

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held November 15, 2017 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   |
| Andrew J. Conlon   | Councilman   |
| Diana Christodaro  | Councilwoman |

**EXCUSED:** Brett Granville

Councilman

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

**PLEDGE OF ALLEGIANCE:**

Supervisor Reilich called upon Councilman Andy Conlon to lead the Town Board in the Pledge of Allegiance. Pastor Vince DiPaola of Lakeshore Community Church provided the invocation.

**PUBLIC FORUM:**

An Open Forum was conducted to allow speakers the opportunity to address the Town Board. One speaker addressed the Town Board and the Open Forum concluded at 6:09 p.m.

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

WHEREAS, Mark's Pizzeria, Inc. (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 Mark's Pizzeria, on property located at 3670 Mount Read Boulevard, in North Pointe Centre 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 existing tenant space located at a multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of hot and cold foods (principally, pizza, pasta, chicken wings, salad, etc.) and nonalcoholic beverages for consumption on the Premises and for takeout. The Applicant/Project Sponsor currently operates a takeout-only restaurant on the Premises, but in different tenant space. The Applicant/Project Sponsor will vacate the current space and move to a larger tenant space in order to provide seating for customers. Weather permitting, outdoor seating for service and 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, or a drive-up service window. 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, 10:00 a.m. to 12:00 midnight. Direct vehicular access for the Premises is via an unsignalized driveway at Mount Read Boulevard (Monroe County Route 150, a four-lane urban minor arterial); indirect vehicular access is via a cross access driveway with the adjoining commercial plaza to the south, which has unsignalized access to Maiden Lane (a Town-owned, two-lane 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 a Type II action under SEQRA. (SEQRA Regulations, § 617.5(c)(1) & (2).)
3. According to SEQRA, Type II actions have been determined to not have a significant 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 by the Town Board relative to the Proposal.

**ADOPTED:** Ayes 4 Reilich, Barry, Conlon, Christodaro  
Nays 0

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

WHEREAS, Mark's Pizzeria, Inc. (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 a special use permit to operate a restaurant, to be known as Mark's Pizzeria, on property located at 3670 Mount Read Boulevard, in North Pointe Centre 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 existing tenant space located at a multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of hot and cold foods (principally, pizza, pasta, chicken wings, salad, etc.) and nonalcoholic beverages for consumption on the Premises and for takeout. The Applicant currently operates a takeout-only restaurant on the Premises, but in different tenant space. The Applicant will vacate the current space and move to a larger tenant space in order to provide seating for customers. Weather permitting, outdoor seating for service and 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, or a drive-up service window. 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'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, 10:00 a.m. to 12:00 midnight. Direct vehicular access for the Premises is via an unsignalized driveway at Mount Read Boulevard (Monroe County Route 150, a four-lane urban minor arterial); indirect vehicular access is via a cross access driveway with the adjoining commercial plaza to the south, which has unsignalized access to Maiden Lane (a Town-owned, two-lane urban minor arterial).
2. Proof was had of the notice of public hearing on a resolution proposing to permit the Proposal.
3. On November 15, 2017, 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. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
7. Public utility service and vehicular access are adequate for the Proposal.
8. 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.
9. 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 Mark's Pizzeria, Inc. (the "Applicant") for a special use permit to operate a restaurant, to be known as Mark's Pizzeria, on property located at 3670 Mount Read Boulevard, in North Pointe Centre 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

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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 Mark's Pizzeria, Inc., its wholly owned subsidiaries or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

WHEREAS, Carrols LLC has made application for a special use permit to operate a restaurant, to be known as Burger King, on property located at 45 Greece Center Drive.

WHEREAS a special use permit to operate a restaurant, to be known as Burger King, on property located at 45 Greece Center Drive can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

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 19<sup>th</sup> day of December 2017 at 6:15 p.m., to consider the application submitted by Carrols LLC. to operate a restaurant, to be known as Burger King, on property located at 45 Greece Center Drive.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

WHEREAS, JSC Mt. Read Blvd, LLC has made application for a special use permit to operate a restaurant, to be known as Burger King, on property located at 3491 Mount Read Boulevard.

WHEREAS a special use permit to operate a restaurant, to be known as Burger King, on property located at 3491 Mount Read Boulevard can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

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 19<sup>th</sup> day of December 2017 at 6:16 p.m., to consider the application submitted by Carrols LLC. to operate a restaurant, to be known as Burger King, on property located at 3491 Mount Read Boulevard.

