

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held May 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

PRESENT:

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

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

EXCUSED: None

Following the roll call of officers, the meeting was opened with the Pledge of Allegiance, led by Councilwoman Diana Christodaro. The invocation was offered by Pastor Kirk Dueker of Hope Lutheran Church.

Supervisor Reilich, in addition to the Town Board, presented three proclamations. The first proclamation was awarded to Mrs. Sullivan of Craig Hill Elementary School for winning the RRLC designation. The second and third proclamations designated the month of May as Lupus Awareness and Historic Preservation Month.

PUBLIC FORUM:

An Open Forum was conducted to allow speakers the opportunity to address the Town Board. Four speakers addressed the Town Board and the Open Forum concluded at 6:22 p.m.

PUBLIC HEARINGS:

6:15 p.m. - Public hearing to consider the request submitted by Sumo Japanese Sushi & Hibachi, Inc. for a special use permit to operate a restaurant, to be known as Sumo Japanese Sushi & Hibachi, on property located at 1600 West Ridge Road, in the Street of Shoppes.

Supervisor Reilich declared the public hearing open at 6:23 p.m. to consider the request submitted by Sumo Japanese Sushi & Hibachi, Inc. for a special use permit to operate a restaurant, to be known as Sumo Japanese Sushi & Hibachi, on property located at 1600 West Ridge Road, in the Street of Shoppes.

Proof of publication in the Greece Post on Thursday, May 7, 2015 was received. Mr. Meng Xiu Lin provided an overview of the project. There were no speakers who addressed the Town and the hearing concluded at 6:26 p.m.

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

WHEREAS, Sumo Japanese Sushi & Hibachi, 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 Sumo Japanese Sushi & Hibachi, on property located at 1600 West Ridge Road, in Street of Shoppes 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 traditional Japanese cuisine) for consumption on the Premises and for takeout and delivery, and alcoholic and nonalcoholic beverages for consumption at the restaurant. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, these are incidental, secondary, and subordinate elements of the restaurant, offered principally for consumption as an accompaniment to meals, and such beverages would be prepared and served from a service bar that has few seats. 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, outdoor loudspeakers, outdoor seating, outdoor cooking or service of food or beverages, or a drive-up service window. Sponsorship of, affiliation with, permission for, or participation in one-time or

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recurring special or promotional events on the Premises by the Applicant/Project Sponsor (including background music and live entertainment) 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 Thursdays, 11:00 a.m. to 10:00 p.m.; Fridays through Saturdays, 11:00 a.m. to 11:00 p.m.; and Sundays, 12:00 noon to 10:00 p.m. Vehicular access for the Premises is via an unsignalized driveway at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street).

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 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

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

WHEREAS, Sumo Japanese Sushi & Hibachi, 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 Sumo Japanese Sushi & Hibachi, on property located at 1600 West Ridge Road, in Street of Shoppes 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 traditional Japanese cuisine) for consumption on the Premises and for takeout and delivery, and alcoholic and nonalcoholic beverages for consumption at the restaurant. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, these are incidental, secondary, and subordinate elements of the restaurant, offered principally for consumption as an accompaniment to meals, and such beverages would be prepared and served from a service bar that has few seats. 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, outdoor loudspeakers, outdoor seating, outdoor cooking or service of food or beverages, or a drive-up service window. Sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises by the Applicant (including background music and live entertainment) 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 Thursdays, 11:00 a.m. to 10:00 p.m.; Fridays through Saturdays, 11:00 a.m. to 11:00 p.m.; and Sundays, 12:00 noon to 10:00 p.m. Vehicular access for the Premises is via an unsignalized driveway at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street).
2. Proof was had of the notice of public hearing on a resolution proposing to permit the Proposal.
3. On May 19, 2015 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. 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.
7. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
8. 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 the Town Board has no objection to the Applicant's application for an on-premise liquor license at the Premises and hereby waives the 30-day notification requirement for such application;

AND BE IT FURTHER

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 Sumo Japanese Sushi & Hibachi, Inc. (the "Applicant") for a special use permit to operate a restaurant, to be known as Sumo Japanese Sushi & Hibachi, on property located at 1600 West Ridge Road, in Street of Shoppes 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 designees, successors, and assigns.
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 Sumo Japanese Sushi & Hibachi, 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 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

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6:16 p.m. – Public hearing to consider the request submitted by the Talmudical Institute of Upstate New York to rezone 5± acres from PL (Public Land) to DMU (Dewey Avenue Mixed Use), on property located at 588 Stone Road.

