

February 17, 2014

REGULAR MEETING: The Regular Meeting of the Village of Honeoye Falls Board of Trustees was called to order by Mayor Milne at 7:00 p.m. with the Pledge.

TRUSTEES PRESENT: Trustee Worboys, Trustee Stottler, Trustee Alfieri

TRUSTEE ABSENT: Trustee Pavelsky

ALSO PRESENT: Greg Emerson, Mike Tobin, Peter Skivington, Victoria Bush, Judy Lewis, Danny Bassette, Mary Szlosek, Ray Milne, Deb Milne O'Brien, Chris Birkentall, Patrick Brennan, Wendy Jarvis, Robert Mauer, Amy Kendall, Eric Lyle

MINUTES: Motion by Trustee Stottler, seconded by Trustee Worboys to approve the minutes of January 20, 2014. Motion carried.

ABSTRACT NO. 9: Motion by Trustee Alfieri, seconded by Trustee Worboys that upon an audit of Abstract No.8 that approval be given for payment of the General Fund in the amount of \$89,731.61; Sewer Fund in the amount of \$19,311.35 to include vouchers #140658 - 140794. Motion carried.

**RECOGNITION OF
CITIZENS:**

Under Old Business the first topic for discussion is the change to the zoning code for Local Law #1 2014 amending the zoning code in the General Commercial District. This is not a public hearing for that subject but we also want to make sure that we offer anyone the opportunity to address the Board. I am asking at this time is there anyone in the audience now that wants to address the Board that has not addressed the Board previously or has something new to bring up on said subject. Seeing none we will move on with the meeting.

MAYOR’S REPORT:

NYCOM Legislative Action meeting to be held in Albany (February 9-10) – I did attend and while we discussed many legislative action items, the big topic of discussion was the proposed (Tax Freeze) in Governor Cuomo’s budget proposal. I am providing you all with some talking points from NYCOM about this and we can discuss further at our next meeting. This proposal as it is now is not looked upon favorably by most Democrats or Republicans that I spoke to while in Albany.

The main concern as it potentially imposes disincentives to municipalities who do try to consolidate or share services as it will lower their tax levy cap yet does not take into consideration that often the municipality will need to pay the municipality they share services with and those charges aren’t counted.

It does not take into consideration the good efforts that we have already employed (see Greg’s email to NYCOM previously sent)

This effort takes place in 2015 yet the 2014 budget numbers are used as a base line and it’s feared that municipalities may inflate taxes now in order to stay under the cap and work with the reduction plan over the next three years.

I will be attending the Livingston County Elected Officials meeting Wednesday evening this week and will be prepared to speak on the (Tax Freeze Concern) as it is a big concern for municipalities across the state.

Thursday I’ll be attending the Association of Villages meeting in Spencerport. I will be speaking about the Tax Freeze again and also the County Executive will address the group.

Thank you to DPW Staff for their great efforts over the past month under very tough conditions at times.

TRUSTEE REPORTS

TRUSTEE STOTTLER: No report

TRUSTEE ALFIERI: No report

TRUSTEE WORBOYS: No report

DEPARTMENT

REPORTS

**ADMINISTRATOR'S
REPORT:**

The Village Parks Committee is working on a project to upgrade the trail from Harry Allen Park to North Main Street.- by the Lower Mill. Project is named Trail Days. Proposed date is May 17th with a rain date of May 18th. General clean up with mulching and improving the steps and bridges. This could be an annual event taking place maybe on the Spring Day of Caring or the National Make a Difference Day perhaps. Could involve the HFL green team, girl scouts, rotary interact club, boy scouts and the Kade Project along with the Mason's and our Conservation Board. Food and water are being provided for the volunteers. Participants are asked to bring tools. Town of Pittsford has donated all the wood chips that will be needed. Approximately 60 loads. Honeoye Falls Market Place will be donating donuts, coffee and juice.

