

**This meeting will be held in person at the Victor Town Hall and live streamed via YouTube with text commenting available. Go To:**  
<https://www.youtube.com/c/townofvictornewyork>

**Victor Town Board Meeting Agenda  
Monday, March 13, 2023  
DRAFT RESOLUTION PACKET**

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

**Regular Meeting, 7PM**

**Flag Salute**

**Public Hearings** start at 7:00 PM

- ❖ Proposed Local Law to Amend R-1, R-2 & R-3 Residential Zoning Districts and Limited Development District of the Victor Town Code relating to accessory structures

*Legal Notice was posted & published in the Daily Messenger March 3, 2023.*

**Approval of the February 27, 2023 Regular Town Board meeting**

**Payment of Bills**

**Privilege of the Floor**

- Hold Harmless – Victor Square expansion
- Sewer Master Plan – LaBella Associates

**Public Comments and Concerns** (3 minutes, please)

**Reports of Town Officials**

- LDC
- Parks & Recreation
- Supervisor – Victor traffic
- Victor Fire Department

**This meeting will be held in person at the Victor Town Hall and live streamed via YouTube with text commenting available. Go To:**  
<https://www.youtube.com/c/townofvictornewyork>

## **Resolutions**

### **Finance**

1. Amend 2022 Budget to Include Community Development Block Grant (CDBG) Funds Expenses

### **Parks & Recreation**

2. Agreement with Tom Willette (Jumbo Shrimp) for a concert, Sid Partington Concert
3. Agreement with Ian Cohen (Jumbo Shrimp) for a concert, Sid Partington Concert
4. Agreement with William Eberts (The Breakfast Club) for a concert, Sid Partington Concert
5. Agreement with Nate Coffey for a concert, Taco Tuesday
6. Agreement with Ethan Robbins (Cold Chocolate) for a concert, Taco Tuesday
7. Request for Certificate of Liability Insurance Waivers
8. Authorization for the Purchase of Signage for the Auburn and Lehigh Valley Trails

### **Supervisor**

9. Intermunicipal Agreement with Livingston County, Sewer Flow Meter Agreement
10. Resolution Authorizing the Town of Victor Town Board to Schedule a Public Hearing and Commence the Process through the Town of Victor's Eminent Domain Powers of Acquiring Certain Real Property
11. After Public Hearing - Amend R-1, R-2 & R-3 Residential Zoning Districts and Limited Development District of the Victor Town Code relating to accessory structures

### **Town Clerk**

12. Victor Square accept LOC, Benderson Development
13. Delta Sonic accept LOC, Benderson Development
14. Hold Harmless – Victor Square expansion

## **PUBLIC COMMENT**

## **ADJOURN**

NOTICE OF PUBLIC HEARING

PROPOSED LOCAL LAW TO AMEND R-1, R-2 & R-3 RESIDENTIAL ZONING DISTRICTS AND LIMITED DEVELOPMENT DISTRICT OF THE VICTOR TOWN CODE

A draft Local Law has been introduced to the Victor Town Board, designated as a proposed Local Law amending Town Code language in the R-1, R-2 & R-3 Residential Zoning Districts and Limited Development District related to accessory uses; and

PLEASE TAKE NOTICE that said draft Local Law is on file with the Town Clerk, 85 East Main Street, Victor, New York and available for public review during regular business hours.

PLEASE TAKE FURTHER NOTICE that a public hearing has been scheduled for March 13, at 7:00 PM, to be held by the Town Board at the Victor Town Hall, 85 East Main Street, Victor, NY, at which time all interested parties will be given an opportunity to be heard. Written comments may also be directed to the Victor Town Clerk on or before 12:00 PM on March 13, 2023. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork> with text commenting available.

Dated: February 28, 2023

Karen C. Bodine, Town Clerk

### **§ 211-19. R-1 District regulations.**

**C.** Accessory uses, generally. Accessory uses, such as storage sheds, must observe a fifteen-foot property line setback on residentially zoned property unless otherwise specified herein.

**(1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.**

### **§ 211-20. R-2 District regulations.**

**C.** Accessory uses, generally. Accessory uses, such as storage sheds, must observe a fifteen-foot property line setback on residentially zoned property unless otherwise specified herein.