Supervisor Reilich declared the public hearing open at 6:29 p.m. to consider the request submitted by the Talmudical Institute of Upstate New York to rezone 5± acres from PL (Public Land) to DMU (Dewey Avenue Mixed Use), on property located at 588 Stone Road.

Proof of publication in the Greece Post on Thursday, May 7, 2015 was received. Ms. Leah Goldstein provided an overview of the project. There were no speakers who addressed the Town and the hearing concluded at 6:35 p.m.

Supervisor Reilich asked for a Motion to Reserve Decision until all documentation has been received from the Monroe County Department of Planning in order to proceed.

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

RESOLVED that This Town Board **RESERVE DECISION** at this time.

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

6:17 p.m. — Public hearing to consider the request submitted by the Talmudical Institute of Upstate New York for a special use permit to operate a school, to be known as Derech HaTorah of Rochester, on property located at 588 Stone Road.

Supervisor Reilich declared the public hearing open at 6:29 p.m. to consider the request submitted by the Talmudical Institute of Upstate New York for a special use permit to operate a school, to be known as Derech HaTorah of Rochester, on property located at 588 Stone Road.

Proof of publication in the Greece Post on Thursday, May 7, 2015 was received. Ms. Leah Goldstein provided an overview of the project. There were no speakers who addressed the Town and the hearing concluded at 6:35 p.m.

Supervisor Reilich asked for a Motion to Reserve Decision until all documentation has been received from the Monroe County Department of Planning in order to proceed.

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

RESOLVED that This Town Board **RESERVE DECISION** at this time.

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

6:18 p.m. CANCELLED— Continuation of the public hearing to consider the request submitted by Hyatt Corporation for a special use permit to operate a hotel, to be known as Hyatt Place, on property located at 125 Bellwood Drive, in Canal Ponds Business Park. **CONTINUED TO JUNE 16, 2015 AT 6:18 P.M.**

Supervisor Reilich stated that this Public Hearing was cancelled and would be continued at the June 16, 2015 Town Board meeting to allow the applicant more time to provide additional information on their proposal.

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

WHEREAS, Heritage Christian Services, Inc..has made application for a special use permit to operate a day-care center and school-age child-care center, to be known as Expressive Beginnings, on property located at 1680 Stone Road.

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WHEREAS, a permit to operate a day-care 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 16th day of June 2015 at 6:16 p.m., to consider the application submitted by Heritage Christian Services, Inc. on property located at 1680 Stone Road.

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

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

RESOLVED that this Town Board grant approval of Budget Modifications and Transfers. (List attached).

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

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

RESOLVED that this Town Board grant authorization to accept a Letter of Credit in the amount of \$150,915.60 to guarantee the public improvements associated with the Doan Development at 4389 W. Ridge Road.

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

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

RESOLVED that this Town Board grant authorization to declare approximately 300 analog and ISDN phones as scrap. The phones are incompatible with our new system. They were originally purchased in 1998 and no longer have any value.

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

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

RESOLVED that this Town Board grant authorization for the Supervisor to enter into an agreement with Rochester Gas and Electric to purchase the Street Lighting System located within the Town of Greece at a cost of \$4,900,000.00. It is estimated that this purchase will reduce our annual cost for Street Lighting by approximately \$1,300,000.00. This purchase will be funded from a combination of cash resources. The most significant portion will come from \$3,700,000.00 of General Fund reserves that will be loaned to the Street Lighting Fund and paid back over the next 5 years.

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

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

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;

BE IT FURTHER

RESOLVED that the Supervisor is authorized to execute said agreements.

