2) As liaison to the Zoning Board of Appeals, he advised that he had updated the ZBA with the status of their referral to the Town Board for an application for a variance noting that the Town Board had directed the Town Atty. to research a language change in the code and the he ZBA's response was that the language change did not guarantee an approval. After brief Town Board discussion, the Town Board supported responding back to the ZBA that referrals should not be made to the Town Board if their intention is not for approval.

3) East Coast Tavern application to ZBA regarding setbacks for a patio was turned down. He stated that he was disappointed and felt that the ZBA did not take into account all the positive impacts to the community. He noted that East Coast Tavern may make changes and reapply.

#### ATTY. DAVID HOU

1) Updated the Town Board regarding his research for changing the Non-Conforming Use language in code relating to "grandfathered" residential properties located in Commercial/ Light Industrial Zones. He reviewed that this is relating to a request from a resident at 1308 East Victor Rd. at the 4/11/16 Town Board meeting for rezoning. He reviewed the policies that are conflicting, the status of developing a code amendment, and advised that the Building & Planning Dept. has identified 20 additional properties and their location that this could apply to. He requested Town Board comment in preparing the draft.

2) Regarding East Coast Tavern, met with staff from Building Planning Dept., and City Grill will proceed with their site plan for a patio application to the Planning Board, and then with a modified patio structure application to the ZBA, they feel they will have a better chance for ZBA approval.

#### COUNCILMAN PALERMO

1) Liaison for Planning Board

-LSI Solutions 5,600 sq ft expansion approved

-No action taken on the change of hours request for Victor Crossing, still under review

2) Fishers Fire Department -passed a resolution to create dialog with the Victor Fire Department for feasibility of merging.

#### COUNCILMAN GUINAN

Liaison for Local Development Corporation -they are working with the Genesee Transportation Council to combine two grants that were monetarily lower than expected to apply to the Route 96 corridor project. Waiting to hear back on approval.

#### RESOLUTION #179

#### AUBURN HILLS, SECTION 2A, CORK ROAD IMPROVEMENTS - ACCEPTANCE OF DEDICATION

On motion of Councilman Tantillo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS Auburn Hills, LLC developer of the Auburn Hills, Section 2A, Cork Road Improvements, has offered to dedicate to the Town of Victor a portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A as described in the right-of-way description and the storm sewer system as set forth in the Town Engineer's letter of April 13, 2016; and

(Resolution #179 con't)

WHEREAS, the Engineer for the Town has indicated by letter dated April 13, 2016, that a portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A as described in the right-of-way description and the storm sewer system are acceptable to be dedicated to the Town; and,

WHEREAS, in lieu of a Maintenance Bond, the Developer has requested that a balance of \$7,612.40 remain in the Genesee Regional Bank Letter of Credit No. 370503 which is the amount recommended by the Town Engineer in a letter dated April 13, 2016, to be held for two (2) years after the acceptance of the dedicated facility and roadway; now, therefore, be it

RESOLVED, AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of the portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A, as the same is known and is described in deeds of dedication to be executed by Auburn Hills, LLC, copies of which are on file in the Town Clerk's Office.
2. That the Town of Victor hereby accepts dedication of the portion of Cork Road (re-aligned Cork Road at Modock Road, 7,173 square feet) constructed at Auburn Hills Section 2A as described in the right-of-way description and the storm sewer system located within the right-of-way as they either lie within the dedicated right-of-way or the Town has previously been granted easements.
3. That the dedication of the said portion of roadway and system shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.

AND FURTHER RESOLVED, that a copy of this resolution be forwarded to the Planning and Building Dept., Highway Superintendent, Engineer for the Town, and Auburn Hills, LLC.

