

The regular meeting of the Victor Town Board was held on July 23, 2018 starting at 7:00 PM with the following members present:

Supervisor Jack Marren
Councilman Ed Kahovec
Councilman Mike Guinan

ABSENT: Councilman David Condon
Councilman David Tantillo

OTHERS PRESENT: Karen Bodine-Town Clerk, Joe Picciotti-Attorney Harris Beach, Mark Years-Highway Superintendent, Barb Cole-Finance Director, Brian Emelson-Parks & Recreation Director, Lee Wagner, David Nankin, Kim Kinsella, Neil Stein, Miguel Reyes, Sueann Maynard, Wayne Pickering, Carla Biuso, Jodell Raymond, Steve Metzger, Fred Rainaldi, Jr., Doug Eldred, Tim Brown

Supervisor Marren called the meeting to order at 7:00 PM, and made the following announcements:

- Everyone was asked to sign in on the attendance sheet, cell phones & all electronic devices were requested to be turned off, and any private conversations 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.
- Employee Birthdays in August

RESOLUTION # 410
APPROVAL OF MINUTES

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

3 Ayes: Marren, Guinan, Kahovec

RESOLVED, to approve the minutes from the regular meeting of June 25, 2018 as submitted.

RESOLUTION #411
PAYMENT OF BILLS

Councilman Guinan made a motion, seconded by Councilman Kahovec to approve the payment of bills for Manifest #13 with vouchers totaling \$257,076.14.

3 Ayes: Marren, Guinan, Kahovec

RESOLVED that the bills be paid on Manifest #13 in the amount of \$257,076.14. These expenditures can be found on vouchers filed by numbers: # 20181362 - 20181492.

A-General Townwide	\$ 129,541.30
B-General Outside Village	\$ 23,026.12
CP-Park Land Trust Fund	\$ 6,518.49
DB-Highway Townwide	\$ 87,887.16
SL1-Fishers Lighting	\$ 7.97
SL2-Brookwood Meadows Lighting	\$ 6.85
SL3-High Point Lighting	\$ 47.26

SL4-Cobblestone Lighting	\$	87.58
SL5-Quail Ridge Lighting	\$	15.98
SL6-Rolling Meadows Lighting	\$	19.80
SL7-Legacy at the Fairways	\$	17.51
SL8-Stoneleigh Lighting	\$	6.82
TA-Trust & Agency	\$	9,893.50

Supervisor Marren reviewed each of the nine large expenses that were in the range of, or exceeded \$10,000.00 included in Manifest #13.

- B & M International - Rent for Town Courts for August
- Harris Beach - Legal Services
- Office of the State Comptroller - Fines & Fees Victor Town Courts
- Bluestone Creek Development - P&R rent for the month of August
- Suite-Kote Corporation - micro-paving on six Town roads
- Genesee Valley Ford - 2018 Ford Fusion for Planning/Building Department
- Griffith Energy - diesel fuel
- Hynes Concrete Construction - gutter replacement Whistlestop Project
- Whistlestop Project - purchase of stone for pipe bedding

PRIVILEGE OF THE FLOOR:

Carla Biuso spoke to the Board on behalf of the MCA Group representing the University of Rochester (U of R) who are in the process of constructing a 22,000 square foot Orthopedic Building located at 7670 Omnitech Place. They are requesting to place a sign at the intersection of Omnitech Place & Route 96. The Board had no objections and this will have to go through the Zoning Board for a variance, then a Hold Harmless Agreement with the Town because it is in a right of way.

PUBLIC CONCERNS & COMMENTS: No one wished to address the Board.

SUPERVISOR'S REPORT

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

- July 17th – LaBella Associates and the Town of Farmington met to review expansion project
- Cobblestone Creek sewer
- Finger Lakes Railroad
- Boughton Park update on the dam study that was done
- Reported workplace injuries & illness down throughout the county and within our own Town. Expressing Scott Hopkins our Safety Manager has been big factor. Scott has put in his two week notice.
- Received a response back about the Fishers Fire District Audit and contacted Councilman Tantillo who had raised some concerns at the last meeting.
- Kim Kinsella, Wes Pettee, and Supervisor Marren met on incentive zoning to identify the next step with more information to follow.
- National Night Out in the Village Parking Lot which will be held on Wednesday August 8, 2018 from 5:00-8:00PM

TOWN OFFICIALS REPORTS

Planning/Building
Fiscal Manager
Town Attorney

Town Engineer
Information from Anderson Insurance

TOWN BOARD LIASION COMMITTEE REPORTS:

Supervisor Marren attended the Fishers Fire District Meeting last Tuesday. Chief Stromfield had reported that there were a number of power outages in their district. Supervisor reached out to RG&E and they will be cutting limbs and trees from wind damage.

No action was taken last week by the Village Board at their meeting on the potential creation of a Fire District.

BUSINESS:

RESOLUTION #412

REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVER

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, the Town Board adopted the Resolution # 234 - Town of Victor Contract Procedures on June 13, 2016; and

WHEREAS, per the Contract Process, contractors and vendors who cannot obtain a Certificate of Liability Insurance which is in accordance with the Town’s insurance requirements in order to perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendor, who is requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Heather Ottnod	Zumba Instruction	7891 Lehigh Crossing	70%- 30%	July 31, 2019	Insufficient Coverage

Now, therefore be it

RESOLVED that the Town Board grants the Certificate of Liability Waiver for the following service provider:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Heather Ottnod	Zumba Instruction	7891 Lehigh Crossing	70%- 30%	July 31, 2019	Insufficient Coverage

And be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, Director of Parks and Recreation, Karen Bodine, Town Clerk, and Heather Ottnod.

RESOLUTION #413

AUTHORIZATION TO ENTER INTO AGREEMENT WITH HEATHER OTTNOD FOR ZUMBA CLASSES

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, the Department of Parks and Recreation seeks to Zumba classes for adults in the recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Heather Otnod to provide Zumba class instruction to be held on various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; now, therefore, be it

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

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Heather Otnod to provide Zumba class instruction to be held at various dates & times for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Heather Otnod.

