

**REGULAR PLANNING BOARD MEETING  
HELD NOVEMBER 08, 2007**

Present: Michael Chase, Chairman  
Daniel Cianfoni  
Vincent DelGatto, Jr.  
Judy Robinson

Attorney: Jeff Graff  
Engineer: Pat Nicoletta

Absent: Gary Bogner, Alternate

Others attending: Donna Williams, Diane Reed Allen, Richard Cirulli, Sharry Cirulli, Debbie Frederick, Frank Gorgonzola, Carol Gorgonzola, Robert Leiby, Randy Bebout, Joe Pullen, John Barry, Josh Allen, Ken Litfin, John Bitter,

Recording: Rita J. Gurewitch, Clerk/Treasurer

The meeting was called to order by Chairman Chase at 7:10 pm. A motion was made by Judy Robinson, seconded by Vincent DelGatto, Jr. to accept the minutes of the October 02, 2007 meeting. Unanimously carried.

**MCDONALD'S RESTAURANT – ROUTE 96**

FRA, 530 Summit Point Dr, Henrietta NY, submitted an application for site plan approval for McDonald's USA, LLC, Pittsburgh, PA to construct (2) drive-thru booths totaling 95 sq ft and modify the current kitchen and beverage equipment at the current McDonald's located 4126 NY Route 96. There will be no change in use, no change in height or stories, and the addition will be 95 sq ft.

Chairman Chase stated that the application was returned from Ontario County Planning Board as a Class 1. A Class 1 states *Citing a lack of potential countywide or intermunicipal impact, they abstained from making a formal recommendation.* No comments were given for consideration.

Mr. Bebout, representative for McDonald's submitted landscape plans that were requested at the October meeting.

A discussion followed considering the application.

The State Environmental Quality Review was declared a Negative Declaration at the October 02, 2007 meeting.

A motion was made by Judy Robinson to give final site plan approval to McDonald's USA, seconded by Vincent DelGatto, Jr. and put to a roll call vote:

Michael Chase	Voting	"Aye"
Daniel Cianfoni	Voting	"Aye"
Vincent DelGatto	Voting	"Aye"
Judy Robinson	Voting	"Aye"
Gary Bogner	Absent	

The motion was carried.

**ROCHESTER GAS AND ELECTRIC**

Rochester Gas & Electric Company re-capped their position on 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 currently occupies land located in the Town of Farmington and the Village of Manchester.

Mr. Ken Litfin, of Hatch Acres Corp., consultant to RG&E, addressed the board and stated RGE met with the Village Board at their Monday night meeting to go over requirements. Rochester Gas & Electric needs to purchase village land to expand their sub-station. The Town of Farmington will be the lead agency on the State Environmental Quality Review though no official declaration has been made as yet. RGE has agreed on a lighting plan with illumination adjusted back. The lighting will be used only for safety and emergency purposes. Preliminary site plan approval was given by Farmington. RGE will make an agreement with the Village of Manchester to grant a 15 foot drainage easement. This will allow for future improvements for drainage and allow new drainage way to be put in place not restricting flow.

Chairman Chase stated that the drainage issue must be in place to the satisfaction of the Village. Also, official rulings must be received from the Town of Farmington as to their advancement in the process. Chairman Chase stated that RGE may possibly receive Preliminary and Final site plan approval at the next board meeting if the aforementioned has been addressed. No action taken at this time.

## **OCTOBER 02, 2007 MINUTES CORRECTION**

Special Attorney Jeff Graff advised the board to rescind the approval of the October 2, 2007 minutes due to inaction in those minutes. The final site plan approval given to Paddocks of the Finger Lakes at the 10/2/07 meeting is void, the board failed to act due to a majority not present at the time of voting. Also, an additional variance was needed negating the approval.

A motion was made by Judy Robinson, seconded by Vincent DelGatto, to fail to pass the minutes of the 10/2/07 Planning Board meeting. Voted on and unanimously carried.