RESOLUTION #180

AUBURN HILLS SECTION 2A, CORK ROAD IMPROVEMENTS, LETTER OF CREDIT, RELEASE 2 (FINAL)

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, Auburn Hills, LLC received Planning Board approval for Auburn Hills Section 2A, Cork Road Improvements with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Genesee Regional Bank Irrevocable Letter of Credit No. 370503 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds Statement of Construction No. 2 (Final) dated October 29, 2015 and recommends in his letter April 13 that \$19,119.85 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. 2 (Final) on the Genesee Regional Bank Irrevocable Letter of Credit No. 370503 in the amount of \$19,119.85 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 \$7,612.40 in said Letter of Credit to be held for two years after acceptance of the dedicated facility and roadway in accordance with the Town Engineer's letter dated April 13, 2016; and, further

(Resolution #180 con't)

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

RESOLUTION #181

MEADOW VIEW SUBDIVISION, ESCROW, RELEASE 1

On motion of Councilman Tantillo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, Richard E. Kartes Jr., received Planning Board approval for Meadow View Subdivision with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Canandaigua National Bank Escrow Account #1105970838 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. 1 dated March 11, 2016 and recommends in his letter April 13, 2016 that \$22,218.59 be released from said Escrow; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the Canandaigua National Bank Escrow Account #1105970838 in the amount of \$22,218.59 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$26,019.66 in said Escrow Account; and further

RESOLVED, that a copy of this resolution be forwarded to the Engineer for the Town, Richard E. Kartes Jr., and McMahon LaRue Associates.

RESOLUTION #182

THE FAIRWAYS, PHASE 2, LETTER OF CREDIT, RELEASE 1

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, The Fairways Townhomes, LLC, received Planning Board approval for The Fairways, Phase 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, First Niagara Bank Irrevocable Letter of Credit No. 430399 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. 1 dated April 1, 2016 and recommends in his letter April 13, 2016 that \$271,880.35 be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 1 on the First Niagara Bank Irrevocable Letter of Credit No. 430399 in the amount of \$271,880.35 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$244,001.99 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, The Fairways Townhomes, LLC and Mark IV Enterprises.

## RESOLUTION #183

ACKNOWLEDGEMENT OF THE APPOINTMENT OF ERIC LINKE TO THE POSITION OF PART-TIME MOTOR EQUIPMENT OPERATOR FOR THE TRANSFER STATION/RECYCLE DEPARTMENT

On motion of Councilman Guinan, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, the Transfer Station/Recycle Department has the need to fill a Part-Time Motor Equipment Operator position due to the need for additional Motor Equipment Operator capabilities in order to cover personnel absences; and

WHEREAS, the Ontario County Department of Human Resources has now classified this Civil Service position for the Town of Victor; and

WHEREAS, the Highway Superintendent has identified Eric Linke, Part-Time Laborer, as a candidate for a Part-Time Motor Equipment Operator position; and

WHEREAS, Eric Linke was appointed as a Part-Time Laborer position on March 14, 2016 by Resolution #119-16; and

WHEREAS, Eric Linke will be performing a dual role as both as a Part-Time Laborer and a Part-Time Motor Equipment Operator, dependent on the job duties he is assigned; now, therefore be it

RESOLVED that Eric Linke be appointed to the Part-Time Motor Equipment Operator position for the Highway/Recycle Departments at a Grade 4, Step A pay level, salary of Twenty Two dollars and Twenty Seven cents (\$22.27)/hour for the time that he is performing Motor Equipment Operator duties, to be funded from line A.8160.100 Refuse & Garbage Personnel Services 2016 Operating Budget; and be it further

RESOLVED that a copy of this resolution be forwarded to Eric Linke, Mark Years, Ken Wilson, Human Resources, Finance Dept., Debra Denz, and Ontario County Department of Human Resources.

## RESOLUTION #184

ACCEPTANCE OF THE RESIGNATION OF TABATHA CHASTANG

On motion of Councilman Crowley, seconded by Councilman Tantillo, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, Tabatha Chastang has submitted a letter of resignation from her position as the Parks Motor Equipment Operator- Light for the Town of Victor's Parks and Recreation Department on April 8, 2016, with an effective date of May 6, 2016; now, therefore be it

RESOLVED that the Town Board accepts the resignation of Tabatha Chastang, and thanks Tabatha for her hard work and dedication to the residents of the Town of Victor over the past 12 years, and wishes her all of the best on her new adventures; and be it further

RESOLVED that a copy of this resolution be forwarded to Tabatha Chastang, Human Resources Dept, Finance Department, Brian Emelson, Director of Parks and Recreation; Town Clerk, and Ontario County Human Resources.

