

**VILLAGE OF MANCHESTER
PUBLIC HEARING & REGULAR PLANNING BOARD MEETING
8 CLIFTON STREET
AUGUST 04, 2020
COVID 19 PRECAUTIONS IN PLACE**

Present: Judy Robinson, Chairperson
Jake Kennelly, Co Chairman
Laurent Gurewitch
Patricia Skolny
DelGatto, Jr. Vincent

Absent: Sean Schumacher, Alternate

Others Attending: Marty Barrnet, CEO; Patrick Nicoletta, MRB; Matt Gullace, Erica McCain; Roy's Restaurant; Roger Lonneville, Don Cheney, Marty Marianetti, Pinewood Development LLC The attendance was not staged as attendance allowed the 6 foot minimum distance, with masks for COVID-19 precautions.

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

PUBLIC HEARING

Ms. Judy Robinson opened the Public Hearing at 7:00 pm.

The Clerk read the Public Hearing notice that was posted in the Messenger Post and notified everyone within 500' of the property at 13 S Main Street of this Public Hearing for Pinewood Property Development LLC.

Mr. Martin Marianetti addressed everyone with the project plans to remodel the building at 13 S Main Street (rear of 9-11 S Main Street) and make a three family dwelling.

It was noted that the building will not be expanded upon. It is updating the existing vacant building and that they would be doing the work themselves.

Ms. Robinson asked three times if there were any further questions.

The Public Hearing was closed at 7:15 pm.

REGULAR MEETING

Ms. Robinson called the meeting to order at 7:15 pm.

A motion was made by J. Kennelly to approve the June minutes, seconded by P. Skolny, unanimously approved.

ROY'S RESTAURANT (formally The Kitchen) – MATT GULLACE, 4123 STATE ROUTE 96

Mr. Matt Gullace, has submitted a site plan for the renovation of the former Steak-Out Restaurant at 4123 Route 96 (corner with Route 21). He stated he is not changing entrances so he has not contacted the NYS Department of Transportation (DOT). The name of the restaurant will be "Roy's" and will serve breakfast, lunch and maybe dinner on Friday & Saturday nights. It was determined that the restaurant is a pre-existing con-conforming use and has no variance on the existing parking lot. There will be no alcoholic beverages, no bar. No concerns mentioned about the parking. Mr. Gullace stated that a new sewer line was put in to the village connection, along with a grease trap. More information will be needed about grease collection.

The State Quality Review and Preliminary Site Plan approval was completed at the July Planning Board meeting.

FINAL SITE PLAN APPROVAL – MATT GULLACE, ROY'S RESTAURANT

WHEREAS, Matt Gullace has submitted a site plan application to occupy 4123 State Route 96 to operate a restaurant; and

WHEREAS, the planning board has considered the application of Matt Gullace in detail; and

WHEREAS, Ontario County Planning Board has reviewed this application at their June meeting and the Board addressed their comments; and

WHEREAS, the project constitutes an Unlisted Action under SEQR and will not be detrimental to the public and will have no significant environmental impact; and

WHEREAS, Code Enforcement stated it can proceed as project is up to all codes, including the grease removal; and

THEREFORE, LET IT BE RESOLVED, that Matt Gullace, dba Roy's Restaurant, is granted FINAL site plan approval.

BE IT FURTHER RESOLVED, that a Certificate of Occupancy will not be given until permits have been issued by all governmental agencies involved (State, Federal & Local), and fees paid.

The above resolution was offered by V. DelGatto, Jr., seconded by J. Kennelly, and put to roll call vote as follows:

Chairman Judy Robinson	Voting	“AYE”
Jake Kennelly	Voting	“AYE”
Vincent DelGatto, Jr.	Voting	“AYE”
Laurent Gurewitch	Voting	“AYE”
Patricia Skolny	Voting	“AYE”

The resolution was then duly declared adopted.

9 SOUTH MAIN STREET – PINWOOD PROPERTY DEVELOPMENT LLC – SITE PLAN

In July, Pinewood Property Development LLC introduced their plan to remodel the property at 9 S Main Street. Mr. Martin Marianetti is representing Pinewood Property Development. The restaurant, bakery, and two apartments on the second floor have proceeded through Code Enforcement. The structure is to the rear of this property, which will now be 13 S Main Street. Today’s public hearing established the requirement for a Special Use Permit. A subdivision plan must be completed on the land trade with the Village of Manchester.

