

RESOLUTION ISSUING SEQR POSITIVE DECLARATION WITH REGARD TO APPLICATION NOS. 035-SP-2014 AND 004-MS-2014 SEEKING A MODIFICATION TO THE DEVELOPMENT COMMONLY REFERRED TO AS VICTOR CROSSING

WHEREAS, on or about September 12, 2014, the Town of Victor received a Site Plan Application and a Subdivision Application (jointly referred to herein as the "Application") from Benderson Development Company, LLC (the "Applicant"), in relation to an existing development commonly known as and referred to as Victor Crossing (the "Property") ; and

WHEREAS, the Application seeks to modify the previous subdivision and site plan approvals of the Planning Board by lifting the limitation on the hours of operation for the Property (the "Action"), which limitation was previously imposed by the Victor Planning Board via the State Environmental Quality Review Act ("SEQR"); and

WHEREAS, on September 26, 2006, the Town of Victor Planning Board approved a SEQR Findings Statement which imposed the hours of operation limitation for the Property, which limited hours of operation from 7 A.M. to 11 P.M.; and

WHEREAS, the Applicant has submitted a Long Form EAF in connection with this Action; and

WHEREAS, the Action has been preliminary classified as a Type 1 action pursuant to SEQR; and

WHEREAS, in accordance with the SEQR regulations, the Victor Planning Board has assumed Lead Agency status with respect to the Action; and

WHEREAS, the Town of Victor Planning Board has reviewed and considered Part 1 of the Long Form EAF submitted by the Applicant; now therefore, be it

RESOLVED, that after consideration of Part 1 of the EAF, the Planning Board hereby approves the attached Part 2 of said EAF; and be it further

RESOLVED, that, as set forth in Part 2 of said EAF, the Planning Board hereby finds that the Action may have potential significant adverse environmental impacts, including, but not limited to the following (as more fully set forth in Part 2 of the EAF):

1. Impacts on Land,
2. Impact on Noise, Odor and Light; and be it further

RESOLVED, that the Victor Planning Board hereby approves Part 3 of the EAF, confirming its findings in Part 2 of the EAF, and setting forth its basis and reasoning for its identification of the potential significant adverse environmental impacts identified in Part 2 of the EAF, and be it further

RESOLVED, that the Victor Planning Board hereby authorizes the Victor Planning Board Chairperson to execute Part 3 of the EAF; and be it further

RESOLVED, that in accordance with its adoption of Part 3 of the EAF, the Victor Planning Board hereby issues a Positive Declaration with regard to the Action, requiring the Applicant to prepare a Supplemental Draft Environmental Impact Statement in relation to the Application; and be it further

RESOLVED, that the Victor Planning Board hereby directs that the Positive Declaration be filed in accordance with SEQR Regulations, thereby evidencing its intent to prepare a Supplemental Environmental Impact Statement (SEIS); and be it further

RESOLVED, that the Chairman of the Planning Board be, and he hereby is, authorized to execute such necessary documents and to take such other actions as will facilitate an orderly and proper SEQR process.