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ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant authorization to make various budget adjustments and transfers as per the list attached.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant authorization to accept a check in lieu of a Letter of Credit in the amount of \$9,280.52 to guarantee the Public Improvements associated with the development of Home II Suites on Bellwood Drive.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant accept a check in lieu of a Letter of Credit in the amount of \$460,413.52 to guarantee the Public Improvements associated with the development of Avery Park Section 7.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant authorization to accept a Letter of Credit in the amount of \$31,405.00 to guarantee the Public Improvements associated with development at Ridgemont Plaza

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

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

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

RESOLVED that this Town Board grant enter into an agreement with Samanage to provide online helpdesk and asset management software.

BE IT FURTHER

RESOLVED that the Supervisor is authorized to execute all necessary documentation.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant authorization for the Town's insurance carrier to settle the matter of *Belasco v. Town of Greece, et al.*; Case No. 09-CV-6458, relating to incidents that occurred between 2008-2012.

Be it Further,

RESOLVED that the Supervisor is authorized to execute all necessary documents.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant authorization to appoint the following employees to the full time position of Motor Equipment Operator in the Department of Public Works effective December 16, 2017:

Michael DeLano  
Eric Ryan  
Paul Palermo

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant authorization appoint Thomas Riley to the full time position of Recreation Attendant in the Human Services Department effective November 27, 2017.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

WHEREAS, the Town of Greece has made application to consider adoption of a proposed local law to amend Part II, Chapter 188, Article V, Cold War Veterans Exemption, of the code of the Town of Greece, which would extend the tax exemption for Cold War veterans beyond the original ten year limitation as authorized by Section 458-b of New York Real Property Tax Law, as amended.

WHEREAS consideration of adoption of a proposed local law to amend Part II, Chapter 188, Article V, Cold War Veterans Exemption, of the code of the Town of Greece, which would extend the tax exemption for Cold War veterans beyond the original ten year limitation as authorized by Section 458-b of New York Real Property Tax Law, as amended, can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

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 19<sup>th</sup> day of December 2017 at 6:17 p.m., for consideration of adoption of a proposed local law to amend Part II, Chapter 188, Article V, Cold War Veterans Exemption, of the code of the Town of Greece, which would extend the tax exemption for Cold War veterans beyond the original ten year limitation as authorized by Section 458-b of New York Real Property Tax Law, as amended.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

RESOLVED that this Town Board grant authorization to enter into an agreement with Accela/Carahsoft to provide online building permitting and inspecting services software. Further authorization for the Supervisor to execute all necessary documentation.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                  Nays 0

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

WHEREAS, this Town Board has met at the time and place specified in the notice of public hearing on the preliminary budget, and had the opportunity to review the Preliminary Budget for the fiscal year beginning on the first day of January 2018;

NOW THEREFORE BE IT

RESOLVED that this Town Board does hereby adopt such budget as originally proposed and filed, as the annual budget of this Town for the fiscal year beginning on the 1st day of January, 2018, and that such budget as so adopted be entered in detail in the minutes of the proceedings of this Board, and

BE IT FURTHER

RESOLVED that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of said annual budget as adopted by this Town Board, together with the assessment rolls for the benefit of improvements, adopted pursuant to Section 202-a of the Town Law, and file one copy in her office and deliver one copy thereof to the Supervisor of the Town, to be presented to the County Legislature of the County of Monroe.

ADOPTED:   Ayes 4           Reilich, Barry, Conlon, Christodaro  
                  Nays 0

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

WHEREAS, this Town Board has met at the time and place specified in the notice of public hearing on the Annual Estimates and Assessment Rolls for the Special Districts of the Town of Greece for the fiscal year beginning January, 1, 2018, and

WHEREAS, this Town Board has had the opportunity to consider the Annual Estimates and Assessment Rolls for the special districts of the Town of Greece, for the fiscal year 2018; and

NOW, THEREFORE, BE IT

RESOLVED that said estimates and assessment rolls be, and they are, hereby approved, affirmed and adopted by the Town Board as originally proposed and filed, and

BE IT FURTHER

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of said annual budget as adopted by this Town Board, and file one copy in her office and deliver one copy thereof to the Supervisor of the Town, to be presented to the County Legislature of the County of Monroe.

