

At a meeting of the Planning Board of the Town of Middlesex, held at the Town Hall in said Town, County of Yates, State of New York on the 22<sup>nd</sup> day of January, 2015, at 7:00 p.m., there were

PRESENT: Martin DeVinney, Chairperson  
Lynn Lersch  
John Gilbert  
Robert Mincer

ABSENT: Bruce St. Lawrence

John Gilbert presented the following “Resolution” which was seconded by Robert Mincer:

**RESOLUTION OF THE TOWN OF MIDDLESEX PLANNING BOARD PROVIDING COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED FOR THE KOMAREK MAJOR SUBDIVISION PROJECT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**WHEREAS**, the Town of Middlesex Planning Board (“Planning Board”) has received an application from Andrew Komarek (“Applicant”) for a 4-lot major subdivision of Tax I.D. No. 2.03-1-2.1, a property with steep slopes located within the Lake Residential (“LR”) District (“Project”). The Project involves the creation of four (4) lots for single family residences, along with the construction of a private road to access each of the residences. The Project requires major subdivision approval, as well as site plan review, and a special use permit from the Zoning Board of Appeals (“ZBA”) for the construction of the private road in the LR District;

**WHEREAS**, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Applicant submitted to the Planning Board Part 1 of a Short Environmental Assessment Form dated August 10, 2009. Subsequently, the Applicant submitted Part 1 of a Full Environmental Assessment Form (“FEAF”) dated August 1, 2012, which was deemed incomplete. The Applicant then submitted Part 1 of a FEAF dated October 17, 2012, which relates to the Project details in the drawings dated August 1, 2012;

**WHEREAS**, the Part 1 of the October 17, 2012 FEAF, having been reviewed by the Planning Board, was deemed adequate and accurate relative to the Project, although the Planning Board questions the accuracy of the answer to question A.3., with regard to soil types;

**WHEREAS**, the Planning Board established itself as the Lead Agency and caused Part 2 and 3 of the FEAF to be completed;

**WHEREAS**, the Planning Board issued a Positive Declaration for the Project on April 3, 2013, and declared its intent to conduct scoping pursuant to SEQRA;

**WHEREAS**, the Planning Board intends to conduct a coordinated SEQRA review and has identified the Zoning Board of Appeals, the New York State Department of Environmental Conservation, New York State Department of Health, the Yates County Soil and Water,

Canandaigua Watershed Association, Canandaigua Watershed Council, and the Yates County Planning Board as involved and interested agencies;

**WHEREAS**, the Applicant submitted a draft Scope for the Project on March 12, 2014;

**WHEREAS**, the Planning Board distributed a copy of the draft Scope to the Involved and Interested Agencies, as well as individuals requesting a copy of same;

**WHEREAS**, the Planning Board held a public hearing on the draft Scope for persons wishing to be heard on April 23, 2014

**WHEREAS**, the Planning Board issued the final Scope on May 7, 2014

**WHEREAS**, the Applicant submitted a Draft Environmental Impact Statement (“DEIS”) on December 13, 2014;

**WHEREAS**, the Planning Board received and reviewed the DEIS, and now desires to make its determination of adequacy in accordance with 6 NYCRR 617.9, as required pursuant to SEQRA.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD:**

1. After reviewing the DEIS, the Planning Board has determined that it is not adequate with respect to its scope and content for the purpose of commencing public review.
2. The Planning Board had identified the deficiencies and has those reduced to writing in the letter dated January 22, 2015, from its consultant, Stantec, to the Applicant, attached hereto as Exhibit 1 for the Project.
3. The Planning Board Clerk is hereby directed to mail the letter attached hereto as Exhibit 1 to the Applicant.
4. A copy of the Final Scope shall be filed in the Town Clerk’s Office, Town Hall in the Town of Middlesex and made available for public inspection and review; and
5. This Resolution shall take effect immediately.

**THE FOREGOING RESOLUTION**, was put to vote as follows:

<b><u>Name</u></b>	<b><u>Vote</u></b>
Martin DeVinney, Chairperson	<u>aye</u>
Bruce St. Lawrence	<u>absent</u>
Lynn Lersch	<u>aye</u>
John Gilbert	<u>aye</u>
Robert Mincer	<u>aye</u>

I, the undersigned Clerk of the Town of Middlesex Planning Board **DOES HEREBY CERTIFY:**

That I have compared the foregoing copy of minutes of the meeting of the members of the Town of Middlesex Planning Board (the "Planning Board"), including the "Resolution" contained therein, held on January 22, 2015 with the original hereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that (i) all members of the Planning Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Planning Board present throughout said meeting.

**I FURTHER CERTIFY** that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Middlesex Planning Board this 22 day of January, 2015.

**TOWN OF MIDDLESEX  
PLANNING BOARD**

Lynn Lersch  
Lynn Lersch, Clerk

**TOWN OF MIDDLESEX  
TOWN CLERK**

Kathy Pelton  
Kathy Pelton, Town Clerk