

VICTOR TOWN BOARD MEETING, MONDAY JULY 26, 2021

A Meeting of the Victor Town Board was held on July 26, 2021 in the Victor Town Hall Main Meeting Room starting at 7:00PM and also live streamed via YouTube.

Supervisor Marren called the meeting to order @ 7:00PM

Flag Salute

PRESENT: Supervisor Jack Marren
 Councilman Ed Kahovec
 Councilman Dave Condon
 Councilman Drew Cusimano
 Councilman Mike Guinan

OTHERS PRESENT: Karen Bodine - Town Clerk; Kevin Overton- Town Attorney; Mark Years-Highway Superintendent; Wes Pettee and Steve Metzger - LaBella Associates; Rich O'Donnell – Finance Director; Brian Emelson and Steve Hendrickson – Parks & Recreation; Suzy Mandrino- IT; Martin Avila; Jerry Goldman; Andrew Spencer; Jerry Watkins; Ed Flynn; Dave Nankin; V. Mandrn; Janet Wilber; Gregg Knapp; Jerry Colyer; Scott Reinhart; Jeffrey Hennick; Lisa Roberts; Dave Wright; Chauncy Young and Adam Reitz.

Public Hearings

The Town Clerk read aloud the Public Hearing Notices:

- 1) Community Development Block Grant (CDBG) Program - *Legal Notice was posted & published in the Daily Messenger on July 9, 2021*
**Ed Flynn gave a very brief overview of the Block Grant program and noted the survey was well received with a lot of response from the community.*
No Public Comment

- 2) Acceptance of Petition by Riedman Acquisitions, LLC to reclassify northwest corner of East Victor Road and Boughton Hill Road commonly known as Southgate Hills Phase 2 from a Residential Overlay District "A" to a Residential Overlay District "B" as complete and scheduling of Public Hearing.
**In attendance for the Public Hearing were Jerry Goldman- Attorney for Riedman Acquisitions, Jerry Watkins -Development Coordinator and Andrew Spencer Project Engineer from BME. Jerry explained that on June 28, 2021 the Town Board did accept the petition for reclassification of the subject property to allow for a change in the density from one unit for every three acres to one unit to every two acres. At the June 28, 2021 meeting the Town Board requested this be referred to the Ontario County Planning and the Town of Victor Planning Board for comment. The County Planning Board recommended approval as consistent with the Comprehensive Plan and the minutes of the Victor Planning Board where the majority of the Board was in favor of the matter have been made available to the Town Board. All the prerequisites have been completed.*
Supervisor Marren noted that both the meeting minutes from the Victor Town Planning Board and the County Planning Board were in the Town Board Meeting Packets.

Public Comments:

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Janet Wilber 6389 Boughton Hill Road had a couple of questions about the storm water and if there would be some consideration of the flow of water under the road that empties into Fish Creek. She also asked if the development of houses along Boughton Hill Road would be connected to sewer or will the single family homes be on septic.

Supervisor Marren explained to Ms. Wilber that the town engineer and the stormwater management department would be reviewing this area regarding the water flow that might impact Ms. Wilber's property or other properties.

Jerry Watkins explained that the sewer will be extended to the development.

*Letter below from **Diedra Kirk** 1476 East Victor Road:

Good morning,

Unfortunately I am unable to make the public hearing but wanted to take an opportunity to document my concerns with the reclassification of the Southgate Hills area. Please ensure this is read out loud at the meeting and entered into the public records.

I have lived at 1476 E Victor Rd for more than 20 years and can attest that the prior development has markedly increased the residential and commercial traffic. Not only is it difficult to turn left on 96 and Boughton Hill Rd, but I've nearly been run over getting the mail multiple times. Just this past week a piece of equipment was too tall for the road and tore the cable out of my house and off the pole.

