

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
January 15, 2013**

Members present: Donald Woerner, Mike Grasso, Shawn Veaut, Randy Dawley, Jay Coates, Robert Hatch, Debra Stokoe, Steve Stein-alternate

Members absent: none

Also present: Terry Rech, Bldg. Inspector, Ed Shero, Town Board Liaison, John Marsh, Valley Tire Regional Manager, Tim Putney, KBH Power

Chairman Coates called the meeting to order and asked for any corrections/additions to the minutes from December 4, 2012. There being none, the following motion was made:

Don Woerner made a motion to approve the minutes of December 4, 2012 as written, seconded by Robert Hatch and unanimously passed.

**OLD BUSINESS:**

**The application of Kevin O'Donoghue as agent for David Page of 8427 Gully Rd., LeRoy to subdivide for the proposed 4 lot Page-Oatka Trail Subdivision at 3660 Oatka Creek Rd. The Tax ID #'s are 196.04-1-1 and 196.04-1-2.**

Terry Rech and Jay Coates both reviewed the County comments. There were no concerns, and all the maps were signed, thereby satisfying the condition of the application.

**FIRST ORDER OF BUSINESS:**

**The application of Valley Tire to construct a detached loading dock at their Scottsville location, 3722 Scottsville Road.**

Valley Tire is a medium truck tire sales center, the primary business was road service/repair. They are looking for approval to construct a detached loading dock, which would hold three tractor trailers, on the west side of their property. The tractor trailers would be used for tire storage, at this time tires are being stored outside the building. Tim Putney stated that it would be 34 feet wide and approximately 4 feet tall, with minimal grading needed. There will be a 1 ½" pipe railing around this, and it will be chained up when not in use. Valley Tire has concerns about the abandoned leech field; there may be a septic tank still there. They plan to empty and remove it, if they do discover one there.

Jay Coates stated that they were notified in 2008 of a change of occupancy and that they had possible fire and building code compliance issues, and that these were never resolved. Valley Tire was a change of occupancy that to date had not completed an application for a building permit. Terry Rech mentioned that there was an engineering plan drawn up that would have brought the building into compliance, but Valley Tire never followed through with making these changes.

Jay Coates is concerned that if approval is granted for the loading dock that the compliance issues still will not be resolved and that the Board did not normally entertain applications for noncompliant or nonpermitted uses. Mike Grasso suggested not issuing a building permit until the compliance issues are resolved. Jay Coates stated that he would like have fire and code compliance inspections done and draw up a remediation/compliance plan. He would like to do the inspection next week so there would be time to make any necessary changes and develop a plan to bring the building into compliance. It was decided that there would not be time to do this before the next meeting, so it will be discussed at the February 19<sup>th</sup> meeting.

## SEQRA REVIEW

Chairman Coates conducted a line item review of the SEQRA requirements for this project:

- (i) The project will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; - No issues identified.
- (ii) The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; - No issues identified.
- (iii) The project will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part; - No issues identified.
- (iv) The project will not result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted; -No issues identified
- (v) The project will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; -No issues identified
- (vi) The project will not result in a major change in the use of either the quantity or type of energy; -No issues identified
- (vii) The project will not result in the creation of a hazard to human health; -No issues identified
- (viii) The project will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses; -No issues identified
- (ix) The project will not result in the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action; -No issues identified
- (x) The project will not result in the creation of a material demand for other actions that would result in one of the above consequences; -No issues identified
- (xi) The project will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; -No issues identified or
- (xii) The project will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision. -No issues identified

Based upon the initial review the Board believes this will be an unlisted action and unless other information is forthcoming would anticipate a Negative Declaration.

The Planning Board decided that there would be no need to send this to the County. They did agree that there should be a Public Hearing for the next meeting to discuss the commercial site plan. It was decided that this discussion should be tabled until the next meeting. They will at that time have a remediation plan, and a tentative time table for moving forward. John Walsh stated that the construction is not planned to begin until the spring. He stated that he needs to look into the compliance issues and educate himself on the situation.

Don Woerner made a motion to adjourn the meeting, seconded by Robert Hatch, and unanimously approved.

There being no further business, the meeting adjourned at 7:37 PM.

Respectfully submitted,  
Renee Smith  
Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
February 19, 2013**

Members present: Donald Woerner, Mike Grasso, Shawn Veaut,  
Randy Dawley, Jay Coates, Robert Hatch, Debra Stokoe

Members absent: Steve Stein-alternate

Also present: Terry Rech, Bldg. Inspector, Ed Shero, Town Board Liaison, and JJ Donovan, Corporate  
Operations Manager for Valley Tire

Jay Coates called the meeting to order. He stated that the minutes from the January 15<sup>th</sup> meeting would be approved at the next meeting, there was SEQR Review information that he wanted to have recorded in those minutes.

**FIRST ORDER OF BUSINESS:**

**Site Plan application of Valley Tire to construct a detached loading dock at their Scottsville location, 3722 Scottsville Road.**

J. Coates opened the Public Hearing at 7:01 P.M. There being no public in attendance or correspondence received, the hearing was subsequently closed.

J. Coates asked T. Rech how things were progressing in terms of the inspection and compliance plan conditions from the last meeting being met. Terry stated that he had met onsite with representatives from Valley Tire and their contractor to discuss various issues both from a Building Inspector and a Fire Marshal point of view. He stated that they met with an Architectural firm, and they are presently waiting for the modified plans but he does not have any reservations about them completing the work needed for them to become compliant.

Jay Coates questioned whether there are any conditions that should be brought up with the Planning Board, and T. Rech answered that the only Planning Board condition could be the outside storage for the loading dock.

Jay Coates stated that (as Assistant Fire Marshal) he cited them for several Fire compliance issues while inspecting their facility. He stated that if Valley Tire does not proceed forward with the proposed changes, that we do have recourse with these Fire Code compliance issues.

M. Grasso stated that he has reservations about approving this application without previous conditions being met. J. Coates stated that he is in favor of making an outside storage condition. He also stated that the Planning Board could force them to get the proper occupancy before approving the application. He said that the question to be addressed is whether the Board is comfortable with Terry Rech stating that he does not have reservations about Valley Tire meeting the needed conditions. M. Grasso stated that as long as T. Rech and J. Coates feel confident these changes will occur, he feels comfortable approving this application. J. Coates stated that as Assistant Fire Marshal he is ready to take the next step with the fire compliant issues if needed. They have already been cited, so it could now go to a different level of enforcement.