Motion by Trustee Worboys, seconded by Trustee Stottler to support the Parks Committee project of upgrading the trail from Harry Allen Park to North Main St – the Lower Mill area. Motion carried.

The weather this winter has been challenging and the salt and plowing budgets are being taxed.

CLERK'S REPORT: No report

OLD BUSINESS

LOCAL LAW #1 2014 Amendment to Zoning Code: General Commercial District 190.45-4 – Permitted Uses – Restaurants with Drive-through or drive-up windows. We will include a discussion at this time regarding the SEQR assessment form.

Mayor Milne said before we move this discussion forward, I know we have had a lot of discussion and we will have more discussion coming up now but I ask if the Trustees again wish to move this discussion forward at this time. Trustees Alfieri and Worboys said yes to moving the

discussion forward. We do not need to vote on that. With that being said I would like to entertain that we move through the SEQR Short Environmental Assessment Form at this time.

Greg if you would read through the SEQR so we can follow along.

Greg Emerson: Part I of the form which is details on the project etc.

Question 1. This is a local law so the answer would be yes. Mayor Milne asked if any discussion on that from the Trustees and no comments were made. Greg read that if the answer is yes, a narrative description should be included and then proceed to Part II.

Greg Emerson read the narrative to the Trustees and audience. No comments were made on the narrative.

Part 2 Impact Assessment

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
Mayor Milne said in the workshop on the SEQR form the answer to this questions was No. He asked for any follow up. The comments were they agreed on small impact.
2. Will the proposed action result in a change in the use or intensity of use of land?
Mayor Milne said we are in the General Commercial District. We are still allowing use for General Commercial business. Based on previous discussion my thought was that this would be no or small impact. Trustees agreed.
3. Will the proposed action impair the character or quality of the existing community?
Mayor Milne explained the existing community is based on the General Commercial District. And I do not feel that this will impair the character or quality of the General Commercial District. In fact, I believe, it proposes to improve it. I would say no or small impact. All Trustees agreed even though Trustee Stottler commented this question was more challenging.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
Mr. Emerson said this is not in one of our Environmental Protection Zones. The General Commercial District is not in an EPOD as we call it. Mayor Milne said this is no or small impact. All Trustees agreed.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Mayor Milne said we are talking about a code change to an area. We don't know of any new businesses that will definitely be developing in the General Commercial District and traffic studies will have to be done moving forward. I would say no or small impact. Trustee Stottler said in this case, I think just by the nature of a drive thru we would expect an increase in traffic compared to a standard sit down restaurant. She was trying to make a comparison. There is certainly the potential for moderate impact I agree it hard to predict at this point but I am not sure of what our intent is in answering these questions. There is potential for significant increase in traffic with a drive thru versus a sit down restaurant.

Trustee Worboys – I think it will be no more than small impact so I agree with the no answer.

Trustee Alfieri – restaurants are already allowed in that district. A lot of restaurants now have curbside service. I think the impact would be small or none.

Mayor Milne said his vote is the no or small impact.
He would move to entertain a motion to choose no, or small impact.

Trustee Stottler – Nay
Trustee Alfieri – Aye
Trustee Worboys - Aye
Mayor Milne – Aye

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Mayor Milne said doesn't see how this would impact that at all. He would say that would be no or small. All Trustee agreed

7. Will the proposed action impact existing:

- a. Public/ private water supplies?
- b. Public/private wastewater treatment utilities?

Mayor Milne said based on our previous conversations, I don't see how this could affect the public/private water supplies. There won't be much of a water use I wouldn't think so that should be a no or small impact for Part A. Trustees agreed Part B – Mayor Milne said based on planned business and planned housing I don't think that that will impact us at all. Would say no or small impact. All Trustees agreed.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Mayor Milne said in the General Commercial District there would be little or no impact. All Trustees agreed.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?
Mayor Milne said he didn't see that as a detriment. Its not in our EPOD district. There are no waterways that we have to worry about there so I would say that's a no or small impact. All Trustees agreed.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
Mayor Milne said based on building codes and what any developer would be held to I do not believe that would have an impact. I would say that would remain as no or small. All Trustees agreed.
11. Will the proposed action create a hazard to environmental resources or human health?
Mayor Milne said we are changing a code, so based on changing a code, I believe this would be a no or small impact. All Trustees agreed.

Mayor Milne said seeing that there were no moderate to large impacts on this form, we skip Part III and we go to the bottom of the page. There are a couple of boxes that could be checked. The second box which is "check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. This would be an unlisted action. I would entertain a motion to check that box and approve this SEQR as we have just reviewed.

Motion by Trustee Alfieri, seconded by Trustee Worboys to check the box that says "Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts." And approve the SEQR, making the Village of Honeoye Falls the lead agency.

Trustee Stottler – Nay
Trustee Alfieri – Aye
Trustee Worboys – Aye
Mayor Milne – Aye

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Local Law - Amending zoning to allow drive-through restaurants in General Commercial District			
Project Location (describe, and attach a location map): Village of Honeoye Falls			
Brief Description of Proposed Action: A LOCAL LAW TO AMEND the Code of the Village of Honeoye Falls, Article VI C of Chapter 190 thereof, entitled General Commercial District, to add a new section providing for Restaurants with drive-through services.			
Name of Applicant or Sponsor: Village of Honeoye Falls		Telephone: 585-624-1711 E-Mail: mayor@villageofhoneoyefalls.org	
Address: 5 East Street			
City/PO: Honeoye Falls		State: New York	Zip Code: 14472
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Honeoye Falls February 17, 2014

Name of Lead Agency Date

Mayor Richard B. Milne Village Mayor

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Richard B. Milne *Michael Flaherty*

Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)

PRINT

Mayor Milne said with the approval of the SEQR, moving forward I have worked with legal counsel and have prepared a resolution for this evening that addresses Local Law #1 of 2014. If you will please indulge me this will take some time. This resolution has two parts. The first part I am going to read. The second part is the actual code change that I am not going to read because that has been duly publicized and on our website. There are no changes to the code as presented before so I am not planning on reading the code change itself.

Mayor Milne read the following resolution.

LOCAL LAW NO. 1 of 2014

A LOCAL LAW TO AMEND the Code of the Village of Honeoye Falls, Article VI C of Chapter 190 thereof, entitled General Commercial District, to add a new section providing for Restaurants with drive-through services.

WHEREAS, the Village of Honeoye Falls, having considered a proposed local law to amend the General Commercial District regulations of the zoning code of the Village of Honeoye Falls, to allow restaurants with drive-through services and to establish regulations to the construction and use of said restaurants in the General Commercial District, and

WHEREAS, a proposed local law, having been prepared by the Village of Honeoye Falls for consideration by the Board of Trustees, after appropriate public comment, and deliberation by the Board of Trustees of the Village of Honeoye Falls, and

WHEREAS, said local law, having been properly posted, published and advertised as required by law, and a public hearing having been held at the Honeoye Falls-Lima High School auditorium at 83 East Street in the Village of Honeoye Falls on January 20, 2014, and

WHEREAS, during said public hearing the Board of Trustees, having received public comment both for and against the passage of said local law, and

WHEREAS, the Board of Trustees, having received written documents addressed to the merits of the proposed local law for consideration by the Board in its deliberations herein, and

WHEREAS, the Board of Trustees, having referred the proposed local law to the Department of Planning and Development of the County of Monroe for consideration thereof pursuant to Section 239-m of the General Municipal Law of the State of New York, and

WHEREAS, the Department of Planning and Development of the County of Monroe,

having issued a memorandum dated January 17, 2014 to the Village of Honeoye Falls Village Board and the Board having considered the comments made therein, and

WHEREAS, the Board of Trustees, having considered the fiscal vitality, safety, and the vitality of General Commercial District as a high priority strategic issue of the Village of Honeoye Falls, and

