

Workshop, 6:00 – 7:00PM - Eastview Mall Zoning, LaBella Associates

Supervisor Marren called the regular meeting of the Victor Town Board to order at 7:00PM.

PRESENT: Supervisor Marren Councilman Cusimano
 Councilman Condon Councilman Kahovec
 Councilman Guinan

ALSO PRESENT: Karen Bodine, Town Clerk; Kevin Overton, Attorney; Mark Years, Highway Superintendent; Rich O'Donnell, Finance Director; Suzy Mandrino, IT; Wes Pettee, LaBella Associates; Keith Maynard II, Stormwater Manager; Kim Kinsella, Project Coordinator; Gary Hadden, Village Mayor; Tim Terranova, Superintendent VCS; Derek Vallese, Assistant Business Superintendent VCS; Marsha Senges; Peter Vars and Jim Barbatos; Charles J. Nientimp; Marilyn Trombley; David Nankin.

Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off and any private conversations or interviews to be conducted in the hallway outside. Emergency exits were pointed out.

Also noted the meeting room is equipped with the induction loop hearing assistance system, explaining conversations can be heard through the microphones on hearing aids with a t-switch. Emergency exits were pointed out. The meeting was also live streamed via YouTube with text commenting available to the public.

All joined in a Salute to the Flag.

SUPERVISOR'S ANNOUNCEMENTS:

- Happy Mother's Day to all mothers this Sunday May 14th
- Thanked members of the Town Board for covering several public events in his absence.
- Village Zoning Board of Appeals will hold their meeting on Wednesday May 17th in the Main Meeting Room of the Town Hall.

PUBLIC HEARING

Clerk read the public notice aloud

- **ADOPTION OF THE 2023 SANITARY SEWER MASTER PLAN**

Supervisor Marren asked Wes Pettee from LaBella Associates to give a brief overview of the proposed Sewer Master Plan. He explained the primary purpose of the 2023 Draft Sanitary Sewer Master Plan for expansions of the Consolidated District is to provide the Town Board with some guidance relative to requests for extending the sanitary sewer

district. This plan document supplements and coordinates with the Victor Farmington Sewer Plan from 2016 as well as the Town's comprehensive plan from 2015. The analysis reported in this document is intended to ensure that community planning priorities including asset management, growth management, and the preservation of both open space and rural character are considered along with sound engineering practices in responding to requests to approve expansions of the district beyond the present district boundary. This document carves up the town into twelve different areas and looks at the sanitary sewer infrastructure in each of these twelve areas identifying where pump stations are located and how the conveyance systems operate and really analyzes the information from the Victor Farmington Sewer study and the comprehensive plan principals. This includes some of the residential overlay districts and the conceptual ideas and thoughts from the comprehensive plan that suggest maybe density increases or density decreases.

The Town Clerk received correspondence from Joe Hurley 249 Benson Road, owner of Kettle Ridge Farms who explained that part of his property (Area 11) is not included in the sewer district, and he would like to have Area 11 expansion identified in the Victor Farmington Sewer District.

No Public Comments.

Supervisor Marren thanked Mr. Hurley for taking the time to submit his letter, noting Kettle Ridge continues to grow. He explained whenever there is a request for a water expansion or sewer expansion, in this case Kettle Ridge, there is a process, a public hearing and code changes. These changes impact other residents in that area, because with the sewer going by other homes or properties that it touches, these residents are now included in the sewer district whether they want sewer or not. A plus, if they want to tie into sewer they can; the downside is they are now included as part of the debt service. The town does still have debt service due to improvements underground and pump stations.

Motion to Close Public Hearing @ 7:08PM

On motion of Councilman Condon, seconded by Councilman Kahovec the Public Hearing was closed and the regular meeting reconvened. Motion Carried.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

APPROVAL OF MINUTES

On motion of Councilman Cusimano, seconded by Councilman Guinan the April 24, 2023, Town Board meeting minutes were approved as presented. Motion Carried.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

PAYMENT OF BILLS

On motion of Councilman Cusimano, seconded by Councilman Condon Manifest #9 in the amount of \$156,081.84 was approved. Motion carried.

