

**PUBLIC HEARING AND
REGULAR PLANNING BOARD MEETING
HELD DECEMBER 04, 2007**

Present: Michael Chase, Chairman
Gary Bogner, Alternate
Vincent DelGatto, Jr.
Judy Robinson

Attorney: Jeff Graff
Engineer: Pat Nicoletta

Absent: Daniel Cianfoni

Others attending: Patrick Nicoletta, MRB, Ken Litfin, John Bitter RGE, Laurent Gurewitch, Tom Vanlaeken, Joanne VanLaeken, James R. Gray, Richard & Kelly Dean, Terry Duerr.

Recording: Rita J. Gurewitch, Clerk/Treasurer

The Public Hearing was called to order by Chairman Chase at 7:04 pm. The Legal Notice that was published in the Daily Messenger newspaper was read aloud.

An application for a Special Use Permit was submitted by Fresh-Ayer Transport, Shortsville NY, to operate a heavy truck motor vehicle repair shop at 28 Center Street.

Mr. James Gray addressed the board concerning a partnership he has with Jeremy Ayers to do truck and trailer repairs at 28 Center Street. They have sporadic hours, usually 8:00 am to 5:00 pm, with some parking outside. They will dispose of used oil through an environmental service. No unlicensed or wrecked vehicles will be outside. They are not typical to wreck repair or collision services.

Mr. Richard Dean spoke of his concerns that the property has deteriorated over the years and worries that junk will accumulate. He is uneasy with truck repair and feels that the business will affect the re-sale value of his home. The parking lot now is in disrepair and sees deterioration over the years. Mr. Dean went to other truck repair shops and stated they had very poor property maintenance.

Mr. Gray said that it would be better for a property to have a business as to have no business.

Terry Duerr is son of property owner Carl Duerr who will be landlord for the property. Mr. T. Duerr stated that he now handles the property and expressed his desire to renovate the site. He will keep the property neat.

Mr. Dean would like access to Mr. Duerr, Mr. Ayers and Mr. Gray to handle any complaints that may come up.

Questions came forth concerning how many trucks will be on site, what the weight limitations are for the road, how many employees will be employed. They don't anticipate idling vehicles.

The public hearing was closed at 7:25 pm.

REGULAR BOARD MEETING HELD 12/04/07

Present: Michael Chase, Chairman
Gary Bogner, Alternate
Vincent DelGatto, Jr.
Judy Robinson

Attorney: Jeff Graff
Engineer: Pat Nicoletta

Absent: Daniel Cianfoni

Others attending: Patrick Nicoletta, MRB, Ken Litfin, John Bitter RGE, Laurent Gurewitch, Tom Vanlaeken, Joanne VanLaeken, James R. Gray, Richard & Kelly Dean, Terry Duerr.

Recording: Rita J. Gurewitch, Clerk/Treasurer

A motion was made by Gary Bogner, seconded by Vincent DelGatto, Jr. to accept the minutes of the November 08, 2007 meeting. Unanimously carried.

FRESH-AYR TRANSPORT – 28 CENTER STREET – SPECIAL USE PERMIT

After discussing the operations it was determined that according to Section 100-52 K of the Village Code, a repair shop cannot be within 200 feet of a residential zone. Though this location is zoned commercial, it borders upon a residential district.

A motion was made Vincent DelGatto, Jr. to deny the Special Use Permit as it is not permitted under Section 100-52 K of the Village Code, seconded by Judy Robinson, voted on and carried. **DENIED SPECIAL USE PERMIT.**

Chairman Chase informed Mr. Gray that an appeal can be made to the Zoning Board of Appeals for an area variance and then it would be possible to issue the Special Use Permit if a variance was granted by the ZBA.