Part One – Project Information of the Short Environmental Assessment Form was completed. A new form with corrections and signature will need to be re-submitted. Part Two – Impact Assessment was completed with the following result.

SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

WHEREAS, the Village of Manchester Planning Board (hereinafter referred to as Planning Board) is considering a Subdivision Plan approval for a two (2) lot subdivision, subdividing from the parent parcel (Tax Map 32.14-1-50.000) to Tax Map 32.14-1-48.00, while acquiring land owned by the Village of Manchester (Tax Map 32.18-1-2.100) within the Commercial (C-1) District. A Subdivision Plan is to be provided prior to the issuance of a Certificate of Occupancy.

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced subdivision application (hereinafter referred to as Action); and

WHEREAS, the Planning Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short EAF Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short EAF; and

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as lead agency for the proposed development above herein; and

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Village’s Comprehensive Plan land use recommendations;

- (v) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) there will not be any hazard created to human health;
- (vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;

9 SOUTH MAIN STREET COMMERCIAL (C-1) ZONING DISTRICT TM# 32.14-1-50.000 SUBDIVISION PLAN APPROVAL SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (ix) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (x) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED, that the Planning Board does hereby make a Determination of NonSignificance on the proposed development, and the Planning Board Chairperson is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board’s determination. The above resolution was offered by Vincent DelGatto, Jr. and seconded by Patricia Skolny and put to a roll call vote and recorded:

Judy Robinson – “AYE”

Vincent DelGatto, Jr. – “AYE”

Jake Kennelly – “AYE”

Laurent Gurewitch – “AYE”

Patricia Skolny – “AYE”

The resolution was duly adopted.

MRB Group letter dated August 4, 2020 was reviewed. A brief written response to each comment should be provided by the applicant.

The subdivision (land exchange) will need to be completed prior to issuing a Certificate of Occupancy. The square footage of living space is within code. The dumpster will need to be on the site plan with a description of the enclosure, along with movement for garbage truck. Parking must have new drawing. Tenant storage will be looked into.

SPECIAL USE PERMIT – PINWOOD PROPERTY DEVELOPMENT LLC – THREE FAMILY DWELLING

WHEREAS, the proposed special use (three family dwelling) is consistent with the general intent of the village’s Comprehensive and Strategic Plans, and;

WHEREAS, the location, size and use of the structure 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 Pinewood Property Development LLC.

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

Judy Robinson	Voting	"AYE"
Vincent DelGatto	Voting	"AYE"
Laurent Gurewitch	Voting	"AYE"
Jake Kennelly	Voting	"AYE"
Patricia Skolny	Voting	"AYE"

The resolution was then duly declared adopted.

FINAL SITE PLAN APPROVAL – PINWOOD PROPERTY DEVELOPMENT LLC – 13 S MAIN STREET

WHEREAS, Pinewood Property Development LLC has submitted a site plan application to occupy 13 South Main Street to operate a three family apartment dwelling; and

WHEREAS, the planning board has considered the application of Pinewood Property Development in detail; and

WHEREAS, Ontario County Planning Board has reviewed this application at their June meeting and the Board addressed their comments; and

WHEREAS, the project will not be detrimental to the public and will have no significant environmental impact; and

THEREFORE, LET IT BE RESOLVED, that Pinewood Property Development, is granted FINAL site plan approval.

BE IT FURTHER RESOLVED, that a Certificate of Occupancy will not be given until permits have been issued by all governmental agencies involved (State, Federal & Local), and fees paid, including sprinkler system, and

BE IT FURTHER RESOLVED, a subdivision plan must be completed , show dumpster location and enclosed fencing on new drawing, along with new parking and movement of garbage truck must also be provided prior to the issuance of the Certificate of Occupancy, and

The above resolution was offered by V. DelGatto, Jr., seconded by J. Kennelly, and put to roll call vote as follows:

Chairman Judy Robinson	Voting	"AYE"
Jake Kennelly	Voting	"AYE"
Vincent DelGatto, Jr.	Voting	"AYE"
Laurent Gurewitch	Voting	"AYE"
Patricia Skolny	Voting	"AYE"

The resolution was then duly declared adopted.

A motion was made by J. Kennelly, seconded by L. Gurewitch, to adjourn the meeting. Meeting adjourned at 8:20 pm. Next meeting date is September 01, 2020 at 7:00 pm.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer