

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held June 21, 2016 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

PRESENT:

William D. Reilich	Supervisor
Mike Barry, Jr.	Councilman
Brett Granville	Councilman
Andrew J. Conlon	Councilman
Diana Christodaro	Councilwoman

Cheryl M. Rozzi, Town Clerk
Brian Marianetti, Town Attorney

PLEDGE OF ALLEGIANCE:

Councilwoman Diana Christodaro led the Town Board in the Pledge of Allegiance. The invocation was led by Reverend George McKnight of New Way CFC Church.

PROCLAMATIONS DELETIONS ADDITIONS TO THE AGENDA:

There was one proclamation awarded by the Town Board to Kyle Robert Shaw on his Eagle Scout achievement.

PUBLIC FORUM:

An Open Forum was conducted to allow speakers the opportunity to address the Town Board. Two speakers addressed the Town Board and the Open Forum concluded at 6:15 p.m.

PUBLIC HEARING: *(Note: Supervisor Reilich recognized former Greece Town Supervisor Don Riley and Bill Selke of the Planning Board)*

6:15 p.m. — Public hearing to consider the request submitted by Qdoba Restaurant Corporation for a special use permit to operate a restaurant, to be known as Qdoba Mexican Eats, on property located at 1920 West Ridge Road.

Supervisor Reilich declared the public hearing open at 6:16 p.m. to consider the request submitted by Qdoba Restaurant Corporation for a special use permit to operate a restaurant, to be known as Qdoba Mexican Eats, on property located at 1920 West Ridge Road.

Proof of publication in the Greece Post on Thursday, June 2, 2016 was read and received. Representatives of Qdoba Restaurant Corporation presented an overview of the project. There were no speakers who addressed the Town Board and the hearing concluded at 6:20 p.m.

#204 A - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, Qdoba Restaurant Corporation (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for a special use permit to operate a restaurant, to be known as Qdoba Mexican Eats, on property located at 1920 West Ridge Road, in Ridgecrest Plaza, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant/Project Sponsor's proposal (the "Proposal") is to operate a restaurant in a new freestanding building (3000± square feet) to be constructed at a multiple-tenant commercial plaza (the "Premises"). In addition to the Proposal, the owner of the Premises is undertaking other construction/reconstruction and renovations on the Premises, which are not under the control of the Applicant/Project Sponsor. The Proposal includes preparation, service, and sale of hot and cold foods (principally Mexican and Southwestern cuisine) and hot and cold beverages (such as coffee and soft drinks), for consumption on the Premises and for takeout. Weather permitting, outdoor seating for consumption of food and beverages will be provided in a limited area that is adjacent to the restaurant. The Proposal does not include outdoor cooking, outdoor loudspeakers, a drive-up service window, or delivery service. The Proposal does not include background music or live entertainment (as these terms are defined in the Town's zoning ordinance) on a recurring basis. Background music, live entertainment, and the Applicant/Project Sponsor's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements

- and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The proposed hours of availability to the public are: Sundays through Saturdays, 10:30 a.m. to 10:00 p.m. Vehicular access for the Premises is via unsignalized driveways at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street), and Fetzner Road (Monroe County Route 264, a four-lane (in the vicinity of the Premises) urban minor arterial).
2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
 3. On June 21, 2016 at 6:15 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all parties in interest and citizens were afforded an opportunity to be heard.
 4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
 5. The Town Board has carefully considered environmental information that was prepared by the Applicant/Project Sponsor's representatives (collectively, the "Environmental Information"), which included, but was not limited to: a description of the Proposal; a Short Environmental Assessment Form; conceptual site development plans; and aerial photographs.
 6. The Town Board has carefully considered additional information submitted by the Applicant/Project Sponsor's representatives or the Town's staff, including, but not limited to: oral or written descriptions of the Proposal; maps of the Proposal; and various oral or written comments that may have resulted from telephone conversations or meetings with or written correspondence from the Applicant/Project Sponsor's representatives.
 7. The Town Board has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including, but not limited to: the Monroe County Department of Planning and Development; the Town's Planning Board; and the Town's own staff.
 8. The Town Board has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from nearby property owners, and all other comments submitted to the Town Board as of June 21, 2016.
 9. The Town Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
 10. The Town Board has met the procedural and substantive requirements of SEQRA.
 11. The Town Board has carefully considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
 12. The Town Board has carefully considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Information.
 13. The Town Board concurs with the information and conclusions contained in the Environmental Information.
 14. The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board's determination is supported by substantial evidence, as set forth herein.
 15. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Applicant/Project Sponsor's proposed design and operation of the Proposal.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own

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staff, the Town Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#204 B - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, Qdoba Restaurant Corporation (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for a special use permit to operate a restaurant, to be known as Qdoba Mexican Eats, on property located at 1920 West Ridge Road, in Ridgecrest Plaza, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to operate a restaurant in a new freestanding building (3000± square feet) to be constructed at a multiple-tenant commercial plaza (the "Premises"). In addition to the Proposal, the owner of the Premises is undertaking other construction/reconstruction and renovations on the Premises, which are not under the control of the Applicant. The Proposal includes preparation, service, and sale of hot and cold foods (principally Mexican and Southwestern cuisine) and hot and cold beverages (such as coffee and soft drinks), for consumption on the Premises and for takeout. Weather permitting, outdoor seating for consumption of food and beverages will be provided in a limited area that is adjacent to the restaurant. The Proposal does not include outdoor cooking, outdoor loudspeakers, a drive-up service window, or delivery service. The Proposal does not include background music or live entertainment (as these terms are defined in the Town's zoning ordinance) on a recurring basis. Background music, live entertainment, and the Applicant/Project Sponsor's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The proposed hours of availability to the public are: Sundays through Saturdays, 10:30 a.m. to 10:00 p.m. Vehicular access for the Premises is via unsignalized driveways at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street), and Fetzner Road (Monroe County Route 264, a four-lane (in the vicinity of the Premises) urban minor arterial).
2. Proof was had of the notice of public hearing on a resolution proposing to permit the Applicant to operate said restaurant.
3. On June 21, 2016 at 6:15 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all parties in interest and citizens were afforded an opportunity to be heard.
4. Documentary, testimonial, and other evidence relative to the Proposal was presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing.
6. On June 7, 2016, the Town's Board of Zoning Appeals granted a variance for lot coverage on the Premises.
7. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the Proposal: (a) will not adversely affect the orderly pattern of the development in the area; (b) will be in harmony with nearby uses; (c) will not alter the essential character of the nearby neighborhood, nor be detrimental to the residents thereof; (d) will not create a hazard to health, safety, or the general welfare; (e) will not be detrimental to the flow of traffic; and (f) will not place an excessive burden on public improvements, facilities, services, or utilities.
8. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
9. On June 21, 2016, in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), the Town Board, as the lead agency for the coordinated environmental review of the Proposal and the Project, issued a Negative Declaration for the Proposal and the Project (the "SEQRA Negative Declaration"). The SEQRA Negative Declaration indicated that, to the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Applicant's voluntary incorporation of mitigation

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measures that were identified as practicable. The SEQRA Negative Declaration is incorporated herein by reference as if fully set forth, as findings of the Town Board in its decision on the Proposal.

10. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested special use permit.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by Qdoba Restaurant Corporation (the "Applicant") for a special use permit to operate a restaurant, to be known as Qdoba Mexican Eats, on property located at 1920 West Ridge Road, in Ridgecrest Plaza, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this restaurant in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The maximum occupancies in this restaurant shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or other transfer of controlling interest in this restaurant to any person or entity other than Qdoba Restaurant Corporation, its wholly-owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#205 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS Village Crossing LLC has made application to rezone 3.6± acres from R1-E (Single-Family Residential) to BR (Restricted Business), on property located at 3455 and 3471 Mount Read Boulevard.