Additionally, our road cannot safely handle additional traffic. There are two tight turns that people often miss and end up in our yard. 2 weeks ago, a person went off the road across from our house narrowly missing the telephone pole, mailbox and fire hydrant and ultimately stopping in the field. There are no real shoulders for walkers and it is dangerous for kids to cross at the hiking trails due to car traffic. The big dump trucks barely slow down on those corners and I've seen kids have to run to make it across.

The reason I moved to Victor from Rochester 21 years ago was for the green space and quiet quality of life. Unfortunately, the never ending development has ruined this forcing me to buy a second home in Yates County. I hope the people making the decisions for this development keep in mind the real daily impact it has on the neighbors.

Thank you

Diedra Kirk

RESOLUTION NO. 200 MOTION TO CLOSE THE PUBLIC HEARINGS at 7:11PM AND CONTINUE WITH THE REGULAR TOWN BOARD MEETING

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

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

RESOLVED that the Public Hearing now close and the regular board meeting convene.

SUPERVISOR'S ANNOUNCEMENTS

- Town Board Meetings in August- August 9th at 8:00am to pay bills only and August 23rd at 7:00PM a full in person meeting.
- Town Employee Birthdays for August

RESOLUTION NO. 201 APPROVAL OF MINUTES

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

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

RESOLVED that the minutes for June 28, 2021 be approved as written.

RESOLUTION NO. 202 APPROVAL OF MINUTES

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

3 Ayes (Condon, Guinan, Cusimano) 2 abstained (Marren and Kahovec)

RESOLVED that the minutes for July 12, 2021 be approved as written.

RESOLUTION NO. 203 PAYMENT OF BILLS

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

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

RESOLVED that the bills be approved for Manifest #14 in the amount of \$478,682.33.

Documentation for these expenditures can be found on vouchers filed by numbers #20211260-20211385.

Manifest #14	
General Townwide	\$215,557.06
General Outside Village	12,704.20
Park Land Trust Fund	1,500.00
Highway Townwide	214,343.72
Sanitary Conveyance Capital Project	350.00
Total of Lighting Districts	5,275.85
SS Consolidated Sewer Fund	12,502.50
Trust & Agency	16,449.00

Supervisor Marren reviewed the following expenditures for Manifest #14 that were in the range or exceeded \$5,000.00.

1. B & M International LLC– August rent Court facility - \$9,375.00
2. Bluestone Creek Development LLC – August rent Parks & Rec. facility - \$13,750.00
3. Cintas – Townwide 1st Aid cabinets & supplies - \$5,385.84
4. D. Clark Distributors – Phillips road tack coat - \$ 5,065.56
5. Elderlee – Phillips Road Guardrail - \$17,100.00
6. Francis Smith & Sons – Highway Fuel Mgt. System - \$ 8,675.00
7. Harris Beach – June attorney fees - \$ 12,495.00
8. LCI Industrial – Crane for Highway Garage - \$ 11,713.66

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9. Labella Associates PC – June engineering fees – \$29,341.25
10. MVP Health – August Employee & Retiree health insurance - \$58,763.48
11. Midland Asphalt – Chip sealing for several roads - \$ 131,725.55
12. NYS Comptroller – April/May/June Court Fees – \$98,672.50
13. RG&E – July utility charges - \$ 10,991.98
14. Seneca Pavement Marking – Phillips road striping - \$ 8,250.00
15. Sunoco LLC – Unleaded Fuel - \$ 7,076.06

PRIVILEGE OF THE FLOOR:

Tim Niver-Director and Jim Myers -President from the Victor Farmington Library presented the Board with an update on the new Victor/Farmington Library. In 2017 a search began to find a larger facility. Victor/Farmington Library is part of the Pioneer Library System which consists of Ontario, Wayne, Wyoming and Livingston counties and a total of 42 libraries. Victor/Farmington library is the busiest library in the system with an average weekday of over 400 people pre-Covid. The library also has many programs for residents' it's not just about borrowing books. Jim explained that they looked at adding onto the current space and also building up, which cannot be done. Twelve sites were looked at and the new proposed site is 160 School Street which will be a single story 24,000 sq. ft. building. A vote will go out to the public on May 18, 2022 and purchase of the proposed site would occur in December of 2022. The Library has entered into an agreement with Pike Construction. They will use DASNY or CNB for financing the project. The library will be holding public hearings for the community to voice their comments. Final numbers for this project will need to be sent to the school district by March of 2022 for the vote in May of 2022.