5 Ayes (Marren, Condon, Kahovec, Cusimano, Guinan) 0 Nays

Documentation for these expenditures can be found on vouchers filed by numbers #20230789-20230973.

| | |
|-----------------------------|-------------|
| General Townwide | \$94,088.55 |
| General Outside Village | 2,221.50 |
| Highway Townwide | 27,434.98 |
| Lighting Districts | 5,487.20 |
| Consolidated Sewer District | 18,936.86 |
| Trust and Agency | 7,912.75 |

Supervisor Marren reviewed the following expenditures for Manifest #9 that were in the range of or exceeded \$5,000.00.

- Heidelberg Materials – Material for Willis Hill Project - \$14,942.85
- Harris Beach – April Legal Services - \$29,958.68
- (chargeback \$23,178.06 - cost to the Town \$6,780.62)
- Integrated Systems – May Hosting Services - \$5,302.76
- Labella Associates PC – Professional Services for March – \$36,575.00
- (Chargeback to developers \$7,373.75, cost to the Town \$29,201.25)
- Nocco Energy – Diesel Fuel for April - \$5,022.44
- RG&E – April Townwide Gas & Electric - \$10,299.46
- Systems Development Group – New Assessor Software - \$4,685.00
- Town of Farmington – Town share of PS-25 Upgrades - \$11,195.61

PRIVILEGE OF THE FLOOR:

Tim Terranova, the Victor Central School district Superintendent, gave a brief summary of the 2023-2024 proposed budget. May 16th is the budget vote at the Early Childhood School Board room from 6AM-9PM. The Board of Education approved the budget in April, and it was a lengthy process. Goals for this budget are focused on maintaining a comprehensive education. This year started the first year of the five-year strategic plan created with significant community involvement last year. Maintaining sound financial strategies with a low tax rate increase, continue to stabilize reserves, as well as add staff. Staffing needs remain in areas of culture, learning and instruction, and student support and opportunities. Staff for the new educational center, which is 200 South High Street, will be a tutoring center for kids who are out of school for temporary reasons. An addition of security guards as well as a coordinator of safety in the district. A full-time career coordinator who will work especially with the Juniors and Seniors to set up

VICTOR TOWN BOARD MEETING MONDAY May 8, 2023

multiple internship opportunities across the Victor/Farmington area. A full-time drug and alcohol counselor to support kids who are struggling in those areas.

Derek Vallese, Assistant Superintendent of Business explained the budget is going up 10.9%, noting the majority of that is made up by state aid. The levy is only going up 2.81% due to NYS thawing the foundation aid formula that had been frozen since roughly 2008. Right now, the estimated tax rate is at \$16.03 per thousand, increasing by 1.2%. Derek summarized how the tax rate is calculated using the equalization rate. There are three vacancies on the Board of Education which will also be on the ballot. On May 9th voter registration will be held at the district office from 3-7PM. You must be a registered voter to vote in the school budget vote.

Tim Terranova explained after an enrollment study, they strongly believe that the enrollment is going to remain flat over the next five to ten years.

Supervisor Marren asked if they keep a few buses in reserve as part of the rotation. Will the borrowing of equipment be eliminated from the budget? He also applauded the internship program for Juniors and Seniors and the slide on the assessed value and the educational piece.

It is the goal of the Town of Victor's Assessor to start the re-evaluation process in the fall and have it completed by next year.

Councilman Condon gave kudos to what has been done and continuing to do.

Keith Maynard, Stormwater Manager gave his Annual MS4 Report and update for the reporting period March 10, 2022 - March 9, 2023. The Draft Report is available for public comment on the Town Website until May 29, 2023. The DEC MS4 (Municipal Separate Storm Sewer System) Permit requirements are divided up into 6 Minimum control measures.

MCM 1 - Addresses Public Education and Outreach on the impacts of Stormwater

- The Town had a booth at the Climb Aboard Victor event and the Victor Central School Environmental Expo
- The Town handed out 680 printed materials through recycle center permits, new resident packets, and at the Planning and Building Department Counter
- 23 Direct contacts with residents concerning stormwater and drainage
- Stormwater update article for the fall edition of the Victor Voice

MCM 2 - Addresses Public Involvement and Participation

- The Town can take credit here for the Impact Earth Composting as well as participating in Ontario County's recycling event schedule by holding events like the pumpkin drop off.
- Last year's Draft Annual Report was available in April and May of 2022.

MCM 3 - Addresses Illicit Discharge Detection and Elimination

- Inspected 84 outfalls which is 20% of the total Town pond outfalls (all have to be inspected in a 5-year period) and several of the ditch and stream outfalls.
- There were 4 recorded illicit discharges - all were corrected.
- With the help of OCSW all Highway, Parks, and Code Enforcement employees again received Illicit Discharge Detection Training this year.