JJ Donovan stated that in order to mediate the outside storage problem, and fire code issues, they need the loading dock. J. Coates wanted it stated for the record that once the loading dock is completed, there will be no more outside storage. JJ Donovan was in agreement.

R. Dawley made a motion to grant a Negative Declaration on an Unlisted Action for the Valley Tire loading dock. D. Woerner seconded that motion, and it was passed as follows:

Robert Hatch - aye  
Randy Dawley - aye  
Debra Stokoe - aye  
Don Woerner - aye  
Mike Grasso - aye  
Shawn Veaut - aye  
Jay Coates - aye

D. Woerner made a motion to approve the application for Valley Tire to construct a loading dock with the condition that there will be no outside storage. R. Hatch seconded that motion, and it was passed as follows:

Robert Hatch - aye  
Randy Dawley - aye  
Debra Stokoe - aye  
Don Woerner - aye  
Mike Grasso - aye  
Shawn Veaut - aye  
Jay Coates - aye

JJ Donovan was told by J. Coates that he could come the next day to get his Building Permit in order to start construction on the loading dock. To rectify the C of O and Fire compliant issues, Valley Tire needs to get plans to the Building Department and obtain a permit. T. Rech also stated that they need a sign permit, the footings and electric need to be inspected.

NEW BUSINESS:

None

The next meeting will be March 5, 2013.

Don Woerner made a motion to adjourn the meeting, seconded by Shawn Veaut, and unanimously approved.

There being no further business, the meeting adjourned at 7:16 PM.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
March 5, 2013**

Members present: Donald Woerner, Mike Grasso, Shawn Veaut,  
Randy Dawley, Jay Coates, Debra Stokoe

Members absent: Robert Hatch, Steve Stein-alternate

Also present: Terry Rech, Bldg. Inspector

Chairman Coates called the meeting to order and asked for any corrections/additions to the minutes from January 15, 2013 and February 19, 2013. There being none, the following motion was made:

Don Woerner made a motion to approve the minutes of January 15, 2013 and February 19, 2013 as written, seconded by Debra Stokoe and unanimously passed.

**NEW BUSINESS:**

- I. T. Rech stated that an individual from Lime Rock Rd inquired about an address for his front parcel, he would like to get electricity so that he can park his RV there to use as a summer campground. There is a special exception category for a seasonal campground. T. Rech stated that he wants to be careful not to set a precedent here, whereby the Town would end up with many of these situations within residential areas.
- II. Faber Homes bought The Villas and wants a revised concept plan; 22 individual lots, instead of the original plan of 24 lots. J. Coates stated that he did some research on Town codes since this development plan doesn't really fit any of the current codes. There was discussion about different codes and what type of residence code this would fit under. J. Coates and T. Rech stated that there is a condition in the Town code for a Planned Residential Area, and that this may be the best fit. He stated that this will be discussed at the April meeting, and a public hearing will be set for the May meeting. There was discussion of Fire Code issues since the houses will be so close together. T. Rech mentioned the fact that fences, pools and sheds could be an issue since these are now going to be separate lots. J. Coates stated that the fence issue could be set as a condition. T. Rech stated that all these issues may be dealt with as deed restrictions.
- III. Code Revisions. J. Coates discussed the fact that he would like to add some new codes revisions when T. Rech does his cell tower code revisions. He mentioned working on the following minor code revisions:
  - Mobil home manufacture code
  - House numbers, need to have large clear signs showing address
  - Lot size for animals
  - Accessory buildings not being permitted for temporary uses or permits
  - Mine hazard areas
  - Sign ordinances

- General development issues
- Community impact statement for larger developments
- Defining code for Ag rights
- Business use in residential
- Sprinklers
- Large set back flag lots. Codify practices on driveways
- Rv's, trailers and camps

The next meeting will be April 2, 2013.

Shawn Veaut made a motion to adjourn the meeting, seconded by Don Woerner, and unanimously approved.

There being no further business, the meeting adjourned at 7:35 PM.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
April 2, 2013**

Members present: Mike Grasso, Robert Hatch, Debra Stokoe  
Randy Dawley, Jay Coates, Steve Stein-alternate

Members absent: Shawn Veaut, Donald Woerner

Also present: Terry Rech, Bldg. Inspector, Ed Shero, Town Board Liaison, Walt Baker, D.S.B.  
Engineers and Architects, Bernie Iacovangelo, Pres. Forest Creek Equity Group,  
Jeremy Smith and John West, both from Faber Homes.

Chairman Coates called the meeting to order and asked for any corrections/additions to the minutes from March 5, 2013. There being none, the following motion was made:

Randy Dawley made a motion to approve the minutes of March 5, 2013 as written, seconded by Debra Stokoe and unanimously passed. Robert Hatch recused himself from the vote since he was not present at the March 5, 2013 meeting.

OLD BUSINESS: None

NEW BUSINESS:

***The Application for Forest Creek Equity Group to amend the 2007 site plan approval for Terra Vista from 24 Townhomes to 22 single family lots, all utilities and roads are complete.***

J. Coates stated that this involves various Town codes; it is a re-subdivision which is under Town code 119-5, a site plan under Town code 130-22, and a special exception under Town code 130-59.

Forest Creek bought this foreclosed land and would like to make some changes to the site original plan. Since the Townhouse design was not marketable, they decided to go with single family lots. They also want to drop the age restriction, and the Home Owners Association. At this time there are 3 existing structures on the property that are single family homes, plus 2 Townhouses. Two of these houses have already been bought; the others remain unfinished and vacant. They realize that this doesn't meet the code for R-12; they are hoping to utilize a special exemption.

J. Coates stated that when the Townhouses were approved there were other provisions such as open space, age restriction and Home owners Association. Forest Creek has stated that they would like the age restriction lifted and the HOA dissolved. It was stated that this is a concept plan.

T. Rech sent a memo on 3/6/13 which was the approval history of "The Villas at Wheatland", and an application pathway to modify and change the previous approval. This memo was entered into the record.

J. Coates stated that this is a transition plan from a Townhouse development with conditions that were approved under Section 130-62 X. of the Town of Wheatland code, to a Planned Residential Development under Section 130-4 Q. of the Town of Wheatland code. Under this code, the Town has the ability to modify dimensional provisions as long as open space has been considered.

The Board and applicant are in agreement with proceeding with this as a Planned Residential Development. Mr. Iacovangelo wants to make sure that there will be distinguished lot lines and a number allocated to each lot.

T. Rech stated that the re-subdivision map should be sent to the County. He stated that the Board can decide if the concept plan should be sent. The County has already approved most of this previously; and they may determine it to be a local matter.