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

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

RESOLVED that this Town Board grant authorization to enter into an agreement with Slide the City to permit a public event on July 18, 2015, whereby a water slide approximately 1,000 feet in length will be operated on a roadway in the Town of Greece temporarily closed to vehicular traffic. All costs associated with the event will be paid for by Slide the City.

BE IT FURTHER

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

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

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

WHEREAS, this Board has previously resolved to invite sealed bids for the purchase of a Police Emergency Command Unit vehicle; and

WHEREAS on Tuesday, May 12, the following bids were received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Avan Knott	\$25,000

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid for the purchase of a Police Emergency Command Unit vehicle to the sole bidder meeting specifications to Avan Knott, 38W473 Berquist Drive, Geneva, Illinois 60134 at a purchase price of \$25,000.00, to be paid for with Asset Seizure Funds.

BE IT FURTHER

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

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

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

RESOLVED that this Town Board grant authorization to enter into a contract with Regional Computer Recycling and Recovery (RCRR) for pickup and disposal of internally generated computer scrap.

BE IT FURTHER

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

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

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

RESOLVED that this Town Board grant authorization to accept the dedication of highways, storm and sanitary sewers for the following:

- Belmore Way and Emery Run in the Legends West Subdivision, Section 6.

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- Brentford Terrace, Falkirk Place, Rangers Court and Rockdale Trail in the Regency Park Subdivision, Section 2.

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

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

WHEREAS, this Board has previously resolved to invite sealed bids for two (2) Trailer Mounted Generators; and

WHEREAS on Tuesday, May 12, the following bids were received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Admar Supply Inc.	\$38,141.05
JC Smith	\$39,200.00
RB Uren	\$44,079.40

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid for two (2) Trailer Mounted Generators to the lower bidder meeting specifications to Admar Supply, 1950 Brighton Henrietta Town Line Road, Rochester, New York 14623, in the amount of \$38,141.05. Two other bids were received in the amounts of \$39,200.00 and \$44,079.40.

WHEREAS, this Board has previously resolved to invite sealed bids for an Electronic Sign for Town Hall Entrance; and

WHEREAS on Tuesday, May 12, the following bid was received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Premier Sign Systems	\$47,500.00

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid for two (2) Trailer Mounted Generators to the sole bidder meeting specifications to Premier Sign Systems, 10 Excel Drive, Rochester, New York 14621, in the amount of \$47,500.00.

WHEREAS, this Board has previously resolved to invite sealed bids for a Tracked Excavator; and

WHEREAS on Tuesday, May 12, the following bids were received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Vantage Equipment, LLC	\$206,376.00
Five Star Equipment, Inc.	\$219,080.00
George & Swede	\$199,653.00

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid for the Tracked Excavator to the low bidder meeting specifications to Vantage Equipment, LLC, 5985 Court Street Road, Syracuse, New York 13206 in the amount of \$206,376.00. Two other bids were received, one not meeting specifications and the other in the amount of \$219,080.00.

WHEREAS, this Board has previously resolved to invite sealed bids for Steel Manhole Extension Rings; and

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WHEREAS on Tuesday, May 12, the following bids were received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Chemung Supply Corp.	\$38,275.00
EJ USA, Inc.	\$55,373.50

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid to Chemung Supply Corp., P.O. Box 527, Elmira, New York 14902, in the amount of \$38,275.00. One other bid were received in the amount of \$55,373.50.

WHEREAS, this Board has previously resolved to invite sealed bids for Rental of Light Duty Construction Equipment; and

WHEREAS on Tuesday, May 12, the following bids were received:

<u>BIDDERS NAME</u>	<u>AMOUNT</u>
Admar Supply Inc.	\$87,275.00
Monroe Tractor	\$46,730.00

NOW THEREFORE, be it

RESOLVED that this Town Board award the bid for Rental of Light Duty Construction Equipment to the low bidder meeting specifications, Admar Supply, 1950 Brighton Henrietta Town Line Road, Rochester, New York 14623, in the amount of \$87,275.00. One other bid was received and was incomplete.

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

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

WHEREAS, Morgan Management LLC has made application for a special use permit to operate a hotel, to be known as Home2 Suites, on property located at 400 Bellwood Drive, in Canal Ponds Business Park.