MCM 4 - Addresses Construction Stormwater Management

- During this period the Town had 26 active construction sites with **SWPPP** coverage
- Enforcing the erosion and sediment control on these sites is constant all year through inspections and communications with developers.
- 60 "Friendly Letter" emails for enforcement were sent
- Five Notices of Violation were issued

MCM 5 - Addresses Post-Construction Stormwater Management

- Highway Department staff has performed drainage maintenance on 20 open channels along roads and 23 stormwater facilities within the Drainage Improvement Area during this reporting period.
- Town staff has also completed several drainage projects within the right of way.
- During this reporting period 10 stormwater facilities outside of the DIA were also maintained by private landowners as a result of Town Code requirements.

MCM 6 - Addresses Pollution Prevention and Good Housekeeping for Municipal Operations

- With LaBella's help the **SWPPP** document for 60 Rawson Rd was reviewed and updated.
This document is the written stormwater pollution prevention plan for that facility.
- Per DEC requirement the Town continues to hire LaBella to lab test the two outfalls coming from 60 Rawson into the Village Stormwater system twice per year.
- Every three-year self-assessments of relative Town owned facilities were completed.
- Roughly 200 miles of Town roads were swept
- 87 Catch basins were inspected - required maintenance and cleaning was then performed on catch basins that needed it.
- During this reporting period eight Town of Victor employees attended the 4-hour DEC erosion and sediment control class which is required every eight years.

In addition to this work, with LaBella's help the overall Town of Victor Stormwater Management plan was updated for the first time since 2009. This plan describes how the Town plans to achieve compliance with the MS4 Permit.

Public Comments or Concerns:

Marsha Senges of 1231 Wellington Drive in the Drumlins shared some comments, concerns, and questions regarding the 7200 Rawson Rd rezoning application by Morrell and Pride Mark Homes.

She noted that some of these are more related to the Site Plan review, should the rezoning be approved but she was asked to present these tonight, understanding the developers may or may not be able to address these this evening, as the Board is referring the rezoning proposal to the OCPB and Victor's PB for review and recommendations.

- 1) Will all the single-family homes and townhomes definitely be for sale?
- 2) Will owners be allowed to sublet or rent their homes or townhomes?
- 3) Will there be a single HOA for the homes and townhomes?

- 4) Will the single-family homes all look alike?
- 5) Sidewalks don't seem to be on the proposed development.
- 6) Roads don't seem to be dedicated to the Town on the proposed development.
- 7) Will there be overflow parking?
- 8) Will ALL homes and townhomes have basements?
- 9) How many truckloads of fill do you anticipate needing?
- 10) How will you protect the NYS Wetlands on these acres?
- 11) If you're proposing single-family homes and townhomes, why are you requesting a Planned Development District, rather than a residential rezoning?
- 12) Will both the single-family homes and townhomes be developed simultaneously, or which do you plan to start first, should you receive rezoning approval?
- 13) How far from Rawson Road will the three closest 4-unit townhomes be? What buffering do you plan to provide?
- 14) The layout of your proposed development resembles that found in a tract-home development. It does not resemble the existing Drumlins I and II layout, with curvy roads, elevation changes and diversity of home appearances.
- 15) Your traffic study doesn't seem relevant, as you've used, it appears, commuter times. You've indicated your market is for empty nesters, but we old folks certainly do not stay home, knitting and napping. We come & go all day long.
- 16) In closing, and possibly one of THE MOST IMPORTANT POINTS....

In the existing Drumlins I and Drumlins II, there are 76 townhome buildings. There is only one 4-unit building and only one 5-unit building, that's 2.6% of all the buildings.

Of the 16 proposed townhome buildings, 12 are either 4 units or 5 units...that's 75% of all the buildings. There are NO duplexes proposed at all!

THE proposed density and size of townhome buildings are definitely NOT in "Character of our existing Neighborhood".

IN CLOSING.....

She asked Jack and TB members for total transparency regarding this rezoning and the "Power" the Town Board has regarding

A) Density of the units and B) the size of the actual buildings. Will you, as TB members, be determining the # of total units and the size of the buildings, or will the PB ultimately have the sole responsibility for these two very important decisions when it comes to a future Site Plan Review? How much clout do you honestly have?

The Morrell Brothers have shown Victor what fine quality housing they can provide, and...