## RESOLUTION #185

AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN A JOINT APPLICATION FOR AN ARMY CORPS OF ENGINEERS PERMIT FOR STREAM MITIGATION IN FISHERS PARK

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

(Resolution #185 con't)

WHEREAS, the Planning Board acting as Lead Agency is conducting a State Environmental Quality Review (SEQR) for the proposed Fishers Ridge application located north of State Route 96, south of the NYS Thruway, west of Lane Road and east of Willowbrook Road; and

WHEREAS, during the review of the draft environmental impact statement (DEIS) the Conservation Board requested the Planning Board consider local mitigation options as opposed to contributing to a mitigation bank determined suitable by the US Army Corps of Engineers; and

WHEREAS, the applicant has been working with Brian Emelson, Parks and Recreation Director to identify potential locations for mitigation opportunities; and

WHEREAS, the Parks and Recreation Master Plan adopted in April 2007 identified a need for improvements within Fishers Park, specifically as it relates to the need for stream stabilization to prevent continual erosion; and

WHEREAS, the US Army Corps of Engineers permitting process is lengthy and therefore the Town sees value in participating in the joint application insofar as the park improvement is an identified need. However, the Town's signature on the application is not an indication of any findings by the Town regarding the potential wetland and stream impacts and associated required mitigation as deemed necessary by the Planning Board following the completion of the SEQR review for the proposed Fishers Ridge project; and

WHEREAS, Katie Evans, Director of Development briefed the Planning Board on this at their meeting on April 12, 2016 as reflected in the meeting minutes; and

WHEREAS, the US Army Corps of Engineers Joint Application and an accompanied cover letter is identified as Schedule "A" and a copy is kept in the subject file in the Town Clerk's office; now therefore be it

RESOLVED, that the Town Board hereby approves and authorizes the Town Supervisor to sign the Joint Application for the US Army Corps of Engineers as a willing property owner, and be it further

RESOLVED, that the applicant shall provide a complete copy of the Joint Application and any subsequent correspondence to Brian Emelson, Parks and Recreation Director and Katie Evans, Director of Development; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Fishers Ridge Project Manager Paul Colucci, Brian Emelson, Katie Evans, and Kim Kinsella.

RESOLUTION #186

APPROVE AND AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF VICTOR AND THE TOWN OF VICTOR REGARDING THE MAPLE AVENUE RECONSTRUCTION PROJECT IN THE VILLAGE OF VICTOR

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, the Village of Victor (the "Village") plans to perform roadwork on Maple Avenue in the Village (the "Project") which will result in the temporary closure of Maple Avenue and the redirection of traffic to School Street (which runs through the Town of Victor) during the Project; and

WHEREAS, the Town of Victor (the "Town") Highway Superintendent has identified and expressed concerns that the redirection of traffic from Maple Avenue to School Street during the Project will increase the traffic and infrastructure burden on the affected portions of School Street within the Town; and

(Resolution #186 con't)

WHEREAS, the Village is willing to enter into a Memorandum of Understanding with the Town which addresses its aforementioned concerns; and

WHEREAS, the Town has determined that it is in its best interest to enter into a Memorandum of Understanding which addresses these concerns; and

WHEREAS, the Memorandum of Understanding is attached hereto and has been reviewed and approved by the Attorney for the Town, and was approved by resolution of the Village Board of Trustees on April 18, 2016; now therefore be it

RESOLVED, that the Town hereby approves and authorizes the Town Supervisor to execute the Memorandum of Understanding on behalf of the Town; and be it further

RESOLVED, that a copy of this resolution be forwarded to Debra Denz, Town Clerk; Pamela Hogenes, Village Clerk; and Mark Years, Town Highway Superintendent; together with an original of the fully executed Memorandum of Understanding.

