

**VILLAGE OF MANCHESTER
PUBLIC HEARING & REGULAR PLANNING BOARD MEETING
8 CLIFTON STREET
AUGUST 03, 2021
COVID 19 PRECAUTIONS IN PLACE**

Present: Laurent Gurewitch, Chaired
Patricia Skolny
Jon Foster

Absent: Judy Robinson, Jake Kennelly

Others Attending: Mary Steblein, LaBella; Stacy Bartl, Larissa Rosario, RGE; Patrick Nicoletta, MRB Group; Jon & Cortnie Halsted; Jet Mehta, John Ott, Michelle Agustoinelli, KFC.

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

RECONVENED PUBLIC HEARING – RGE SUBSTATION 156 UPGRADE

The Public Hearing reconvened at 7:00 pm.

Mary Steblein, from LaBella, representing RGE, recapped the project and stated that there was an onsite visit at the property at 70 South Avenue. Representatives from the Village of Manchester, RGE and the Halsted's were present. They discussed the stake markers; shifting the substation 20 feet south east and adjust the fencing.

Mr. Halsted stated that they have acquired attorney John Schuppenhaur and that he asks not to approve until they determine about adverse possession.

Pat Nicoletta, MRB – the boundary has been verified. There is no dispute as to where the line is. The adverse possession case is a separate matter.

Mr. Halsted said that Jason Cronin from RGE has been notified. They have been trying to get feedback from RGE but no response as yet.

Larissa Rosario, RGE – RGE is ready to go forward.

Pat Nicoletta, MRB – Everything is in compliance. Everything is in Place.

Marty Barnett, Code Enforcement – RGE has moved the substation twice now.

Laurent Gurewitch, PB – What I see is that RGE has worked with their neighbors, the site plan is ready to go forward in the review. He sympathized with neighbors, but the situation calls for Planning Board action.

Pat Nicoletta, MRB – from an engineering point of view, it goes forward.

Mr. Gurewitch asked if there were any more comments. He asked three times if there were any more comments.

Mr. Gurewitch closed the Public hearing at 7:25 pm.

REGULAR MEETING

A motion was made by J. Foster to approve the July 19th Special meeting minutes, seconded by P. Skolny, unanimously approved.

ROCHESTER GAS & ELECTRIC COMPANY – 70 SOUTH AVENUE

Part II and III of the Short Environmental Assessment Form was completed.

After completing Part II of the EAF, Mr. Gurewitch introduced the following NEGATIVE DECLARATION resolution, seconded by Mr. Foster who moved its adoption:

WHEREAS: In accordance with Section 8-0113 Article 8 of the New York Environmental Conservation Law, the Planning Board of the Village of Manchester has conducted an initial review to determine whether the Rochester Gas & Electric (RGE) project may have a significant affect on the environment, and;

WHEREAS: The Planning Board has compared the application and plans submitted with the criteria set forth in Part 617.7 of the Regulations, and;

NOW, THEREFORE, BE RESOLVED, The Planning Board of the Village of Manchester, as lead agency, has determined on the basis of that review that (1) The proposed project constitutes an “Unlisted Action” since it has not been classified as a Type 1 Action or a Type II, and (2) that the proposed action described will not have a significant environmental impact and an Environmental Impact Statement will not be prepared.

The above resolution was put to roll call vote, which resulted in the following:

Laurent Gurewitch voting “AYE”
Patricia Skolny voting “AYE”
Jon Foster voting “AYE”
Judy Robinson – absent
Jake Kennelly – absent

The resolution was thereupon declared duly adopted.

The Board moved on to review the Special Use Permit needed to operate the essential service of electricity.

RESOLUTION – SPECIAL USE PERMIT – ROCHESTER GAS & ELECTRIC COMPANY

WHEREAS, the proposed special use (essential services) 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 Rochester Gas and Electric.

The above resolution was offered by Patricia Skolny, seconded by Jon Foster, and put to a roll call vote as follows:

Laurent Gurewitch voting “AYE”
Patricia Skolny voting “AYE”
Jon Foster voting “AYE”
Judy Robinson - absent
Jake Kennelly - absent
The resolution was thereupon declared duly adopted.

Laurent Gurewitch made a motion to give RGE preliminary site plan approval, seconded by Jon Foster and put to roll call vote as follows:

Laurent Gurewitch voting “AYE”
Jon Foster voting “AYE”
Patricia Skolny voting “AYE”
Judy Robinson – absent
Jake Kennelly – absent

The motion was carried.

Mr. Gurewitch asked Pat Nicoletta if there were any outstanding requests or issues for RGE. Pat N. said there were a few but they were minor. They can be conditional.

L. Gurewitch stated that the planning board has a job to do. "We are looking at a valid site plan application looking for approval. Anything beyond the scope of that is not in line with our duties. It is recorded that Mr. & Mrs. Halsted are not satisfied concerning RGE. That is between RGE and them. Not the Village of Manchester Planning Board." Mr. Gurewitch asked if there is a motion for final approval.

RESOLUTION – FINAL SITE PLAN – ROCHESTER GAS & ELECTRIC (RGE)

WHEREAS, the planning board has considered the application of Rochester Gas & Electric in detail, and under advisement of the village engineer; and

WHEREAS, according to the village's Comprehensive Plan and Strategic Plan, essential services such as electricity should be available, including increasing reliability standards; and

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

WHEREAS, the applicant shall amend the plan to the satisfaction of the village engineer to meet his comments; 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, Rochester Gas & Electric Company 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 Laurent Gurewitch, seconded by Patricia Skolny, and put to a roll call vote as follows:

Laurent Gurewitch voting "AYE"

Patricia Skolny voting "AYE"

Jon Foster voting "AYE"

Judy Robinson – absent

Jake Kennelly – absent

The resolution was then duly declared adopted.

INDUS KFNY, INC. – KENTUCKY FRIED CHICKEN (KFC) – SIGN APPLICATION

Mr. Jon Ott addressed the Board on the signage for KFC at 70 North Main Street. There was some confusion as the applicant was utilizing Town of Manchester sign codes instead of Village of Manchester Sign Codes. The Village allows one sign up to 24 square feet. KFC is asking for four signs with 92 square feet of coverage. The application will have to be denied as it does not meet code requirements. A discussion followed on reducing the signage. CEO Marty Barnett visited other KFC buildings as to their signs. He recommends that the directional signs be lowered to 1'x2' and height down to 3'6" at top. This will allow better visibility safety and then those signs won't be included in the variance. Now there is just two KFC signs, 2'6" x 8', plus the pylon sign in front that will replace Malcho's. Mr. Ott said they have removed rear and side signage to show efforts to reduce the number of signs. Mr. Metha, owner of this KFC, said it's difficult to get an end cap KFC sharing a building. They are usually stand alone buildings that have their own identity. The signage is a symbol of who we are. Corporate KFC may not approve these changes. Changing standardized signage is difficult. Laurent Gurewitch said that he feels this application, though denied, is to go forward. He feels that it is the right use, looks in proportion on the building. After a discussion, the board will send a positive recommendation to the ZBA to allow the sign variance for Indus KFNY, Inc. The ZBA will meet on September 1, 2021 at 7:00 pm.

A motion was made by P. Skolny to adjourn the meeting, seconded by J. Foster, meeting adjourned at 8:00 pm.

Next special meeting date is September 7, 2021 at 7:00 pm.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer