

**VILLAGE OF MANCHESTER  
REGULAR PLANNING BOARD MEETING  
8 CLIFTON STREET  
February 5, 2019**

Present: Judy Robinson, Chairperson  
Jake Kennelly  
Sean Schumacher, Alternate

Absent: Jennifer Davis, Vincent DelGatto, Jr; Laurent Gurewitch,

Others Attending: Simon Li, Brennan Marks, Lavo Lab LLC; John Sciarabba, LandTech Engineering;  
Debra Gulvin-Chase, Marty Barnett, Deputy Code Enforcement Officer

Recording: Debra A. Gulvin-Chase and Judy Robinson, Chairman

Chairman Robinson called the meeting to order at 7:05 pm.

A decision was made to go over the Minutes of the January meeting at the end of the meeting to allowing addressing old and new business first.

**MALCHO'S MANCHESTER MART HOLDINGS LLC – SIGN APPLICATION**

Proposed signage for the Malcho's Manchester Mart, 70 N Main Street, to display Marks Pizzeria, Taco Bell and Malcho's Manchester Mart, all on the building frontage and also on the gas display sign. The signage slightly exceeds what is allowed by the Village Code and will require a variance from the Zoning Board of Appeals.

Robinson asked Marty with regard to the status of the request. Marty indicated that the plan was sent to Ontario County the week before and indicated that the request would be an administrative appeal. After County comments, the request would be sent to the Zoning Board for review.

John Sciarabba, with LandTech Engineering presented the sign plan on behalf of Kenneth Malcho with renderings showing the signage display. Mr. Sciarabba explained the reason for the need for a variance as appropriate for advertising and in keeping with the overall new frontage of expanded facility and that the building now actually holds three businesses. Based on this information, he requested that the Planning Board send a letter to the Zoning Board of Appeals in support of granting a variance.

Robinson asked a question with regard to zoning and when there is a "self-made" hardship in under review by the Zoning Board. Mr. Sciarabba answered that there are two types of variances; area variance and use variance. He stated the five statutes that must be addressed. With a use variance all five criteria must be met; however, with an area variance, the Zoning Board has more flexibility.

Marty indicated that the area variance is a Village Code under review using the State Statutes. The Zoning Board may weigh the area variance separately, but the use variance is stricter in its application and that more often than not, zoning is changed to accommodate the request.

Mr. Sciarabba asked about the chronology of processing the variance request. The request is now at the County, and then is forwarded to the Zoning Board, then to the Planning Board. The regularly scheduled Planning Board meeting would be March 5, which would not give enough time for review by the County and Zoning to make the March 5<sup>th</sup> meeting, which would push approval until April. Mr. Sciarabba requested that the Planning Board endorse the plan as is and waive final approval, which would be contingent upon Zoning Board approval. He explained that Marks Pizzeria and Taco Bell will be ready to open very soon and they don't want to delay opening until April.

Robinson explained that the other applicant present at the meeting (Lavo Lab) also had a similar request. Robinson initiated a discussion with the Board with regard to pushing the March meeting until March 12 to accommodate timing issues for both parties. Both J. Kennelly and S. Schumacher agreed to the change in date.

The request for a letter of support to the Zoning Board was discussed. Marty indicated that both he and Steve DeHond did not have any issues with the request. There were no comments from Sean or Jake, so the Board requested that the Clerk draft a letter of support to the Zoning Board for the variance.

**LAVO LAB, LLC – 7 WEST AVENUE – SITE PLAN APPLICATION**

Brandon Marks, Marks Engineering, representing Lavo Lab presented information with regard to the proposal to establish this business in the building formerly occupied by Pacemaker Steel. Mr. Marks

indicated that the project was really just a change in occupancy to change from one industrial use to a different industrial use.

Lavo Lab is a liquid detergent manufacturing company. They have an agreement to purchase the property contingent upon development approval from the Planning Board and the Village. They've been working with the Village Engineer, Pat Nicoletta. Mr. Marks indicated that what they were looking for at this meeting was the declaration from the Board to be lead agency and comment letters from the other various agencies/entities that may be involved. Mr. Marks indicated that, ultimately, they need the Board to approve the change of use. They have various environmental concerns from the Environmental Protection Agency (EPA), they have to work through some issues with the wastewater plant, and the Department of Environmental Conservation (DEC).

Mr. Marks stated that he wanted to address an item regarding public transportation and bicycle routes. He referenced connectivity of bike routes and future plans for access to the Roundhouse site. Mr. Marks suggested that the future owner may be able to provide a trail easement from the baseball diamond from the blacktopped area from RIG.

Lavo Lab submitted the long form SEQRA, and acknowledged various corrections requested by village engineer MRB Group.