Supervisor Marren thanked both gentlemen for their update for the New Public Library. *Lisa Roberts* addressed the Board with community questions and concerns about the Parks and Recreation Department. Lisa referred back to a Town Board meeting in 2019 in which the room was filled with residents because the Parks and Recreation Master Plan was on the agenda that night. Many residents spoke how they valued living in this community and their involvement in the parks and recreations programs. She also noted the compliments and unanimous support of the Town Board of the goals in the Parks & Recreation Master Plan. She explained that the CAC wants to work with the Board to reach the goals for the Master Plan. Priority #1 is a Community Center at Paparone Park.

Both the Victor and Farmington CAC met and were very enthusiastic about a partnership between the towns as a way to build a recreation center. Priority #2 is bike and pedestrian connectivity which the CAC and VHT are working on together. Lisa emphasized the need for safe walking, running, and biking to our residents. She also noted that Brian has been actively running programs and does not have time to work on

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securing grant money for projects and developing budgets. Lisa thanked the Board for bringing back some of the staff and asked that they reinstate the staff back to the 2019 levels. Lisa noted the public response to the Dog Park has been enthusiastically positive.

PUBLIC COMMENT: None

REPORTS OF TOWN OFFICIALS:

Finance IT
Highway Victor Fire District
Parks & Recreation

Supervisor Verbal Report

- The Victor Fire District voted to hire two full time paid firefighters
- Town of Victor and Farmington Joint Meeting at 6:00PM in Farmington for a presentation from the Victor/Farmington Ambulance
- Countywide Public Safety Study- a consultant has been recommended and the next step would be the Board of Supervisors, Public Safety, and Ways and Means to accept the bid.
- Fishers Fire District Meeting- Robert Mann submitted letter of resignation and the Board appointed John Williamson as Commissioner to take his place.
- Ontario County Sheriff's department short on staff and cannot put in the hours for extra patrol in Victor. Looking at more solar radar signs to assist. In contact with the DOT about the dangerous intersection on the corner of Route 96 and Omni Tech Place.
- County Road 9 and Gillis Road – two more accidents in the last couple of weeks. County Engineers are reviewing this intersection and will submit for funding to the federal government.
- Ontario County Soil and Water Control Projects identified in Victor.
- Water Damage on East Victor Road and Break of Day Road. The Highway Department was thanked for their work on this.
- Letter of resignation from Martin Avila as Town Representative for the Ontario County Planning Board.
- The attendance at the concert in the park on Thursday July 22, 2021 was between 750-800 people.
- American Rescue Plan Act – Town of Victor has received 50% of our total amount of money and waiting on guidance on spending this money.
- COVID activity within the county – 50 individuals contacted the virus

* *Councilman Cusimano* commented there was a good turnout from the local community at the meeting for the proposed Dog Park at Harlan Fisher. Positive feedback and questions about funding from the community. He feels it makes sense to have the Dog Park there. He also commented on the nice job that Mark and the Highway Department did on Phillips Road and East Victor Road. Councilman Cusimano also brought up the short staffing with the police officers. Supervisor Marren noted that many officers have left Ontario County and they are going to other Police Departments in Monroe County for more money.

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Councilman Cusimano also noted that the radar signs have made a positive effect and we could use a couple more of them.

RESOLUTIONS**RESOLUTION NO. 204 AFTER PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CARES ACT FUNDING**

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

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

WHEREAS, the Town of Victor intends to submit a CARES Act funding application for the Program Year 2020 New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for CDBG applications requires the Town to hold a public hearing prior to submission of any CDBG grant applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

WHEREAS, the Public Hearing was held on July 26, 2021 at 7:00 PM at the Town Hall located at 85 Main Street, Victor, NY and live streamed via YouTube; now, therefore, be it

RESOLVED that the Town Supervisor is hereby authorized as the official representative of the Town of Victor to execute and submit a Consolidated Funding Application for Community Development Block Grant CARES Act funding to the administrative agency for the Fiscal Year 2020 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required; and further

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

RESOLUTION NO. 205 APPOINT GREG KNAPP - DEPUTY HIGHWAY SUPERINTENDENT

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

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

WHEREAS, the Town's current Deputy Highway Superintendent, Randy Rader has retired effective July 19, 2021; and

WHEREAS, Highway Superintendent Mark Years, wishes to appoint Greg Knapp to the position of Deputy Highway Superintendent; now, therefore be it

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RESOLVED that the Town Board acknowledges the appointment of Greg Knapp to the Deputy Highway Superintendent position for the Highway/Recycle Department, effective July 19, 2021, at a Grade 6, Step B pay level, with a salary of Twenty Nine dollars and Ninety cents (\$29.90)/hour to be paid from the 2021 Budget Line item A.5110.110 General Highway Superintendent. Personal Services Deputy; and further be it;

RESOLVED that a copy of this resolution be forwarded to the Highway Superintendent, Greg Knapp, Human Resources, Town Clerk, and the Finance Department.

RESOLUTION NO. 206 RE-APPOINT STEPHEN HENDRICKSON - RECREATION SUPERVISOR

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

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

WHEREAS, in light of recent developments with regards to COVID protocols for business operations the Town Board has agreed to expand the current Recreation Department program offerings beginning in September 2021, which requires the hiring of one Recreation Supervisor; and

WHEREAS, funds for one Recreation Supervisor position are present in the 2021 budget; and

WHEREAS, Stephen Hendrickson was employed by the Town Parks & Recreation Department as a Recreation Supervisor from 2000 to 2020 and was laid off due to the temporary downsizing of Town operations due to COVID-19 in December 2020; and

WHEREAS, the Director of Parks & Recreation wishes to re-appoint Stephen Hendrickson to the full-time position of Recreation Supervisor for the Parks & Recreation Department; now, therefore be it

RESOLVED that Stephen Hendrickson be appointed to the position of Recreation Supervisor for the Parks & Recreation Department at a Grade 5, step F pay level, with a salary of Thirty dollars and Twenty Two cents (\$30.22)/hour to be paid from the 2021 Budget Line Item #A.7020.100 Rec.Admin. Personal Services, with a starting date of August 1, 2021; and be it further

RESOLVED that a copy of this resolution be forwarded to Stephen Hendrickson, Parks & Recreation Director, Human Resources, Town Clerk, and the Finance Office.

RESOLUTION NO. 207 MEMORANDUM OF UNDERSTANDING – VICTOR COMMUNITY DEVELOPMENT OFFICE

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

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

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WHEREAS, the Victor Local Development Corporation, Victor Chamber of Commerce and the Town of Victor desire to create, maintain, and grow the Victor Community Development Office; and

WHEREAS, the Town requests that a Memorandum of Understanding be entered into with FLVC; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor to execute a Memorandum of Understanding with the Victor Local Development Corporation and the Victor Chamber of Commerce to create, maintain, and grow the Victor Community Development Office; and further

RESOLVED that an executed copy of the Memorandum of Understanding identified as Schedule A is kept in the subject file in the Town Clerk's office; and further

RESOLVED that a copy of this resolution and Memorandum of Understanding be forwarded to the Victor Local Development Corporation, the Victor Chamber of Commerce, Town Clerk, and Finance Director.