**(1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.**

### **§ 211-21. R-3 District regulations.**

**E.** Accessory uses, generally. Accessory uses on residentially zoned property, such as storage sheds, must observe a fifteen-foot property line setback unless otherwise specified herein. Accessory uses on non-residentially zoned property must observe a fifteen-foot property line setback from adjacent residentially zoned property. Applicants must obtain site plan approval prior to construction or expansion of any such use, except that such site plan approval shall not be required for residential storage sheds that are no taller than 15 feet and no larger than 1,000 square feet.

**(1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.**

**§ 211-21.1. LD District regulations.**

**C.** Accessory uses, generally. Accessory uses, such as storage sheds, must observe a fifteen-foot property line setback on residentially zoned property unless otherwise specified herein.

**(1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.**

# #1

RESOLUTION NO.  
AMEND 2022 BUDGET TO INCLUDE COMMUNITY DEVELOPMENT BLOCK GRANT  
(CDBG) FUNDS EXPENSES

WHEREAS, the Town Board approved the utilization of the Community Development Block Grant (CDBG) per Resolution No. 155 dated April 25, 2022; and

WHEREAS, the Town of Victor was awarded a Community Development Block Grant (CDBG) in the amount of Five Hundred Thousand dollars (\$500,000.00) from the NYS office of Community Renewal to assist local businesses impacted by COVID-19 (CDBG Project #1179CVSB25-21); and

WHEREAS, the businesses listed below met the established criteria required by NYS Homes and Community Renewal (OCR) and each business was awarded a grant not to exceed Thirty-Five Thousand dollars (\$35,000.00) upon final approval from NYS; and

WHEREAS, a Public Hearing was advertised by the Town Clerk and held on the 27<sup>th</sup> day of December 2022 at the Victor Town Hall, 85 East Main Street, Victor, NY for the purpose of delivering the final report on the funded businesses and closing out this grant; and

WHEREAS, the Town Finance Director created separate (CDBG) expenditures lines items separate from the Town's annual budget; and

WHEREAS, funds in the amount of Four Hundred Two Thousand Three Hundred and Ninety-Seven dollars (\$402,397.00) need to be appropriated in the 2022 Budget to reflect the expense distribution pass thru in (A.6420.400.CDB) for the current year; and

Now, therefore, be it

RESOLVED that the Victor Town Board approve appropriation of the CDBG funds in the amount of Four Hundred Two Thousand Three Hundred Ninety-Seven dollars (\$402,397.00) appropriated in the 2022 Budget to reflect the expense distribution pass thru in (A.6420.400.CDB); and

RESOLVED that a copy of this resolution be forwarded to the Finance Director, Economic Development Director, and the Town Clerk.

## #2

### RESOLUTION NO. AGREEMENT – TOM WILLETTE (JUMBO SHRIMP)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Tom Willette (Jumbo Shrimp) for a concert at its Sid Partington Memorial Concert in the Park event on July 13, 2023 at Victor Municipal Park; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Tom Willette (Jumbo Shrimp) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Nine Hundred dollars (\$900.00) to be paid from the 2023 Budget Line item A.7550.400 Celebrations Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Tom Willette.

# #3

RESOLUTION NO.  
AGREEMENT – IAN COHEN (JUMBO SHRIMP)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Ian Cohen (Jumbo Shrimp) for a concert at its Sid Partington Memorial Concert in the Park event on July 13, 2023 at Victor Municipal Park; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Ian Cohen (Jumbo Shrimp) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Nine Hundred dollars (\$900.00) to be paid from the 2023 Budget Line item A.7550.400 Celebrations Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Ian Cohen.



# #4

## RESOLUTION NO. AGREEMENT – WILLIAM EBERTS (THE BREAKFAST CLUB)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with William Eberts (The Breakfast Club) for a concert at its Sid Partington Memorial Concert in the Park event on June 15, 2023 at Victor Municipal Park; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with William Eberts (The Breakfast Club) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of One Thousand, Five Hundred dollars (\$1,500.00) to be paid from the 2023 Budget Line item A.7550.400 Celebrations Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and William Eberts.

# #5

## RESOLUTION NO. AGREEMENT – NATE COFFEY

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Nate Coffey for a concert at its Taco Tuesday at Dryer Road Park event on July 18, 2023; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Nate Coffey under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Three Hundred dollars (\$300.00) to be paid from the 2023 Budget Line item A.7550.400 Celebrations Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Nate Coffey.