WHEREAS, the Board of Trustees recognizes that the present makeup of the Commercial zones of the Village of Honeoye Falls are designed to allow shops, workplaces, schools, parks and civic facilities to co-exist in relative harmony and the strengthening of the General Commercial District will foster the health, safety and welfare of all the residents of the Village of Honeoye Falls, while also promoting additional commerce to the Village of Honeoye Falls, and

WHEREAS, the Board of Trustees finds that the continued development of the General Commercial District of the Village of Honeoye Falls, in order to foster a vibrant commercial sector in the Village, is economically sound for merchants and property owners, while balanced in its appeal to mix residential and visitor market and aesthetically and environmentally suitable to the small town residential character of the Village of Honeoye Falls, and

WHEREAS, the Board of Trustees finds that the General Commercial District should be a vibrant, vital, active and user friendly business environment with attractive merchandising, entertainment and recreational opportunities offering residents and visitors alike a diverse and social environment for commercial, cultural, civic and social pursuits, and

WHEREAS, the Board of Trustees finds that there exists in the General Commercial District drive-through facilities for banks and pharmacies in close proximity to the proposed area where drive-through restaurants could be located, and

WHEREAS, the Board of Trustees finds that retail uses are land uses most critical to the success of Commercial Districts which require a strong and diverse retail base to provide services to both residents and visitors to the Village of Honeoye Falls, and

WHEREAS, the Board of Trustees finds that the long term health of the General Commercial District would be advanced by the allowance of limited drive-through restaurant facilities in the General Commercial District which will provide diverse and unique retail businesses for residents and visitors to the Village of Honeoye Falls, and

WHEREAS, the Board of Trustees finds that the addition of drive-through restaurants in the General Commercial District need to be monitored and regulated so as to meet a goal of a diverse retail base and add such diversity within the General Commercial District, and

WHEREAS, the Board of Trustees finds that the attraction of addition business opportunities to the Village of Honeoye Falls for restaurant purposes will require

amendment of the present code to allow a limited number of drive-through restaurants for residents of the Village of Honeoye Falls as well as the visitors thereto, and

WHEREAS, the Board of Trustees finds while allowing a limited number of drive-through restaurants in the General Commercial District with appropriate requirements with respect to the construction, site planning and operation of said uses will be in the best interest of the residents of the Village of Honeoye Falls and will strengthen the viability of the General Commercial District in the future, and

WHEREAS, the Board of Trustees has reviewed the evidence before the Board with respect to the effect of this zoning change upon the character of the neighborhood, the aesthetics of the Village of Honeoye Falls, the valuation of area properties, the effect on traffic and parking, the safety of pedestrians and bicyclists and any effect of additional noise, litter or odors to the residents of the Village of Honeoye Falls and to the public in general, and

WHEREAS, the Board of Trustees has thoroughly analyzed the identified relevant areas of environmental concern to determine if the proposed amendment will have a significant adverse effect upon the environment and to the residents of the Village of Honeoye Falls and to the community at large, and

WHEREAS, the Village has designated the Board of Trustees as the lead agency under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Board of Trustees hereby makes the following findings with respect to the environmental impact of said amendment as required by SEQR

1. The proposed action involves the legislative adoption of a local law.
2. The intent of the proposed local law is to allow restaurants with drive-through services while establishing regulations with regard to the construction and use of said restaurants in the General Commercial District of the Village of Honeoye Falls.
3. Any such use allowed by the local law would be subject to site plan approval by the Planning Board of the Village of Honeoye Falls, and the effect on any environmental resources can be monitored and controlled by conditions established by the Planning Board.
4. The proposed local law will not create any material conflict with the present land use plan or zoning regulations. Restaurants are already allowed in the General Commercial District, and the addition of drive-through restaurants, with appropriate Planning Board overview, will not create any conflict with the present zoning regulations.
5. The proposed amendment will not result in any changes in the use or the intensity of the use of land in the General Commercial District. The present zoning allows restaurants in the General Commercial District, and the addition of a limited number of drive-through restaurants will not significantly change either the use or the intensity of the use of the land

affected.