RESOLUTION NO. 208 PURCHASE PICKLEBALL NET AND POST SYSTEMS - FISHERS PARK TENNIS AND PICKLEBALL COURTS

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

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

WHEREAS, the Department of Parks and Recreation has the need to purchase four sets of permanent pickleball nets and post systems for its Fishers Park tennis and pickleball court improvement project; and

WHEREAS, the Director of Parks and Recreation received a quote from Har-Tru, LLC for the purchase of four sets of pickleball posts, nets, anchors, center straps and shipping in the amount of Two Thousand Two Hundred Fifty Nine Dollars (\$2,259.00); now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase four sets of pickleball posts, nets, anchors, and straps including shipping costs at a cost of Two Thousand Two Hundred Fifty Nine Dollars (\$2,259.00) to be paid from the 2021 Budget Line item CP.7183.200 Parks - Parks Trust.Equipment; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Town Clerk, Finance Director, and Lee Carneal, Har-Tru, LLC.

RESOLUTION NO. 209 AUTHORIZE SUBMISSION OF 2021 MS4 MAPPING GRANT

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

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

WHEREAS, the Town of Victor Town Board ("Town Board") recognizes that the New York State Department of Environmental Conservation ("DEC") is offering grants to regulated traditional Municipal Separate Storm Sewer Systems ("MS4s") for mapping; and,

WHEREAS, the Town of Victor is an eligible municipality for receiving funding under the grant program, and the Town of Victor is also a regulated traditional MS4; and,

WHEREAS, the maximum grant award for MS4 municipalities is Seventy Five Thousand dollars (\$75,000.00) and requires a local match equal to 10% of the requested grant amount; and

WHEREAS, the Town of Victor has previously initiated the creation of a GIS map that currently helps to detect and eliminate illicit discharges, and the funding being sought by the Town of Victor will help to continue to assemble the GIS map in a way that will comply with the MS4 Application's Comprehensive System Mapping Table; now, therefore be it

RESOLVED that the Town Board hereby authorizes the submission of a 2021 Nonpoint Source Planning & MS4 Mapping Grant application for a maximum award of Seventy Five Thousand dollars (\$75,000.00), and is committed to providing the local match equal to 10% of the requested grant amount; and further be it

RESOLVED that a copy of this resolution be sent to the Town Engineer, Stormwater Program Manager, and the Town Clerk.

RESOLUTION NO. 210 ACCEPTANCE OF PETITION BY WOODSTONE CUSTOM HOMES, INC. TO RECLASSIFY 1403 EAST VICTOR ROAD COMMONLY KNOWN AS STONE BROOK SUBDIVISION FROM A RESIDENTIAL OVERLAY DISTRICT "A" TO A RESIDENTIAL OVERLAY DISTRICT "C" AS COMPLETE AND SCHEDULING OF PUBLIC HEARING

On motion of Supervisor Marren, seconded by Councilman Condon, the following resolution was adopted:

3 Aye (Marren, Condon, Cusimano) 2 nay (Kahovec, Guinan)

WHEREAS, the Town Board of the Town of Victor (the "Town Board") has received from Woodstone Custom Homes, Inc (the "Petitioner"), as authorized by the property owner (the "Owner"), a petition to reclassify the zoning designation on the Official Residential Overlay Zoning District Map, Map Z-02, of the Town of Victor (the "Zoning Map") of a certain property Petitioner has been authorized bearing tax map number 28.04-2-62.000 comprising Stone Brook Subdivision located on the east side East Victor Road south of the NYS Route 96 intersection in the Town of Victor (the "Subject Property") from a Residential Overlay District "A" to a

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Residential Overlay District "C" (collectively referred to as the "Petition"), along with a letter of intent signed by Petitioner as authorized Petitioner of the Subject Property supporting the reclassification, a map showing the Subject Property to be reclassified, and a legal description of the Subject Property, all of which are available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, the Comprehensive Plan of the Town of Victor, dated August 24, 2015, sets forth a land use policy supporting the reclassification of the Subject Properties from "Least Density" to "Highest Density"; and

