

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 24th day of February, 2016, at 7:00 p.m., there were

PRESENT: Martin DeVinney, Chairperson
Bruce St. Lawrence
Lynn Lersch
John Gilbert
Robert Mincer

ABSENT:

Bruce St. Lawrence presented the following "Resolution" which was seconded by Robert Mincer

RESOLUTION OF THE TOWN OF MIDDLESEX PLANNING BOARD REGARDING THE ISSUANCE OF THE FINAL 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 has coordinated its SEQRA review with 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 identified the deficiencies in a letter dated January 22, 2015 (“Deficiency Letter”), in accordance with 6 NYCRR 617.9;

WHEREAS, on June 4, 2015, the Applicant submitted a revised DEIS dated May 7, 2015 (“Revised DEIS”), along with a cover letter dated May 7, 2015;

WHEREAS, the Planning Board determined the revised DEIS dated July 9, 2015 adequate with respect to its scope and content for purpose of commencing public review pursuant to 6 NYCRR 617.9 and issued the Notice of Completion of the DEIS on July 24, 2015;

WHEREAS, the Planning Board accepted comments to the DEIS through October 1, 2015;

WHEREAS, the Planning Board held a public hearing on the DEIS on September 21, 2015;

WHEREAS, the Planning Board now desires to issue its “Determination of Completion of the FEIS” in accordance with the SEQRA regulations at 6 NYCRR 617.9(a) and to give notice of said determination and filing; and

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

1. The Planning Board, based on a thorough examination and analysis of the DEIS, the public comments received concerning the DEIS, the Applicant’s responses thereto, the Planning Board hereby finds and determines that the FEIS prepared by Stantec and dated February 23, 2016 shall be deemed complete; and
2. The Clerk to the Planning Board is hereby directed to file a copy of the FEIS and “Notice of Completion” as set forth below:

- a. Copies of the FEIS and “Notice of Completion” shall be mailed simultaneously to the involved and interested agencies, persons requesting a copy of the FEIS, the NYSDEC, as well as the Applicant, as contained in the list attached as Exhibit A;
 - b. A copy of the “Notice of Completion” shall be sent to the New York State Department of Environmental Conservation’s Environmental Notice Bulletin for publication;
 - c. A copy of the FEIS shall be placed on the Middlesex website; and
 - d. Copies of said FEIS and “Notice of Completion” shall be filed in the office of the Town Clerk for the Town of Middlesex and made available for public inspection and review.
3. This Resolution shall take effect immediately.

THE FOREGOING RESOLUTION, was put to vote as follows:

<u>Name</u>	<u>Vote</u>
Martin DeVinney, Chairperson	<u>aye</u>
Bruce St. Lawrence	<u>aye</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 February 24, 2016 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 as Planning Board Clerk of the Town of Middlesex Planning Board this 24 day of February, 2016.

**TOWN OF MIDDLESEX
PLANNING BOARD**

Lynn Lersch

Lynn Lersch, Planning Board Clerk