RESOLUTION #414

AUTHORIZATION TO ENTER INTO AGREEMENT WITH MELISSA MCCABE FOR YOUTH RUNNING AND COOKING CLASSES

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, the Department of Parks and Recreation seeks to offer running and cooking instruction for youth and teens in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Melissa McCabe to provide instruction in running and cooking to be held on

various dates & times for Sixty Percent (60%) of the program registration net funds with the Town taking Forty Percent (40%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; now, therefore, be it

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

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Melissa McCabe for running and cooking instruction for youth and teens to be held at various dates & times for Sixty Percent (60%) of the program registration net funds with the Town taking Forty Percent (40%) of the program registration net funds, said funds are included and available in the 2018 Operating Budget line item A7020.4 Recreation Programs Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Recreation and Parks; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Melissa McCabe.

RESOLUTION #415

AUTHORIZATION FOR THE CONTINUANCE OF THE CYCLICAL REASSESSMENT PROGRAM BY THE COMPLETION OF A TOWNWIDE ASSESSMENT UPDATE FOR THE 2019 ASSESSMENT ROLL

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, the Town of Victor submitted in 2015 a plan to participate in the New York State Office of Real Property Tax Service's Cyclical Reassessment Program; and

WHEREAS, the New York State Office of Real Property Tax Services approved the Town's participation in the Cyclical Reassessment Program; and

WHEREAS, a provision of this plan is to maintain real property assessments at 100% of full market value and the Town's equalization rate at 100%; and

WHEREAS, the Cyclical Reassessment Program requires the completion of a townwide reassessment at least once every four years; and

WHEREAS, the last townwide reassessment was completed in 2015; and

WHEREAS, the Cyclical Reassessment Program provides a potential reimbursement to the Town from the State of New York, when reimbursement money is available, in the amount of up to Five dollars (\$5.00) per parcel in the year of a reassessment; and

WHEREAS, the Victor Town Board is in full support of the provisions of the Cyclical Reassessment Program by the completion of a townwide reassessment for the 2019 assessment roll and to maintain the equalization rate at 100%; and

WHEREAS, the Victor Town Board acknowledges some advantages to maintaining the equalization rate at 100% includes –

- 1) Fair distribution of taxes between properties,
- 2) Assessments set at 100% of market values are more transparent,
- 3) Ease of administration,
- 4) Easier to explain and justify,
- 5) Enhances the taxpayer's understanding of assessments and the assessment process,
- 6) Potential for the improvement of the Town's bond rating,
- 7) Is a requirement of the New York State's Cyclical Reassessment Program to receive maintenance aid money; and

WHEREAS, the Town Assessment Department is conducting the 2019 townwide reassessment in-house and with the assistance of regional and local resources specializing in assessment administration; and

WHEREAS, the Town Assessment Department has estimated the total cost of the 2019 townwide reassessment will not exceed Twenty Four Thousand dollars (\$24,000.00); and

WHEREAS, monies were already included in the 2018 Assessment Office budget for expenses that will be incurred in 2018 and the balance of the monies needed for the completion of the 2019 townwide reassessment will be included in the 2019 budget; now, therefore, be it

RESOLVED, that the Town Board authorizes the monies to complete a townwide reassessment for the 2019 assessment roll in accordance with the 2015 Cyclical Reassessment Program at an estimated cost of Twenty Four Thousand dollars (\$24,000.00), approximately Fifty Three percent (53%) of the cost is to be funded from the 2018 Assessment budget line (A1358.400), with the balance paid from the 2019 budget; and, further

RESOLVED, that a copy of this resolution be forwarded to the Town Assessor, Town Finance Office, Town Clerk, Ontario County Office of Real Property Tax Services and NYS Office of Real Property Tax Services.

RESOLUTION #416

AUTHORIZATION FOR THE ASSESSMENT OFFICE TO CONTRACT WITH ROBERT ZIMMER AND ROBERT SCHWARTZ FOR REASSESSMENT FIELD REVIEWS

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, the Victor Assessment Office is continuing the Cyclical Reassessment Program by conducting a townwide reassessment for the 2019 assessment roll; and

WHEREAS, the Victor Assessment Office is conducting this townwide reassessment in-house and with the assistance of regional and local resources specializing in assessment administration; and

WHEREAS, the contracting of additional personnel will be required to assist in the field work of reviewing proposed assessments from approximately September 1, 2018 to approximately December 31, 2018; and

WHEREAS, Victor Assessment Office is requesting the approval to hire two local contractors to assist the Office during the 2019 townwide reassessment; and

WHEREAS, Robert Schwartz is a retired assessment clerk for the Town of Penfield, is currently working as a part-time assessment clerk for the Town of Avon and has worked for the Victor Assessment Office in 2008, 2009, 2012 and 2015; and

WHEREAS, Robert Zimmer is a Certified NY State residential appraiser, past Senior Associate appraiser at GAR Associates, currently sits on the Board of Assessment Review in the Town of Mendon and worked for the Victor Assessment Office in 2012 and 2015; and

WHEREAS, due to the low risk nature of the activities associated with field review work and informal assessment review meeting, combined with Robert Schwartz and Robert Zimmer previous experience with the Town of Victor and others doing similar assessment work, the Town waives the certificate of liability insurance coverage requirement; and

WHEREAS, this expense in an amount not to exceed Twelve Thousand Eight Hundred dollars (\$12,800.00) is included in the 2018 budget line item A1358.400; now, therefore be it

RESOLVED that the Victor Assessment Department be authorized to contract with Robert Schwartz and Robert Zimmer to assist in the field review of assessments for the 2019 townwide reassessment for a total budget amount not to exceed Twelve Thousand Eight Hundred dollars (\$12,800.00), said funds are available in the 2018 Town Budget line item A1358.400; and, further be it

RESOLVED that a copy of this resolution be forwarded to the Finance Department, Town Clerk, Human Resources, Wayne Pickering, Robert Schwartz and Robert Zimmer.

RESOLUTION #417

RESCIND RESOLUTION #346-17 AND AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR PROFESSIONAL VALUATION SERVICES TO UPDATE RPS V4 COMMERCIAL VALUATION MODULE AND REEVALUATE ALL COMMERCIAL/INDUSTRIAL PROPERTY ASSESSMENTS FOR THE 2020 ASSESSMENT ROLL

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, on August 28, 2017, the Town Board authorized the Supervisor to solicit proposals for Professional Valuation Services ("RFP") to update the RPS V4 commercial module and to assist the Assessor in the revaluation of the commercial and industrial property assessments for the 2020 assessment roll; and

WHEREAS, the Town received one response to said request which was rejected; and

WHEREAS, the Assessor has revised the RFP and is requesting the Supervisor to solicit proposals for professional valuation services to update the RPS V4 commercial module and to

assist the Assessor in the revaluation of the commercial and industrial property assessments for the 2020 assessment roll; now, therefore, be it
RESOLVED, that the request approved by Resolution #346-17 RFP for Professional Valuation Services is hereby rescinded; and further

RESOLVED, that the Town Board hereby authorizes the Supervisor to solicit proposals based on the revised RFP for professional valuation services to update the RPS V4 commercial module and to assist the Assessor in the revaluation of the commercial and industrial property assessments for the 2020 assessment roll based on the revised RFP; and further be it
RESOLVED, that a copy of this Resolution be forwarded to Human Resources, Town Assessor, Finance Department, Town Clerk, and Robin Johnson, Ontario County Real Property Tax Services.

RESOLUTION #418
APPOINTMENT OF KEITH MAYNARD TO THE PROVISIONAL STORMWATER PROGRAM MANAGER POSITION FOR THE PLANNING & BUILDING DEPARTMENT

WHEREAS, the Town Board passed Resolution No. 212-18 – Creation of Stormwater Program Manager Position on May 14, 2018; and

WHEREAS, Kenneth Wilson, who currently performs these duties, will be retiring on July 21, 2018; and

WHEREAS, no current List of Eligible names for the Stormwater Program Manager exists with Ontario County Human Resources; and

WHEREAS, the position was advertised, and candidates were interviewed on July 11, 2018 by an interview committee consisting of Kim Kinsella, Planning & Building Department Head; Alan Benedict, Code Enforcement Officer; Kenneth Wilson, Stormwater Manager; Mary Steblein, LaBella Engineering; Councilman David Condon, and Supervisor Jack Marren; and

WHEREAS, it was decided by the interview team that Keith Maynard, Victor, NY possesses the qualifications necessary to fill this position; now, therefore be it

RESOLVED, that Keith Maynard be appointed to the position of Stormwater Program Manager for the Town of Victor Planning & Building Department at a Grade 5, step C hourly rate salary of Twenty Five dollars and Sixty Six cents (\$25.66) on a PROVISIONAL basis, pending the successful qualification on the Stormwater Program Manager Civil Service test to be offered within the coming year by the Ontario County Human Resources Department, and is to be funded from the 2018 Town Budget Line Item #B.3620.100 Building, Safety Inspection Personal Services, with a starting date of August 13, 2018; and be it further

RESOLVED, that a copy of this resolution be forwarded to Keith Maynard, Kim Kinsella, Human Resources, Finance Office, and the Ontario County Department of Human Resources.

RESOLUTION #419
AUTHORIZING SUBMISSION OF EMPIRE STATE DEVELOPMENT GRANT APPLICATION UNDER THE NEW YORK STATE CONSOLIDATED FUNDING APPLICATION PROCESS FOR THE VICTOR STRATEGIC INFRASTRUCTURE INVESTMENT PROJECT

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, the Town of Victor intends to carry out the Auburn Trail Sanitary Sewer Project that includes installation of approximately 35,000 linear feet of gravity and force main sanitary sewer line, replacement of related sanitary sewer pump stations and incorporating additional associated equipment; and

WHEREAS, the proposed improvements associated with the Auburn Trail Sanitary Sewer Project constitute Victor's Strategic Infrastructure Investment Project for consideration under the 2018 New York State Consolidated Funding Application ("CFA"); and

WHEREAS, the Town of Victor's previous 2017 CFA application for grant funds was not chosen for funding, but was and eligible project for consideration; now, therefore, be it

RESOLVED, that the Town Board of the Town of Victor authorizes submission of a 2018 New York State Consolidated Funding Application for an Empire State Development Corporation Grant; and further

RESOLVED a copy of this resolution be forwarded to LaBella and the Town Clerk.

RESOLUTION #420

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO REAL PROPERTY APPRAISAL SERVICES AGREEMENT WITH BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, pursuant to New York's Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services prior to the execution of such contracts by the Town Supervisor; and

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

WHEREAS, funds are available in the 2018 Budget Line Item A1940.400 Purchases of Land/Easements/Right-of-Way; and

WHEREAS, the purpose of the appraisal will be to establish the market value of the fee simple estate; a vacant parcel of land comprising 20 acres west of 7200 Rawson Road for a potential acquisition by the town; and

WHEREAS, it is recommended that Bruckner, Tillett, Rossi, Cahill, & Associates be hired to provide the real property appraisal services for the Town of Victor, effective from July 23, 2018 through August 23, 2018; and

WHEREAS, Bruckner, Tillett, Rossi, Cahill, & Associates has provided references for their real property appraisal services; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Bruckner, Tillett, Rossi, Cahill, & Associates for a limited term of thirty days (30) under the terms and conditions as provided in the 2018 contract at a fee not to exceed Twelve Hundred dollars (\$1,200.00) in effect from July 23, 2018 through August 23, 2018 to be charged to the 2018 Town Budget Line Item A1940.400 Purchases of Land/Easements/Right-of-Way; and be it further

RESOLVED that a copy of this Resolution be forwarded to Bruckner, Tillett, Rossi, Cahill, & Associates, Harris Beach, Finance Department, Town Clerk, and the Human Resources Department.