WHEREAS, a permit to operate a hotel 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 16th day of June 2015 at 6:17 p.m., to consider the application submitted by Heritage Christian Services, Inc. on property located at 1680 Stone Road.

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

#172 A–Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, Braddock Bay Tavern & Grill, 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 and a marina, formerly known as Tackles on the Bay, now to be known as Braddock Bay Tavern & Grill, on property located at 372 Manitou 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:

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Sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises by the Applicant (including background music and live entertainment) will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The Proposal does not include delivery service or a drive-up service window. The proposed hours of availability to the public are: Mondays through Fridays, 11:00 a.m. to 2:00 a.m.; and Saturdays and Sundays, 9:00 a.m. to 2:00 a.m. The docks that are on the Premises, on Salmon Creek, primarily are for short-term usage by boaters that are visiting the restaurant; however, some of the docks may be rented for longer-term dockage during the boating season. Vehicular access for the Premises is via an unsignalized driveway at Manitou Road (New York State Route 261, a two-lane urban minor arterial).

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, 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 Braddock Bay Tavern & Grill, Inc. (the "Applicant") for a waiver of the requirements for a new special use permit to operate a restaurant and a marina, formerly known as Tackles on the Bay, now to be known as Braddock Bay Tavern & Grill, on property located at 372 Manitou 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 and marina 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 and marina 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 designees, successors, and assigns.

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#173 B–Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, Bowles 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 special use permit to modify the operation of an existing restaurant, known as Overtime Grill, on property located at 610 North Greece Road, in North Greece 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 modify the operation of an existing restaurant that is located within tenant space in an existing multiple-tenant commercial plaza (the “Premises”). The proposed modification is to establish an area for outdoor service and consumption of food and beverages, weather permitting, and for the occasional outdoor cooking of food on a gas-, wood- or charcoal-fired grill, for consumption on the Premises and for takeout. The proposed outdoor seating area would be located in three parking spaces immediately in front of the restaurant. The existing operation of the restaurant includes preparation, service, and sale of hot and cold foods (such as sandwiches and cooked foods at lunchtime, full dinners, desserts, etc.) for dining on the Premises and for takeout, and alcoholic and non-alcoholic beverages for consumption at the restaurant. The Proposal does not include outdoor loudspeakers, delivery service, or a drive-up service window. Background music and live entertainment (as these terms are defined in the Town’s zoning ordinance) are provided indoors on a recurring basis. Sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises by the Applicant (including background music and live entertainment) will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The hours of availability to the public are: Sundays, 12:00 noon to 12:00 midnight; and Mondays through Saturdays, 11:30 a.m. to 2:00 a.m. Vehicular access to the Premises is via non-signalized driveways at North Greece Road (Monroe County Route 144, a two-lane urban collector).
2. The Proposal is substantially similar to the existing nature, duration, and intensity of the operation.
3. The Proposal is seasonal in nature and subject to weather conditions.
4. 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.
5. Public utility service and vehicular access are adequate for the Proposal.
6. The size and shape of the Premises are adequate for the Proposal.
7. 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 an on-premise 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 Bowles Enterprises, Inc. (the “Applicant”) for a waiver of the requirements for a special use permit to modify the operation of an existing restaurant, known as Overtime Grill, on property located at 610 North Greece Road, in North Greece Plaza, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held May 19, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

8. 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.
9. 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.
10. 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.
11. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
12. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors, and assigns.
13. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
14. Upon the sale or other transfer of controlling interest in this restaurant to any person or entity other than Bowles Enterprises, 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 5
Nays 0

Reilich, Barry, Granville, Conlon, Christodaro

Meeting adjourned at 6: 50 p.m.