6. The proposed amendment will not impair the character or quality of the existing community. The restaurants in the General Commercial District, and the addition of drive-through restaurants on West Main Street in the Village of Honeoye Falls will not affect the character or the quality of the community and its resources.

7. The proposed local law will have no effect on the environmental characteristics.

8. The proposed local law will not have any adverse change on the existing level of traffic or affect the existing infrastructure for mass transit, biking, or walkways. The existing General Commercial District is located in an area where there is general commercial activity, and the addition of drive-through facilities at restaurants will not have any adverse effect on the already existing level of traffic.

9. The proposed local law will not cause an increase in the use of energy or have any adverse effect on the readily available energy opportunities in the Village of Honeoye Falls.

10. The proposed local law will have no effect on private or public water supplies nor public or private waste treatment utilities.

11. The proposed local law will not impair the character or quality of historic, architectural, or aesthetic resources. The present zoning allows restaurants in the General Commercial District, and the addition of drive-through facilities will have no effect on any of these resources.

12. The proposed local law will not result in any adverse change to natural resources since restaurants are currently allowed in the General Commercial District and no natural resources will be affected by the addition of drive-through facilities.

13. The proposed local law will not result in any increase in the potential for erosion, flooding or drainage problems. The Board cannot identify any increase in the potential for erosion, flooding or drainage, and any such problems will be the subject of appropriate site plan review by the Planning Board of the Village of Honeoye Falls.

14. The proposed local law does not create any hazard to environmental resources or human health. WHEREAS, the Board of Trustees, based upon a hard look at the environmental impacts in considering issues such as water resources, aesthetic concerns, historic resources, transportation and traffic issues and the growth and character of the community and neighborhood as part of the consideration of the proposed amendment, and

WHEREAS, the Board of Trustees believes that passage of the proposed zoning amendment is a well-considered and comprehensive plan calculated to serve the general welfare of the residents of the Village of Honeoye Falls, the Town of Mendon and the public at large, and

WHEREAS, the Board of Trustees finds that the amendment of the zoning code is consistent with the purposes of the General Commercial District and compatible with the commercial and retail development presently existing along West Main Street in the Village of Honeoye Falls, and any proposed or future drive-through restaurant will benefit the entire community, including the Village of Honeoye Falls, the Town of Mendon, the public at large and visitors thereto, and

WHEREAS, based upon the review of the environmental findings contained herein, the Board of Trustees hereby finds the proposed amendment will not have any significant impact upon residents of the Village of Honeoye Falls, the other businesses co-existing in the Village of Honeoye Falls and the neighborhood at large, including but not limited to any significant change in the character of the neighborhood, the aesthetic impacts of the proposed uses and will not result in any devaluation of area properties, in the significant increase in traffic or parking congestion, and will not significantly result in any safety concerns for pedestrians and/or bicyclists using West Main Street in the Village of Honeoye Falls, and

WHEREAS, the Board of Trustees also finds that there will not be any significant increase in noise, litter, odors or any other potential impacts from the proposed amendment to the zoning code, and

WHEREAS, as a result of the foregoing and after deliberation thereon, the Board of Trustees of the Village of Honeoye Falls hereby amends Article VI C of the zoning code of the Village of Honeoye Falls as follows:

§ 190.45.12 Restaurants with drive-through or drive-up windows

A. Definitions:

Restaurant, drive-through - a use which, by design of facilities or procedures, encourages or permits customers to purchase food, beverages or ice cream while remaining in their vehicle.

Queuing Lane - A lane or driveway for customers to use to purchase food and beverages.

Exit Lane - A lane or driveway contiguous and parallel to the queuing lane to circulate or exit the site.

B. Restaurant, drive-through requirements.

A restaurant drive-through in the General Commercial District shall be permitted pursuant to the following:

- a. A site plan is reviewed and approved in accordance with the provisions of

Article XIV, Site Plan Review.

b. All requirements of the General Commercial District, Article VI C shall be complied with except as modified herein for restaurants with drive-through services.