RESOLUTION #421

SET PUBLIC HEARING – LOCAL LAW NO. ____ - 2018 TO AMEND CHAPTER 175 STORM DRAINAGE IN ORDER TO REVISE CERTAIN PROVISIONS RELATED TO THE ADMINISTRATION AND ENFORCEMENT OF STORMWATER MANAGEMENT REQUIREMENTS

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, the Town Board has identified the need to amend Chapter 175 Storm Drainage of the Victor Town Code in order to revise certain provisions relating to the administration and enforcement of stormwater management requirements within the Town of Victor; and

WHEREAS, proposed amendments to Chapter 175 have been provided to the Town Board and the proposed amendments to Chapter 175 are on file with the Town Clerk; and

WHEREAS, the Town Board seeks to set a public hearing with respect to the adoption of the proposed amendments to Chapter 175; now, therefore, be it

RESOLVED, by the Victor Town Board that a Public Hearing shall be had on the 13th day of August, 2018, at 7:30 p.m., for the purpose of considering the adoption of certain amendments to Chapter 175 Storm Drainage of the Victor Town Code relating to the responsibilities for the administration and enforcement of stormwater management requirements in the Town of Victor; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law; and be it further

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

Mr. Edwin Rueda interrupted the Board as they were starting on Resolution #422 and gave a copy of a map showing the left side of his property with a parking lot and some reduction in the number of parking spaces. He noted this was part of conversations that was with the Rainaldi's and they had submitted this to him. He wanted to note the impacts on the project. Supervisor Marren and Joe Picciotti assured Mr. Rueda that the Planning & Building will be looking at these kind of impacts on the project when considering the site plan approval.

RESOLUTION #422

AFTER PUBLIC HEARING - LOCAL LAW NO. 9 -2018 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF VICTOR (REZONE A PORTION OF TAX MAP # 1.02-1-2.000) AND CHAPTER 211 ZONING SECTION 211-27.5 CONIFER VILLAGE AT EASTVIEW PLANNED DEVELOPMENT DISTRICT

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

Supervisor Marren-Aye, Councilman Guinan-Aye, Councilman Kahovec-Aye

WHEREAS, the Victor Town Board duly called for a Public Hearing to be held by the Town Board of the Town of Victor on the 14th day of August, 2017, at the Victor Town Hall, 85 East Main Street, at 7:30 PM, to hear all interested parties on a proposed Local Law to amend the Official Zoning Map of the Town of Victor (rezone a portion of tax map # 1.02-1-2.000) and Chapter 211 Zoning, Section 211-27.5 Conifer Village at Eastview Planned Development District; and

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

WHEREAS, said Public Hearing was duly held, and kept open, at the Victor Town Hall on the 14th day of August, 2017, at 7:30 PM, 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, an amended application was received on May 24, 2018; and

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

WHEREAS, the Victor Town Board duly called for a continuation of the open Public Hearings to be held on the 9th day of July, 2018, 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 Official Zoning Map of the Town of Victor (rezone a portion of tax map # 1.02-1-2.000) and Chapter 211 Zoning, Section 211-27.5 Conifer Village at Eastview Planned Development District and a Local Law to amend Chapter 211 Zoning, Section 211-27.4 Description of uses in High Point Business Park Planned Development District in order to allow for the development of a total of 294 apartment units to be known as the Woods at Valentown; and be it further

WHEREAS, on June 25, 2018 by Resolution #393, the Victor Town Board issued a Negative Declaration for a Type I Action in relation to the amendment to the High Point Business Park Planned Development District; 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, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to amend the Official Zoning Map of the Town of Victor (rezone a portion of tax map # 1.02-1-2.000) and Chapter 211 Zoning, Section 211-27.5 Conifer Village at Eastview Planned Development District as follows:

LOCAL LAW NO. 9 -2018 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF VICTOR (REZONE A PORTION OF TAX MAP # 1.02-1-2.000) AND CHAPTER 211 ZONING SECTION 211-27.5 CONIFER VILLAGE AT EASTVIEW PLANNED DEVELOPMENT DISTRICT

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

Section I. Authorization

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

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 9-2018 to amend the Official Zoning Map of the Town of Victor (rezone a portion of tax map # 1.02-1-2.000) and Chapter 211 Zoning, Section 211-27.5 Conifer Village at Eastview Planned Development District. The purpose of this Local Law is to rezone 5.38 acres of lands from Conifer Village at Eastview Planned Development District to High Point Business Park Planned Development District in order to allow for the construction of 63 residential units in 2-three story buildings on the site, all to be part of an apartment building community totaling 294 units to be known as the “Woods at Valentown.”

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the subject lands are suitable for development as apartments in the Woods at Valentown portion of the High Point Business Park Planned Development District and would be consistent with the Comprehensive Plan’s intent to support a variety of different types of housing in Town. As a result, the Town Board believes it to be in the public interest to rezone the subject lands to High Point Business Park Planned Development District.

Section IV. Amendment.

The Official Town of Victor Zoning Map shall be amended to reflect the following:

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

The following Property, commonly known as a portion of the Conifer Village at Eastview Planned Development District, a portion of Tax Map # 1.02-1-2.000, is hereby zoned and designated as follows, subject to all regulations created and established relative to the applicable zoning designations that follow.

Said Property shall be rezoned from Conifer Village at Eastview Planned Development District to High Point Business Park Planned Development District, Woods at Valentown Lot, all as more particularly described in the metes and bounds description that follows:

Owner at time of Application: Conifer Village at Eastview, LLC

A Portion of Tax Map Parcel #: 1.02-1-2.000

Legal Description of
Parcel to be rezoned:

ALL THAT TRACT OR PARCEL OF LAND containing 5.381 acres more or less, situate in the Town of Victor, County of Ontario, and State of New York, being more particularly bounded and described as follows:

Beginning at the northwesterly boundary corner of lands now or formerly of Woods at Valentown, LLC (T.A. No. 1.07-01-5), said corner also being on the Monroe/Ontario County Line; thence

1. S 00°47'55" E, a distance of 600.00 feet to a point; thence
2. N 89°44'26" W, a distance of 229.08 feet to a point; thence
3. N 01°15'22" E, a distance of 234.02 feet to a point; thence
4. N 88°38'41" W, a distance of 283.00 feet to a point; thence
5. N 00°13'08" W, a distance of 356.33 feet to a point; thence
6. N 89°46'52" E, a distance of 499.87 feet to the Point of Beginning.

Chapter 211 Zoning, Section 211-27.5 "Conifer Village at Eastview Planned Development District shall be revised to add the following sentence at the end of said Section:

Such regulations, drawings and site plan shall hereby reflect their subsequent revision wherein approximately 5.38 acres of lands from the subject PDD were removed by way of Local Law 9 of 2018, such that said lands were instead made a part of the High Point Business Park Planned Development District, which revision is depicted on the preliminary development map/plan entitled "Preliminary Development Plan," Project: "Woods @ Valentown," Project No. 2022N, Drawing No. 01, by BME Associates and drawn by RR Glitch, date issued August 2017, Revised 3/6/18 filed at the Town of Victor Clerk's Office.