M. Grasso stated that he didn't foresee the County having any issues, but that they would probably want to send it to Chili, since the proposed re-subdivision is on the border of Scottsville and Chili. J. Coates mentioned some changes in wording that should be made on the concept plan before it is sent to the County.

J. Coates stated that we will need a grading plan and "as built". Walt Baker stated that his surveyors will provide this data. They will have a separate plat sheet, along with a separate utility sheet, and a separate grading plan.

R. Hatch is recusing himself from any votes, but will participate in the discussion. He worked for a company that did work for the original project.

It was decided to put off the SEQR review until there is more information, it will be dealt with at the next meeting.

J. Coates had prepared a list of transitional issues which had been forwarded to the applicant, and the Board, and is to be included in the record. He wanted to go through the list of transitional issues one at a time.

- **Age restriction.**

J. Coates stated that this brings up some safety issues since there will now families with children.

➤ *The consensus of the Board was that to have the age restriction removed was acceptable as long as safety issues are addressed.*

- **Front set back.**

There will now be a longer set back on some of the lots which could result in RV's and trailers being parked in driveways. There is a concern that people with shorter setbacks may park them in the roads which would be an issue for emergency vehicles. There was discussion of increasing some of the front setbacks. J. Coates was interested in making it an enforcement situation, instead of a deed restriction. If there was a deed restriction for RV's; this would be the only subdivision in Wheatland that would not allow RV's. It was also stated that this could not be enforced by the Town; it would end up being a civil matter among the neighbors. There was discussion to make it a deed restriction that the RV's can only be parked in the driveway for a certain amount of time. It was then pointed out that sometimes they come and end up staying for a long period of time. It would then be a civil matter. There was talk of making it a condition for some lots, but it was felt that this would not be fair to other homeowners. There was discussion of the fact that people should be allowed to park their RV's in their own driveways. J. Coates brought up the fact that certain developments have RV's parked in their driveways, in back yards and in side yards. E. Shero stated that in Chili they have a rule that you can only park a RV or trailer in your yard if it is 27' or less. He stated that people can apply for a variance; they have to then have a pad and park the RV behind the front of the building. He also stated that there is an unwritten rule that it should be parked for a period of not over 48 hours. R. Dawley mentioned that he likes the idea of a size restriction. T. Rech stated that this is not the typical residential subdivision, it is a special exception. He suggested putting this in as a deed restriction, letting the neighbors will be responsible for the enforcement.

➤ *The consensus of the Board was that there would be a deed restriction of no outside storage of RV's, campers, trailers, or boats.*



- **Trails, sidewalks, and open places.**

J. Coates stated that the drainage pond on the property doesn't really meet the criteria of open space. He also stated that as part of the original approval there should be a buffer of vegetation. He mentioned placing a bench and concrete pad by the drainage pond. J. Coates stated that in place of the open space requirement, the buffer, and the recreation, Forest Creek could construct sidewalks from the development to tie in with the existing village sidewalks. Mr. Iacovangelo was concerned about the cost, and stated that 5,000 linear feet of sidewalk would cost \$150,000.00. He also mentioned there being other costs and potential problems involved as far as easements, right of ways, and maintenance. J. Coates stated that the sidewalks would be very beneficial since there were now going to be families with children in this development. He stated that it would not be safe for kids to be walking and riding their bikes on Scottsville Road. Mr. Iacovangelo stated that he needs to look at this as a businessman, he will think about the sidewalk issue. He stated that he already has an approved Townhouse plan, so he can just go back to that original plan to avoid the sidewalk issue. The Townhouse plan complied with the open space issue because of the shared HOA area; the current plan now has lot lines, which caused a loss of the open space J. Coates stated that if Mr. Iacovangelo wants to move forward with the Planned Residential Area, and refuses to put in sidewalks, that he will insist on having open space. J. Coates stated that he is open to discussion on the sidewalk issue. He looked into what would fit the codes and what would fit the community and safety issues, and feels that sidewalks are reasonable. He stated the option of contribution to a sidewalk fund, where the Town would be responsible for the construction. There was discussion about the Town doing the work to keep the costs down, and being responsible for the maintenance. J. Coates mentioned incentive zoning, but that would draw things out for a longer period of time. He would like to work with the applicant, but also wants to make sure everything is addressed that is in our code. Mr. Iacovangelo stated that he would think about this proposition. M. Grasso suggested making adjustments, put in the sidewalks to a certain spot, there are different roads that the existing sidewalk could tie into. He stated that the existing sidewalk was built in the State's right of way, so there should not be a problem continuing to build along that line. M. Grasso suggested that maybe they could agree to do part of the sidewalk, and deal with some of the issues that weren't dealt with earlier, for example, plant some of the vegetation for the buffer. He stated that we need to come to an agreement that everyone can live with. J. Coates stated that the distance to Robert Quigley Drive is 1340', and to North Road is 2070'.

- *The consensus of the Board was that T. Rech and J. Coates would meet and come up with a proposal for the sidewalks and present it at the next meeting.*

- **Street lights.**

- *These are already in place.*

- **Similar look and feel for the whole development.**

- *T. Rech mentioned that fencing was a concern, but that issue has been resolved. Mr. Iacovangelo stated that people have certain models to choose from, and they all have a similar look and feel. He stated that they use neutral colors also to maintain the comparable look.*

- **No home occupation.**

Mr. Iacovangelo wants this to be a residential area; he does not want to see landscape trailers. He would like this to be a deed restriction.

- *The consensus of the Board was that there would be a deed restriction of no outside storage of RV's, campers, trailers, or boats.*

- **Fences.**

Mr. Iacovangelo stated that he would like to make it a deed restriction that there is only one certain type of white vinyl fence that can be used, the homeowners would receive the model number for this fencing. He stated that in other developments it has not been a deed restriction, and people use all types and sizes of fences. He also stated that the fences are not always maintained, this vinyl fence requires no maintenance.

- *The consensus of the Board was that this should be a deed restriction, the fence will be allowed to go off the corners of the houses, and must be 5' from the lot lines.*

- **Accessory buildings and swimming pools.**

It was decided that accessory structures should be a special exception. Presently there needs to be a building permit issued in order to put up an accessory building. Mr. Iacovangelo said that he would like to see a deed restriction that the accessory structure has to be a certain size and it must be placed right behind the rear of the house. T. Rech stated that New York State law says they have to be at least 10 feet from a dwelling.