NOW THEREFORE, BE IT

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 27th day of July, 2016 at 6:15 p.m., to rezone 3.6± acres from R1-E (Single-Family Residential) to BR (Restricted Business), on property located at 3455 and 3471 Mount Read Boulevard.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

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#206 - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

WHEREAS, Village Crossing LLC (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, to amend the Official Zoning Map of the Town of Greece, New York, relative to properties located at 3455 and 3477 Mount Read Boulevard (the "Project"); and

WHEREAS, the Applicant/Project Sponsor has submitted to the Town Board an application for the Project, including but not limited to: a project narrative; Part 1 of an Environmental Assessment Form (the "EAF"), which was prepared in part by using the New York State Department of Environmental Conservation (the "NYSDEC") EAF Mapper online application; conceptual plans of the site and buildings; a traffic assessment study; and wetland boundary information (collectively, the "Application"); and

WHEREAS, upon review of the Application, the Town Board has determined that the Project is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Project constitutes an Unlisted action under SEQRA; and

WHEREAS, the Town Board intends to become the lead agency for the coordinated environmental review of the Project; and

WHEREAS, in accordance with the criteria in §617.6(b)(5)(v)(a) of the SEQRA Regulations, the Town Board intends to become the lead agency because potential impacts from the Project primarily would be of local significance; and

WHEREAS, in order to establish a lead agency for coordinated environmental review of the Project, the Town Board requests that all involved agencies reply as soon as possible about whether they agree with the designation of the Town Board as the lead agency for the Project; and

WHEREAS, pursuant to §617.6(b)(3)(i) of the SEQRA Regulations, the Town Board will assume that it has received consent to become the lead agency if an involved agency does not send a written objection within thirty (30) calendar days of the date of filing a Notice of Intent to Become Lead Agency.

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby makes the following determinations:

1. The Town Board intends to become the lead agency for the coordinated environmental review of the Project.
2. The Town Board hereby provides an opportunity of thirty (30) days from the date on which a Notice of Intent to Become Lead Agency is distributed to involved agencies for written comment on the Town Board's intent to become lead agency.
3. If after thirty (30) days' time an involved agency has not provided a written objection to the Town Board becoming lead agency, the Town Board shall assume that it has such involved agency's consent.
4. The Town Board hereby directs the Town's Director of Development Services to file a Notice of Intent to Become Lead Agency with all involved agencies, and to notify all such involved agencies of the deadline for acceptance of written objections to the Town Board's intent, in accordance with SEQRA.
5. This resolution shall take effect immediately.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#207 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS Indus Hospitality Group has made application for a special use permit to operate a restaurant on property located at 2585 West Ridge Road and 1271 Long Pond Road.

NOW THEREFORE, BE IT

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ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 27th day of July, 2016 at 6:16 p.m., for a special use permit to operate a restaurant on property located at 2585 West Ridge Road and 1271 Long Pond Road.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#208 A - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS, Morgan Management LLC (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for two extensions, each for a period of three months, of the time limit on the July 21, 2015, approval for a special use permit to operate a hotel, to be known as Home2 Suites, on property located at 400 Bellwood Drive, in the Canal Ponds Business Park ("Canal Ponds"), in a BG (General Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. On July 21, 2015, the Town Board approved the Applicant/Project Sponsor's request for a special use permit to operate a hotel in a freestanding building that is to be constructed at an undeveloped site (the "Premises") in Canal Ponds, an industrial/office/retail business park (the "2015 Special Use Permit Approval").
2. Pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), a special use permit shall expire if the use does not begin operation within one year of the date on which approval for such permit was granted (Zoning Ordinance, Section 211-60A(4)(a)[1]).
3. The Applicant/Project Sponsor has not yet begun construction of the proposed hotel, and the hotel will not begin operation before the 2015 Special Use Permit Approval expiration date of July 21, 2016.
4. The Applicant/Project Sponsor has requested two extensions, each for a period of three months, of the 2015 Special Use Permit Approval in accordance with the provisions of the Zoning Ordinance, Section 211-60A(4)(b).
5. On October 7, 2015, the Town's Planning Board approved a site plan for the construction of the proposed hotel.
6. The Applicant/Project Sponsor has proposed no changes in the location, nature, duration, or intensity of the construction and operation of the proposed hotel.
7. The Applicant/Project Sponsor's current request amounts to a renewal of the 2015 Special Use Permit Approval, and there will be no material change in permit conditions or the scope of permitted activities.
8. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, § 617.5(c)(26).)
9. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

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#208 B - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

WHEREAS, Morgan Management LLC (the "Applicant") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for two extensions, each for a period of three months, of the time limit on the July 21, 2015, approval for a special use permit to operate a hotel, to be known as Home2 Suites, on property located at 400 Bellwood Drive, in the Canal Ponds Business Park ("Canal Ponds"), in a BG (General Business) Zoning District; and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. On July 21, 2015, the Town Board approved the Applicant/Project Sponsor's request for a special use permit to operate a hotel in a freestanding building that is to be constructed at an undeveloped site (the "Premises") in Canal Ponds, an industrial/office/retail business park (the "2015 Special Use Permit Approval").
2. Pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), a special use permit shall expire if the use does not begin operation within one year of the date on which approval for such permit was granted (Zoning Ordinance, Section 211-60A(4)(a)[1]).
3. The Applicant has not yet begun construction of the proposed hotel, and the hotel will not begin operation before the 2015 Special Use Permit Approval expiration date of July 21, 2016.
4. The Applicant has requested two extensions, each for a period of three months, of the 2015 Special Use Permit Approval in accordance with the provisions of the Zoning Ordinance, Section 211-60A(4)(b).
5. On October 7, 2015, the Town's Planning Board approved a site plan for the construction of the proposed hotel.
6. The Applicant has proposed no changes in the location, nature, duration, or intensity of the construction and operation of the proposed hotel.
7. In the 2015 Special Use Permit Approval, the Town Board's found that the location, nature, duration, and intensity of the Proposal: (a) would not adversely affect the orderly pattern of development in the area; (b) would be in harmony with nearby uses; (c) would not alter the essential character of the nearby neighborhood, nor be detrimental to the residents thereof; (d) would not create a hazard to health, safety, or the general welfare; (e) would not be detrimental to the flow of traffic; and (f) would not place an excessive burden on public improvements, facilities, services, or utilities.
8. The Applicant's current request amounts to a renewal of the 2015 Special Use Permit Approval, and there will be no material change in permit conditions or the scope of permitted activities.
9. The Applicant's request for extensions of the 2015 Special Use Permit Approval are warranted by the particular circumstances of said request, for the reasons stated hereinabove.

NOW THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by Morgan Management LLC (the "Applicant") for two extensions, each for a period of three months, of the time limit on the July 21, 2015, approval for a special use permit to operate a hotel, to be known as Home2 Suites, on property located at 400 Bellwood Drive, in the Canal Ponds Business Park ("Canal Ponds"), in a BG (General Business) Zoning District, hereby be and the same is approved and granted, said extensions to run until January 21, 2017, subject to the following conditions:

1. The Applicant shall operate this hotel in conformity with all details of the Proposal, as presented in the written descriptions and various maps, plans and illustrations of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the various maps, plans and illustrations of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.

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2. The maximum occupancies in this hotel shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. The Applicant shall submit a request to the Town of Greece Planning Board for site plan and subdivision approval in order to address the details of site development issues, including but not limited to: landscaping and buffering; lighting; parking; vehicular and pedestrian access for the Premises; on-site vehicular and pedestrian circulation; utilities; grading; storm water management; and architectural appearance.
5. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
7. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
8. Upon the sale or other transfer of controlling interest in this hotel to any person or entity other than Morgan Management LLC, its wholly owned subsidiaries, its franchisors, or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#209 A - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

WHEREAS, Benderson Development Company, LLC (the "Applicant/Project Sponsor") has petitioned the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County (the "County"), New York, to amend the Official Zoning Map of the Town of Greece, New York, by rezoning 15.19± acres of land from R1-18 (Single-Family Residential) and BR (Restricted Business) to BG (General Business) (the "Rezoning"), located at 4057-4231 West Ridge Road (south side) (the "Project Site"), in connection with the proposed development of the Project Site, as hereinafter described (the "Project" or "Southwestern Commons"); and

WHEREAS, the Applicant/Project Sponsor submitted a Civil Site Plan prepared by T.Y. Lin International, dated June 17, 2016, showing details of the Project, which would include the construction of approximately 190,184 square feet of new commercial development in four buildings, pavement for driveways and approximately 813 parking spaces, associated on-site grading and utility improvements, and three proposed driveways onto West Ridge Road (New York State Route 104, a five-lane urban principal arterial street): (1) a right-out-only driveway at the eastern end of the Project Site; (2) a restricted access driveway limited to right-in-only and right-out-only at the western end of the Project Site; and (3) a main driveway, located in the center of the Project, which will align with the access driveway for an existing commercial site across West Ridge Road (which contains a Kohl's department store and other commercial buildings and uses) and which is proposed to be full access and controlled by a traffic signal; and

WHEREAS, the Applicant/Project Sponsor submitted an Expanded Full Environmental Assessment Form ("Expanded FEAF"), which included the following information: (1) Southwestern Commons Retail Development, Traffic Impact Study, prepared by SRF Associates, dated January 2016; (2) Preliminary Stormwater Pollution Prevention Plan, prepared by T.Y. Lin International, dated February 22, 2016; (3) New York State Department of Environmental Conservation ("NYSDEC") Notice of Intent; (4) Hydraulic Analysis, prepared by T.Y. Lin International, dated February 24, 2016; (5) Engineering Report, prepared by T.Y. Lin International, dated February 2016; (6) Wetland Delineation Report, prepared by Environmental Resources, LLC, dated September 23, 2014; (7) United States Army Corps of Engineers ("USACE") Jurisdictional Determination dated December 22, 2015; (8) NYSDEC Freshwater Wetland Determination, dated September 28, 2015; (9) NYSDEC Buffer Impact Plan, dated 01-20-16; and (10) Cultural Resources Management Report, prepared by the Rochester Museum and Science Center, dated July 18, 2006; and

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WHEREAS, the Project was referred to the Monroe County Department of Planning and Development and the Monroe County Development Review Committee, in accordance with New York State General Municipal Law, §239-m, on or around March 29, 2016; and

WHEREAS, upon review of the proposal, the Town Board determined that the Project is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Project is classified as a Type I action; and

WHEREAS, on March 15, 2016, the Town Board declared its intent to act as lead agency for the coordinated environmental review of the Project and directed the Town's Director of Development Services to distribute the Expanded FEAF and a copy of the application to all identified involved agencies, notifying them that a lead agency must be agreed upon within 30 calendar days and expressing the Town Board's intent to act as lead agency for the Project; and

WHEREAS, the Town Board reviewed Part 1 of a Full Environmental Assessment Form ("FEAF") dated February 24, 2016, supporting materials and studies submitted by the Applicant/Project Sponsor, and the Agency reviews and responses to those materials; and

WHEREAS, on May 17, 2016, at 6:17 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Rezoning, at which time all parties in interest and citizens were afforded an opportunity to be heard; and

WHEREAS, documentary, testimonial, and other evidence relative to the Rezoning and the Project was presented at the Hearing for the Town Board's consideration; and

WHEREAS, at the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal, but continued to accept and consider written comments from all parties in interest, citizens, and agencies; and

WHEREAS, the Town Board has carefully considered environmental information that was prepared by the Applicant/Project Sponsor's representatives or the Town's staff, which included but was not limited to the Expanded EAF and a Civil Site Plan prepared by T.Y. Lin International, dated June 17, 2016; and

WHEREAS, the Town Board also has included in its review and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to: the Monroe County Department of Planning and Development; the New York State Department of Transportation (the "NYSDOT"); the NYSDEC; and the Town's own staff; and

WHEREAS, the Town Board also has included in its review and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from owners of nearby properties or other interested parties, and all other relevant comments submitted to the Town Board as of June 21, 2016; and

WHEREAS, the Town Board has completed Parts 2 and 3 of the FEAF.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board designates itself as the SEQRA lead agency for the Project.
2. The Town Board has given full consideration to the Expanded FEAF and accompanying documentation specifically addressing the Project.
3. The Town Board has reviewed and considered the criteria in 6 NYCRR § 617.7(c) of the SEQRA Regulations for determining the environmental significance of the Rezoning and the Project to identify the relevant areas of environmental concern.
4. For the reasons set forth in the attached Negative Declaration dated June 21, 2016, the Town Board hereby finds and determines that the Rezoning and the Project will not have a significant adverse environmental impact within the meaning of SEQRA.
5. The Town Board hereby directs that this resolution, together with the Negative Declaration dated June 21, 2016, shall be on file in the office of the Town Clerk of the Town of Greece and filed as required by 6 NYCRR § 617.12.

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ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Nonsignificance

Date: June 21, 2016

This notice has been prepared and issued in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA").

The Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County (the "County"), New York, as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement ("DEIS") will not be prepared.

Name of Action: Southwestern Commons ("Southwestern Commons" or the "Project")

SEQR Status: Type 1

Conditioned Negative Declaration: No

Location of Action: 4057-4231 West Ridge Road (New York State Route 104, south side), Town of Greece, County of Monroe, State of New York. (Monroe County Tax Account Nos. 073.03-1-28, 073.01-3-31 through 073.01-3-42)

Description of Action:

The applicant/project sponsor, Benderson Development Company, LLC (the "Applicant/Project Sponsor"), proposes to develop a commercial retail business complex situated on a 53.2-acre parcel located at 4057-4231 West Ridge Road (south side), Town of Greece, County of Monroe, State of New York.

The proposed project area (the "Project Site") is located wholly within the Town. The Applicant/Project Sponsor owns a total area of 53.2± acres. The Project Site is divided by Larkin Creek, with 27.09± acres located north of Larkin Creek and 26.11± acres located south of Larkin Creek. No commercial development is proposed south of Larkin Creek. As part of the Project, the Applicant/Project Sponsor proposes to donate approximately 16 acres of the Project Site south of Larkin Creek to the County to be added to the County's Greece Canal Park; if the County chose not to accept the offer of donation, the Town would accept it. With respect to the northern portion of the Project Site, which is comprised of 27.09± acres, the Applicant/Project Sponsor proposes to develop 23.4± acres of that area. Of the 23.4± acres to be developed, 8.21± acres currently are zoned BG (General Business) and the remaining 15.19± acres are zoned R1-18 (Single-Family Residential) and BR (Restricted Business).

The Project Site consists of undeveloped land and a vacant commercial building. Surrounding land uses in the vicinity of the Project Site include a recreation area to the south (the northeastern part of the County's Greece Canal Park), a mixture of commercial uses (motor vehicle dealerships), undeveloped commercial land to the east and west, undeveloped public land owned by the Greece Central School District and undeveloped residential land to the east and west (neither of which lands adjoin the part of the Project Site that is proposed to be developed), and commercial uses (including but not limited to a Kohl's department store and a vacant bank) and several acres of undeveloped commercial land across West Ridge Road to the north. The existing zoning of the Project Site is R1-18 (Single-Family Residential), BR (Restricted Business), and BG (General Business). Surrounding zoning to the east and west of the Project Site along West Ridge Road is BG (General Business), PL (Public Land), and R1-18 (Single-Family Residential) (the lands which are zoned PL and R1-18 do not adjoin the part of the Project Site that is proposed to be developed); to the north of the Project Site is property zoned BG (General Business) and BP-2 (Professional Office); and to the south of the Project Site is property zoned PL (Public Land).

As demonstrated by the Civil Site Plan prepared by T.Y. Lin International, dated June 17, 2016, the Project involves the development of 23.4± acres with four proposed buildings: a 160,000-square-foot retail

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building; a 6,240-square-foot retail building; a 3,900-square-foot retail building; and a 20,044-square-foot retail building. The Project provides for three driveway access points onto West Ridge Road: (1) a right-out-only driveway at the eastern end of the Project Site; (2) a restricted access driveway limited to right-in-only and right-out-only at the western end of the Project Site; and (3) a main driveway, located in the center of the development, which will align with the access driveway for the Kohl's department store and which is proposed to be full access and controlled by a traffic signal.

The Project will result in a variety of socio-economic benefits for the Town and the surrounding area. The Project will create both permanent and temporary jobs and will result in significant municipal revenue in the form of increased building fees as well as real estate taxes, payroll taxes, and sales taxes. Currently, the Project Site is vacant and is not contributing significantly to the tax base. The Project is expected to create an estimated 200 jobs in construction and non-construction related industries, which will result in payroll benefits. The Project also will result in municipal revenues for the Town, the Greece Central School District, the County of Monroe, the State of New York, and any special districts serving the Project Site. Most of this revenue will come in the form of increased real estate taxes and sales taxes. In particular, the Project will collect sales taxes on behalf of state and local governments (a portion of which will be returned to the Town). In addition, the Project may generate significant one-time municipal fees and revenues for site plan approval and building permit approval.

Reasons Supporting this Determination:

(See SEQRA Regulations, § 617.7(a)-(c), for requirements of this determination.)

After considering the criteria for determining significance as set forth in the SEQRA Regulations, § 617.7(c), the Town Board has determined, for the reasons discussed below, that the proposed Project will not have a significant adverse impact on the environment and that the issuance of a negative declaration under SEQRA is warranted.

Land Use, Zoning and Public Policy

The Project is located entirely within the West Ridge Corridor, as designated in the Town of Greece Community Master Plan & Generic Environmental Impact Statement, 2001 (the "Master Plan") (page IV-11). West Ridge Road is recognized as the Town's primary commercial district. The Master Plan recommends that the large vacant parcels at the western end of West Ridge Road, of which Southwestern Commons is a part, be zoned for "big box" retail (page IV-11).

A goal of the Master Plan is to:

"Promote economic development, convenient commercial services, and employment opportunities by encouraging commercial, office, and light industrial uses in specific areas of the town." (Town of Greece Community Master Plan, page III-2).

The Project satisfies that goal. The development of approximately 190,184 square feet of commercial space will promote economically viable growth, as envisioned by the Master Plan. Moreover, it will direct growth to commercial areas designated by the Master Plan.

Further, as part of the Master Plan, a Generic Environmental Impact Statement was prepared and SEQRA Findings were adopted. The Generic Environmental Impact Statement analyzed the potential impacts of rezoning the properties within the West Ridge Corridor. The Project is consistent with the Generic Environmental Impact Statement.

Wetlands

The Applicant/Project Sponsor provided a significant amount of information with respect to wetlands. This included: (1) a Wetland Delineation Report prepared by Environmental Resources, LLC, dated September 23, 2014; (2) an Army Corps of Engineers Jurisdictional Determination dated December 22, 2015; (3) New York State Department of Environmental Conservation ("NYSDEC") Freshwater Wetland Determination, dated September 28, 2015; (4) NYSDEC Buffer Impact Plan, dated 01-20-16; and (5) correspondence from the NYSDEC, dated February 29, 2016.

Upon initial inspection of the Project Site by the Applicant/Project Sponsor's consultant, Environmental Resources, LLC, a large wetland was located. Although the Project Site did not contain a NYSDEC mapped wetland, the Applicant/Project Sponsor voluntarily brought this information to the NYSDEC, a SEQRA involved agency, and proactively met with the NYSDEC with respect to this wetland and voluntarily accepted the NYSDEC's jurisdiction.

Based on the Project plans and a Buffer Impact Plan that the Applicant/Project Sponsor has provided (the "Buffer Impact Plan"), the Applicant/Project Sponsor has avoided all impacts to both federal- and state-regulated wetlands. The Project will not result in any wetland disturbance. The Buffer Impact Plan shows that the Applicant/Project Sponsor has protected a majority of the wetland buffer as part of the Project, and provided for, at a minimum, a 30-foot-wide no-disturb zone (although a majority of the buffer exceeds that minimum). As a SEQRA involved agency, the NYSDEC has reviewed the Applicant/Project Sponsor's plans and has not identified an issue with the Project. Further, as noted above, as part of the Project, of the 53.2 acres which account for the total property owned by the Applicant/Project Sponsor, 29.8 acres will not be developed for commercial purposes and will continue to provide additional upland buffer for the wetlands.

Based on the foregoing, the Project will not have any significant adverse impacts on wetlands.

Traffic

The Project is not expected to result in any significant traffic impacts in the area. To evaluate the Project's proposed traffic impacts, the Applicant/Project Sponsor's consultant, SRF Associates ("SRF"), conducted a comprehensive traffic impact study, dated January 2016 (the "Traffic Study"). A copy of the Traffic Study was submitted to the Town and was provided to the New York State Department of Transportation (the "NYSDOT"), a SEQRA involved agency. The Traffic Study concluded that the traffic generated by the Project, as designed, will not result in any significant adverse impacts on the adjacent roadway system or the existing levels of service at nearby intersections.

The Traffic Study contains the following: (1) an evaluation of existing traffic volumes and patterns at the intersections listed below; and (2) a projection of future traffic volumes generated by the Project and growth in the area. Each of these topics is discussed in more detail below.

1. Existing Traffic Conditions.

The Traffic Study evaluated the Project's potential traffic impacts on the following six (6) intersections near the Project Site.

- Union Street-Hilton Parma Town Line Road/West Ridge Road
- Manitou Road/Ridgeway Avenue
- Manitou Road/Ogden-Parma Town Line Road
- Manitou Road/West Ridge Road
- West Ridge Road/Kohl's Driveway
- West Ridge Road/Elmgrove Road

The Town was contacted prior to the study being undertaken to discuss any other specific developments that were currently approved or under construction that would generate additional traffic in the study area. In addition, the NYSDOT was contacted prior to the Traffic Study being undertaken to confirm the study area and the intersections to be included in the study.

The data collected at these intersections included manual turning movement counts, roadway geometries, and an inventory of traffic control devices and observations of traffic flow characteristics. The key analysis periods for the Project are during the peak PM highway hour during the week and the peak Saturday shopping hour when traffic volumes are expected to be at their highest. The weekday PM peak hour is generally the peak traffic period in the area, resulting from "work-to-home" trips and some retail trips. The Saturday peak hour coincides with peak retail activity only, because there is very little "commuter/work" traffic during Saturday. Based on traffic counts conducted by SRF at the intersections above, it was determined that the weekday PM peak hour was 4:00 PM to 6:00 PM and the Saturday peak hour was 11:30 AM to 1:30 PM. The existing peak hour traffic volumes for these intersections are depicted in the Traffic Study.

As part of the Traffic Study, a capacity analysis was performed for the intersections listed above, using the Highway Capacity Software developed for the Federal Highway Administration. A capacity analysis is a method by which the adequacy of an intersection to handle traffic volumes during the weekday PM peak hour and the Saturday peak hour is evaluated. As part of this analysis, "levels of service" ("LOS") are assigned to each intersection. The LOS provides a qualitative evaluation based on certain quantitative calculations. The LOS for signalized and unsignalized intersections is defined in terms of average delay. Delay is used to measure driver discomfort, frustration, efficiency, etc. The LOS ranges from "A" (very low delay) to "F" (the most delay). A LOS D or better usually is considered acceptable by traffic engineers. More detailed descriptions of the capacity analysis and the various levels of service are contained in the Traffic Study.

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The capacity analysis for the existing conditions at the intersections above is set forth in the Traffic Study. As demonstrated by the study, all studied intersections are currently operating at overall acceptable levels of service during the weekday PM peak hour.

2. Future Traffic Conditions

Based on the Traffic Study, the Project will generate approximately 443 new vehicle trips during the weekday PM peak hour and 691 new vehicle trips during the Saturday peak hour. Although all of these vehicles will use the Project Site driveways, not all will be new trips to the roadway system near the Project Site. Much of this traffic is already on the surrounding roadways as commuters and shoppers travel to and from nearby shopping facilities and destinations. Accounting for pass-by trip generation, the Project will generate approximately 306 new vehicle trips during the weekday PM peak hour and 456 new vehicle trips during the Saturday peak hour.

Using the existing traffic volumes, the growth factors above, and the Project's projected traffic volumes, the Traffic Study evaluated the Project's potential traffic impacts for the 2016/2017 build year. The Traffic Study summarizes the LOS for the studied intersections, listed above, if the Project is developed. The Traffic Study concluded that all studied intersections operate at an acceptable LOS with the improvements proposed as part of the Project and that mitigation is not necessary at any of the studied intersections.

On May 9, 2016, the NYSDOT provided a letter to the Town, stating that the NYSDOT agreed with the findings in the Traffic Study and requesting a minor site plan change in that the easternmost driveway was requested to be converted to right-out only. The Applicant/Project Sponsor modified the plan to accommodate this request as shown on the Civil Site Plan set dated June 17, 2016. The NYSDOT letter also concluded that the "traffic impacts at these intersections are not of the magnitude warranting traffic mitigation."

Based on the comprehensive analysis contained in the Traffic Study, and the review by the Town and the NYSDOT, the Project will not have any significant adverse impacts on the intersections or on traffic using the roadway network around the Project site.

Historic, Archeological and Cultural Resources

In 2006, the Project Site was studied and investigated for the presence of any archaeological or cultural resources that may be affected by the Project. A Cultural Resources Management Report, prepared by the Rochester Museum and Science Center, dated July 18, 2006, was provided to the Town. On October 2, 2007, the New York State Office of Parks, Recreation and Historic Preservation issued a "No Impact" letter, concluding that development of the Project Site will not have an impact on cultural resources in, or eligible for inclusion in, the State and National Registers of Historic Places.

Based on the Cultural Resources Management Report and the review by the New York State Office of Parks, Recreation and Historic Preservation, the Project will have no significant adverse impact on historic, archeological and cultural resources.

Surface Waters

The Project will not have any significant adverse impact on the quantity or quality of surface water resources in the area. The Applicant/Project Sponsor has provided the following documents in connection with an analysis of potential surface water impacts: (1) a Larkin Creek Hydraulic Analysis, prepared by T.Y. Lin International, dated February 24, 2016; (2) a Preliminary Stormwater Pollution Prevention Plan (a "SWPPP"), prepared by T.Y. Lin International, dated February 22, 2016; (3) an Engineering Report, prepared by T.Y. Lin International, dated February 2016; and (4) a Civil Site Plan set, prepared by T.Y. Lin International, dated June 17, 2016.

The majority of surface water impacts expected from the Project will occur during construction. The re-grading of the Project Site may increase the potential for soil erosion on or around the Project Site. These impacts will be limited, however, to the initial phases of construction. The Applicant/Project Sponsor has prepared, and will implement prior to construction, an erosion and sediment control plan that will contain and manage surface water runoff to minimize any potential impacts. This plan has been prepared in conformance with the New York State Guidelines for Urban Erosion and Sediment Control. A SWPPP also has been prepared for the Project's construction phase as required by and in conformance with the NYSDEC's General State Pollutant Discharge Elimination System ("SPDES") Permit for storm water runoff associated with construction activities.

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The erosion and sediment control plan and the SWPPP incorporate preventive measures and best management practices to control runoff. The proposed plans will be followed closely during construction and are expected to reduce, if not eliminate, any potential runoff impacts on or near the Project Site.

After construction, long-term impacts from surface water runoff are expected to be minimal. Additionally, the Applicant/Project Sponsor has proposed that a significant portion of the Project Site be retained as green space. Storm water runoff from impervious surfaces (pavement, walks, roofs) associated with the proposed action is directed to a storm water management system that will provide detention of high-intensity storms (up to the 100-year storm) and the passive water quality treatment of low-intensity storms. These controls and treatments will be achieved through the use of appropriate surface and subsurface features.

All runoff from the developed portions of the Project Site (e.g., parking lots, access roads, sidewalks, buildings, etc.) will be handled by the storm water management system. The Project will use catch basins that will be equipped with grates to prevent trash and other debris from entering. These catch basins will be inspected and cleaned on a regular basis to ensure their efficient operation. Any removed sediment will be sent off-site for disposal at a proper facility. All runoff collected by the catch basins will be detained.

All storm water management facilities will be inspected periodically and after storm events to remove debris and sediment buildup, and to ensure that the facilities are operating properly. Damaged facilities will be repaired immediately. All facilities will comply fully with all applicable Town standards.

The parking lot will be swept to remove trash, dirt, and other debris, if any, to further improve the quality of storm water runoff. Sweepings will be sent off-site for disposal at a proper facility. Snow accumulation will be stockpiled away from drainage ways or the detention basin and removed from the Project Site when necessary. Herbicides and pesticides will not be used on-site and salt substitutes (e.g., sand mixtures or deicing compounds) which are regarded as environmentally safe and effective will be used when possible.

While a portion of the development is located within the 100-year floodplain of Larkin Creek, as demonstrated by the Larkin Creek Hydraulic Analysis and by the Civil Site Plan set, dated June 17, 2016, the Project will not result in a decrease in floodplain storage. Additional floodplain storage has been proposed as part of the Project on the south side of Larkin Creek to offset the filling of the floodplain on the north side of Larkin Creek. As a result, there will be no significant adverse impacts with respect to the floodplain.

Based on the foregoing, the Project will not have any significant adverse impact on the quantity or quality of surface water resources.

Vegetation and Wildlife

As part of the Project submission, a Full Environmental Assessment Form was completed using the NYSDEC's EAF Mapper Application. Based on the information provided by the NYSDEC, the Project Site does not contain a designated significant natural community. In addition, the Project Site does not contain any species of plant or animal that is listed by the federal government or New York State as endangered or threatened, nor does it contain any areas identified as habitat for an endangered or threatened species. In addition, the Project Site does not contain any species of plant or animal that is listed by New York State as rare, or as a species of special concern.

Although the entire property owned by the Applicant/Project Sponsor is 53.2 acres, the total area of the commercial development is only 23.4 acres, or less than half of the Project Site. The Applicant/Project Sponsor has offered to donate 16± acres south of Larkin Creek to the County to be added to the County's Greece Canal Park; if the County chose not to accept the offer of donation, the Town would accept it. In addition, of the 37.2 acres that the Applicant/Project Sponsor is retaining, 13.8 acres are not being developed and are being set aside to protect wetlands and wetland buffer, and to provide additional floodplain storage. As a result, of the 53.2 acres which account for the total property owned by the Applicant/Project Sponsor, 29.8 acres will not be developed for commercial purposes and will continue to provide habitat for wildlife in the area.

Based on the foregoing discussion, the Project will not have any significant adverse impacts on vegetation and wildlife.

Community Character

The Project Site consists of undeveloped land and a vacant building. Surrounding land uses in the vicinity of the Project Site include a recreation area to the south (the northeastern part of the County's Greece Canal Park), a mixture of commercial uses (motor vehicle dealerships), undeveloped commercial land to the east and west, undeveloped public land owned by the Greece Central School District and undeveloped

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residential land to the east and west (neither of which lands adjoin the part of the Project Site that is proposed to be developed), and commercial uses (including but not limited to a Kohl's department store and a vacant bank) and several acres of undeveloped commercial land across West Ridge Road to the north. Surrounding zoning to the east and west of the Project Site along West Ridge Road is BG (General Business), PL (Public Land), and R1-18 (Single-Family Residential) (the lands which are zoned PL and R1-18 do not adjoin the part of the Project Site that is proposed to be developed); to the north of the Project Site is property zoned BG (General Business) and BP-2 (Professional Office); and to the south of the Project Site is property zoned PL (Public Land).

The Project, with the amount of greenspace being provided, provides a significant buffer to the park to the south, and has, as noted above, offered to donate 16 acres to the County to be added to the County's Greece Canal Park; if the County chose not to accept the offer of donation, the Town would accept it. The proposed commercial development is consistent with the adjacent car dealerships to the east and the west, as well as with the Kohl's Department store which is located across West Ridge Road to the north. Further, as noted above, the Project is consistent with the Town of Greece Community Master Plan.

The Project will not have any significant adverse impact on the community character in the area.

Community Services

The primary emergency service provider to the Project is the North Greece Fire Department. The North Greece Fire Department has adequate equipment and personnel to fight any fires at the Project Site. The water supply and pressure available to the Project Site are adequate to fight fires. The Project will comply with local and state fire prevention codes, including requirements relating to the installation of sprinkler and fire suppression systems, fire extinguishers, fire-resistant construction materials and/or use of firewalls. These measures will provide additional public safety protections.

Police service is provided primarily by the Town of Greece Police Department, with support from the Monroe County Sheriff and the New York State Police. The Greece Police Department has adequate equipment and personnel to provide services to the Project.

The Project will have no adverse impact on security and the provision of emergency response services. The increase in revenues will surpass the incremental cost, if any, incurred by the providers of emergency services. No significant adverse impacts on emergency services are expected as a result of the Project.

Noise

The Project is not expected to result in any adverse change to noise levels on or around the Project Site compared to existing background noise levels. The existing noise levels are a result of traffic on West Ridge Road. Other contributing sources in the vicinity include traffic at the existing shopping areas, traffic on other local streets, and other adjacent commercial uses.

The Project is distant from any residential receptors, and no residential receptors adjoin the Project Site. Furthermore, all climate control devices will be mounted on the roofs of the buildings and away from the boundaries of the Project Site. A limited number of noise sources may be perceptible at nighttime when background levels are at a minimum. Measures such as installing appropriate equipment and shielding of mechanical equipment will address this condition, ensuring no significant adverse impact due to noise. The combined Project sources that will operate continuously will at most generate minor increases in the average daytime background noise. The actual increases in overall levels will be largely imperceptible.

Construction noise may result in a temporary increase in noise emissions. However, these noise emissions will be temporary in nature, and all construction machinery will be equipped with the appropriate mufflers. The construction work hours will be at times where the West Ridge Road corridor generates comparable ambient noise, and there will be no nighttime construction activity. The construction activities and finished Project will comply with all applicable state and local noise regulations.

Based on the foregoing discussion, the Project will not have any significant adverse noise impacts on the Project Site and its environs.