ADOPTED:   Ayes 4           Reilich, Barry, Conlon, Christodaro  
                  Nays 0

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

RESOLVED that this Town Board grant authorization to appoint Justin Humes to the full time position of Laborer in the Shared Services Department effective November 20, 2017.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                  Nays 0

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

RESOLVED that this Town Board grant authorization to appoint Julie Wright to the full time position of Senior Office Account Clerk in the Finance Department effective November 27, 2017.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                  Nays 0

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

RESOLVED that this Town Board grant authorization to enter into an agreement with Bergmann Associates to create map services for address verification. The agreement is not to exceed \$36,550.00. Further authorization for the Supervisor to execute all necessary documents.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                  Nays 0

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

WHEREAS, Lexi's Café 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 a waiver of requirements for a special use permit to operate a restaurant, with seating for not more than 12 customers at such restaurant, to be known as Lexi's Café, on property located at 1250 Latta Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having carefully considered 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 principally on a takeout and delivery basis, with seating for not more than 12 customers at such restaurant, within existing tenant space that previously was used for the same purpose, located in a multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of hot and cold foods (such as pizza, hot and cold sandwiches, and ice cream) and hot and cold beverages, principally for takeout and delivery, but also with provision for not more than 12 persons to consume food or beverages on the Premises. 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 loudspeakers, outdoor cooking, or a drive-up service window. Background music and live entertainment (as these terms are defined in the Town's zoning ordinance) will not be provided on a regular, 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 for dining and takeout service inside the restaurant and for delivery service are: Sundays through Saturdays, 11:00 a.m. to 11:00 p.m. Vehicular access for the Premises is via Latta Road (New York State ref. 941A, a two-lane urban minor arterial). Existing land uses in the vicinity include but are not limited to single-family houses, apartment buildings, offices, retail and service uses, restaurants, gasoline stations, motor vehicle service and repair facilities, a public elementary school, and a public park.
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 a Type II action under SEQRA. (SEQRA Regulations, § 617.5(c)(1), (2) & (26).)
3. According to SEQRA, Type II actions have been determined to not have a significant 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 by the Town Board relative to the Proposal.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                  Nays 0

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

WHEREAS, Lexi's Café 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 a waiver of requirements for a special use permit to operate a restaurant, with seating for not more than 12 customers at such restaurant, to be known as Lexi's Café, on property located at 1250 Latta Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having carefully considered 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 principally on a takeout and delivery basis, with seating for not more than 12 customers at such restaurant, within existing tenant space that previously was used for the same purpose, located in a multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of hot and cold foods (such as pizza, hot and cold sandwiches, and ice cream) and hot and cold beverages, principally for takeout and delivery, but also with provision for not more than 12 persons to consume food or beverages on the Premises. 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 loudspeakers, outdoor cooking, or a drive-up service window. Background music and live entertainment (as these terms are defined in the Town's zoning ordinance) will not be provided on a regular, recurring basis. Background music, live entertainment, and the Applicant'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 for dining and takeout service inside the restaurant and for delivery service are: Sundays through Saturdays, 11:00 a.m. to 11:00 p.m. Vehicular access for the Premises is via Latta Road (New York State ref. 941A, a two-lane urban minor arterial). Existing land uses in the vicinity include but are not limited to single-family houses, apartment buildings, offices, retail and service uses, restaurants, gasoline stations, motor vehicle service and repair facilities, a public elementary school, and a public park.
2. The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.
3. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous restaurant operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor were they detrimental to the residents thereof; (d) did not create a hazard to health, safety, or the general welfare; (e) was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.
4. Public utility service and vehicular access are adequate for the Proposal.
5. The size and shape of the Premises are adequate for the Proposal.
6. 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 waiver of requirements to obtain a special use permit.

NOW THEREFORE, be it

RESOLVED that, based on the aforementioned information, testimony, documentation, 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 Lexi's Café LLC (the "Applicant") for a waiver of the requirements for a special use permit to operate a restaurant principally on a takeout basis, with not more than 12 seats for customers at such restaurant, to be known as Lexi's Café, on property located at 1250 Latta Road, 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 described in the written descriptions and various plans of the Proposal, and as set forth herein. In the event of any conflict among the written descriptions of the Proposal, the various 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.