WHEREAS, the potential environmental impact of a reclassification of the Subject Properties from "Least Density" to "Highest Density" was assessed in the Generic Environmental Impact Statement ("GEIS") prepared for the 2015 Comprehensive Plan of the Town of Victor pursuant to the New York State Environmental Quality Review Act, Article 9 of the Environmental Conservation Law and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 ("SEQRA"); and

WHEREAS, pursuant Section 211-6(A) of the Town of Victor Zoning Code (the "Zoning Code"), the Town Board, upon receipt of a petition, may reclassify residential overlay zoning districts and revise the Zoning Map to reflect the reclassification after public notice and hearing and upon prior receipt of a report on the reclassification from the Town of Victor Planning Board, now, therefore be it

RESOLVED that the Town Board accepts the Petition and deems it complete for the purpose of proceeding with the applicable procedures set forth in Section 211-6(A) of the Zoning Code; and be it further

RESOLVED that pursuant to Section 211-6(A) of the Zoning Code, the Town Board refers the Petition and accompanying materials to the Town of Victor Planning Board for review at its August 10, 2021 meeting in order for the Planning Board to provide the requisite report on the Petition to the Town Board prior to August 23, 2021; and be it further

RESOLVED that pursuant to Section 239-m of the New York General Municipal Law, the Town Board refers the Petition to the Ontario County Planning Board for review and comment at its August 11, 2021 meeting; and be it further

RESOLVED that pursuant to Section 211-6(A) of the Zoning Code the Town Board shall meet at the Town Hall, 85 East Main Street, Victor, New York, on August 23, 2021, at 7:00 p.m. for the purpose of conducting a public hearing on the Petition, at which time and place all persons interested in the subject thereof may be heard concerning the same.

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RESOLUTION NO. 211 SET PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTER 149 SNOWMOBILES AND OFF-ROAD VEHICLES

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

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

WHEREAS, the Town Board has identified the need to amend Chapter 149 Snowmobiles and Off-Road Vehicles to provide for the use of pedal assist, electric bicycles (Class 1) in order to meet the changing technology and demands of a modern parks and recreation system; and

WHEREAS, a proposed Local Law has been submitted for the Town Board's review and is on file with the Town Clerk; now, therefore, be it

RESOLVED that a Public Hearing regarding the Local Law being proposed to amend Chapter 149 Snowmobiles and Off-Road Vehicles shall be held on August 23, 2021, at 7:00 p.m., at the Victor Town Hall located at 85 E. Main Street, Victor, NY and live streamed via YouTube; and be it further

RESOLVED that the Town Clerk shall provide and publish such notice(s) of the Public Hearing(s) scheduled herein as are required under the New York Town Law and the New York Municipal Home Rule Law; and further

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

****Board discussion on Resolution No. 212 before voting:***

Councilman Guinan expressed that the Board voted to look at reclassifying property on a case by case basis and feels this has not been done to the fullest extent, noting that more information has come to light more recently that would affect this overlay. He feels there is not enough information to actually make the decision and the Board needs more defined overlay characteristics to make the decision. Also noting there is another proposal for 92 more homes adjacent to this property and what will this do to the infrastructure in that area. Will the sewer pump station have the capacity?

Supervisor Marren noted during earlier discussions trying to get a feel from the Board about a number for the overlay district knowing that the pump station would definitely need to be brought up to capacity. He stated he would rather spend money on this once rather than come back a year or two years later. At that time, the Board decided to look at each project on a case to case basis.

Wes Pettee clarified for the Board again that the East Victor Road Sanitary Sewer Pump Station 7 on the corner of Route 96 and East Victor Road has the capacity for the Blumont Rise Subdivision on County Road 41 and the Victor Chrysler Dodge Jeep Dealership on Route 96. It does not have the capacity right now for the 130 homes that would come in between these two projects.