A blend of for-sale townhomes and single-family homes SEEMS as though it COULD be a definite COMPLEMENT to our neighborhood, but not in the design as currently being proposed.

Report of Town Officials:

- Finance
- Historian
- Parks & Recreation
- Victor Fire District

The Town Clerk reported she received the DOT reports on the Speed Study Petitions for Lynaugh Road between the Village line and County Road 9 and East Victor Road between Route 96 and County Road 41. It was determined no speed reduction needed at this time.

Councilman Condon pointed out there are a couple of dangerous depressions on the side of the road on County Road 9 where work had been done on the water lines. Mark Years noted that Dan Rago, Commissioner of Public Works for the County has been notified and they were going to get in touch with the contractor who completed the road work.

BUSINESS:

RESOLUTION NO. 131

AUTHORIZE TOWN SUPERVISOR TO WORK WITH THE TOWN OF FARMINGTON ON
REQUIRED IMPROVEMENTS TO PS-25

On motion of Councilman Cusimano, seconded by Councilman Guinan the following resolution was approved. Motion Carried.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

WHEREAS, the Town of Farmington identified the urgent need to repair to PS-25 in the Town of Victor, and

WHEREAS, Labella Associates and MRB Group support the recommended improvements, and

WHEREAS, the Town of Victor and Town of Farmington will split the costs of improvements to PS-25 estimated at (\$32,000.00) from Colacino Industries Inc. for the Electrical Upgrades, and

WHEREAS, the Town of Victor has agreed to pay up to Thirty-Two Thousand dollars (\$32,000.00) for Electrical Upgrades for PS-25 split between 2022 budget line SS.8120.400, Sanitary Sewers for Twenty Thousand dollars (\$20,000.00) and 2023 budget line SS.8120.400 for Twelve Thousand dollars (\$12,000.00), and

RESOLVED, that the Victor Town Board authorizes the payment of the Town's portion of up to Thirty-Two Thousand dollars (\$32,000.00) based on satisfactory completion of the PS-25 to be paid to the Dakksco Pipeline Corp. and the Town of Farmington to reimburse payment to Colacino Industries from budget line SS.8120.400 Sanitary Sewers Contractual; and be it further

RESOLVED, that a copy of this resolution will be sent to the Town of Victor Finance Director, Town of Farmington Town Clerk, Town of Victor Town Clerk, Town of Farmington Supervisor, Dakksco Pipeline and Colacino Industries.

RESOLUTION NO. 132

AUTHORIZATION FOR TOWN CLERK TO PETITION NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO EVALUATE THE AREA SPEED LIMIT FOR BRADHURST STREET

On motion of Councilman Cusimano, seconded by Councilman Guinan the following resolution was approved. Motion Carried.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

WHEREAS, the Highway Superintendent has received requests to evaluate the speed limit on Bradhurst Street; now therefore, be it

RESOLVED that the Town Clerk proceed with petitioning the New York State Department of Transportation to evaluate for an area speed limit for Bradhurst Street; and further

RESOLVED that a copy of this resolution be forwarded to Highway Superintendent.

RESOLUTION NO. 133
AUTHORIZATION TO SELL UNUSABLE RECYCLE CONTAINER AND
1998 COMPACTOR AT AUCTION

On motion of Councilman Cusimano, seconded by Councilman Guinan the following resolution was approved. Motion Carried.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

WHEREAS, the Town of Victor Highway Superintendent has reviewed the unusable recycle container and 1998 Marathon compactor, and;

WHEREAS, the open top container is no longer safe for hauling and the compactor has deteriorated and has been replaced with a new 2023 Marathon compactor:

1 Bucks 2007 30 yard open top container
1998 refurbished Marathon SP Series Model 2201 compactor

RESOLVED that the Town Board declare the equipment as surplus equipment; and further

RESOLVED that the Town Board authorizes the sale of this equipment at an online auction; and further

RESOLVED that copy of this resolution be forwarded to the Highway Superintendent, the Finance Department and the Town Clerk.