# #6

## RESOLUTION NO. AGREEMENT – ETHAN ROBBINS (COLD CHOCOLATE)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Ethan Robbins (Cold Chocolate) for a concert at its Taco Tuesday at Dryer Road Park event on June 20, 2023; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Ethan Robbins (Cold Chocolate) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of One Thousand, Two Hundred dollars (\$1,200.00) to be paid from the 2023 Budget Line item A.7550.400 Celebrations Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Ethan Robbins.

# #7

## RESOLUTION NO. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

WHEREAS, the Town Board adopted the Resolution No. 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 vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<b><u>Vendor</u></b>	<b><u>Activity / Event</u></b>	<b><u>Location of Event</u></b>	<b><u>Amount of Contract</u></b>	<b><u>Duration of Contract</u></b>	<b><u>Reason for Exemption</u></b>
Ethan Robbins (Cold Chocolate)	Summer Concert	Dryer Road Park	\$1,200.00	December 31, 2023	Insufficient Coverage
Nate Coffey	Summer Concert	Dryer Road Park	\$300.00	December 31, 2023	Insufficient Coverage
William Eberts (The Breakfast Club)	Summer Concert	Victor Municipal Park	\$1,500.00	December 31, 2023	Insufficient Coverage
Ian Cohen (Jumbo Shrimp)	Summer Concert	Victor Municipal Park	\$900.00	December 31, 2023	Insufficient Coverage
Tom Willette (Jumbo Shrimp)	Summer Concert	Victor Municipal Park	\$900.00	December 31, 2023	Insufficient Coverage

Now, therefore, be it

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

# #7

<b><u>Vendor</u></b>	<b><u>Activity / Event</u></b>	<b><u>Location of Event</u></b>	<b><u>Amount of Contract</u></b>	<b><u>Duration of Contract</u></b>	<b><u>Reason for Exemption</u></b>
Ethan Robbins (Cold Chocolate)	Summer Concert	Dryer Road Park	\$1,200.00	December 31, 2023	Insufficient Coverage
Nate Coffey	Summer Concert	Dryer Road Park	\$300.00	December 31, 2023	Insufficient Coverage
William Eberts (The Breakfast Club)	Summer Concert	Victor Municipal Park	\$1,500.00	December 31, 2023	Insufficient Coverage
Ian Cohen (Jumbo Shrimp)	Summer Concert	Victor Municipal Park	\$900.00	December 31, 2023	Insufficient Coverage
Tom Willette (Jumbo Shrimp)	Summer Concert	Victor Municipal Park	\$900.00	December 31, 2023	Insufficient Coverage

And be it

RESOLVED that a copy of this resolution be sent to Director of Parks and Recreation, Town Clerk, Ethan Robbins, William Eberts, Nate Coffey, Tom Willette and Ian Cohen.

# #8

## RESOLUTION NO.

### AUTHORIZATION FOR THE PURCHASE OF SIGNAGE FOR THE AUBURN AND LEHIGH VALLEY TRAILS FOR DEPARTMENT OF PARKS AND RECREATION

WHEREAS, the Department of Parks and Recreation has the need to purchase custom printed, high intensity aluminum signage to replace the existing signage on the Auburn and Lehigh Valley Trails; and

WHEREAS, these items are available for purchase from Elderlee, Incorporated at a cost of Two Thousand and Forty-Three dollars and Sixty cents (\$2,043.60) per the attached price proposal; and

WHEREAS, funds are available in the 2023 Budget line item A.7110.400 Parks and Trails - Contractual for the purchase of replacement signage for the Auburn and Lehigh Valley Trails; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase custom printed, high intensity aluminum signage from Elderlee Incorporated at a cost of Two Thousand and Forty-Three dollars and Sixty cents (\$2,043.60), and said funds are available in the 2023 Budget line item A.7110.400 Parks and Trails - Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation; Town Clerk; Director of Finance; and Elderlee, Incorporated.

# #9

## RESOLUTION NO.

### 2023 INTERMUNICIPAL AGREEMENT FOR SHARED SERVICES BETWEEN THE LIVINGSTON COUNTY WATER & SEWER AUTHORITY (LCWSA) AND TOWN OF VICTOR

WHEREAS, pursuant to Article 5-G of the General Municipal Law, Victor and LCWSA are authorized to enter into an intermunicipal cooperative agreement for the provisions of shared services, as set forth herein; and

WHEREAS, LCWSA owns that certain portable sewer flow meter equipment (collectively the "Equipment"); and

WHEREAS, Victor desires to use certain equipment owned by LCWSA.

NOW, THEREFORE, in consideration of the mutual covenant and agreements and other good and valuable consideration, the amount, sufficiency and receipt of which is hereby acknowledged and contained herein, the parties agree as follows:

1. Until December 31, 2023, LCWSA will allow Victor to use, on a shared basis, the Equipment.
2. LCWSA will install the Equipment at the Auburn Creek Apartments manhole to assist Victor with collecting sewer flow data. LCWSA will read the meter every two weeks and provide the data to Victor for the duration of the Agreement. At the conclusion of the Agreement LCWSA will recover the Equipment. Victor staff will assist LCWSA with Equipment installation and recovery as needed. LCWSA will charge Victor \$1,500 for this service.
3. At the end of the term of the Agreement, as aforesaid, Victor will return the Equipment in a clean and working order, reasonable wear and tear excepted.
4. During the use of the Equipment, Victor will be responsible for any necessary maintenance and/or repair.
5. In the event that any portion of the Equipment is damaged beyond repair, Victor will replace said damaged Equipment on an in-kind basis.
6. Victor hereby agrees to indemnify and hold LCWSA harmless from all claims, losses, costs and damages arising out of any activities of Victor pursuant to the terms and conditions of the Agreement, including costs of settling any action and reasonable attorney's fees for defense, except to the extent caused by or arising out of the negligent acts or omissions of LCWSA. Each party will provide the other with timely notice of any claims and shall fully cooperate with each other to defend the same.

## #9

7. This Agreement may not be assigned by either party, in whole or in part, without the prior written consent of the other party. Any assignment in violation of the foregoing shall be deemed void.
8. This Agreement shall be binding upon and shall inure to the benefit of each of the parties hereto and their successors and permitted assigns.
9. This Agreement and any transactions between the parties hereunder shall be governed by, construed and interpreted in accordance with the Laws of the State of New York.
10. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions or deletions of any portion of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by both parties.

RESOLVED that a copy of this resolution be forwarded to the Finance Director, Town Clerk, Stormwater Program Manager, and the Livingston County Water & Sewer Authority.



# #10

## RESOLUTION NO.

### RESOLUTION AUTHORIZING THE TOWN OF VICTOR TOWN BOARD TO SCHEDULE A PUBLIC HEARING AND COMMENCE THE PROCESS THROUGH THE TOWN OF VICTOR'S EMINENT DOMAIN POWERS OF ACQUIRING CERTAIN REAL PROPERTY.

WHEREAS, the Town of Victor, County of Ontario (the "Town") is a municipal corporation with the authority to acquire property within its boundaries for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and

WHEREAS, the Town desires to acquire certain "real property" (as that term is defined in the New York Eminent Domain Procedure Law (the "EDPL")) comprising approximately 8.4 acres located at 700 Eastview Mall Drive, Victor, New York, Tax Parcel No. 6.00-1-12.60 formerly occupied by Lord & Taylor and now owned by HBC Victor, LLC (the "Parcel") for purposes of facilitating a "public project" (as that term is defined in the EDPL; hereinafter, the "Project"); and

WHEREAS, the Town may exercise its power of eminent domain for the public purposes of advancing the general prosperity and economic welfare of the residents of the Town by returning the vacant and underutilized Parcel to productive use thereby promoting employment and increasing the property tax base within the Town; and

WHEREAS, in order to complete the Project, it may be necessary for the Town to exercise its power of eminent domain if a voluntary transfer of all or some of the Parcel is not consummated; and

WHEREAS, the Town of Victor Town Board (the "Town Board") desires to adopt a resolution authorizing the Town Board to commence condemnation proceedings in compliance with the EDPL; and

WHEREAS, the Town desires to adopt a resolution authorizing the commencement of all steps necessary for the acquisition of the Parcel pursuant to the EDPL; and

WHEREAS, no alternative locations exist in the Town or are being considered for the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF VICTOR AS FOLLOWS:

Section 1. The Town Supervisor and the Town Board (with assistance from the Town Attorney) are hereby authorized to commence the EDPL proceedings and consider proceeding with the condemnation of the Parcel in connection with the Project, as well as undertake all other action as permitted or required by law in connection with the condemnation or voluntary acquisition of the Parcel.