RESOLUTION #187

APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW – 235 HIGH STREET

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to 235 High Street, Victor, NY 14564, located, in the town of Victor; and

WHEREAS, the acquisition of one (1) easement is necessary for the operation, maintenance and future replacement of the water main; and

WHEREAS, the easement, is located along the frontage of 235 High Street (Tax Acct. No. 1.02-1-14.00), which is owned by HHP Phase 3 Retail, LLC, and is approximately 347' x 52' respectively as shown on Schedule "A"; and

WHEREAS, the acquisition is necessary to allow for the operation, maintenance and future replacement water main which will allow the Water Authority to continue to provide potable water supply and fire protection to this property and the property owner has agreed to voluntarily grant the easement to the Water Authority; and

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

RESOLVED, that the Town hereby approves of the Water Authority's voluntary acquisition of easements over 235 High Street (Tax Acct. No. 1.02-1-14.00), in accordance with §1096(6-a) of the New York Public Authorities Law; and be it further

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

RESOLVED, that a copy of this resolution be provided to Margo Brownlie, Monroe County Water Authority; Kenneth Wilson, Town of Victor Stormwater Management Officer; Wayne Pickering, Town Assessor; Town Attorney, Mark Years, Highway Superintendent; and Debra Denz, Town Clerk.

## RESOLUTION #188

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

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was  
ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, the Monroe County Water Authority ("Authority") is responsible for the existing water main that provides water service to Lots 4-9, Lehigh Crossing, Section 2, Victor, NY 14564, located in the town of Victor; and

WHEREAS, the acquisition of one (1) easement is necessary for the operation, maintenance and future replacement of the water main; and

WHEREAS, the easement, is located along the frontage of Lots 4 – 9 of Lehigh Crossing (Tax Acct. No. 14.02-1-6.110, formerly known as a part of 14.02-1-6.000) owned by Bluestone Creek Development LLC, in the approximate width of 16.5 feet, respectively as shown on Schedule "A"; and

WHEREAS, the acquisition is necessary to allow for the operation, maintenance and future replacement water main which will allow the Water Authority to continue to provide potable water supply and fire protection to this property and the property owner has agreed to voluntarily grant the easement to the Water Authority; and

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

RESOLVED, that the Town hereby approves of the Water Authority's voluntary acquisition of easements over Lots 4 - 9, Lehigh Crossing, Section 2, (Tax Acct. No. 14.02-1-6.110, formerly known as a part of 14.02-1-6.000) in accordance with §1096(6-a) of the New York Public Authorities Law; and be it further

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

RESOLVED, that a copy of this resolution be provided to Margo Brownlie, Monroe County Water Authority; Kenneth Wilson, Town of Victor Stormwater Management Officer; Wayne Pickering, Town Assessor; Town Attorney, Mark Years, Highway Superintendent; and Debra Denz, Town Clerk.

## RESOLUTION #189

CONFIRMING RESOLUTION FOR THE ADDITION OF A LIGHT POLE TO THE COBBLESTONE  
CREEK LIGHTING DISTRICT

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was  
ADOPTED AYES 5 (Marren, Palermo, Crowley, Guinan, Tantillo) NAYS 0

WHEREAS, on March 14, 2016, the Town Board approved and authorized the addition of a light pole and fixture at Lot 610 on Barchan Dune Rise within the Cobblestone Creek Street Lighting District; and

WHEREAS, the Town Clerk duly published and posted a Notice of Permissive Referendum related to said Resolution in accordance with Town Law; and

WHEREAS, greater than 30 days have passed since the posting and publishing of said Notice of Permissive Referendum; and

WHEREAS, no petition in opposition to the addition of said light pole has been filed; now, therefore, be it

RESOLVED, that the Town Clerk file a certification indicating that 30 days have passed since the posting and publishing of the Notice of Permissive Referendum and no petition in opposition has been filed.

RESOLUTION #

AFTER PUBLIC HEARING -LOCAL LAW NO. -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-19B ENTITLED "R-1 AS A SPECIALLY PERMITTED USE AND TO ADD SECTION 211- ENTITLED "SHORT-TERM VACATION HOME RENTALS" IN ORDER TO ESTABLISH PROVISIONS TO REGULATE THE USE OF SHORT-TERM VACATION HOME RENTALS IN THE TOWN

Pulled

PUBLIC COMMENT

Supervisor Marren requested public comment on any subject.

No one wished to comment.

Supervisor Marren requested Town Board for Atty.-Client Privilege after meeting.

On motion of Councilman Guinan, seconded by Councilman Tantillo, the meeting was adjourned at 9:05 PM.

Respectfully submitted, \_\_\_\_\_ Debra J. Denz, Town Clerk