

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 6th day of January, 2016, at 7:00 p.m., there were

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

ABSENT: John Gilbert

Robert Mincer presented the following “Resolution” which was seconded by Bruce St. Lawrence:

**RESOLUTION OF THE TOWN OF MIDDLESEX
PLANNING BOARD REGARDING ESTABLISHING THE SCHEDULE
FOR ISSUING THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

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”), as more fully discussed in the Resolution passed by the Planning Board on November 4, 2015;

WHEREAS, since the November 4, 2015 meeting, the Planning Board has worked diligently with its consultant, Stantec, to prepare the Final Environmental Impact Statement (“FEIS”) for the project pursuant to the State Environmental Quality Review Act (“SEQRA”);

WHEREAS, notwithstanding the Planning Board’s best efforts, it is not in a position to issue the FEIS tonight, as contemplated during its November 4, 2015 meeting, as it requires additional time to properly complete and issue the FEIS for the Project;

WHEREAS, the Planning Board cannot issue SEQRA Findings until at least 10 days after the issuance of the FEIS;

WHEREAS, the Planning Board cannot make any decision on the application for preliminary plat until it issues its SEQRA Findings;

WHEREAS, the Town Law requires decision on a preliminary plat within specified deadlines or the application is deemed to have been granted approval;

WHEREAS, the Planning Board seeks to clarify that to the extent a decision is due on the preliminary plat within said specified timeframes, the Planning Board wants to clarify that the preliminary plat continues to be deemed denied until it has an opportunity to properly issue the FEIS and its SEQRA Findings; and

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

1. The Planning Board requires additional time to adequately prepare the FEIS.
2. The Planning Board anticipates issuing said FEIS in February 2016.
3. To the extent necessary, the Planning Board deems the preliminary plat denied to ensure there is no argument of any default approval as contemplated under Town Law.
4. A decision on the preliminary plat will be made by the Planning Board within thirty (30) days after the issuance of the SEQRA Findings.
5. 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>absent</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 6, 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 and affixed the seal of the Town of Middlesex Planning Board this 6th day of January, 2016.

**TOWN OF MIDDLESEX
PLANNING BOARD**

Lynn Lersch
Lynn Lersch, Clerk