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 further

RESOLVED, that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

RESOLUTION #423

AFTER PUBLIC HEARING - LOCAL LAW NO. 10-2018 TO AMEND CHAPTER 211 ZONING, SECTION 211-27.4 DESCRIPTION OF USES IN HIGH POINT BUSINESS PARK PLANNED DEVELOPMENT DISTRICT

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

Supervisor Marren-Aye, Councilman Guinan-Aye, Councilman Kahovec-Aye

WHEREAS, the Town of Victor Town Board (the "Board") received two applications on or about May 26, 2017 from BME Associates ("the Applications") on behalf of Woods at Valentown LLC (the "Applicant") seeking to amend the existing High Point Business Park Planned Development District ("High Point Business Park PDD") in the Town of Victor, by which the Applicant petitioned the Board seeking to: (a) amend the preliminary development plan previously approved by the Board for the area identified in Section 211-27.4, Paragraph G of the Victor Town Code ("Town Code") (referred to as "the High Point Business Park Homeowners Association Lot" which is located in the eastern portion of the High Point development); as well as (b) proposing to rezone a portion of Tax Account Parcel No. 1.02-1-2.00 and in particular approximately 5.38 acres of said parcel (the "Additional Property" or the "Conifer Parcel") and requesting the Additional Property be re-zoned from the Conifer Village @ Eastview PDD and added to the High Point Business Park Planned Development District-Homeowners Association Lot with the Applications proposing as part of the Zoning Amendment the following: (i) the construction of fourteen (14) new buildings, including apartment buildings consisting of two hundred ninety four (294) total residential units in place of the seventy two (72) townhouse units that had been previously approved, with the proposed apartment units to be comprised of 3-story buildings, and constructed in locations where the previously approved plan shows townhouse buildings, and proposing (ii) the construction of a residential clubhouse and pool (hereinafter the plan referenced in the two referenced May 2017 Applications to the Board will be referred to collectively as "the Amended Plan," please note the Amended Plan as discussed below includes changes the Applicant made subsequent to the filing of the May, 2017 Applications) and the referenced May 26, 2017 Applications for the Amended Plan which is attached hereto as Exhibit 'A' and incorporated herein by reference have been assigned Project Numbers 3-RZ-17 (rezoning of a portion of the referenced Conifer parcel) and 4-RZ-17 (referenced amendment to the PDD) by the Board, and the action on which the Applicant proposes the Board act shall be referred to collectively as the "proposed Zoning Amendment" or "the proposed Amendment"; and

WHEREAS, the original High Point PDD was created by the Board by resolution adopted on or about July 25, 2005 pursuant to Town of Victor Resolution No. 194 (subsequent local laws affecting same were enacted in January 2009 and March 2012), and the original High Point PDD provided for the High Point Business Park Homeowners Association Lot, where Section

211-27.4 Paragraph G of the Town Code describes permitted uses for the High Point Business Park Homeowners Association Lot; and

WHEREAS, on June 12, 2017 the Board passed Resolutions #254 and #255 of 2017 that deemed the Applications for zoning amendment complete and referred the Applications to the Town of Victor Planning Board pursuant to Section 211-27 of the Victor Town Code; and

WHEREAS, the Victor Town Board duly called for a Public Hearing to be held by the Town Board of the Town of Victor on the 14th day of August, 2017, at the Victor Town Hall, 85 East Main Street, at 7:30 PM, to hear all interested parties on a proposed Local Law to amend Chapter 211 Zoning, Section 211-27.4 Description of uses in High Point Business Park Planned Development District; and

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

WHEREAS, said Public Hearing was duly held, and kept open, at the Victor Town Hall on the 14th day of August, 2017, at 7:30 PM, 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, an update to the May 2017 Applications dated October 27, 2017 was submitted by the Applicant to reflect economic feasibility issues associated with the Amended Plan, and to respond to concerns about screening in the area where the project contemplated by the Amended Plan is likely to be constructed, with the Amended Plan as revised through the October 27, 2017 submittal now also including changes to the proposed Phase 5 area (formerly referred to as the Forest Park at Eastview application) to include screening to be located in proximity to an adjacent homeowner, which would allow for a total of 294 apartment units contained within fourteen (14) three-story apartment buildings (hereinafter references to “the Amended Plan” will include the changes set out in the October 27, 2017 update to include the fourteen three-story apartment buildings and 294 apartment units and shall also continue to be referred to as the May 2017 Applications); and

WHEREAS, in response to Planning Board concerns regarding impact to the referenced adjacent residence (Tax Account Parcel No. 1.02-1-4.000) located southwest of the Forest Park at Eastview parcel, the Applicant submitted a letter dated March 6, 2018 and an updated preliminary development plan to the Planning Board which relocates a 3-story, 21-unit building away from such residence to an area within the northeast portion of the development that is contemplated to be constructed and outlines what the Applicant alleges are the reduced effects to such residence (this revision will hereafter be considered to be part of the Amended Plan as referenced); and

WHEREAS, following careful and deliberate review of the Amended Plan, and other factors and information, including the Board’s consideration of the criteria under the Section 211-27, Paragraph D (1)(c), subparagraphs [1] through [11] of the Victor Town Code, and the Planning Board’s resolution dated March 13, 2018, as reflected in the meeting minutes of said Planning Board meeting held on that date (with such minutes and resolution incorporated herein by reference), the Planning Board voted to recommend to the Board that it enact the proposed Zoning Amendment with certain conditions; and

WHEREAS, the Board has considered the proposed Zoning Amendment including the Amended Plan associated with same against the purpose and general guidelines of the Town’s

Planned Development District regulations in Section 211-27 of the Victor Town Code, as well as against Section 211-27.4 (Description of Uses in High Point Business Park Planned Development District), Subparagraph G (The High Point Business Park Homeowners Association (HOA) Lot; and

WHEREAS, the Victor Town Board has referred the related Applications to the Ontario County Planning Board and provided notice to another municipality as required by Town Law and has reviewed and considered any comments received in response by the Ontario County Planning Board; and