- *The consensus of the Board was that accessory buildings would be a special exception. There would be one accessory building allowed, size not to exceed 10'x 10'. It will need to be 5' from the lot line, and should be placed in the rear of the home, with minimum distance separation permitted by code.*

There was discussion about swimming pools being a deed restriction since some of the lots will be too small for a pool. Mr. Iacovangelo stated that he has another subdivision in Greece where pools are not allowed. M. Grasso stated that the development would probably look better without the pools, he wasn't sure if it was up to the Town to decide if they have room in their yard. R. Dawley stated that there should not be a problem if the homeowners know upfront that they will not be able to have a pool.

- *The consensus of the Board was that pools would be a deed restriction.*

J. Coates reviewed specific map changes that the applicant needs to address in the application; open space, buffer and safety issues. The revised map needs to be sent to the County by Friday in order to have time for the County comments to come back before the next meeting. J. Coates asked the Board if they would like to set a Public Hearing for the next meeting.

S. Stein made a motion for a public hearing to be held on May 7, 2013, seconded by D. Stoke, and unanimously passed.

T. Rech stated that there will be no work session this month.

The next meeting will be May 7, 2013.

Robert Hatch made a motion to adjourn the meeting, seconded by Mike Grasso, and unanimously approved.

There being no further business, the meeting adjourned at 8:40 PM.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
June 4, 2013**

Members present: Mike Grasso, Robert Hatch, Debra Stokoe  
Jay Coates, Steve Stein-alternate

Members absent: Shawn Veaut, Donald Woerner, Randy Dawley

Also present: Terry Rech, Bldg. Inspector, Ed Shero, Town Board Liaison, Walt Baker, D.S.B.  
Engineers and Architects, Bernie Iacovangelo, Pres. Forest Creek Equity Group,  
Jeremy Smith, Bill Arenos, and John West from Faber Homes.

Chairman Coates called the meeting to order and asked for any corrections/additions to the minutes from April 2, 2013. There being none, the following motion was made:

Robert Hatch made a motion to approve the minutes of April 2, 2013 as written, seconded by Debra Stokoe and unanimously passed.

FIRST ORDER OF BUSINESS: PUBLIC HEARING

***The Application for Forest Creek Equity Group to amend the 2007 Townhouse special exception and site plan approval for Terra Vista from 24 residential lots to a Planned Residential Development single family site plan and resubdivision to 22 residential lots, all utilities and roads are complete.***

R. Hatch stated that there was no longer a conflict of interest, so he no longer needed to recuse himself from participating in the meeting. The applicant had no objection to R. Hatch voting, and neither did the Planning Board.

Walt Baker gave an overview of The Villa project so the attending public would have that background information.

J. Coates called the Public Hearing to order at 7:10 p.m.

- 1) John Stryker  
61 Chili Wheatland Townline Rd

Mr. Stryker asked the following questions:

***Will the previous age restriction still be in place?***

W. Baker stated that the age restriction was being removed.

***Are there plans for further excavation?***

J. Coates stated that the Board is requiring a grading plan. W. Baker said that they are adding additional grading and drainage swales; they are working with existing contours and doing some minor regrading. He also stated that they have a big pile of top soil to remove; they will use some at the home sites, but will have to remove the remainder.

***What is a USDA Program?***

Mr. Iacovangelo stated that it is a FHA mortgage program available in rural areas. It provides a reduction in the amount of down payment and a reduction in the amount of mortgage insurance.

***What are the home prices going to be?***

Mr. Iacovangelo stated that they are going to start at \$139,900.00 and go up from there. He stated that he builds for working families. The average price of his homes would probably be closer to \$190,000.00.

***Are these homes going to be low income?***

J. Coates stated that is not the intention and that there would be a different review process if that was the case.

***Why have ads been in the paper for homes for sale, prior to approval?***

J. Coates stated that this is not an issue that we address here. We are only concerned with the approval process.

- 2) Roger Huff  
4 Elmwood Circle

Mr. Huff asked the following questions:

***Is this zoned R-12?***

J. Coates stated that yes it is zoned R-12 but this is not an R-12 district. He explained that it is being dealt with as a Planned Residential Development, this allows for cluster development with various conditions.

***Will it later be converted to low income Government supported housing?***

J. Coates stated that he did not know the answer at this point. Mr. Iacovangelo stated that they don't build subsidized housing. They build homes that people can afford.

***What is the minimum square footage going to be?***

Mr. Iacovangelo stated that they would be 1,000-1,100 square feet homes.

***Are they going to plant trees along the back where the other builder removed them?***

J. Coates stated that landscaping would be the responsibility of the homeowner. The previous builder should not have removed the trees, it would have been a code enforcement issue, but the builder went bankrupt. The code does not require borders or barriers between like types of developments.

- 3) Kathy Dinolfo  
8 Elmwood Circle

Ms. Dinolfo asked the following questions:

***The minimum square footage will be small; will these be mostly 2 bedroom homes?***

Mr. Iacovangelo said that the smaller ones would be 2 bedrooms. He also stated that there would be ranches and colonials. They hit the "empty nester" market.

***Will there be a buyer before they are built?***

It was stated that yes, there would be a buyer before the home is built.

***There is a large hill of topsoil, will that be leveled?***

J. Coates stated that there is a grading plan and that there will be contours, it will not level. M. Grasso stated that it will be smoothed out, level is a technical term.

- 4) Robert Green  
8 Ashwood Dr.

Mr. Greene asked the following question:

***When are they going to get rid of the pile of topsoil behind my house?***

Mr. Iacovangelo stated that the pile of top soil is called a stock pile. He said that they need to keep that to put back on the site to create lawns. They are required by law to replace the native soil. Once all the houses have been completed, they will remove the excess topsoil, if any.

There being no further questions, the public hearing was closed at 7:32 P.M.

J. Coates made some clarification statements about the project. He stated that this is not a single family subdivision, it is a special exception use under the Town of Wheatland code 130-62Q; it is called a Planned Residential Development.

J. Coates stated that there have been several actions that have been taken place since the last meeting.

1. The applicant has filed for dissolution of the HOA.
2. County comments have been received; there were no issues with compliance on the part of Forest Creek.
3. Conversion issues. T. Rech and J. Coates were delegated to deal with these issues. They have met with the Town Attorney and the applicant and they came to an agreement.
  - a. They are going to resubdivide to 22 single family lots.
  - b. The Town Received the drawings that were needed
  - c. Age restriction- removed
  - d. HOA- removed
  - e. Front set back-deed restriction
  - f. Street lights-already in place
  - g. Similar look and feel to the development-will be a condition of the approval
  - h. No home occupation-deed restriction
  - i. Fences-deed restriction
  - j. Accessory buildings and swimming pools-deed restriction
  - k. Safety barriers, landscape barriers, trails sidewalks and open spaces
    - remove all barrier and landscape requirements
    - pond easement
    - Sidewalk to be extended to Ashwood Dr.
    - developer will contribute \$10,000.00 to a sidewalk fund

J. Coates stated that the deed restriction language will end up being a condition for approval. J. Coates asked T. Rech if he had any further information. T. Rech wanted to clarify a zoning question that came up during the Public Hearing. He stated that if this was zoned as R-12, they would yield 26 lots instead of the 22 lots, based on the required minimum square footage. T. Rech stated that the Engineering comments have not been received at this time, but they are expected in a week.

J. Coates went through the SEQR Review process.

**TOWN OF WHEATLAND  
PLANNING BOARD CHECKLIST/OUTLINE**

**TYPE ACTION**

Subdivision [ ] (COTOW 119-1), ReSub [x ] (COTOW 119-5), Site Plan [x ] (COTOW 130-22)

Special Exception [x ] (COTOW 130-59),

Additional Code Sections: Townhouse 130-62X, Planned Residential Development 130-4, 130-62Q

**APPLICATION COMPLETE:** [ ]      **DATE:** \_\_\_\_\_

Additional Info: Grading plan

As built

Full Package

Engineering Fees/Escrow: Y [ ], N [ ] Amount \$ \_\_\_\_\_ Date Rec'd \_\_\_\_\_

**PROJECT DESCRIPTION** Transition from Townhouse with conditions, approved under 130-62X, to a Planned Residential Development 130-4, 130-62Q.

**SEQRA REVIEW**

Line item review of the SEQRA requirements for this project:

- I. The project will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;  
**NO ISSUES IDENTIFIED [x ], ISSUES [ ]** Existing
- II. The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;  
**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**
- III. The project will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;  
**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**
- IV. The project will not result in creation of a material conflict with a community's current plans or goals as officially approved or adopted;  
**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**
- V. The project will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;  
**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**
- VI. The project will not result in a major change in the use of either the quantity or type of energy;  
**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**
- VII. The project will not result in the creation of a hazard to human health;

**NO ISSUES IDENTIFIED [ x ], ISSUES [ ]**

VIII. The project will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**

IX. The project will not result in the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such a place absent the action;

**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**

X. The project will not result in the creation of a material demand for other actions that would result in one of the above consequences;

**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**

XI. The project will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;

**NO ISSUES IDENTIFIED [ x ], ISSUES [ ]**

XII. The project will not result in two or more related actions being undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

**NO ISSUES IDENTIFIED [x ], ISSUES [ ]**

Based upon the initial review, the Board believes this will be an unlisted action and unless other information is forthcoming would anticipate a **Negative Declaration**. [x ]

**Condition Negative Declaration.** [ ]

Type 1 Action [ ]

**PRELIMINARY APPROVAL** [ ]

Date: \_\_\_\_\_ Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

Conditions:

Additional Information:

**PUBLIC HEARING** YES [x ] NO [ ]

Date: \_\_\_\_\_ Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_ Public Notice: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_ Open: \_\_\_\_\_ Close: \_\_\_\_\_

Public Comments/Concerns:

**MONROE COUNTY COMMENTS** (GML-239m, COTOW 116-35)

Date: \_\_\_\_\_ Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

Sent: 4/8/13 30 Days: 5/7/13 Received: \_\_\_\_\_



Issues: See Document [ ]

Reviewed: \_\_\_\_\_

**FINAL APPROVAL**

Date: \_\_\_\_\_ Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ Vote: \_\_\_\_\_

Conditions:

**Motion Formats:**

- RVs-deed restriction with mi outside storage of trailers, boats and RVs.
- Pools-deed restriction,
- Accessory buildings-1, 10x10, 5' from lot line, minimum permissible by code from house.
- Fences-deed restriction, white vinyl. 6' high, off back corner, minimum 5' from lot line.

S. Stein made a motion for an unlisted action and negative determination under SEQR, based on the Board's review, seconded by R. Hatch, and unanimously approved.

J. Coates proposed that the Building Inspector and Town Attorney draft a motion for approval with all the conditions and topics for review. The Board can then vote at the work session on June 18<sup>th</sup>, 2013 for final subdivision approval. M. Grasso asked if the Town Engineers comments would be included. J. Coates stated that they should be back by that time.

**NEW BUSINESS:**

***The Application of Schultz Associates as agent for Andrew and Nicholas Vieira to seek re-subdivision of Lot 3 of the Krenzer-North Subdivision to 2 single family residential lots. The property address is 1549 North Rd. located in an AR-2 zoning district. The Tax ID number is 199.01-1-4.123.***

Robert Hatch recused himself from this meeting since he is an employee of Schultz Associates.

The applicant wants to subdivide 2 acres of the 20 ½ acre lot. He plans to put up 2 single family homes, each with private leech fields and wells. The larger lot (lot 2) has an existing pole barn constructed on the property. Dave Matt of Schultz Assoc. stated that both leech fields have been tested and the designs are ready for approval. He also stated that DOT approved the plans.

J. Coates stated that there would be some requirements needed since the houses are set so far off the road. There would need to be dedicated turn around for fire equipment at the top end of each driveway, along with a parking area at least 50 feet from the house. A "Mumford" post is required at the front end of the driveway, a 4x4 or a steel post, which can also be used for an address holder

M. Grasso mentioned the discrepancy in the code for barn setbacks. J. Coates explained that if the barn is used for a primary agricultural use, then there does not need to be a 100' setback, but once you put a house on the property, the barn becomes an accessory building and needs a 100' setback. There is also a section in the code that says that an existing structure can stay. T. Rech stated that the board can condition their approval so that any manure pile is at least 100' from the property line, and that the waste removal is done in a sanitary manner.

J. Coates stated that there have been some noise complaints because of the applicants and his friends riding dirt bikes. Mr. Matt stated that once there are horses there, the bikes would not be ridden. The owner stated that he does not want to be restricted to where he cannot ride his dirt bike at all. He stated that he understands that he cannot create a track, and invite all his friends over to ride. J. Coates stated that the riding would be restricted to personal use only; a dirt bike track is not conducive to an agricultural use.

M. Grasso and T. Rech discussed creating a noise regulation code. T. Rech stated that there will be a Public Hearing, and that the noise issues will be brought up by neighbors.