ROCHESTER GAS AND ELECTRIC – STATION 168 EXPANSION

Rochester Gas & Electric Company re-capped the position of their application for site plan approval to expand their existing substation located on the south side of State Street at the west village boundary. The substation occupies land located in the Town of Farmington and the Village of Manchester and is wedged between National Grid and village property. Currently RGE attorney, Dan Silber and Village attorney, John Tyo are working toward the property transfer. The property survey is moving forward along with the drainage easement. The easement provided to the village will be 30 feet, 3 foot culvert in narrow section with 15 feet easement. Lighting will only be used for emergency repairs at night. Pat Nicoletta, MRB, spoke with Army Corp of Engineer and no permit will be needed for stream. He explained drainage and that tapping into the north part of berm will help up-stream problems.

VILLAGE OF MANCHESTER PLANNING BOARD RESOLUTION – RGE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

WHEREAS, the Village of Manchester Planning Board, hereinafter referred to as Planning Board, has signed the SEQR Lead Agency Coordination Request to request the Town of Farmington Planning Board to be designated as the Lead Agency for the State Environmental Quality Review action; and

WHEREAS, the Planning Board has reviewed the Environmental Record on said Action; and

WHEREAS, the Town of Farmington Planning Board provided documentation in resolution form that the site plan application will be referred to as an unlisted action under Part 617 of the SEQR Regulations; so

THEREFORE, BE IT RESOLVED THAT based on the information provided by the Town of Farmington and reviewed by the Village of Manchester Planning Board, the Planning Board agrees with the Town of Farmington Planning Board that the proposed action will not result in any significant adverse environmental impacts.

The above resolution was offered by Chairman Chase, seconded by Gary Bogner and put to roll call vote as follows:

Chairman Michael Chase	Voting	“AYE”
GaryBogner	Voting	“AYE”
Vincent DelGatto, Jr.	Voting	“AYE”
Judy Robinson	Voting	“AYE”
Daniel Cianfoni	Absent	

The resolution was duly passed.

VILLAGE OF MANCHESTER PLANNING BOARD RESOLUTION – PRELIMINARY SITE PLAN APPROVAL

WHEREAS, Rochester Gas & Electric Corp. has submitted a site plan application for expansion to their existing substation located at the west end of State Street; and

WHEREAS, the planning board has considered the application of Rochester Gas & Electric in detail, and under advisement of the village engineer and village attorney; and

WHEREAS, the conditions of a variance &/or special use permit DOES NOT apply; and

WHEREAS, it is the intent of the Village of Manchester to sell to Rochester Gas & Electric and also the intent of Rochester Gas & Electric to purchase the land necessary to proceed with the expansion project; and

WHEREAS, if ownership is not obtained in a suitable time frame, permission from current owner (Village of Manchester) will be needed prior to accessing site; and

WHEREAS, at that time (permission to access site) the Code Enforcement Officer may grant a permit to move ground; and

WHEREAS, the applicant shall continue to work on the easement necessary for drainage to the satisfaction of the village engineer; and

WHEREAS, the Planning Board will abide by the Town of Farmington lighting requirements; and

WHEREAS, it has been determined that this application will not be detrimental to the public good and will have no significant environmental impact; so

THEREFORE, LET IT BE RESOLVED, that Rochester Gas & Electric Corporation is granted preliminary site plan approval.

BE IT FURTHER RESOLVED, the applicant still needs to acquire final site plan approval;

The above resolution was offered by Gary Bogner, seconded by Vincent DelGatto, Jr. and put to roll call vote as follows:

Chairman Michael Chase	Voting	“AYE”
Gary Bogner	Voting	“AYE”
Vincent DelGatto, Jr.	Voting	“AYE”
Judy Robinson	Voting	“AYE”
Daniel Cianfoni	Absent	

The resolution was then duly declared adopted.