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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 Lexi's Café LLC, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

WHEREAS, Jafco Enterprises, Inc. (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 waiver of the requirements for a new special use permit to operate a restaurant, formerly known as Famous Dave's, now to be known as TC Hooligan's, on property located at 200 Center Place Drive, 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 within an existing freestanding building that previously was used as a restaurant, located in a commercial development (the "Premises"). The Proposal includes (for example, appetizers, salads, hot and cold sandwiches, soups, salads, full meals, desserts, etc.), for consumption on the Premises and for takeout, and alcoholic and non-alcoholic beverages for consumption at the restaurant. Weather permitting, outdoor seating for consumption of food and beverages will be provided in an area that is in three or four parking spaces immediately in front of the restaurant. The Proposal does not include outdoor cooking, outdoor loudspeakers, delivery service, or a drive-up service window. 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: Mondays through Sundays, 11:00 a.m. to 2:00 a.m. Vehicular access for the Premises is via an unsignalized driveway at Center Place Drive (a two-lane Town subdivision street), which connects to Buckman Road (a two-lane Town local road); Buckman Road has a signalized intersection with West Ridge Road (New York State Route 104, a seven-lane, urban principal arterial street). Land uses in the vicinity of the Premises include but are not limited to: single-family houses; apartments; hotels; restaurants; and office, retail, and service uses.
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 a Type II action under SEQRA. (See § 617.5(c)(1), (2) & (26) of the SEQRA Regulations).
3. According to SEQRA, Type II actions have been determined to have no 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.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held November 15, 2017 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

ADOPTED:           Ayes 4           Reilich, Barry, Conlon, Christodaro  
                      Nays 0

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

WHEREAS, Jafco Enterprises, Inc. (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 a waiver of the requirements for a new special use permit to operate a restaurant, formerly known as Famous Dave's, now to be known as TC Hooligan's, on property located at 200 Center Place Drive, 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 within an existing freestanding building that previously was used as a restaurant, located in a commercial development (the "Premises"). The Proposal includes (for example, appetizers, salads, hot and cold sandwiches, soups, salads, full meals, desserts, etc.), for consumption on the Premises and for takeout, and alcoholic and non-alcoholic beverages for consumption at the restaurant. Weather permitting, outdoor seating for consumption of food and beverages will be provided in an area that is in three or four parking spaces immediately in front of the restaurant. The Proposal does not include outdoor cooking, outdoor loudspeakers, delivery service, or a drive-up service window. 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'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: Mondays through Sundays, 11:00 a.m. to 2:00 a.m. Vehicular access for the Premises is via an unsignalized driveway at Center Place Drive (a two-lane Town subdivision street), which connects to Buckman Road (a two-lane Town local road); Buckman Road has a signalized intersection with West Ridge Road (New York State Route 104, a seven-lane, urban principal arterial street). Land uses in the vicinity of the Premises include but are not limited to: single-family houses; apartments; hotels; restaurants; and office, retail, and service uses.
2. The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.
3. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous restaurant operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor was it detrimental to the residents thereof; (d) did not create a hazard to health, safety, or the general welfare; (e) was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.
4. Public utility service and vehicular access are adequate for the Proposal.
5. The size and shape of the Premises are adequate for the Proposal.
6. 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 waiver of the requirements to obtain a new special use permit.

NOW THEREFORE, be it

RESOLVED that the Town Board does not object to the Applicant's application to the State of New York for a modification of an existing liquor license at the Premises and hereby waives the 30-day notification and comment period provided for such application; and be it

FURTHER RESOLVED that, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Jafco Enterprises, Inc. (the "Applicant") for a waiver of the requirements for a new special use permit to operate a restaurant, formerly known as Famous Dave's, now to be known as TC Hooligan's, on property located at 200 Center Place Drive, 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 described in the written descriptions and various plans of the Proposal, and as set forth herein. In the event of any conflict



| Action   | Account          | Description                    | Amount         |
|--|------------------|--------------------------------|----------------|
| <b>1 Adjustment for the purchase of a salt spreader.</b>                                     |                  |                                |                |
| Transfer From  | DA.5142.0000.402 | Snow and Ice.Salt              | \$ (7,540.00)  |
| Transfer To  | DA.5142.0000.201 | Snow and Ice.Equipment         | \$ 7,540.00    |
| <b>2 Adjustment to recognize NYS Aid for the Library.</b>                                    |                  |                                |                |
| Increase Appropriations  | L.7410.0000.204  | Library.Furniture              | \$ 12,179.92   |
| Increase Appropriations  | L.7410.0000.408  | Library.Office Items           | \$ 2,820.08    |
| Increase Revenue Estimates   | L.3840.0000.000  | NYS Aid to Libraries           | \$ 15,000.00   |
| <b>3 Adjustment to STOP DWI for increased enforcement.</b>                                   |                  |                                |                |
| Transfer From  | A.3315.0000.201  | Stop DWI.Equipment             | \$ (6,200.00)  |
| Transfer From  | A.3315.0000.421  | Stop DWI.Field Items           | \$ (6,650.00)  |
| Transfer To  | A.3315.0000.102  | Stop DWI.Overtime              | \$ 12,850.00   |
| <b>4 Adjustment for the purchase of iPad holders for the children's room at the library.</b> |                  |                                |                |
| Transfer From  | L.7410.0000.217  | Library.Computerware           | \$ (2,100.00)  |
| Transfer To  | L.7410.0000.421  | Library.Field/Shop Items       | \$ 2,100.00    |
| <b>5 Adjustment for the purchase of people counters for the Library.</b>                     |                  |                                |                |
| Transfer From  | L.7410.0000.217  | Library.Computerware           | \$ (4,400.00)  |
| Transfer To  | L.7410.0000.421  | Library.Field/Shop Items       | \$ 4,400.00    |
| <b>6 Adjustment for Assessment mailing.</b>  |                  |                                |                |
| Transfer From  | A.1355.0000.419  | Assessor.Professional Services | \$ (13,500.00) |
| Transfer To  | A.1610.0000.410  | Central Services.Postage       | \$ 13,500.00   |
| <b>7 Adjustment for Kronos Timekeeping Software.</b>   |                  |                                |                |
| Transfer From  | A.5132.0000.217  | Highway Garage.Computerware    | \$ (10,563.17) |
| Transfer To  | A.5132.0000.412  | Highway Garage.Software        | \$ 10,563.17   |
| <b>8 Adjustment for Drug Enforcement Shared Funds.</b>                                       |                  |                                |                |
| Increase Appropriations  | A.3120.0011.445  | Granet.Program Expenses        | \$ 48,050.00   |
| Increase Revenue Estimates   | A.4320.0000.000  | Federal Aid.Public Safety      | \$ 48,050.00   |

Nov. C&SC Items

- Harvey Evans, 709 Cogdell Circle, Webster, NY 14580; Contract to provide entertainment for the Meal Time Music program on November 28 in the amount of \$100.00.
- Barbara Van Gennip, 137 Wood Run, Rochester, NY 14612; Contract to provide a presentation for the Time Out for Women program on November 29 in the amount of \$200.00.
- Gary Russell, Finger Lake Woodturners Association, 27 Chimney Hill Rd, Rochester, NY 14612; Contract to provide instruction for a Beginners Woodturning Class on December 2 in the amount of \$15 per person.
- Maureen Whalen, 500 Latta Rd, Rochester, NY 14612; Contract to provide a presentation for the Time Out for Women program on December 6 in the amount of \$60.00
- Mark Hergenrader, 67-B Northgate Manor, Rochester, NY 14616; Contract to provide entertainment for the Family Christmas Party on December 7 in the amount of \$100.00.and Friends and Fun Christmas Party on December 14 in the amount of \$50.00.
- Peter Madsen 155 Gary Drive Brockport, NY 14420; Contract to a presentation for Time Out for Women Program on December 13 in the amount of \$150.00.
- Joe Miltsch, Musique, 2300 Latta Rd, Rochester, NY 14612; Contract to provide entertainment for the senior Christmas Party on December 15 in the amount of \$350.00
- Oreste Capone, 26 Bitterroot Trail, Hilton, NY 14468; Contract to provide entertainment for the Mealtime Music program on December 18 in the amount of \$100.00.
- Traveling Cabaret, Phyllis Kravetz, 20 Onyx Drive, Penfield, NY 14526; Contract to provide entertainment on December 20 in the amount of \$300.00.
- Donovan Shilling, 1765 Five Mile Line Rd, Penfield, NY 14526; Contract to provide a presentation for the Time Out for Women program on December 20 in the amount of \$50.00.
- Ginny Pizzarello, 84 Tioga Dr S, Rochester, NY 14616; Contract to provide fitness instruction on Saturday mornings from December 2-February 3 in the amount of \$25.00 per hour.
- Rick Ventura, 948 Edgemere Drive, Rochester, NY; Contract to provide dj services for the Family Christmas Party on December 14 in the amount of \$115.00.