WHEREAS, the Victor Town Board duly called for a continuation of the Public Hearing to include the 9th day of July, 2018, at the Victor Town Hall, 85 East Main Street, at 7:30 p.m. to continue to hear all interested parties on a proposed Local Law to amend the Official Zoning Map of the Town of Victor (rezone a portion of tax map # 1.02-1-2.000) and Chapter 211 Zoning, Section 211-27.5 Conifer Village at Eastview Planned Development District and a Local Law to amend Chapter 211 Zoning, Section 211-27.4 Description of uses in High Point Business Park Planned Development District in order to allow for the development of a total of 294 apartment units to be known as the Woods at Valentown; and

WHEREAS, on June 25, 2018 the Board as lead agency under the State Environmental Quality Review Act ("SEQRA") passed Resolution #393 issuing a Negative Declaration, finding that no significant adverse environmental impacts would result from the proposed Zoning Amendment, thereby concluding the SEQRA process; and

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

RESOLVED, by the Town Board of the Town of Victor that:

1. The Board has considered the proposed Zoning Amendment and the Amended Plan contemplated by same, including the essential components of it to include: (i) rezoning of the Conifer Parcel to the High Point PDD HOA Lot; (ii) the construction of fourteen (14) new 3 story buildings, including apartment buildings consisting of two hundred ninety four (294) total residential units and (iii) the construction of a residential clubhouse and pool and compared same to the High Point PDD currently in place including the original development plan contemplated by such zoning enacted in 2005 and subsequent local laws associated with same enacted as well as the 'General guidelines' for the High Point PDD in light of the proposed Zoning Amendment and compared the proposed Zoning Amendment to the original High Point PDD adopted in 2005;
2. The Board finds that while it recognizes the proposed Zoning Amendment and associated Amended Plan is different from and makes changes to the High Point PDD adopted in 2005 as amended by local law in 2009 and 2011 (hereafter "the PDD") that as determined by the Planning Board, the proposed Zoning Amendment nevertheless meets the 11 criteria set out in the PDD regulations (with the imposition of applicable conditions as set out in the amendment below) and in particular, the rezoning of the Conifer Parcel, the development and construction of the 14 apartment buildings, and 294 residential units, and construction of the clubhouse and pool associated with the Amended Plan, as configured based on revisions referenced herein instead of the original development plan and PDD enacted in 2005 and is consistent with the other applicable PDD provisions including for development of multiple dwellings, the provision

of essential services, and the development of customary accessory uses; and be it further

RESOLVED, that the Town Board of the Town of Victor hereby adopts said Local Law to amend Chapter 211 Zoning, Section 211-27.4 Description of uses in High Point Business Park Planned Development District as follows:

LOCAL LAW NO. 10-2018 TO AMEND CHAPTER 211 ZONING, SECTION 211-27.4 DESCRIPTION OF USES IN HIGH POINT BUSINESS PARK PLANNED DEVELOPMENT DISTRICT

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

Section I. Authorization

This amendment is in accordance with NY Municipal Home Rule Law Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 10-2018 to amend Chapter 211 Zoning, Section 211-27.4 Description of uses in High Point Business Park Planned Development District. The purpose of this local law is to permit the development of an absolute maximum density equivalent to 294 apartment units to be known as the Woods at Valentown instead of the previously planned townhome units.

Section III. Legislative Finding

The Victor Town Board finds and hereby determines that the subject lands are suitable for development as apartments in the Woods at Valentown portion of the High Point Business Park Planned Development District (formerly known as the "HOA Lot") and such development is consistent with the intent of the Comprehensive Plan to support a variety of different types of housing in the Town. As a result, the Town Board finds it to be in the public interest to rezone the subject lands to High Point Business Park PDD, Woods at Valentown Lot.

Section IV. Amendment

Chapter 211, Section 211-27.4B Description of uses in the High Point Business Park Planned Development District shall be amended to add an additional subsection to Subsection B as follows:

(3) Woods at Valentown Lot (formerly the "HOA Lot"): The lands, a part of the High Point Business Park, consisting of approximately 56.88 acres (comprising the former "HOA Lot" lands [minus dedicated roads] as well as 5.38 acres of lands formerly a part of the Conifer Village at Eastview PPD), being more specifically identified by a metes a bounds description set forth at Subsection IV of Town of Victor Local Law No. 10 -2018, and being further described on a preliminary development map/plan entitled "Preliminary Development Plan," Project: "Woods @ Valentown," Project No. 2022N, Drawing No. 01, by BME Associates and drawn by RR Glitch, date issued August 2017, Revised 3/26/18 with updated notes describing such plan dated 7/17/18 (the "Woods at Valentown Preliminary Development Map/Plan" which attached hereto

as Exhibit "A" and expressly incorporated herein by reference) shall be subject to the regulations set forth below:

(a) All regulations, restrictions, terms and conditions set forth within the Town of Victor Resolution No. 423-2018, adopted on July 23, 2018, which resolution is on file with the Victor Town Clerk, and which resolution is fully incorporated herein and made a part of the Town of Victor Zoning Regulations;

(b) Permitted uses. The permitted uses of the lands at the Woods at Valentown, shall be as follows:

- [1] Multiple Dwellings, which for purposes of this provision is residential housing that is comprised of multiple units in a single structure, including but not be limited to apartment buildings, townhomes and condominiums, including common elements such as a clubhouse, and
- [2] Customary accessory uses: Accessory uses or structures which are clearly subordinate to the principal use of a building located on the same lot and which serve a purpose customarily incidental to the use of the principal building, including but not limited to swimming pools, storage facilities, home gardening, employee quarters to be occupied only by employees employed on the premises, home occupations, professional offices employing not more than one person who is not a member of the household, signs, off-street parking and loading areas, temporary tract offices, and other uses customarily appurtenant to a permitted use.