RESOLUTION NO. 134
ACCEPT DONATION – COMMUNITY POPS BAND AND CHORUS

On motion of Councilman Cusimano, seconded by Councilman Guinan the following resolution was approved. Motion Carried.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

WHEREAS, the Town received a donation from the Cobblestone Foundation Incorporated (Cobblestone Arts Center) to provide for the purchase of instrumental sheet music folders for the Department of Parks and Recreation’s Community Pops Band and Chorus; now, therefore be it

RESOLVED that the Town Board accept these funds for the purchase of instrumental sheet music folders in the amount of Nine Hundred Twenty-Six dollars and Ninety-Nine cents (\$926.99) in the 2023 Budget and authorizes the Finance Director to increase the revenue line A.2705 Gifts & Donations by Nine Hundred Twenty-Six dollars and Ninety

Nine cents (\$926.99) in addition to an offsetting increase in the expense line A.6772.400 Programs for the Aging Contractual of Nine Hundred Twenty-Six dollars and Ninety-Nine cents (\$926.99). All budget entries to be done upon board approval; and further

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

RESOLUTION NO. 135

TOWN OF VICTOR TOWN BOARD 2022 PUMP STATION IMPROVEMENTS PROJECT
(PHASE 2) SEQR RESOLUTION – INTENT TO DECLARE LEAD AGENCY STATUS

At the meeting of the Town Board of the Town of Victor held on May 8, 2023, Councilman Condon moved adoption of the following resolution; Councilman Kahovec seconded the motion and was passed.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

WHEREAS, the 2022 Pump Station Improvements Project (Phase 1) included the following scope of work:

- At Pump Station 5: Replacement of an existing suction lift pump station with a new pump station, which may include above grade structure with backflow preventer; Replacement of generator; and Site restoration.
- At Pump Station 7: Replacement of an existing submersible pump station, including a new wet well, valve vault, and bypass connection; Installation of new emergency generator; An alternate to replace existing asbestos cement pipe force main; Site restoration; and Potential land acquisitions/easements from adjacent residents.
- At Pump Station 11: Replacement of an existing suction lift pump station with a new triplex suction lift pump station, including above grade structure and new water service with backflow preventer; Generator replacement; and Site restoration.
- At Pump Stations 12, 16, 17, and 32: Installation of new generators, which includes running new gas services to each generator, installation of concrete pads, installation of automatic transfer switches, and connection to the control panel; and

WHEREAS, the 2022 Pump Station Improvements Project (Phase 1) was reviewed in accordance with the New York State Environmental Quality Review (SEQR) regulations. The 2022 Pump Station Improvements Project (Phase 1) was classified as an Unlisted Action, the Short Environmental Assessment Form ("SEAF") Parts 1-3 were drafted, and a Negative Declaration Resolution was adopted by the Town Board of the Town of Victor ("Town Board") on May 9, 2022; and

WHEREAS, as part of the 2022 Pump Station Improvements Project (Phase 2), the Town of Victor proposes the demolition and replacement of two sanitary sewer pump stations and installation of generators at four other sanitary sewer pump stations, all located throughout the Town of Victor. The proposed project scope of work includes the following:

- At Pump Station 5: Replacement of an existing suction lift pump station with a new pump station, which may include above grade structure with backflow preventer; Replacement of generator; and Site restoration.
- At Pump Station 11: Replacement of an existing suction lift pump station with a new triplex suction lift pump station, including above grade structure and new water service with backflow preventer; Generator replacement; and Site restoration.
- At Pump Stations 12, 16, 17, and 32: Installation of new generators, which includes running new gas services to each generator, installation of concrete pads, installation of automatic transfer switches, and connection to the control panel; and

WHEREAS, under the SEQRA regulations, the 2022 Pump Station Improvements Project (Phase 2) project would be classified as an Unlisted Action; and

WHEREAS, as the project is currently applying for a Clean Water State Revolving Fund (CWSRF) loan through the NYS Environmental Facilities Corporation (EFC), the State Environmental Review Process ("SERP"), must be followed. SERP requires the 2022 Pump Station Improvements Project (Phase 2) to be treated as Type I Action requiring a Full Environmental Assessment Form ("FEAF") and a coordinated review.

RESOLVED in accordance with SERP, the 2022 Pump Station Improvements Project (Phase 2) will be treated as a Type I action requiring a FEAF and a coordinated review; and

FURTHER RESOLVED the Town Board has commissioned LaBella Associates, DPC to prepare Part 1 of the FEAF for the 2022 Pump Station Improvements Project (Phase 2); and

FURTHER RESOLVED that in accordance with SEQR and SERP, the Town Board hereby announces its intent to serve as Lead Agency to conduct an environmental review of 2022 Pump Station Improvements Project (Phase 2) located throughout the Town of Victor, Ontario County, New York; and

FURTHER RESOLVED the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for the 2022 Pump Station Improvements Project (Phase 2), and

Town Board will provide them with a copy of the completed Part 1 of the FEAF for review during the 30-day comment period.