T. Rech stated that the application is complete. The Board just needs the distance of the houses and the barn from the right of way. They also need to show the driveway redesign, and need to add the "Mumford" post.

T. Rech stated that the County Comments have already been received back from the County.

S. Stein made a motion for a public hearing to be held on July 2, 2013, seconded by D. Stoke, and unanimously passed.

M. Grasso made a motion to grant preliminary site plan and subdivision approval for the Vieira Subdivision of the resubdivision of Lot 3 of the Krenzer North Subdivision, based on drawings of Schultz Associates dated 4/22/13. Seconded by Steve Stein and unanimously approved.

#### NEW BUSINESS:

T. Rech stated that there will be an issue for the Zoning Board. Sunny Creek estate, the trailer park in Mumford, wants to put up a new free standing sign. T. Rech asked the Zoning Board members to drive by the "mock" sign on Smith Rd to make sure it does not create any visual obstructions.

The next meeting will be June 18, 2013. The Villas application will be voted on at that time. The Zoning Board will convene to vote on the Sunny Creek Estates sign. There will also be Workman's Comp required training at this meeting. T. Rech is going to consult the Town Board to inquire if this would count towards the Boards required 4 hours of required yearly training.

Robert Hatch made a motion to adjourn the meeting, seconded by Mike Grasso, and unanimously approved.

There being no further business, the meeting adjourned at 8:20 PM.

Respectfully submitted,

Renee Smith

Recording Secretary

**Town of Wheatland  
Planning Board Minutes for  
August 20, 2013**

The Planning Board of the Town of Wheatland held a meeting on Tuesday, August 20, 2013 at 7 p.m. at the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

**Members Present:** Jay Coates, Don Woerner, Mike Grasso, Debra Stokoe, Bob Hatch

**Member Absent:** Randy Dawley

**Alternate Present:** Steve Stein

**Others Present:** Terry Rech, Building Inspector and Ed Shero, Town Board Liaison

Jay Coates, Chairman, called the meeting to order at 7 p.m. and roll was taken. Bob Hatch recused himself from conducting meeting business as he is an employee of Shultz Associates, Agent for the Vieira application.

The first order of business was to review and approve prior meeting minutes. J. Coates entertained a motion to approve the minutes from June 18, 2013. D. Woerner made a motion to approve the minutes as submitted. The Second was made by D. Stokoe. The vote was unanimous. J. Coates then asked for a motion to enter the July 2, 2013 minutes into the record without approval and with 2 corrections. He added “to conduct business” to the first line after “for a quorum.” He also changed decimal to decibel in the third paragraph. D. Stokoe made such a motion with a second by B. Hatch. The vote was unanimous for those present at the July 2<sup>nd</sup> meeting.

J. Coates read into the record the resignation letter dated July 16, 2013 by Shawn Veaut resigning his position on the Planning Board and also his alternate member position on the Zoning Board. A “Thank you” was entered into the record on behalf of the Board for Shawn’s time and service.

**Old Business:**

**The application of Schultz Associates as agent for Andrew and Nicholas Vieira to seek re-subdivision of Lot 3 of the Krenzer-North Subdivision to 2 single family residential lots. The property address is 1549 North Rd. located in an AR-2 Zoning district. The Tax ID number is 199.01-1-4.123.**

J. Coates stated that since the final submission information had been received on the application since the last meeting, he wanted to change the order of the meeting to first review and update before moving on to the scheduled Public Hearing. He asked if everyone agreed with the change of the agenda. There were no objections.

J. Coates indicated that the discussion was a continuation of the action on the application of Schultz Associates as Agent for Andrew and Nicholas Vieira to seek a re-subdivision of Lot 3 as well as a site plan approval for 2 lots. The action is under Wheatland Town Code 116-5 which pertains to re-subdivision, as well as Section 130-22 for site plan approval. The Board chose to grant certain waivers as was allowed under the Code in Section 116-6 for waivers in cases of simple subdivisions.

J. Coates said also that the Board chose to combine the re-sub and site plan approval into one process. The Board accepted the applicant's submission to the County for comments in advance of the actual planned submission and had decided to have a Public Hearing on both applications as part of the final process. Site plan approval under Section 130-22 was granted with preliminary approval on June 4<sup>th</sup>. Preliminary approval was conditioned upon modifications being made to the plans. A Public Hearing date was set for July 2, 2013 but was not held due to a lack of a quorum to conduct business that evening. An informational meeting was instead held that evening for residents and Board members, and the rescheduled Public Hearing was set for August 20, 2013.

J. Coates stated that the final Site Plan was received that evening and, under Town Code, the clock for the 62 day time period to act on the final complete application started that night. He asked the applicant if he had any issues and if there were any questions or concerns. The agent stated and applicant concurred there were no issues.

For history, J. Coates reviewed that the site was sub-divided in a site plan previously approved and that the site is in an AR-2 agricultural rural zoning district. The applicant had requested and was granted a building permit for a primary agricultural structure for use as stables, which is a permitted use. J. Coates then entered into the record and referred to the letter dated May 23, 2013 addressed to him as Chair of the Town of Wheatland Planning Board from Terry W. Rech, Town Building Inspector. This letter discussed the process and district regulations with regard to the applications made for 1549 North Rd. J. Coates asked if everyone had a chance to review the letter and if there were any questions. No questions were put forward. He went on to highlight aspects of the letter.

David Matt from Shultz Associates confirmed with the Board that prior to submission to the Town Planning Board, a County submission was made and received back with County comments dated May 23, 2013. J. Coates asked that the County comments of May 23, 2013 be entered into the record. He asked T. Rech and D. Matt if the requests cited in the County comments had been addressed. D. Matt responded that all items were included in the final submission from Schultz Associates. J. Coates stated that it would be subject to check by the Planning Board.

Town Engineer letters were referenced by J. Coates regarding a list of items to be addressed by the Agent/Applicant. He confirmed with D. Matt that all items were addressed and documented in a letter dated August 14, 2013. T. Rech was questioned regarding the Town Engineer's review and he stated that he had received an email that day confirming that all the issues noted had been addressed in a satisfactory manner.

J. Coates asked D. Matt as Agent for the applicant Andrew Vieira, to come forward and make a presentation on the final project detail. D. Matt gave a summary of the process and the responses to the respective agencies/engineers comments. He stated that the application was for a simple sub-division of a 20+ acre lot into 2 lots. The smaller lot would be approximately 2.5 acres with the larger lot approximately 17.7 acres. J. Coates questioned D. Matt as to the water supply for both lots, and the details for the water lines and wells were reviewed.

Referring to plat C2 and C4, J. Coates noted that a sign was not included, but there is a business sign currently at the property. He asked T. Rech if it was a permitted sign and T. Rech responded that he had not issued a permit for it, but it might fall into a category that did not require a permit. J. Coates asked then that the plot plans be updated to reflect the sign and to document it is not in the right of way.

Regarding the plot plan for contours submitted, J. Coates stated that it was not up to date. Changes were made to the contours that weren't reflected on the plans. He asked A. Vieira if he had built a dirt track on his property with mounds and turns. He confirmed with A. Vieira that a track had been built in April 2013 that wasn't represented on the map. A. Vieira then stated that the dirt track had since been removed. D. Matt stated that the contours reflected on the plans were from the County system and were from before April 2013. D. Matt stated that the representation was within a 2 foot accuracy. J. Coates confirmed with A. Vieira that the Building Inspector would be able to inspect the property the next morning to find that the dirt track was gone.

J. Coates asked what the distance was to the nearest structure from the barns and property lines. D. Matt answered that it was approximately 300 feet from the barn to the house at 9417 (Union). J. Coates confirmed that it was the nearest structure.

T. Rech asked what date the contours on the map represented. B. Hatch responded that the mapping was from 2009.

The Public Hearing for the Application for re-subdivision at 1549 North Rd, Tax ID 199.01-1-4.123, was opened at 7:25 p.m. by J. Coates. Valerie Yust of 9417 Union St, Scottsville was signed in to speak. She questioned the Board regarding the contours of the property and whether the track and jumps were still on the property. J. Coates responded that the property/track would be inspected the next day. She then inquired if a business was permitted in that AR-2 zoning district. J. Coates said that to the Town's knowledge there wasn't a business other than an agricultural business at that address, which was permitted. V. Yust asked for the manure storage regulations again. J. Coates referenced the May 23 letter including Town Code from the Building Inspector. A letter addressed to the Planning Board Chairman was then entered into the record by J. Coates dated July 9, 2013 and received from J. Lanny Tucker of 9535 Union St, Scottsville. J. Coates read the letter with J. Tucker's comments regarding the Application addressed at the August 20 Public Hearing. As no others wished to offer comments, J. Coates closed the Public Hearing at 7:35 p.m.

J. Coates addressed the applicant regarding the SEQRA short form dated April 23, 2013. He asked for a correction to the project name from Vieira Subdivision to Vieira re-subdivision and site plan. He also asked for corrections with regard to items 5 and 11.

At that point, J. Coates declared the Town Planning Board as the Lead Agency of the review. He asked if anyone had issues or questioned that. There were no objections. It would be an Uncoordinated Review and an Unlisted Action. J. Coates confirmed this with the Board members.

A Vieira asked if, after building his proposed house, he would still be able to use the barn as a horse barn. J. Coates answered yes it was a permitted use.

Before taking any action, J. Coates declared that the Impact Assessment would need to be done. Seven topics would have to be considered for the Environmental Review. J. Coates listed two concerns: Item C1- the dust and the noise, and Item C2- the character of the neighborhood. A discussion was held regarding the SEQRA process and the timing of the application. D. Matt indicated that since the SEQRA process came before the subdivision and site plan review, he felt these shouldn't be issues of concern. J. Coates stated that the issues would be relevant in an overview of the whole application process. A. Vieira then indicated that he would limit the recreational use on his property but not eliminate it. J. Coates offered to the applicant the option of submitting a plan to address Items C1 and C2 of the SEQRA. An agreement was reached with the Board that A. Vieira would submit a proposed plan in writing to address these items. J. Coates again verified that the track site would be inspected the next morning by Building Department personnel to confirm that the track had been removed and leveled. Discussion continued regarding future possibilities for the property and proposed permitted uses. J. Coates confirmed with D. Matt that the Impact Assessment Review would need to have all topics addressed not just the 2 previously discussed.

J. Coates asked for any Board comments and comments from the Building Inspector. T. Rech asked to have solid waste disposal criteria incorporated in the points addressed.

A 9 a.m. appointment was made between A. Vieira and J. Coates to meet at the property the next morning.

There being no further discussion until the new information is provided, J. Coates asked for a motion to table the matter and discussion until the next scheduled meeting on September 3, 2013. D. Woerner made such a motion with a Second by S. Stein. The vote was unanimous.

### **New Business:**

T. Rech introduced a charge from the Town Board as a result of the last meeting. The Town Board had requested that the Planning Board look into off-road ATV and dirt bike regulations. It was suggested to refer to the Chili Code which had been forwarded by T. Rech to Planning Board members. Updated Coded would also be forwarded. T. Rech stated that the Planning Board is charged with developing off-road regulations.

David Ras, 612 Browns Rd, was also in attendance on an informal basis for discussion of his internet-only home business which requires a Dealer's license. T. Rech indicated that it would be a fitting discussion of the distinction between major home occupation and minor home occupation for a business. D. Ras was invited to the podium for discussion and to answer Board questions regarding his business buying and selling classic cars. The discussion focused on the New York State requirement for a Dealer with regard to putting up a business sign. As a result of the discussion and the sign requirement, it was determined on a preliminary basis that the business would fall into the category of major home occupation. T. Rech indicated that this would then require a special exception approval process. J. Coates said the discussion was based on concepts and made clear that the discussion was not an approval. He asked D. Ras to submit an application for consideration at a future meeting.

There being no further discussion, J. Coates entertained a motion to adjourn. D. Stokoe made such a motion. The Second was made by M. Grasso. The vote was unanimous. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Mary Hastings  
Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
September 3, 2013**

Members present: Donald Woerner, Debra Stokoe, Jay Coates, Robert Hatch, and Steve Stein-alternate

Members absent: Mike Grasso, Randy Dawley

Also present: Terry Rech, Bldg. Inspector, Ed Shero, Town Board Liaison

Chairman Coates called the meeting to order and asked for any corrections/additions to the minutes from August 20, 2013. There being none, the following motion was made:

Don Woerner made a motion to approve the minutes of August 20, 2012 as written, seconded by Debra Stokoe and unanimously passed.

Bob Hatch recused himself from conducting meeting business as he is an employee of Shultz Associates, Agent for the Vieira application.