Steve Metzger explained they have not reviewed the 92-94 lots other than in concept, but noted the developer did express an interest to connect directly to the Farmington Sewer that runs back of the lot along the creek. He noted further improvements to Pump Station 7 would be necessary.

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Frank Pavia wanted to clarify the sewer capacity for the additional 19 homes and if the applicant needed to provide any additional information for the reclassification of this property.

Councilman Guinan was being cautious and wanted the Board to take into consideration and follow the comprehensive plan and comments from the Planning Board. His concern was the Board wanting to go from least amount of density to maximum density in one step or taking smaller steps and not just blanket approve it, noting this will come up again.

Wes Pettee did note that the Planning Board did have some concerns relating to reclassifying from least to maximum density. The Board adopted a sanitary sewer connection charge to new projects which is part of the capital recovery charge to help pay for improvements in the district with the future growth.

Frank Pavia clarified for the record. The comprehensive plan does suggest a change/reclassification of the overlay district. One member of the Planning Board voted against the change and the rest voted in favor of the change. The GIS that was prepared for the 2015 comprehensive plan included an assessment of the reclassification of this property from A to B.

Jerry Goldman explained the minutes of the Planning Board do reflect what happened at the meeting. He noted that they are prepared to go along with the capital improvement to pay their cost in the improvement of the pump station and also a full site plan evaluation process with the Planning Board. There was an environmental review.

Councilman Kahovec still feels each project should be case by case as they come up. He pointed out in earlier discussions the Board did not have a taste for the big jumps in reclassification even though it is within the guidelines of the comp plan. The Board still has the options to discuss it, debate it and eventually vote on each project that is brought before them with the best interest for the Town of Victor. At this point he does not have any reservations on the reclassification of this particular project.

Councilman Cusimano asked for clarification on the Sewer upgrades to Pump Station 7, such as what the costs are and who is sharing these costs. He is not opposed to the reclassification of this project but wants a better understanding.

Frank Pavia noted that this again is just a reclassification and it will still have to go before the Planning Board to get site plan approval and they may not approve it. The Town Board always has the discretionary authority to say no.

Wes Pettee brought up how many improvements need to be made to Pump Station 7 and the cost will depend on how many new units will be connected.

Councilman Guinan explained he wanted clarification and moving forward did not want to set a precedent for future projects, noting there are gray areas of concerns.

Jerry Goldman explained that Riedman is prepared to move forward immediately and address any issues that come up with the sewer and pay their share in the cost, noting that the lots are in high demand. This cannot move to the Planning Board without this action of the Town Board.

Councilman Condon noted that when the Board approved the Blumont Subdivision the cost of the extension of the sewer would be paid by the developer Woodstone Custom Homes.

RESOLUTION NO. 212 AFTER PUBLIC HEARING - RECLASSIFICATION OF NORTHWEST CORNER OF EAST VICTOR ROAD AND BOUGHTON HILL ROAD COMMONLY KNOWN AS SOUTHGATE HILLS PHASE 2 FROM A RESIDENTIAL OVERLAY DISTRICT "A" TO A RESIDENTIAL OVERLAY DISTRICT "B"

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

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

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WHEREAS, the Town Board of the Town of Victor ("the Town Board") received from Riedman Acquisitions, LLC (the "Petitioner") a petition to reclassify the zoning designations on the Official Amended Zoning Map of the Town of Victor (the "Zoning Map") of certain properties bearing tax map numbers 28.04-1-44.111, 28.04-1-44.200, 28.04-1-45.000, and 28.04-1-48.000 comprising Southgate Hills Phase 2 located on the northwest corner of East Victor Road and Boughton Hill Road in the Town of Victor (the "Subject Properties") from a Residential Overlay District "A" to a Residential Overlay District "B" (collectively referred to as the "Petition"), along with a letter of intent signed by Petitioner as owner of the Subject Properties supporting the reclassification, a map showing the Subject Properties to be reclassified, and a legal description of the Subject Properties, all of which are available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, the Comprehensive Plan of the Town of Victor, dated August 24, 2015, sets forth a land use policy supporting the reclassification of the Subject Properties from "Least Density" to "Medium Density"; and