Air Quality

The Project provides for implementation of activities to reduce impacts to air quality. These include protecting exposed soil with temporary cover and mitigating dust exposure by using water or other soil-adhering products to limit dust impacts. Construction of the Project will comply with the New York State

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Guidelines for Urban Erosion and Sediment Control, which will limit the impact to air quality. No significant adverse air quality impacts are expected as a result of the Project.

Odors

While the Project does not propose any restaurants, it is possible that the Project may include the construction and operation of a restaurant in the future. Restaurants, when operational, will emit odors on a daily basis. The odors are generally not considered "objectionable" and are consistent with the commercial nature of the area. Any potential restaurant will be more than 1,000 feet from the closest residential structure. Therefore, the Project will not have any significant adverse odor impacts on the area.

Visual Appearance

The Project will not have any significant adverse visual impacts on the surrounding community. The areas adjacent to the Project Site to the east and the west are improved with motor vehicle dealerships. In addition, the property to the north, across West Ridge Road, is zoned BG (General Business), and part of that the property is improved with a Kohl's department store, a vacant bank, and other commercial buildings. Additional development west of the Kohl's site includes motor vehicle dealerships and office buildings. The Project and its associated improvements, such as landscaping, parking areas, and buildings, are consistent with the other uses in the area.

In addition, the Project maintains a significant buffer to The County's Greece Canal Park so that the Project will not be visible from any public resources. Further, there are no residential receptors which adjoin the Project Site or which are even in close proximity to the Project Site.

The Applicant/Project Sponsor has submitted a photometric plan detailing the site lighting for the Project, which complies with the Town requirements. Further, the Applicant/Project Sponsor will be utilizing "dark sky" compliant lighting to minimize any potential impacts caused by the proposed lighting.

The Project will not have any significant adverse impact on the visual character in the area.

Construction Impacts

The construction of the Project is not expected to result in any significant adverse environmental impacts. Several short-term and minor impacts are expected during construction. For example, the use of construction vehicles and equipment may increase air emissions and noise temporarily on the Project Site. These temporary emissions are not expected to adversely affect air quality in the area, and the efficient use and proper maintenance of vehicles and equipment will mitigate these impacts. Commonly employed construction practices (e.g., water suppressants, blanket screening, limiting activities to non-windy days, etc.) will be used, as necessary, to minimize such impacts, if any. As discussed in more detail below and in the discussion of Surface Waters, above, the Applicant/Project Sponsor also will implement an erosion and sedimentation control plan to control storm water runoff during construction. It is highly unlikely that any of these construction impacts will be significant.

Moreover, waste generated during construction will not result in any significant adverse environmental impacts. All construction waste will either be recycled on-site or collected and deposited in large garbage dumpsters or dump trucks on-site and removed on a regular basis. Construction waste will be delivered off-site to a proper disposal facility. Building debris will not be buried on-site nor allowed to accumulate in and around the Project Site. Lastly, the efficient management of construction materials (the efficient utilization of lumber, steel, masonry materials, and other building materials to encourage efficiency and reduce waste) will be employed on-site to discourage waste and reduce construction costs.

Groundwater

The Project will not have any significant adverse impact on the quality or quantity of groundwater resources in the area. There are no public water supply wells on the Project Site. As discussed below, the Project Site is currently serviced by the Monroe County Water Authority (the "MCWA") water supply system, and the Project will continue to be supplied with all of its water from the Water Authority's existing public water distribution system. Groundwater reserves beneath the Project Site will not be utilized for potable water or wastewater discharge purposes by the Project, and groundwater reserves will remain at their current level. The Project Site currently is serviced by the Town's sanitary sewer system and will not use a septic system for wastewater disposal; the Project will be connected to this sanitary sewer and will not adversely impact the quality of groundwater in the area.

Water Supply

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The Project will not have any significant adverse impact on the area's water supply. Water will be supplied to the Project by the MCWA. As noted previously, the MCWA currently provides water to the Project Site through its existing mains. The MCWA has sufficient water capacity in the existing water distribution system to supply the domestic and fire flow demands for the Project.

The Project will not have any significant adverse impact on the water supply in the area.

Solid Waste Disposal

The Project will not have any significant adverse impact on the disposal of solid waste in the area. No waste will be disposed of on-site. The Project is expected to generate approximately three to five tons of solid waste per month. The majority of this waste will be comprised of empty cardboard boxes, which will be broken down inside the buildings, baled and sent to an outside recycling facility. Glass, newspaper, plastic, metal cans, etc. will be recycled in accordance with all applicable local laws.

All other solid waste generated by the Project will be placed in permanently enclosed waste dumpsters located on-site. The dumpsters will be emptied or removed on a regular basis and transported off-site for disposal by a private carting company retained by each tenant. Each dumpster will be effectively screened from view by building enclosures. A private carting company will be retained to remove these recyclable materials on a regular basis. By recycling, the Project will have a positive effect on the environment by reducing the volume of wastes to be disposed of in landfills, incinerators, and at other solid waste facilities.

Based on the foregoing discussion, the Project will not have any significant adverse impact on solid waste disposal.

Sanitary Sewers Service

The Project will not have any significant adverse impact on the sanitary sewer system. The Project Site currently is serviced by an existing public sanitary sewer line which runs along West Ridge Road; the Project will be connected to this sanitary sewer. The existing public sewer services the motor vehicle dealerships located to the east and west of the Project Site. The existing sanitary sewer line has sufficient capacity to handle the flow from the Project.

Electric Service

The Project will not have any significant adverse impact on electric services provided in the area. Electric services will be supplied to the Project by Rochester Gas and Electric Corporation ("RG&E"). There is sufficient capacity to meet the Project's demand for these services. The current public utility lines on the Project Site will be upgraded and maintained by RG&E.

Gas Service

The Project will not have any significant adverse impact on natural gas service in the area. Natural gas service will be provided to the Project Site by RG&E. There is sufficient capacity to meet the Project's natural gas demands. The Project will be connected to the existing gas lines along West Ridge Road.

Cumulative Impacts

At the public hearing, an issue was raised by the owner of the commercial property to the north, directly across West Ridge Road from the Project. Consistent with the Town of Greece Community Master Plan, that property was rezoned to BG (General Business) on or about June 15, 2010. Although a site plan application was subsequently filed and approved by the Town of Greece Planning Board on January 19, 2011, that approval was challenged and by Decision and Judgment, on May 11, 2011, Justice Galloway of the New York State Supreme Court annulled the Planning Board's site plan approval. Since May 11, 2011 and at the time that the Applicant/Project Sponsor's application was filed and at the time of the Town Board's May 17, 2016, public hearing on the Rezoning and the Project, no new applications had been received for that property. On June 8, 2016, the Town received a partial application for site plan approval of a single building on that property; another part of said application was received on June 17, 2016.

Regardless of the status of that property, SEQRA does not require an applicant to assess the impacts of an unrelated development. *See, e.g., Long Island Pine Barrens Society Inc. v. Planning Board of the Town of Brookhaven*, 80 N.Y.2d 500; 591 N.Y.S.2d 982 (1992). That another project might be proposed in the same geographic location is not enough to make it a subject of a mandatory cumulative impact review. *See North Fork Environmental Council v. Janoski*, 196 A.D.2d 590; 601 N.Y.S.2d 178 (2nd Dept. 1993).

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The New York State Court of Appeals has established a test of “relatedness” between projects to determine whether cumulative impact review is necessary. Relatedness does not mean geographic proximity between developments, but rather relatedness is shown when the municipality has established “a sufficiently cohesive framework for mandatory cumulative impact review.” *Long Island Pine Barrens Society*, 80 N.Y.2d at 514, 591 N.Y.S.2d at 988. As stated by the Court of Appeals, it is “the existence of a ‘larger plan’ for development, not the proposed projects’ common geographical base or the existence of a generally stated government policy to protect the region from unbridled development” that provides for the relatedness between two projects. *Id.* Further, “the existence of a broadly conceived policy regarding land use in a particular locale is simply not a sufficiently unifying ground for tying otherwise unrelated projects together”. *Long Island Pine Barrens Society*, 80 N.Y.2d at 513, 591 N.Y.S.2d at 987.

Here, neither the Town nor the Applicant/Project Sponsor has a larger plan of development or a cohesive framework that would satisfy the threshold showing of relatedness between the Project and any project on the property across West Ridge Road to the north. The only common element between the Project and any project which may be proposed on that property across West Ridge Road is geographic location, which is insufficient to require a cumulative impact review. Accordingly, a cumulative impact review of the Project and any theoretical project on that property is not required. Based on the foregoing, the Project will not have any significant adverse cumulative impacts.

