

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 2st day of April, 2014, at 7:00 p.m., there were

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

ABSENT:

Bruce St. Lawrence presented the following “Resolution” which was seconded by John Gilbert:

RESOLUTION OF THE TOWN OF MIDDLESEX PLANNING BOARD ACCEPTING A DRAFT SCOPE RELATIVE TO THE KOMAREK MAJOR SUBDIVISION PROJECT AND DECLARING ITS INTENT TO PREPARE A FINAL SCOPE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

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”). The Project involves the creation of four (4) lots for single family residences, along with the construction of a private road to access each of the residences. The Project requires major subdivision approval, as well as site plan review, and a special use permit from the Zoning Board of Appeals (“ZBA”) for the construction of the private road in the LR District;

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Applicant submitted to the Planning Board Part 1 of a Short Environmental Assessment Form dated August 10, 2009. Subsequently, the Applicant submitted Part 1 of a Full Environmental Assessment Form (“FEAF”) dated August 1, 2012, which was deemed incomplete. The Applicant then submitted Part 1 of a FEAF dated October 17, 2012, which relates to the Project details in the drawings dated August 1, 2012;

WHEREAS, the Part 1 of the October 17, 2012 FEAF, having been reviewed by the Planning Board, was deemed adequate and accurate relative to the Project, although the Planning Board questions the accuracy of the answer to question A.3., with regard to soil types;

WHEREAS, the Planning Board established itself as the Lead Agency and caused Part 2 and 3 of the FEAF to be completed;

WHEREAS, the Planning Board issued a Positive Declaration for the Project on April 3, 2013, and declared its intent to conduct scoping pursuant to SEQRA;

WHEREAS, the Planning Board intends to conduct a coordinated SEQRA review and has identified the Zoning Board of Appeals, the New York State Department of Environmental

Conservation, New York State Department of Health, the Yates County Soil and Water, Canandaigua Watershed Association, Canandaigua Watershed Council, and the Yates County Planning Board as involved and interested agencies;

WHEREAS, the Applicant submitted a draft Scope for the Project on March 12, 2014;

WHEREAS, the Planning Board now desires to conduct the scoping process in accordance with 6 NYCRR 617.8, and to receive comments on the draft Scope as required pursuant to SEQRA.

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

1. The draft scope shall be provided to all involved and interested agencies, as well as others that have expressed an interest in writing to the Planning Board.
2. The Planning Board shall provide an opportunity for the required public participation through a public hearing to be held on April 23, 2014, at 7:00 p.m. and the acceptance of written comments on draft scope through April 28, 2014.
3. The Planning Board shall issue its final written scope within 60 days after receipt of the draft scope in accordance with 6 NYCRR 617.8(f).
4. The Planning Board will retain assistance to review the Environmental Impact Statement (“EIS”) pursuant to 6 NYCRR 617.13.
5. The Planning Board Clerk is hereby directed to distribute the Draft Scope as follows:
 - a. copies of the draft Scope shall be mailed simultaneously to the Involved and Interested Agencies;
 - b. a copy of the draft Scope shall be filed in the Town Clerk’s Office, Town Hall in the Town of Middlesex and made available for public inspection and review; and
6. 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>X</u>
Bruce St. Lawrence, Liason	<u>X</u>
Lynn Lersch	<u>X</u>
John Gilbert	<u>X</u>
Robert Mincer	<u>X</u>

STATE OF NEW YORK)
COUNTY OF YATES)ss.:

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 April 2, 2014 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 11th day of April, 2014.

**TOWN OF MIDDLESEX
PLANNING BOARD**

Lynn Lersch, Clerk