(c) Area and dimensional requirements. The area and dimensional requirements, such as setbacks, building footprints, buffers, etc., shall be as set forth at the Woods at Valentown Concept Map/Plan, which map/plan is incorporated herein and made a part hereof, and shall constitute additional regulations, restrictions, terms and conditions herein, subject to the conditions below as identified by the Planning Board. The maximum residential density upon the site shall not exceed an absolute maximum density equivalent to 294 units. The Planning Board shall hereby have authority to exercise further discretion and flexibility during review and approval of the Final Development Plan associated the Proposed Amended Zoning to further consider environmental factors and other site constraints and as such, the Board conditions the granting of the proposed Zoning Amendment on the following :

- [1] The Planning Board's imposition of appropriate conditions associated with the maximum density of 294 units authorized in the rezoning action by the Town Board herein concerning the visual appearance of the development in order to limit the impact of the appearance of undue density (if any), including by specifying the layout and configuration of buildings as set out below based upon Planning Board's findings during review of the Final Development Plan as well as during the site plan approval process except that the Planning Board shall not reduce the number of units below 294 as depicted in the Amended Plan attached as Exhibit 'A' hereto, as long as the Applicant does not seek to increase such number of units above 294;
- [2] The Planning Board making the ultimate determinations with respect to the final layout and configuration of all buildings (including certain measures to limit the impact of building height, but the Planning Board is not authorized to limit the number of stories shown on the preliminary plan approved by the Town Board as part of this

amendment, such that if for example, buildings are shown as 3 stories etc. in such plan, they shall remain at the height depicted therein [Exhibit "A" hereto], and such height may not be reduced as long as the Applicant does not seek to increase the height of the buildings identified in the preliminary development plan as set forth in Exhibit "A"), streets, parking areas, pedestrian amenities, setbacks, open spaces, screening, buffering, easements and intersections, landscaping and tree preservation as well as signage without regard to the specific layout depicted in the Preliminary Development Plan; and

- [3] The Planning Board making final determination with regard to the Final Development Plan's impact to Town's Sanitary Sewer conveyance system, and what improvements, if any, would be required by the developer.

(d) Site Plan. The most recent site plan approved ultimately approved by the Town of Victor Planning Board with respect to the Woods at Valentown, shall constitute additional regulations, restrictions, terms and conditions applicable herein, shall run with the land, and shall be fully incorporated herein and made a part of the Town of Victor Zoning Regulations upon its approval. To the extent the Site Plan conflicts with the concept map/plan, the Site Plan shall control and supersede it (including for purposes of determining area and dimensional requirements).

(e) Conflicts and supersession. To the extent there are conflicts between the regulations specifically enumerated herein, the concept map/plan, and/or the site plan, conflicts shall be resolved as follows: first, in favor of the explicitly enumerated regulations set forth herein, then in favor of the site plan, and lastly in favor of the concept map/plan.

(f) The provisions a part of this subsection B(3) shall supersede and replace those provisions applying to the lands referred to as the "HOA Lot" set forth at Resolution 194 of 2005 of the Victor Town Board (adopted July 25, 2005). These lands shall now be referred to as part of the "Woods at Valentown" lands and shall be subject to the regulations set forth in this subsection B(3).

The Woods at Valentown Lot a part of the High Point Business Park District shall comprise the following lands:

The Original HOA Lot Lands, as follows:

ALL THAT TRACT OR PARCEL OF LAND containing 51.500 acres more or less, situate in the Phelps and Gorham Purchase, Township 11, Range 4, Town Lot 3, Town of Victor, County of Ontario, and State of New York, as shown on the drawing entitled "Woods at Valentown, Map of HOA Lands," prepared by BME Associates, having drawing number 2022N-05, dated May 2017, being more particularly bounded and described as follows:

Beginning at a point, said point being the intersection of a northerly boundary line of lands now or formerly of Ida R. Rose (T.A. No. 006.00-02-25) with the northwesterly right-of-way line of Valentown Road (49.5' Right-of-Way); thence

1. S88°48'47"W, along said northerly boundary line of Ida Rose, a distance of 332.75 feet to a point at the southeasterly boundary corner of Lot 2 of High Point Business Park; thence

2. N02°47'00"W, along a portion of the easterly boundary line of said Lot 2 of High Point Business Park, a distance of 483.32 feet to a point; thence
3. N22°20'35"E, continuing along said easterly boundary line of Lot 2 and along a portion of the easterly boundary line of Lot 3 of High Point Business Park, distance of 354.29 feet to a point; thence
4. N02°23'43"W, continuing along said easterly boundary line of Lot 3 and along a portion of the easterly boundary line of Lot 4 of High Point Business Park, a distance of 463.46 feet to a point; thence
5. N16°37'34"E, continuing along said easterly boundary line of Lot 4, a distance of 321.92 feet to a point; thence
6. N19°38'17"W, continuing along said easterly boundary line of Lot 4 and through the right-of-way of High Point Drive (60' Right-of-Way), a distance of 533.28 feet to a point at the northeasterly boundary corner of said Lot 4; thence
7. N89°44'26"W, along the northerly boundary line of said Lot 4, a distance of 54.85 feet to a point at the southeasterly boundary corner of lands now or formerly of Forest Park at Eastview (T.A. No. 6.00-02-83.2); thence
8. N00°55'17"W, along the easterly boundary line of said lands of Forest Park at Eastview, a distance of 600.01 feet to a point on the southerly boundary line of lands now or formerly of Robert L. Rothwell (T.A. No. 194.01-01-25) said southerly boundary line also being the boundary line between the Counties of Ontario and Monroe; thence
9. N89°47'26"E, along said southerly boundary line of Robert L. Rothwell and along the southerly boundary line of lands now or formerly of The Pickering Family Partnership (T.A. No. 194.01-01-22.1), said southerly boundary lines also being the aforementioned boundary line between the Counties of Ontario and Monroe, a distance of 1,480.67 feet to a point at the northwesterly boundary corner of lands now or formerly of Jeanette Rose Family Trust (T.A. No. 006.00-02-34.1); thence
10. S00°47'10"E, along the westerly boundary line of said lands of Jeanette Rose Family Trust, a distance of 1,075.37 feet to a point at the northeasterly boundary corner of lands now or formerly of John M. Freund (T.A. No. 006.00-02-32); thence
11. S89°13'01 "W, along the northerly boundary line of said lands of John M. Freund, a distance of 825.00 feet to a point at the northwesterly boundary corner thereof; thence
12. S00°47'10"E, along the westerly boundary line of said lands of John M. Freund, a distance of 1,282.98 feet to a point on the northerly right-of-way line of the aforementioned Valentown Road; thence
13. Southwesterly, along said northerly right-of-way line of Valentown Road and along the arc of a non-tangent curve to the left, having a radius of 3,147.73 feet and a chord bearing of S43°19'09"W, a distance of 431.26 feet, to the Point of Beginning.