ICE CREAM AND COFFEE SHOP – 9 NORTH MAIN STREET

Joanne VanLaeken submitted an application for Site Plan Approval and Sign Permit for property located at 9 N Main Street (previously flower shop) owned by Donna Williams. A letter was received by Donna Williams stating that they have entered into an agreement to lease with the option to buy. Summer hours are planned to be 6:00 am to 10:00 pm, winter 6:00 am to 9:00 pm. They will be using the same sign and lighting that the flower shop had. A copy of the application was sent to Ontario County Planning Dept for their comments. They checked with DPW Supervisor Jeff Liberati and Code Enforcement Officer Steve DeHond to see about opening the fence on the State Street side of the property. It was ok with them. The parking issue will have to be looked into as the property owner at 4 State Street had an agreement to use space and they don't know if that will continue.

A Short Environmental Assessment Form was submitted. The board proceeded in reviewing the SEQR.

STATE ENVIRONMENTAL QUALITY REVIEW - RESOLUTION

After completing Part II of the EAF, Mr. Bogner introduced the following NEGATIVE DECLARATION resolution, seconded by Mr. DelGatto who moved its adoption:

WHEREAS: In accordance with Section 8-0113 Article 8 of the New York Environmental Conservation Law, the Planning Board of the Village of Manchester has conducted an initial review to determine whether the Ice Cream Shop/Coffee Shop project may have a significant affect on the environment, and;

WHEREAS: The Planning Board has compared the application and plans submitted with the criteria set forth in Part 617.7 of the Regulations, and;

NOW, THEREFORE, BE RESOLVED, The Planning Board of the Village of Manchester, as lead agency, has determined on the basis of that review that (1) The proposed project constitutes an “Unlisted Action” since it has not been classified as a Type 1 Action or a Type II, and (2) that the proposed action described will not have a significant environmental impact and an Environmental Impact Statement will not be prepared.

The above resolution was put to roll call vote, which resulted in the following:

Michael Chase	Voting	“AYE”
Judy Robinson	Voting	“AYE”
Vincent DelGatto	Voting	“AYE”
Gary Bogner	Voting	“AYE”
Daniel Cianfoni	Absent	

The resolution was thereupon declared duly adopted.

Vincent DelGatto made a motion to give Joanne VanLaeken preliminary site plan approval for the ice cream/coffee shop project, seconded by Judy Robinson and put to roll call vote as follows:

Michael Chase	Voting	“AYE”
Judy Robinson	Voting	“AYE”
Vincent DelGatto	Voting	“AYE”
Daniel Cianfoni	Absent	
Gary Bogner	Voting	“AYE”

The motion was carried.

RESOLUTION – FINAL SITE PLAN – ICE CREAM/COFFEE SHOP

WHEREAS, the planning board has considered the application of Joanne VanLaeken; and

WHEREAS, according to the village’s 2005 Comprehensive Plan and 2006 Strategic Plan, adding businesses to downtown was beneficial for the village; and

WHEREAS, the Ice Cream/Coffee shop will not a detriment to nearby properties; and

WHEREAS, the Ice Cream/Coffee shop will not have a significant impact on the environment; and

WHEREAS, property owner Donna Williams supports the plan for an ice cream/coffee shop on her property; and

THEREFORE, LET IT BE RESOLVED, that Joanne VanLaeken be granted final site plan approval to operate an Ice Cream/Coffee Shop at 9 North Main Street; and

BE IT FURTHER RESOLVED, that business will not begin until permits have been issued by the Code Enforcement Office and fees paid; and

BE IT FURTHER RESOLVED, that final site plan approval is contingent on the recommendations from the Ontario County Planning Department.

The above resolution was offered by Gary Bogner, seconded by Vincent DelGatto, and put to a roll call vote as follows:

Michael Chase	Voting	“AYE”
Judy Robinson	Voting	“AYE”
Vincent DelGatto	Voting	“AYE”
Daniel Cianfoni	Absent	
Gary Bogner	Voting	“AYE”

The resolution was then duly declared adopted.

The next Planning Board meeting will be Tuesday, January 03, 2008
Meeting was closed upon motion at 8:40pm.

Respectfully submitted,

Rita J. Gurewitch