May 22, 2015
Date

Cheryl M. Rozzi
Cheryl M. Rozzi - Town Clerk

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Town of Greece
 2015 Budget Modifications
 Town Board Agenda 03/18/2015

	Action	Account	Description	Amount
1)	Transfer from	A.3120.0005.802	NYS Police Traffic Services - Soc Sec Tax	\$ (565.00)
	Transfer from	A.3120.0005.807	NYS Police Traffic Services - Medicare Tax	\$ (132.00)
	Transfer to	A.3120.0005.102	NYS Police Traffic Services - Overtime	\$ 697.00
	<i>To adjust budget to comply with NYS Grant requirement.</i>			
2)	Increase Revenue	DA.3501.0000.000	NYS Highway Aid	\$ 100,102.67
	Increase Appropriations	DA.5112.0000.291	Road Improvements - Infrastructure	\$ 100,102.67
	<i>To adjust for final NYS allocation of Highway Aid funds.</i>			
3)	Transfer from	DA.5112.0000.291	Road Improvements - Infrastructure	\$ (99,100.00)
	Transfer to	DA.5112.0000.102		\$ 92,000.00
		DA.5112.0000.802		\$ 5,750.00
		DA.5112.0000.807		\$ 1,350.00
	<i>To provide overtime for extended work days on roads.</i>			
4)	Increase Revenue	A.4389.0000.000	Narcotic Enforcement Revenue	\$ 27,326.44
	Increase Appropriation	A.3120.0004.445	Narcotic Enforcement Program	\$ 27,326.44
	<i>To account for receipt of Asset Forfeiture funds from Federal Government.</i>			
5)	Increase Appropriation	A.3120.0000.201	Police - Equipment	\$ 12,244.68
	General Fund Balance			\$ 12,244.68
	<i>For police telephone upgrades to new system.</i>			

CSC May Items

- Dr. Jessica Germano-Fokin, 277 Alexander Street, Suite 306, Rochester, NY 14607- Contract for \$100.00 to provide a presentation for Time Out for Women Program on May 13, 2015 from 9:45-11:00am.
- Trip to Sonnenberg Gardens at 151 Charlotte St, Canandaigua, NY 14424 on May 20, 2015. Cost not to exceed \$147.00.
- Maureen Whalen, 500 Latta Rd, Rochester, NY 14612- Contract for \$50.00 to provide a presentation for the Time Out for Women Program on May 20, 2015 from 9:45-11:00am.
- Tommy Bignhi, Coupe De Villes, 134 Twin Oak Dr. Rochester, NY 14606 – Contract for \$600.00 to provide entertainment for Boomer Dance on May 22, 2015 from 8:00-10:00p.m.
- Trip to Rose Hill at Geneva Historical Society at 543 South Main St, Geneva NY 14456 on May 22, 2015. Cost not to exceed \$84.00
- Trip to Seneca Park Zoo at 2222 St. Paul St. Rochester, NY 14621 on May 26, 2015. Cost not to exceed \$126.00.
- Jeff Stewart, 7276 Gillis Rd, Victor, NY 14564- Contract for \$125.00 to provide a presentation for the Time Out for Women Program on May 27, 2015 from 9:45-11:00am.
- Trip to the Memorial Art Gallery, 500 University Ave, Rochester, NY 14607 on June 5, 2015. Cost not to exceed \$112.00
- Trip on the Canandaigua Lady, 1880 Rochester Rd, Canandaigua, NY 14424 on June 16, 2015. Cost no to exceed \$238.00
- Charles La Brake, 4496 Rt. 64, Canandaigua, NY 14424- Contract to provide karaoke services to Friends and Fun program from 6:00-7:30pm in the amount of \$50.00.
- Cynthia Kingsley, 1325 E. Victor Rd, #119, Victor , NY 14564-Contract to provide a musical presentation to the Time Out for Women Group in the amount of \$75.00.
- Dr. Jessica Germano-Fokin, 277 Alexander Street, Suite 306, Rochester, NY 14607- Contract for to provide a Men's Workshop on June 11th from 6:15-7:30pm at a cost of \$7 per person.
- Dewey Gardens, 4470 Dewey Ave.- Bowling trip for Friends and Fun at a rate of \$3.59 per person not anticipated to exceed \$179.50.
- Tom Tosti, 50 Bly Street, Rochester, NY 14620- Contract for substitute accompanist for Songsters program at \$11.00 per hour for May 2015 and June 2015.