EXCEPTING THEREFROM ALL THAT TRACT OR PARCEL OF LAND

Commencing at a point, said point being the intersection of a northerly boundary line of lands now or formerly of Ida R. Rose (T.A. No. 006.00-02-25) with the northwesterly right-of-way line of Valentown Road (49.5' Right-of-Way); thence

A. Northeasterly, along the northwesterly right-of-way line of Valentown Road, and along a curve to the right, having a radius of 3147.73 feet, a chord bearing of a N 40°15'11" E, a distance of 94.39 feet to the Point of Beginning; thence

1. N 48°35'15" W, a distance of 35.76 feet to a point; thence
2. Northerly, along a curve to the right, having a radius of 280.00 feet, a distance of 279.91 feet to a point; thence
3. N 08°41'22" E, a distance of 450.65 feet to a point; thence
4. Northerly, along a curve to the left, having a radius of 220.00 feet, a distance of 101.46 feet to a point; thence
5. N 17°43'59" W, a distance of 92.01 feet to a point; thence
6. Northerly, along a curve to the right, having a radius of 71 0.00 feet, a distance of 495.07 feet to a point; thence
7. N 22°13'07" E, a distance of 231.76 feet to a point; thence
8. Northerly, Westerly and Southerly, along a curve to the left, having a radius of 130.00 feet, a distance of 395.62 feet to a point; thence
9. S 27°51'11" W, a distance of 91.57 feet to a point; thence
10. N 19°38'17" W, a distance of 81.39 feet to a point; thence
11. N 27°51'11" E, a distance of 36.58 feet to a point; thence
12. Northeasterly, Easterly, and Southwesterly, along a curve to the right, having a radius of 190.00 feet, a distance of 578.22 feet to a point; thence
13. S 22°13'07" W, a distance of 68.96 feet to a point; thence
14. S 22°13'07" W, a distance of 162.80 feet to a point; thence
15. Southerly, along a curve to the left, having a radius of 650.00 feet, a distance of 453.24 feet to a point; thence
16. S 17°43'59" E, a distance of 92.01 feet to a point; thence
17. Southerly, along a curve to the right, having a radius of 280.00 feet, a distance of 129.12 feet to a point; thence
18. S 08°41'22" W, a distance of 450.65 feet to a point; thence

19. Southerly, along a curve to the left, having a radius of 220.00 feet, a distance of 219.93 feet to a point; thence

20. S 48°35'15" E, a distance of 36.01 feet to a point; thence

21. Southwesterly, along a non-tangent curve to the left, having a radius of 3,147.73 feet, a chord bearing of S 41°39'30" W, a distance of 60.00 feet to the Point of Beginning

AND

The former Conifer Village at Eastview PDD Lands, as follows:

A Portion of Tax Map Parcel #: 1.02-1-2.000

ALL THAT TRACT OR PARCEL OF LAND containing 5.381 acres more or less, situate in the Town of Victor, County of Ontario, and State of New York, being more particularly bounded and described as follows:

Beginning at the northwesterly boundary corner of lands now or formerly of Woods at Valentown, LLC (T.A. No. 1.07-01-5), said corner also being on the Monroe/Ontario County Line; thence

1. S 00°47'55" E, a distance of 600.00 feet to a point; thence
2. N 89°44'26" W, a distance of 229.08 feet to a point; thence
3. N 01°15'22" E, a distance of 234.02 feet to a point; thence
4. N 88°38'41" W, a distance of 283.00 feet to a point; thence
5. N 00°13'08" W, a distance of 356.33 feet to a point; thence
6. N 89°46'52" E, a distance of 499.87 feet to the Point of Beginning.

Chapter 211, Section 211-27.4 Description of uses in the High Point Business Park Planned Development District shall be revised by removing Subsection "G," and re-lettering the remaining subsection accordingly.

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 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.

NOTE: See attached Exhibit A

RESOLUTION #424

ACKNOWLEDGEMENT OF THE RESIGNATION OF KEITH MAYNARD FROM THE FULL-TIME MOTOR EQUIPMENT OPERATOR POSITION FOR THE PARKS & RECREATION DEPARTMENT AND APPOINTMENT OF NICHOLAS BODINE TO THE POSITION OF FULL-TIME MOTOR EQUIPMENT OPERATOR – LIGHT FOR THE PARKS & RECREATION DEPARTMENT

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

3 Ayes: Marren, Guinan, Kahovec

WHEREAS, The Town Board passed Resolution No.418 – Appointment of Keith Maynard to the Provisional Stormwater Program Manager Position for the Planning & Building Department on July 23, 2018; and

WHEREAS, Keith Maynard has submitted his letter of resignation from his Full-Time Motor Equipment Operator position for the Parks & Recreation, effective August 13, 2018; and

WHEREAS, Nicholas Bodine has been employed with the Town of Victor Parks & Recreation Department as a Part-Time Laborer and Motor Equipment Operator – Light since April 16, 2014; and

WHEREAS, Brian Emelson, Director of Parks & Recreation, believes that Nicholas Bodine has the background required to fill the full-time position vacated by Keith Maynard, and is recommending Nicholas Bodine to fill this Full-Time position; now, therefore be it

RESOLVED that Nicholas Bodine be appointed to the full-time position of Motor Equipment Operator –Light, effective on August 6, 2018, at a Grade 2, Step A hourly rate salary of Eighteen dollars and Fifteen cents per hour (\$18.15/hour) and is to be funded from line A.7110.100 Parks.Personal Services in the 2018 Operating Budget; and be it further

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

PUBLIC COMMENT- No one wished to comment tonight.

ADJOURNMENT:

With no further business to come before the Board, the meeting was adjourned at 7:30PM on motion by Councilman Guinan, seconded by Councilman Kahovec. Motion carried.

Respectfully Submitted,

Karen C. Bodine -Town Clerk