Miscellaneous

In addition to the foregoing, the Town Board also has determined that the Project will not result in:

- a. the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR § 617.14(g). No such area exists on or is adjacent to the Project Site.
- b. the creation of a material conflict with the Town of Greece’s current community development plans or goals as officially approved or adopted. The Project is consistent with the Town’s Master Plan and the commercial character of the area surrounding the Project Site.
- c. the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources. No such areas exist on the Project Site.
- d. a major change in the use of either the quantity or type of energy. As discussed above, the Project will not significantly increase the existing energy demands of the community.
- e. the creation of a hazard to human health. The Project will promote the public health, safety and welfare by continuing to use public water and sewer systems.
- f. a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The Project Site is private property, not open to the public for recreational purposes. Portions of the Project Site are zoned for commercial use and the Project will be in character with the other uses in the area. The Project results in the protection and/or preservation of over half of the Project Site.
- g. the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action. Many of the people that will utilize this facility are already coming to the area to utilize the many commercial, retail, and restaurant facilities that exist in the area on West Ridge Road around the Project Site.
- h. the creation of a material demand for other actions that would result in one of the above consequences.
- i. changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
- j. two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).

For all the reasons set forth above, the proposed Project will not have any significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.

#209 B - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

WHEREAS, Benderson Development Company, LLC (the "Applicant") has petitioned the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County (the "County"), New York, to amend the Official Zoning Map of the Town of Greece, New York, by rezoning 15.19± acres of land from R1-18 (Single-Family Residential) and BR (Restricted Business) to BG (General Business), located at 4057-4231 West Ridge Road (south side) (the "Project Site"), in connection with the proposed development of the Project Site, as hereinafter described (the "Project" or "Southwestern Commons"); and

WHEREAS, the Town Board makes the following findings:

1. Proof was had of the notice of a public hearing on a resolution proposing to amend said Official Zoning Map by rezoning 15.19± acres from R1-18 (Single-Family Residential) and BR (Restricted Business) to BG (General Business), relative to property located at 4057-4231 West Ridge Road (south side) (the "Rezoning").
2. On May 17, 2016, at 6:17 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Rezoning, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence relative to the Rezoning and the Project was presented at the Hearing for the Town Board's consideration.
4. At the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal, but continued to accept and consider written comments from all parties in interest, citizens, and agencies.
5. The Applicant proposes to develop a commercial retail business complex situated on a 53.2-acre parcel located at 4057-4231 West Ridge Road (south side).
6. The Project Site is located wholly within the Town, and consists of undeveloped land and a vacant commercial building. The Applicant owns a total area of 53.2± acres. The Project Site is divided by Larkin Creek, with 27.09± acres located north of Larkin Creek and 26.11± acres located south of Larkin Creek. No commercial development is proposed south of Larkin Creek. As part of the Project, the Applicant proposes to donate approximately 16 acres of the Project Site south of Larkin Creek the County to be added to the County's Greece Canal Park; if the County chose not to accept the offer of donation, the Town would accept it. With respect to the northern portion of the Project Site, which is comprised of 27.09± acres, the Applicant proposes to develop 23.4± acres of that area. Of the 23.4± acres to be developed, 8.21± acres currently are zoned BG (General Business) and the remaining 15.19± acres are zoned R1-18 (Single-Family Residential) and BR (Restricted Business).
7. As demonstrated by the Civil Site Plan prepared by T.Y. Lin International, dated June 17, 2016, the Project involves the development of 23.4± acres with four proposed buildings: a 160,000-square-foot retail building; a 6,240-square-foot retail building; a 3,900-square-foot retail building; and a 20,044-square-foot retail building. The Project provides for three driveway access points onto West Ridge Road: (1) a right-out-only driveway at the eastern end of the Project Site; (2) a restricted access driveway limited to right-in-only and right-out-only at the western end of the Project Site; and (3) a main driveway, located in the center of the development, which will align with the access driveway for a Kohl's department store (located across West Ridge Road to the north) and which is proposed to be full access and controlled by a traffic signal.
8. The Project Site is surrounded by the following zoning districts and land uses:
 1. North: BG (General Business)—Kohl's department store, vacant bank, undeveloped land, motor vehicle dealership, and office building; and BP-2 (Professional Office)—realtor's office and veterinarian office.
 1. East: BG (General Business)—motor vehicle dealerships and undeveloped land; R1-18 (Single-Family Residential)—undeveloped land which does not adjoin the part of the Project that is proposed to be developed; and PL (Public Land)—undeveloped land owned by Greece Central School District.
 2. South: PL (Public Land)—the northeastern part of The County's Greece Canal Park.
 3. West: BG (General Business)—motor vehicle dealerships and undeveloped land; and R1-18 (Single-Family Residential)—undeveloped land which does not adjoin the part of the Project that is proposed to be developed.

9. The Project is located entirely within the West Ridge Corridor, as designated in the Town of Greece Community Master Plan & Generic Environmental Impact Statement, 2001 (the "Master Plan") (page IV-11). West Ridge Road is recognized as the Town's primary commercial district. The Master Plan recommends that the large vacant parcels at the western end of West Ridge Road, of which Southwestern Commons is a part, be zoned for "big box" retail (page IV-11).
10. A goal of the Master Plan is to "[p]romote economic development, convenient commercial services, and employment opportunities by encouraging commercial, office, and light industrial uses in specific areas of the town." (Town of Greece Community Master Plan, page III-2). The Project satisfies that goal. The development of approximately 190,184 square feet of commercial space will promote economically viable growth, as envisioned by the Master Plan. Moreover, it will direct growth to commercial areas designated by the Master Plan.
11. The Rezoning and the Project are consistent with the Town of Greece Community Master Plan & Generic Environmental Impact Statement, 2001 (the "Master Plan"), which recognizes that the corridor along both sides of West Ridge Road is the Town's primary commercial district. The 2001 Plan recommends that the Project Site and additional land in the vicinity are an appropriate location for large-scale commercial development.
12. The proposed zoning, use, density, and conceptual development plan for the Project Site are consistent and compatible with the land uses that adjoin the Premises.
13. The size and shape of the Project Site are suitable for the Project.
14. Public utility service and vehicular access are adequate for the Project.
15. The Project is capable of providing buffering (if needed) for the adjoining properties.
16. The Project will not set an undesirable precedent for future development in the surrounding area.
17. The Applicant proposes to donate a portion of the Project Site to the County to be added to the County's Greece Canal Park; if the County chose not to accept the offer of donation, the Town would accept it.
18. The Project has been reviewed by the New York State Department of Transportation regarding traffic, and by the New York State Department of Environmental Conservation and the United States Army Corps of Engineers regarding wetlands, and no significant adverse impacts were found.
19. On June 21, 2016, in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), the Town Board, as the lead agency for the coordinated environmental review of the Project, issued a Negative Declaration for the Rezoning and the Project (the "SEQRA Negative Declaration"). The SEQRA Negative Declaration found that the Project as designed will minimize or avoid potential adverse environmental impacts revealed in the environmental review process. The SEQRA Negative Declaration is incorporated herein by reference as if fully set forth, as findings of the Town Board in its decision on the Rezoning and the Project.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, and the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the Official Zoning Map of the Town of Greece, New York, hereby be and the same is amended to change the zoning classification of 15.19± acres from R1-18 (Single-Family Residential) and BR (Restricted Business) to BG (General Business), relative to property located at 4057-4231 West Ridge Road, as more particularly identified in the description attached hereto, subject to the following conditions:

1. The Applicant shall submit a request to the Town of Greece Planning Board for site plan approval in order to address the details of site development issues, including but not limited to: building and parking layout; vehicular ingress and egress for the Project Site; vehicular and pedestrian traffic flow on the Premises; exterior appearance of the building (that is, materials, colors, and architectural style); landscaping and buffering; lighting; utilities; site grading; and drainage control.
2. In the event of any conflict among the oral or written descriptions of the Project, the site development plans for the Project, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.