1. Lot and Bulk requirements.

i. The lot area shall be a minimum of 45,000 square feet.

ii. The lot width at the street or road right of way line and at the front of the building shall be 170 feet.

iii. The front setback for the main building on the lot may vary; provided the front setback shall be not less than 25 feet, and for buildings constructed between or next to an existing building(s) the setback shall conform to the setback of the adjoining building(s).

C. Restaurant, drive-through requirements.

1. The drive-through service area or window shall not be located in the front yard.

2. The drive-through service shall provide a queuing lane and exit lane.

3. All service areas, queuing lanes and exit lanes must each be set back a minimum of 10 feet from all lot lines which abut any nonresidential zone and shall be screened as determined necessary by the Planning Board.

4. Drive-through, queuing lanes and exit lanes shall each be a minimum of 12 feet wide.

5. A queuing and exit lane shall be at least 120 feet in length for each drive-through service area; and in any event the exit lane shall be the same length as the queuing lane.

6. All queuing and exit lanes must be designed so that they do not interfere with parking, vehicular and pedestrian circulation on the site.

7. All queuing and exit lanes must be clearly identified through the use of striping, landscaping and signs.

D. Ingress and egress

1. Only one point of ingress and one point of egress or one point of combined ingress and egress

2. No point of ingress or egress for a drive-through restaurant shall be closer than 75 feet to a driveway on an adjacent lot or site.
 3. A pedestrian walkway shall be provided from the public sidewalk to the building.
- E. Miscellaneous
1. All garbage and waste material shall be placed in receptacles which are enclosed and screened as determined by the Planning Board.
 2. No more than 2 order or menu boards, no larger than 30 square feet each in size and located at the rear of the building shall be permitted.
 3. A circulation lane shall be provided to permit vehicles which have left the queuing lane to circulate around the front of the building to access parking areas on the opposite side of the building and it shall be a one-way lane, in a counterclockwise direction and shall be of the width and setback distances from the building and street as determined by the Planning Board.
 4. The Planning Board shall direct the applicant to submit a traffic study which shall demonstrate that the impact of traffic generated by the proposed drive-through restaurant shall not be a significant detriment to the community or to the local road network. The applicant must demonstrate that the proposed restaurant use will not alter levels of service or utilize available traffic capacity to such an extent that it cannot be adequately mitigated or otherwise create unsafe on-site or off-site traffic conditions.
 5. No drive-through facility shall be located on a lot directly adjacent to or across the road or street from a property used for residential purposes.
 6. Pedestrian walkways or sidewalks shall be provided within the site to facilitate pedestrian movement.
 7. A row of shrubs or other screening material, as determined by the Planning Board, shall be provided along the outside perimeter of all parking and on-site circulation areas. However, such screening material shall not block sight lines within the site.
 8. An outdoor seating area may be provided in conjunction with a drive-through restaurant, which is designated and designed in the Site Plan Review.
 9. No outdoor or indoor playgrounds or playlands shall be provided in conjunction with or accessory to a restaurant with drive-through services.

10. No drive-through restaurant shall be open before 5 o'clock AM and open after 11 o'clock PM.
11. All impervious services, including curbing, shall not be less than 10 feet from any property line.
12. There shall be no more than two sites in the General Commercial District from which a drive-through restaurant may be operated.

F. Parking

1. Parking spaces for vehicles shall be designed and provided for pursuant to Article IX of Chapter 190, Zoning; except no parking shall be permitted in the front yard of a drive-through restaurant.

G. Lighting

1. All lighting shall be in accordance with Article XVIII of the Chapter. When the restaurant is not open, all lighting shall be extinguished except lights required for safety purposes.