Chair Robinson requested Pat Nicoletta review various outstanding items and discuss coordinating with Lavo Lab, Code Enforcement, the Waste Water Treatment Plant, and others. Mr. Nicoletta suggested that the Board go through Part 1 of the SEQR and indicated that the Planning Board should ask questions or indicate instances where they believe changes should be made. Ms. Robinson read through the SEQR.

The following changes were proposed:

C4a. Add Manchester-Shortsville School District

b. Existing Community Service: Revise to Manchester-Shortsville Police Department, Ontario County Sheriff's Department, New York State Police.

Question pertaining to water usage Name of the District or Service Area – SEQR says Town of Manchester – should be Village of Manchester

Question on SEQR regarding discharge of wastewater to the treatment plant. The Village received an e-mail from Gordon Eddington at the WWTP indicating that no discharge of wastewater would be allowed.

Lavo Lab indicated that they now propose to keep the wastewater in 300 gallon stainless steel tanks, but Mr. Marks said that there would still be a discharge, "no matter what" and that they would have to work out what the WWTP would accept, which would be all inclusive of the facility use permit. Mr. Marks said that Lavo Lab had also discussed reusing some of the water in the manufacturing process to reduce the amount of discharge. At this point they anticipate discharge of domestic waste and wash water.

Mr. Nicoletta reiterated the message from the WWTP which stated that the facility would not receive any wastewater other than domestic sewage from the facility. Mr. Li and Mr. Nicoletta discussed this topic.

Mr. Marks acknowledged the issue and indicated that he would be in contact with Gordon and would get the issue resolved.

Page 7 of the SEQR – hours of operation for during construction and during operations were discussed. Disturbance during construction or preparation of the facility would likely occur between 8:00 a.m. and 5:00 p.m., however, we agreed that the practical times for operation would be 7:00 a.m. 6:00 p.m. for those who might get to work early and those who might stay late.

The Planning Board discussed the route delivery trucks must take to reach the facility and indicated that trucks must enter Merrick Circle via Route 21. No trucks are to be allowed to come down State Street, from either Route 96 or Route 21.

The Board discussed that delivery times would be between 9:00 a.m. and 5:00 a.m., with no idling at odd hours because the facility was near residential area. We discussed use of fork-lifts outside and the back-up beeping noises required by OSHA. Applicant indicated that there would be very little outside work and this should not be an issue.

S. Schumacher brought up the adjacent Manchester Park and ball diamond and said that since the facility has been empty for so long a time, attendees have taken to parking their cars in the facility parking lot. Simon indicated that it would be prudent to post "no parking" signs for reasons of insurance liability.

The Board discussed the need to bring outdoor lighting up to code as dark sky compliant facing – also due to the proximity of adjacent residences.

Signage was discussed. The Applicant indicated that they would use the existing sign, but change the facility name. It is likely that this will require a permit from the Planning Board.

D.o. Change federally listed species from “no” to “yes” – northern long-eared bat (*Myotis septentrionalis*).

Mr. Nicoletta indicated that an updated SEQR should be prepared and indicated that if Mr. Marks sent it to him the next day (Wednesday, February 6), he would forward it to the *County?*

## **RESOLUTION – STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) INTENT TO BE LEAD AGENCY**

The following Resolution was made by Member J. Kennelly, Seconded by Member Sean Schumacher to wit:

**WHEREAS**, the Village of Manchester Planning Board (hereinafter referred to as Planning Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by Brennan Marks of Marks Engineering, for Lavo Lab LLC (hereinafter referred to as Applicant) on the above referenced Lavo Lab LLC (hereinafter referred to as Action); and

**WHEREAS**, the Planning Board determines that said Action is classified as an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board determines that said Action is also subject to review and approval by other involved and interested agencies under SEQR Regulations; and

**WHEREAS**, the Planning Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board does hereby declare its intent to be designated as the lead agency for the Action.

**BE IT FURTHER RESOLVED**, that the Village Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before **12:00 PM on Tuesday, March 12, 2019**.

The resolution was put to a roll call vote:

Judy Robinson, Chairperson – “AYE”

Vincent DelGatto, Jr – absent

Jennifer Davis – absent

Jake Kennelly– “AYE”

Laurent Gurewitch– absent

Sean Schumacher – “AYE”

The resolution was duly adopted.

The Board discussed moving the Planning Board meeting on March 12 to accommodate submittals to the County within their submittal deadlines. Also discussed was having the Public Hearing on that date. Comments were heard from Marty and Pat, who anticipated that many of the loose ends would be resolved by that time. The Board agreed to request the Clerk to prepare a Public Hearing notice for March 12, 2019.

The Board reviewed minutes of the January 8, 2019 meeting. Motion was made by J. Kennelly to accept, seconded by S. Shumaker. All were in favor, no opposition.

Meeting adjourned at 9:10 p.m.

Next meeting date: 3/12/19 at 7:00 pm

Respectfully submitted,

Debra A. Gulvin-Chase