Another motion was made by Vincent DelGatto, seconded by Daniel Cianfoni that corrections are made in the 10/2/07 minutes canceling the final site plan approval for Paddocks of the Finger Lakes. Voted on and unanimously carried.

### **PADDOCKS OF THE FINGER LAKES**

Due to the nullifying of the final site plan approval for Paddocks of the Finger Lakes at the October Planning Board meeting, the board will again be addressing the proposed 72 unit apartment complex off the south side of State Street.

A variance was granted at last night's (11/7/07) Zoning Board of Appeals meeting allowing some buildings to be built 130 feet and 143 feet in length.

A letter was received by Code Enforcement Officer Steve DeHond, requesting that a fence surround the drainage pond located on the property. A discussion followed concerning the fence. Engineer stated some studies say that the fence impedes rescue if needed. Safety requirements are in the safety bench, slopes and aquatic bench. No declaration was made concerning the fence. Also, Mr. DeHond previously informed the planning board that this application did not need to go to the Ontario County Planning Department.

At the time of posting the public hearing the notice, it was also specified a Special Use Permit was being requested. Chairman Chase led the planning board members through the requirements.

### **RESOLUTION – SPECIAL USE PERMIT – PADDOCKS OF THE FINGER LAKES**

WHEREAS, the proposed special use (multiple family developments) is consistent with the general intent of the village's Comprehensive and Strategic Plans, and;

WHEREAS, the location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the use district, and;

WHEREAS, the operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use, and;

WHEREAS, the proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provisions of this Article, and;

WHEREAS, the Code Enforcement Officer shall make an on-site visit not less than one (1) time each year to ensure that the use is being operated in accord with the conditions specified to protect public health and safety, the quality of natural resources and the value of property. If the CEO determines that a violation exists, the certificate of occupancy shall be null and void and a new special use permit application shall be required, and;

WHEREAS, no site preparation or construction shall commence until final site plan approval has been granted and permits have been issued by all governmental agencies involved, and fees paid, so

THEREFORE BE IT RESOLVED, that the Village of Manchester Planning Board, does hereby grant a special use permit to Paddocks of the Finger Lakes.

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

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

The resolution was thereupon declared duly adopted.

Vincent DelGatto made a motion to give Paddocks of the Finger Lakes preliminary site plan approval, 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	Voting	“AYE”
Gary Bogner	Absent	

The motion was carried.

**RESOLUTION – FINAL SITE PLAN – PADDOCKS OF THE FINGER LAKES**

WHEREAS, the planning board has considered the application of Paddocks of the Finger Lakes in detail, and under advisement of the village engineer and special council; and

WHEREAS, according to the village’s 2005 Comprehensive Plan and 2006 Strategic Plan, additional housing should be available, including diversity of housing, styles and pricing; and

WHEREAS, the conditions of a special use permit apply; and

WHEREAS, the Chief Operator at the Manchester-Shortsville Joint Sewer treatment plant informed the planning board that there is sewer capacity available; and

WHEREAS, Paddocks of the Finger Lakes will be a private community and not a detriment to nearby properties; and

WHEREAS, the applicant shall amend the plan to the satisfaction of the village engineer to meet technical comments; and

WHEREAS, that no permits be granted or construction to begin until an agreement is reached with the Village of Manchester Board of Trustees as to improvements to be made by Paddocks of the Finger Lakes to the existing Manchester Family Park; and

WHEREAS, the granting of this application will not be detrimental to the public good and will have no significant environmental impact; so

THEREFORE, LET IT BE RESOLVED, that Paddocks of the Finger Lakes be granted final site plan approval with the conditions set forth above and hereafter.

BE IT FURTHER RESOLVED, that construction will not begin until permits have been issued by all governmental agencies involved (State, Federal & Local), and fees paid.

The above resolution was offered by Chairman Chase, seconded by Daniel Cianfoni, and put to a roll call vote as follows:

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

The resolution was then duly declared adopted.

The next Planning Board meeting will be Tuesday, December 04, 2007

Meeting was closed upon motion at 8:31pm.

Respectfully submitted,

Rita J. Gurewitch