H. Signs

1. Signs for a drive-through restaurant shall be permitted in accordance with Article X of this Chapter.

Section 2. Subsection S of Section 190-45.4 of Article VI C of Chapter 190, Zoning, of the Code of the Village of Honeoye Falls, is hereby amended to read as follows:

Section 190.45.4 Permitted uses

Restaurants and ice cream stores that may include a drive-through or drive-up window for the purchase of food, beverages or ice cream.

Section 3. Effective date.

This local law shall become effective upon filing with the Secretary of State.

Mayor Milne asked the Trustees for any comments. Mayor Milne said he would entertain a motion to put the resolution on the table for discussion.

Motion by Trustee Alfieri, seconded by Trustee Worboys to put the Resolution Local Law No. 1 of 2014 on the table for discussion. Motion carried.

Trustee Stottler: I think it will be no surprise to anyone that I do not support this resolution. My biggest concern is that we are in the middle of the Comprehensive Plan process and it seems appropriate to me to have the Comprehensive Plan adopted before we make any significant changes to our zoning codes. I think I have spoken many times about other issues but that is my main concern.

Trustee Alfieri: Unfortunately, I was not able to attend last month's meeting. This is a subject that I have been on board with for 10 – 12 years. And every year, whether on record or off record I have brought this up. I am a lifetime resident. Graduating from HFLs schools and I am just glad to see that this is moving forward and the Board has really taken their time to look at this thing in a fashion that it needed to be. I understand both sides. I was passionate when they moved our graduation out of the Village. At the same time, if this does pass I hope the community can come together as a whole and support it. Our Planning Board over the years has done a wonderful job of taking care of our community. And I don't foresee any changes in that. I also hope that lawsuits don't move forward just to slow this down. Again, I want the community to get behind it and support it and move forward with it.

Trustee Worboys: I just basically agree with all the whereas's in this resolution. Even though personally, I never cared to have a drive in restaurant in Honeoye Falls. Like a lot of other people I would like to maintain the quaintness of the Village and they don't tend to fit. Anyway, I don't see any reason to reject this proposal.

Mayor Milne: Some months ago I brought this to the Village Board for consideration. Certainly there were reasons to try to wait. I appreciate, Shari, your comments on the Comprehensive Plan. I think our Comprehensive Plan Advisory Committee and the Board of Trustees are doing a wonderful job on that. However, in my opinion that based on the work that has been done on the Comprehensive Plan thus far I don't think there would be any changes moving forward, in other words, I believe this change would occur moving

forward. I also believe that our Planning Board, our Zoning Board, our Village Board over the years have done a very nice job in maintaining our architectural design and being very cognizant of the desire to maintain our history. I think it's important to note that under our current codes our Village Business District, our historic district allows drive thru restaurants. Now, that being said, there are not a lot of places that would entertain a drive thru restaurant in our downtown business district but the point is it is allowed now. I would like to see drive thrus down the road not allowed in our historic downtown district. But I do believe that our General Commercial District that once had an airport, that once had three car dealerships, that has a bowling alley, a Dollar General, a Rite Aid Pharmacy and a shopping plaza with a pizza shop, Colonial Liquor and a large grocer is a perfect area for this type of business. Yes, not everyone will agree on this. I understand that. I have received very passionate letters, very passionate emails from those who are against it and I have received the same for those who are for it. The Village Board's duty is to do the best that it can for the community at large and to do what it feels is best for community at large and I do hope that is what we are doing. I know that's what is in everybody's heart and in their minds. That being said, I am also for this change. I think it has been a long time coming and I look forward also toward to not only make this code change work but also work on improving the transition from General Commercial District thru the R-1 District and into the Village Business District and beyond.

So that all being said, Trustees I would ask you if you would moving this resolution forward.

Motion by Trustee Alfieri, seconded by Trustee Worboys to adopt the Resolution for Local Law #1 of 2014.

Trustee Stottler – nay
Trustee Alfieri – aye
Trustee Worboys – aye
Mayor Milne – aye

Mayor Milne: This resolution is formally adopted.