Section 2. The Town Board shall conduct a public hearing pursuant to the applicable requirements of the EDPL on April 24, 2023 at 7:00 pm at the Town of Victor Town Hall located at 85 East Main Street, Town of Victor, County of Ontario, and that all interested parties shall be invited to attend the public hearing and be afforded an opportunity to comment on the Project and the proposed condemnation.

Section 3. The Town Supervisor and the Town Board are hereby authorized and directed for and in the name and on behalf of the Town to do all acts and things required, and to execute and deliver all certificates, instruments and documents, to pay all fees, charges and expenses and to do all further acts and things as may be necessary or, in the opinion of the Town Supervisor and the Town Board, desirable and proper to effectuate the purposes of this Resolution and to cause compliance by the Town with all of the terms, covenants and provisions of any documents executed for and on behalf of the Town for purposes of effectuating any of the foregoing including, without limitation, negotiating and entering into an Acquisition Agreement upon the advice of the Town Attorney.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<b><i>Yea</i></b>	<b><i>Nea</i></b>	<b><i>Absent</i></b>	
	<b><i>Abstain</i></b>			
Jack Marren	[    ]	[    ]	[    ]	[    ]
Dave Condon	[    ]	[    ]	[    ]	[    ]
Ed Kahovec	[    ]	[    ]	[    ]	[    ]
Mike Guinan	[    ]	[    ]	[    ]	[    ]
Drew Cusimano	[    ]	[    ]	[    ]	[    ]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK                    )  
COUNTY OF ONTARIO                )     SS.:

The undersigned, being the Town Clerk of the Town of Victor, Ontario County, New York, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of Town Board of the Town of Victor, Ontario County, New York (the "Town") including the resolution contained therein, held on the 13<sup>th</sup> day of March, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Town and of such resolution set forth therein and of the whole of said original insofar as the same relates to the subject in matters therein referred to.

I FURTHER CERTIFY that all members of said Town had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY that there was a quorum of the members of the Town present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Town this \_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Karen C. Bodine, Town Clerk

# #11

## RESOLUTION NO.

### AFTER PUBLIC HEARING - PROPOSED LOCAL LAW TO AMEND R-1, R-2 & R-3 RESIDENTIAL ZONING DISTRICTS AND LIMITED DEVELOPMENT DISTRICT OF THE VICTOR TOWN CODE

WHEREAS, a resolution was duly adopted by the Town Board on February 27, 2023 calling for a public hearing to be held by the Tow Board on March 13, 2023 to hear all interested parties on a proposed local law to amend Town Code language in the R-1, R-2 & R-3 Residential Zoning Districts and Limited Development District related to accessory uses; and

WHEREAS, a public hearing was advertised by the Town Clerk and held on March 13, 2023 at Victor Town Hall at which time all interested parties were given an opportunity to speak on behalf of or in opposition to said proposed local law; and

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

RESOLVED that the Victor Town Board hereby adopts said local law as follows:

### LOCAL LAW TO AMEND R-1, R-2 & R-3 RESIDENTIAL ZONING DISTRICTS AND LIMITED 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 New York 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. 3-2023 to amend Chapters 211-19 R-1 Residential Zoning District, Chapter 211-20 R-2 Residential Zoning District, 211-21 R-3 Residential Zoning District and 211-21.1 Limited Development District. The purpose of this Local Law is to update the accessory uses language.

# #11

## Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Town Code needs to be amended to incorporate language regarding accessory uses.

## Section IV. Amendment

Chapter 211-19 R-1 District regulations shall be amended as follows:

§ 211-19. R-1 District regulations.

C. (1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.

Chapters 211-20 R-2 District regulations shall be amended as follows:

§ 211-20. R-2 District regulations.

C. (1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.

Chapters 211-21 R-3 District regulations shall be amended as follows:

§ 211-21. R-3 District regulations.

E. (1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.

# #11

211-21.1 Limited Development District regulations as follows:

§ 211-21.1. LD District regulations.