WHEREAS, the potential environmental impact of a reclassification of the Subject Properties from "Least Density" to "Medium Density" was assessed in the Generic Environmental Impact Statement ("GEIS") prepared for the 2015 Comprehensive Plan of the Town of Victor pursuant to the New York State Environmental Quality Review Act, Article 9 of the Environmental Conservation Law and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 ("SEQRA"); and

WHEREAS, pursuant Section 211-6(A) of the Town of Victor Zoning Code (the "Zoning Code"), the Town Board, upon receipt of a petition, may reclassify residential overlay zoning districts and revise the Zoning Map to reflect the reclassification after public notice and hearing and upon prior receipt of a report on the reclassification from the Town of Victor Planning Board; and

WHEREAS, the Planning Board has provided a report to the Town Board supporting the reclassification of the Properties consistent with the Petition; and

WHEREAS, pursuant to Section 239-m of the New York General Municipal Law, the Ontario County Planning Board at its July 14, 2021 meeting issued an approval of the re-classification of the Subject Properties from a Residential Overlay District "A" to a Residential Overlay District "B" ; and

WHEREAS, the Town Board duly held a public hearing in accordance with Section 211-6(A) of the Zoning Code at the Town Hall, 85 East Main Street, Victor, New York on the 26th day of July, 2021 at 7:30 p.m. for the purpose of hearing from any and all members of the public interested in the Petition; and

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WHEREAS, after due deliberation, the Town Board finds it in the best interest of the Town re-classify the Subject Properties from a Residential Overlay District "A" to a Residential Overlay District "B" in accordance Section 211-6(A) of the Zoning Code; now, therefore, be it

RESOLVED that no further assessment of the Petition pursuant to SEQRA is required since the re-classification of the Subject Properties is being carried out in conformance with the conditions and thresholds established in the GEIS that was prepared for the 2015 Comprehensive Plan of the Town of Victor; and be it further

RESOLVED that notice of the public hearing conducted by the Town Board on July 26, 2021 was duly provided; and be it further

RESOLVED that the Town Board hereby approves and authorizes the re-classification of the Subject Properties from a Residential Overlay District "A" to a Residential Overlay District "B" as those designations are defined in the Zoning Code; and be it further

RESOLVED that the Town Clerk of the Town of Victor be, and hereby is directed, to enter the re-classification of the Subject Properties into the minutes of this meeting and to modify the Zoning Map to reflect the re-classification of the Subject Properties consistent with this resolution, and to give due notice of the same as necessary; and be it further

RESOLVED that a copy of this resolution be forwarded to the Planning and Building Department, Reidman Acquisitions, LLC, and the Town Clerk.

PUBLIC COMMENT or ANY UNFINISHED BUSINESS: None

RESOLUTION NO. 213 MOTION TO MOVE TO EXECUTIVE SESSION @ 8:18PM

On motion of Councilman Kahovec, seconded by Councilman Condon, for the Town Board to move into executive session.

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

RESOLVED, that the Board enter into executive session for the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Also, the proposed acquisition/sale/lease of real property when publicity might affect value.

Present: Board Members, Attorney Frank Pavia and Mark Years

RESOLUTION NO. 214 MOTION TO END EXECUTIVE SESSION

On motion of Councilman Condon seconded by Councilman Kahovec, to end the executive session of the Victor Town Board.

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

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RESOLVED, that the Victor Town Board close the executive session @ 9:32PM.

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Cusimano, seconded by Councilman Kahovec to adjourn the regular Town Board meeting at 9:32PM.

Respectfully submitted,

Karen C. Bodine
Town Clerk