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3. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
4. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
5. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#210 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., August 9, 2016, at which time they will be publicly opened and read aloud for the following:

- Straub Road Over Round Pond Creek Bridge Replacement

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#211- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to accept a grant for the 2016-2017 New York State Training and Education Program on Occupational Safety and Health in the amount of \$9,557.00.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#212- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to accept the sidewalk waiver application for 107 Long Pond Road from Dan and Holly Pearl. Under the terms of the application, the Pearls would pay \$1,080.00 and not be required to construct a sidewalk along the right of way frontage on Long Pond Road.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#213- Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to Update Town Specifications for Construction of Utilities and Roadways, last revised April 19, 2005 for changes to Streetlights and Letters of Credit.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

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#214 - Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., July 12, 2016, at which time they will be publicly opened and read aloud for the following:

- Purchase of three (3) 2017 Ford F250 4x4 Pick-Up Trucks

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#215- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to purchase one (1) Medium Duty Dump Truck with Plows using the New York State Bid.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#216- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to accept the Dedication of Highways, Storm and Sanitary Sewers for the following:

1. Forest Glen Drive, Richfield Drive and Rockwell Drive in the Field Stone Estates Subdivision Section 6.
2. Talnuck Drive in the Forest Glen North Subdivision Section 6.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#217- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to enter into an intermunicipal agreement with the Town of Parma, Village of Hilton and the Hilton Fire Department to provide the assistance of the Greece Special Police during the Hilton Fireman's Carnival from July 13, 2016 through and including July 15, 2016 in exchange for necessary fuel costs and the payment of \$1,000.00 to be provided by the Hilton Fire Department. Further, authorization for the Supervisor to execute all necessary documentation

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#218- Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to make various budget transfers and amendments. (List attached)

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

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#219- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to declare a Staples brand document shredder (model #SPL-XC240D) as scrap.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#220- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization for the Supervisor to enter into a lease agreement with the Daniele Family of Companies to operate the town marina at Braddock Bay. The town's review team met and the Daniele proposal scored significantly higher than the second proposal that was received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#221- Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to enter into various agreements (list attached) for programs associated with the operation of the Greece Community and Senior Center; further authorization for the Supervisor to execute said agreements.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#222- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to renew the Town contract with Frontier Glass Inc. for Door/Frame/Glass Repair & Installation & Associated Hardware Services for an additional one year period, per same terms and conditions. Further authorize the Supervisor to execute all necessary documents. This will be the 5th and final year of this contract and will expire on February 22nd 2017.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#223- Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to renew the Town contract with Crosby-Brownlie Inc. for HVAC Maintenance Services for an additional one year period, per same terms and conditions. Further authorize the Supervisor to execute all necessary documents. This is the 5th and final year of this contract and will expire on March 31st, 2017.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#224- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to renew the Town contract with Hewitt Young Electric for Electrical Services for an additional one year period, per same terms and conditions. Further authorize the Supervisor to execute all necessary documents. This will be the 3rd year of this contract with the final expiration date of June 16th, 2018 if renewed annually.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

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#225- Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to renew the Town contract with Waterwise of America for Cooling Tower Chemical Treatment and Additional Required Testing for an additional one year period. Additional testing at a cost not to exceed \$5,400.00 per year. Further authorize the Supervisor to execute all necessary documents. This will be the 4th year of this contract with the final expiration date of April 23, 2018 if renewed annually.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#226- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to appoint Sheila Tobias to the full time position of Receptionist in the Town Clerk's Office effective June 22, 2016

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#227- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to appoint William Gibbons to the full time position of Motor Equipment Operator in the Department of Public Works effective June 22, 2016

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#228- Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to appoint Jeffrey Lynch to the full time position of Motor Equipment Operator Trainee in the Department of Public Works effective July 5, 2016.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#229- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to appoint Anthony Pozzuolo to the full time position of Motor Equipment Operator Trainee in the Department of Public Works effective July 5, 2016.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#230- Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to appoint Kyle Bryan to the full time position of Motor Equipment Operator Trainee in the Department of Public Works effective July 5, 2016.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

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#231- Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to purchase a 2017 Ford Explorer off of New York State bid.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#232- Councilman Granville offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization for the Supervisor to enter into an agreement with NYSERDA for financial incentives related to our Solar Energy project.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#233- Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to settle the matter of *Greece Ridge, LLC and Town of Greece v. State of New York*. Further, authorization for the Supervisor to execute all necessary documentation.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

Meeting adjourned at 6:41 p.m.

July 1, 2016
Date

Cheryl M. Rozzi
Cheryl M. Rozzi, Town Clerk

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Town of Greece
 2016 Budget Modifications
 Town Board Agenda

June, 2016

Action	Account	Description	Amount
1)	<i>To fund the match for a grant to purchase new finger print scanning device.</i>		
Appropriation	A.3120.0008.201	Police Grant Finger Print Scanner	\$ 14,663.00
Revenue	A.3389.0000.000	Other Public Safety Revenue	\$ 14,663.00
Transfer From	A.3120.0000.429	Police, Motor Fuel	\$ (14,663.00)
Transfer To	A.3120.0008.201	Police Grant Finger Print Scanner	\$ 14,663.00
2)	<i>To provide for professional services for the Badgerow Park bathroom restoration.</i>		
Appropriation	H.0546.7110.419	Badgerow Park Improvements, Professional	\$ 2,400.00
Revenue	H.0546.7110.503	Badgerow Park Improvements, Other Funds	\$ 2,400.00
Transfer From	A.7110.0000.293	Parks, Land Improvements	\$ (2,400.00)
Transfer To	A.9950.0000.997	General Fund Transfer to Capital	\$ 2,400.00
3)	<i>To fund the 2016 Road Program for overtime and benefits.</i>		
Transfer From	DA.5110.0000.102	Highway Repair Overtime	\$ (25,000.00)
Transfer To	DA.5112.0000.102	Road Program Overtime	\$ 25,000.00
Transfer From	DA.5110.0000.804	Highway Repair Benefits	\$ (150,000.00)
Transfer To	DA.5112.0000.804	Road Program Benefits	\$ 150,000.00
4)	<i>To account for a grant for a study on Historic Preservation for the Koda-Vista Neighborhood.</i>		
Appropriation	A.8020.0000.419	Planning, Professional Services	\$ 9,800.00
Revenue	A.2189.0000.000	Other Home & Community Services Income	\$ 9,800.00
5)	<i>2015-2016 Stop DWI Crackdown grant balance.</i>		
Appropriation	A.3315.0001.102	Stop DWI Crackdown Grant	\$ 12,167.76
Revenue	A.4320.0000.000	Federal Receipts, Public Safety	\$ 12,167.76
6)	<i>For the purchase of an exhibit case for historical display.</i>		
Transfer From	A.7510.0000.411	Historian, Contracts	\$ (1,500.00)
Transfer To	A.7510.0000.204	Historian, Furniture	\$ 1,500.00
7)	<i>For the purchase of highway equipment with revenues from equipment rental.</i>		
Appropriation	DA.5130.0000.203	Highway Machinery, Equipment	\$ 150,000.00
Revenue	DA.2801.0000.000	Interfund Revenue, Equipment Rental	\$ 150,000.00
8)	<i>Replacement of plow and snow removal assemblies on trucks.</i>		
Transfer From	DA.5142.0000.402	Snow Removal, Salt	\$ (39,347.52)
Transfer To	DA.5142.0000.201	Snow Removal, Equipment	\$ 39,347.52

June CSC Items

- Joe Cappon, 59 Wheatfield Drive, Rochester, NY 14616; Contract to provide a magic show (2 shows total) for the Kid Town summer program on July 19 in the amount of \$450.00.
- Rochester Foam Dart League, 1097 Fawnwood Drive, Webster, NY 14580; Contract to provide foam dart activities for summer program on July 14, August 8, August 19 in the amount of \$10.00 per person.
- Minnehan's Fun Center, 5601 Big Tree Rd, Lakeville, NY 14480; trip as part of summer program in an amount not to exceed \$350.00 (based upon registered participants).
- Dick Leschorn, 50 Timberline Drive, Penfield, NY 14526; Contract to provide entertainment at the "Pavilion Party" on Wednesday July 20 in the amount of \$125.00.
- Johnny Matt Band, 792 Hightower Way, Webster, NY 14580; Contract to provide entertainment for the "Pavilion Party" on July 20 in the amount of \$350.00.
- Zuperbounce, 3900 Buffalo Rd, Rochester, NY 14624; Contract to provide inflatables for the Old Fashion 4th of July event in the amount of \$1375.00.
- Trip to Rochester Red Wings as part of the Friends and Fun program; July 14 in an amount not to exceed \$522.50 (\$9.50 per ticket @ 55 registrants).