C. (1) Accessory uses shall not be installed in violation of restrictions on real property, including, but not limited to, easements, rights-of-way, bylaws, regulations, statutes, or other Town Code provisions. All restrictions and potential restrictions shall be disclosed to the Town at the time the building permit is submitted. Failure to disclose said restrictions to the Town can result in permit denial or revocation.

## 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.

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.

# #12

## RESOLUTION NO.

### ACCEPT LETTER OF CREDIT – VICTOR SQUARE EXPANSION

WHEREAS, Benderson Development Co. LLC received Planning Board approval for Victor Square expansion with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer reviewed the developer's estimate of construction costs which includes contingencies, developer's assurance, and Town Engineering fees, and in his letter dated December 7, 2022, recommends a surety in the amount of Twenty-Four Thousand Seven Hundred Forty-Two dollars and Sixty-Eight cents (\$24,742.68); now, therefore, be it

RESOLVED that the Town Board accepts the M&T Bank Irrevocable Letter of Credit dated February 28, 2023 in the amount of Twenty-Four Thousand Seven Hundred Forty-Two dollars and Sixty-Eight cents (\$24,742.68), with the condition that should this Letter of Credit not be renewed at least ten days prior to the expiration date of February 28, 2024 the Town Clerk is authorized to draw the balance of the Letter of Credit and place said funds in an Escrow Account until such time as the Town Engineer recommends dedication of the infrastructure and release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to Planning and Building, LaBella, Town Clerk, and Benderson Development.



# #13

RESOLUTION NO.  
ACCEPT LETTER OF CREDIT – DELTA SONIC

WHEREAS, Delta Sonic Car Wash Systems, Inc. received Planning Board approval for Delta Sonic Car Wash, Victor, NY with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer reviewed the developer's estimate of construction costs which includes contingencies, developer's assurance, and Town Engineering fees, and in his letter dated January 17, 2023, recommends a surety in the amount of Three Hundred and Forty-Two Thousand and Ninety-Four dollars and Seventy cents (\$342,094.70); now, therefore, be it

RESOLVED that the Town Board accepts the M&T Bank Irrevocable Letter of Credit dated February 28, 2023 in the amount of Three Hundred and Forty-Two Thousand and Ninety-Four dollars and Seventy cents (\$342,094.70) with the condition that it shall be deemed automatically extended without amendment for one year from the present or any future expiration date of the letter of credit unless at least thirty (30) days prior to such expiration date the Town of Victor is notified that applicant elects not to consider this letter of credit renewed for such additional period.

RESOLVED that a copy of this resolution be forwarded to Planning and Building, LaBella, Town Clerk, and Benderson Development.

# #14

## RESOLUTION NO.

### LICENSE AND HOLD HARMLESS AGREEMENT, 4-20 COMMERCE DRIVE TO ALLOW ENCROACHMENT INTO A SANITARY SEWER EASEMENT

WHEREAS, Benderson Development Company, LLC is the record owner (the "Owner") of the properties at 4-20 Commerce Drive – Tax Map #6.02-2-47.100 in the Town of Victor; and

WHEREAS, the Town is the owner of a sanitary sewer easement situated running east of New State Route 96 and is located south of Victor Square as shown on Map #CA100 filed in the Ontario County Clerk's Office, Liber 1023, page 779.

WHEREAS, the Owner of the property is proposing pavement and curbing on the southern side of the Victor Square building in the Sewer Easement; and

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

WHEREAS, the Agreement would permit the pavement and curbing to be constructed, but would require the Owner to remove and/or repair said pavement and curbing, hold the Town harmless, and return the Property within the Easements to its pre-alteration condition should the Town need to exercise its rights relating to the Easement in a manner which would require removal of the portion of pavement and curbing, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed pavement and curbing and have indicated that the aforementioned proposed encroachment into the Easement would not materially adversely affect the integrity, purpose, or function of the Easement, or be a hindrance in gaining access to any facilities or other infrastructure located within the Easement to effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Benderson Development Company, LLC in a form approved by the Attorney for the Town, to allow the proposed pavement and curbing to encroach into the Easement, and any other document reasonably necessary to effect said Agreement; and further be it

RESOLVED that upon filing with the Ontario County Clerk's office, a copy of the License and Hold Harmless Agreement with Benderson Development Company LLC will be provided by the Town Clerk; and further

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