**Peter Vars (BME Associates) and Jim Barbatos (Pride Mark Homes) gave a brief update on the PDD Application for 7200 Rawson Road since they last appeared before the Board on February 13th. In 2015, this property was zoned to a PDD, the industrial component on the four acres is there today.*

The residential component "sunset" through the resolution that was adopted back then. They want to bring the residential component back. In April 2023 the PDD application pursuant to the requirements of the code. The application was reviewed by the town staff and by the town engineer. The application is very consistent with what was reviewed at the February 13th Town Board meeting. There will be 69 total for sale residential units on 18½ acres. Meets the goals of residential availability.

Supervisor Marren thanked both Peter and Jim for coming to the meeting tonight. Councilman Condon asked if the town would be locked into 69 homes. He likes where the project is going, not sure of the size of it.

RESOLUTION NO. 136

DECLARE 7200 RAWSON ROAD REZONING APPLICATION COMPLETE (TO BE ENTITLED "RAWSON ROAD PLANNED DEVELOPMENT DISTRICT") & REFER APPLICATION TO TOWN OF VICTOR PLANNING BOARD & ONTARIO COUNTY PLANNING BOARD

On motion of Councilman Condon, seconded by Councilman Guinan the following resolution was approved. Motion Carried.

WHEREAS, on April 14, 2023, the Town of Victor received an application from BME Associates on behalf of Rawson Community LLC requesting rezoning for ± 22.5 acres of property located at 7200 Rawson Road, Tax Map #27.00-01-28 from LI (Light Industrial) to PDD (Planned Development District); and

WHEREAS, in a letter dated April 27, 2023 the Town Engineer reviewed and found the application submission complete with the confirmation that the Letter of Petition and Authorization signed by the property owner on February 11, 2014 is acceptable. An updated Letter of Authorization was submitted on April 27, 2023; be it

RESOLVED that the Victor Town Board finds the 7200 Rawson Road rezoning application is complete; and further

RESOLVED that this application be referred to the Town of Victor Planning Board and the Ontario County Planning Board in accordance with Section 211-27 of the Victor Town Code; and further

RESOLVED that a copy of this resolution be sent to the Town Engineer, Town Clerk, Town Attorney, Town of Victor Planning Board, Ontario County Planning Board, Town Clerk and Rawson Community LLC.

RESOLUTION NO. 137

DECLARING VICTOR TOWN BOARD'S INTENT TO SERVE AS LEAD AGENCY FOR THE APPLICATION AND LOCAL LAW RELATING TO ESTABLISHING THE RAWSON ROAD PLANNED DEVELOPMENT DISTRICT

On motion of Councilman Cusimano, seconded by Councilman Guinan the following resolution was approved. Motion Carried.

5 Ayes (Marren, Condon, Cusimano, Kahovec, Guinan) 0 Nays

WHEREAS, on April 14, 2023, the Town of Victor received an application from BME Associates on behalf of Rawson Community LLC requesting rezoning for ± 22.5 acres of property located at 7200 Rawson Road, Tax Map #27.00-01-28 from LI (Light Industrial) to PDD (Planned Development District); and

WHEREAS, after review by the Town Engineer, the Victor Town Board determined the application is complete; and

WHEREAS, the establishment of the PDD and subsequent development of the Properties (the "Action") is subject to environmental review pursuant to the State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the Action has been preliminary determined to be an Unlisted action pursuant to SEQR and a Full Environmental Assessment Form has been submitted to the Town Board; and

WHEREAS, in accordance with the SEQR regulations, the Town Board wishes to serve as Lead Agency to conduct a coordinated environmental review of the proposed Action, now therefore, be it

RESOLVED that in accordance with SEQR, the Town Board of the Town of Victor hereby declares its intent to serve as Lead Agency to conduct an environmental review of the Action; and be it further

RESOLVED that the Supervisor of the Town is hereby authorized to execute the lead agency request which shall include the Environmental Assessment Form (EAF); and be it further

RESOLVED that the lead agency request, application materials, Local Law and EAF shall be circulated to the involved and interested agencies, thereby notifying them of the Town Board's intent to serve as lead agency; and be it further

RESOLVED that in absence of objections to the Town Board's intent to serve as lead agency within the thirty-day period following notification, the Town Board of the Town of Victor shall proceed to assume lead agency status with respect to the Action.