**COMPREHENSIVE
PLAN:**

The public meeting held last month went well. John Steinmetz forwarded a listing of all comments from the people who were in attendance. The land use map will be added soon.

**LOCAL LAW
190 – 84
UPDATE -
ACCESSORY
VEHICLES:**

A public hearing is scheduled in March for this update.

NEW BUSINESS

**PUBLIC HEARING
DEDICATION OF**

PROPERTY:

Motion by Trustee Worboys, seconded by Trustee Stottler, to open the public hearing at 7:30 pm. Motion carried.

The public notice was read by the Clerk. There were no comments from the public

Motion by Trustee Alfieri, seconded by Trustee Worboys to close the public hearing at 8:00 p.m. Motion carried.

Motion by Trustee Stottler, seconded by Trustee Alfieri to adopt the following resolution:

WHEREAS, correct copies of an offer from Mark IV Construction Co., Inc. to convey and dedicate to the Village a certain parcel of land located at the southeast corner of the intersection of Cheese Factory Road and Pride Street, Tax account No. 221.16-1-1.12 upon which is located a pump station for the Village's sanitary sewer were placed upon the desks of all members of the Board of Trustees of the Village of Honeoye Falls, New York, more than seven (7) days, exclusive of Sunday prior to the Public Hearing, and

WHEREAS, there was duly published in the Sentinel and posted upon the bulletin board, maintained by the Village

Clerk of the Village of Honeoye Falls, New York, a notice of public hearing on the 17th day of February, 2014, and

WHEREAS, the said public hearing was held on the 17th day of February 2014, at 7:30 pm, local time, at the Village Hall, 5 East Street, Honeoye Falls, New York, and all persons present were given an opportunity to be heard, an offer from Mark IV Construction Co., Inc. to convey and dedicate to the Village a certain parcel of land located at the southeast corner of the intersection of Cheese Factory Road and Pride Street, Tax account No. 221.16-1-1.12 upon which is located a pump station for the Village's sanitary sewer, and

Now, on motion duly made and seconded, it was

RESOLVED, an offer from Mark IV Construction Co., Inc. to convey and dedicate to the Village a certain parcel of land located at the southeast corner of the intersection of Cheese Factory Road and Pride Street, Tax account No. 221.16-1-1.12 upon which is located a pump station for the Village's sanitary sewer, and

The resolution was duly adopted.

**ANNUAL
MEETING**

DATE:

Motion by Trustee Stottler, seconded by Trustee Alfieri to approve April 7, 2014 at 6:30 P.M. as the Village of Honeoye Falls annual meeting date. Motion carried.

**ANNUAL
TREE TRIMMING**

BID:

Motion by Trustee Alfieri, seconded by Trustee Stottler to approve Finger Lakes Tree and Landscaping bid of \$4,500.00 for tree trimming in the Village of Honeoye Falls. Motion carried.

**NEW AMBULANCE
VOLUNTEER:**

Motion by Trustee Worboys, seconded by Trustee Alfieri to approve Christiana Mott as a new member of the Honeoye Falls Mendon Volunteer Ambulance. Motion carried.

NEW HFMVA ALS

TECHNICIAN: Motion by Trustee Worboys, seconded by Trustee Alfieri to approve hiring an ALS Technician at the Honeoye Falls Mendon Volunteer Ambulance with a starting salary of \$18.75 per hour. Motion carried.

FIREWORKS CONTRACT: Motion by Trustee Alfieri, seconded by Trustee Worboys to approve the contract with Young Explosives for fireworks on June 13, 2014 in the amount of \$2,000.00. Motion carried.

PROPERTY TAX LIMIT: Motion by Trustee Alfieri, seconded by Trustee Stottler to schedule a public hearing on the property tax cap limit on March 17, 2014 at 7:30pm. Motion carried.

ADJOURN: Motion by Trustee Alfieri seconded by Trustee Stottler to return to adjourn at 8:10pm. Motion carried.

Respectfully submitted

Joan Johnson

Joan Johnson

Clerk Treasurer