RESOLUTION NO. 138

SET PUBLIC HEARING – SOUTHGATE HILLS 3 TOWN OF VICTOR
DRAINAGE IMPROVEMENT AREA

On motion of Councilman Kahovec, seconded by Councilman Cusimano the following resolution was approved. Motion Carried.

5 Ayes (Marren, Kahovec, Guinan, Condon, Cusimano) 0 Nays

WHEREAS, on behalf of Riedman Companies, BME Associates submitted information for Southgate Hills Section 3 in support of the subdivision to be included in the Town's Drainage Improvement Area; and

WHEREAS, LaBella Associates reviewed and commented on the Special District Application dated 3/15/23, Drainage Improvement Area report, dated 3/15/23 and Short Environmental Assessment Form; and now, therefore, be it

RESOLVED by the Victor Town Board, that a Public Hearing shall be scheduled on the 22nd day of May 2023, at 7:00PM, at the Victor Town Hall, 85 East Main Street, Victor, NY for the purpose of considering Southgate Hills Subdivision Section 3 to be included in the Town of Victor Drainage Improvement Area; and further

RESOLVED that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION NO. 139

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

On motion of Councilman Condon, seconded by Councilman Guinan the following resolution was approved. Motion Carried.

5 Ayes (Marren, Kahovec, Guinan, Condon, Cusimano) 0 Nays

WHEREAS, The Monroe County Water Authority ("Authority") intends to provide public water service to 0 East Victor Road, County Road 41, Plastermill Road, Plastermill Road, and 0 Main Street Fishers located in the Town of Victor; and

WHEREAS, the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

WHEREAS, the easement is located along the frontage of 0 East Victor Road (Tax Acct. No. 28.04-1-48), which is owned by BRW of Greece LLC, County Road 41 (Tax Acct. No. 40.0-1-6.0), which is owned by Roger and Christie Morrison, Plastermill Road (Tax Acct. No. 28.0-1-38.2), which is owned by Regency Townhomes of Victor Owner KofP LLC, Plastermill Road (Tax Acct. No. 16.0-1-37.23), which is owned by Villas of Victor Apartments Owner KofP LLC, and 0 Main Street Fishers (Tax Acct. No. 6.00-1-58.31 & 6.00-1-58.32), which is owned by Morrell Builders, Inc. ; and

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

RESOLVED that the Town hereby approves of the Authority's acquisition of the frontage easement located at 0 East Victor Road, County Road 41, Plastermill Road, Plastermill Road, and 0 Main Street Fishers in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

RESOLVED that a copy of this resolution be provided to the Authority.

RESOLUTION NO. 140
LICENSE AND HOLD HARMLESS AGREEMENT, 407 COMMERCE DRIVE
TO ALLOW ENCROACHMENT INTO A SANITARY SEWER EASEMENT

On motion of Councilman Condon, seconded by Councilman Cusimano, the following resolution was adopted.

5 Ayes (Marren, Kahovec, Guinan, Condon, Cusimano) 0 Nays

WHEREAS, Benderson Development Company, LLC is the record owner (the "Owner") of the properties at 400-441 Commerce Drive – Tax Map #6.04-1-78.00, otherwise known as Victor Crossing in the Town of Victor; and

WHEREAS, the Town is the owner of a sanitary sewer easement, as shown in Liber 01240, beginning at page 0069, ending at page 0076 in the Ontario County Clerk's Office which sanitary sewer easement is situated running east of New York State 96 and is located along the south side of 407 Commerce Drive; and

WHEREAS, the Owner of the property is proposing installation of a sanitary sewer lateral along with replacement of pavement and curbing as needed at 407 Commerce Drive on the southern side of the Victor Crossings buildings in the Sewer Easement; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the proposed sanitary sewer lateral, 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 installation of a sanitary sewer lateral and necessary pavement and curbing to be constructed, but would require the Owner to remove and/or repair said sanitary sewer lateral, 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 the sanitary sewer lateral, 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 installation of sanitary sewer lateral, 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 installation of sanitary sewer lateral, 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.

Public Comment: None

ADJOURNMENT:

With no further business to come before the Board tonight, a motion was made by Councilman Cusimano, seconded by Councilman Guinan to adjourn the regular Town Board meeting at 8:00 PM.

Respectfully submitted,

Karen C. Bodine
Town Clerk