**Old Business:**

**The application of Schultz Associates as agent for Andrew and Nicholas Vieira to seek re-subdivision of Lot 3 of the Krenzer-North Subdivision to 2 single family residential lots. The property address is 1549 North Rd. located in an AR-2 Zoning district. The Tax ID number is 199.01-1-4.123.**

J. Coates questioned if there are revised drawings for the new address sign. It was stated by Dave Matt that the only change to the new map is the new address sign. There was discussion about whether the new sign would require a permit. T. Rech and J. Coates decided that there is no permit needed.

J. Coates inquired as to whether the dirt bike track was in fact gone, since it was still there after T. Rech's last inspection. A. Vieira apologized for being untruthful about the existence of the dirt bike track. He stated that it was now removed, and the land contours had been restored. He stated that he used a bulldozer to clear the weeds and level the ground. J. Coates stated that by not being truthful at the last meeting, he hurt the credibility of his application. T. Rech will do another inspection to make sure that the track is indeed gone. The removal of the track is a condition of the SEQR review and the resubdivision. Andrew Vieira agreed to this and stated that there was nothing else that he had been untruthful about during his application process.

Andrew Vieira submitted mitigation for the C1 and C2 section on the SEQR form prior to the meeting. He submitted a revised version at the meeting which was the version used for the SEQR review. J. Coates inquired whether Dave Matt had submitted a signed environmental form. Dave Matt stated that he had not at this time, but will submit one.



PROJECT ID NUMBER

617.2

APPENDIX C

SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

SHORT ENVIRONMENTAL ASSESSMENT FORM

FOR UNLISTED ACTIONS ONLY

(To be completed by the Applicant or Project Sponsor)

PART 1 - PROJECT INFORMATION

|   |  |  |  |
|---|--|--|--|
| 1. APPLICANT/SPONSOR:<br>Andrew Vieira (Applicant) Schultz Assoc. (Sponsor)   |  | 2. PROJECT NAME: Vieira Subdivision being a re-sundivision of Lot 3 of the Krenzer subdivision |  |
| 3. PROJECT LOCATION-MUNICIPALITY:<br>Town of Wheatland  |  | COUNTY:<br>Monroe  |  |
| 4. PRECISE LOCATION:<br>1549 North Rd, 179' +/- east of the intersection with Union St  |  |  |  |
| 5. IS PROPOSED ACTION: <input type="checkbox"/> NEW <input type="checkbox"/> EXPANSION <input checked="" type="checkbox"/> MODIFICATION/ALTERATION  |  |  |  |
| 6. DESCRIBE PROJECT BRIEFLY:<br>The resubdivision of Tax Acct #199.010-01-004.123 into 2 lots.<br>The construction of two single family homes.<br>The site includes an existing metal pole barn with an intended use of boarding horses.<br>The proposed construction will disturb approximately 3.0 acres.   |  |  |  |
| 7. AMOUNT OF LAND AFFECTED:<br>INITIALLY 20.36 acres ULTIMATELY 20.36 acres   |  |  |  |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, describe briefly:  |  |  |  |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (choose as many as apply.)<br><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agricultural <input type="checkbox"/> Park/ Forest/ Open Space <input type="checkbox"/> Other<br>Rural residential and Agricultural in the vicinity |  |  |  |
| 10. DOES THE ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING? NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, list agency name and permit/approval<br>MCHD-Septic System Permits; MCDOT-Driveway permit  |  |  |  |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If Yes, list agency name and permit / approval :<br>Collins-North Rd Town of Wheatland site plan approval. Town of Wheatland building permit for 50'x100' horse barn. Approved Agricultural use of the metal pole barn for animal husbandry.  |  |  |  |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISITING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Modification of lot 3 of the Krenzer -North Subdivision  |  |  |  |
| I CERTIFY THAT THE INFORMATION PROVIDED ANOVE IS TRUE TO THE BEST OF MY KNOWLEDGE<br>Applicant/Sponsor Name: Dave Matt for Shultz Assoc. Date: April 23, 2013<br>Signature: _____ Reviser: August 21, 2013  |  |  |  |



**PART II-IMPACT ASSESSMENT (To be completed by Lead Agency)**

|    |   |  |
|----|---|--|
| A. | DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the full EAF.   |  |
|    | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |  |
| B. | WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6NYCRR, PART 617.6? If no, a negative declaration may be superseded by another involved agency.  |  |
|    | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |  |
| C. | COULD ACTION RESULT IN ANY ADVERSE AFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)  |  |
|    | C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal)   |  |
|    | Yes, there was an existing dirt bike track and modifications to the contour of the ground, noise and dust issues. These will be mitigated by the following: removal of the track and restoration to original contours. Non agricultural dust will be mitigated by controlling the use of motor vehicles, on the property. Recreational motor vehicles will not be ridden during dry, potentially dust creating conditions. During dry conditions the area that is to be ridden on shall be properly wetted down with water to prevent the creation of dust. Excessive noise levels created by the use of recreational motor vehicles on the property will be controlled by limiting the use of non-agricultural motor vehicles to those which will remain below the 85 decibels at the property line. Solid waste produced from boarding horses will be mitigated by a manure composting plan which will include the disposal and storage of the manure. The manure will be stored at a minimum of 100 ft. from any property line within a structure created by concrete barriers. The manure will be cleaned from the stalls and moved to the storage structure where it will be covered and allowed to compost. Once composted the manure will be spread throughout the site as fertilizer. |  |
|    | C2. Aesthetic, agricultural, archeological, historic, or other natural or cultural resources; or Community or neighborhoods character? Explain briefly  |  |
|    | The character of the neighborhood was adversely impacted by the recreational vehicle track and associated dust and noise, which is not a compatible residential and agricultural use. This is being mitigated by the removal of the track, restoration to approximate pre-existing ground contours, limits on non agricultural noise levels, and that any recreational use shall be within the Codes of the Town of Wheatland, and County of Monroe.  |  |
|    | C3. Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.  |  |
|    | No  |  |
|    | C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain Briefly.  |  |
|    | No  |  |
|    | C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.   |  |
|    | No  |  |
|    | C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain Briefly.   |  |
|    | No  |  |
|    | C7. Other impacts (including changes in use of either quantity or type of energy? Explain Briefly.  |  |
|    | None  |  |
| D. | WILL THE PROJECT HAVE AN IMPACT ON THE ENVIROMENTAL CHARECTORISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIROMENTAL AREA (CEA)? (if yes, explain briefly).   |  |
|    | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |  |
| E. | IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIROMENTAL IMPACTS? If yes, explain briefly)   |  |
|    | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |  |

**PART III-DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is a substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain significant detail to show that all relevant adverse impacts have been identifies and adequately addressed. If question "D" of part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

|  |   |
|--|---|
|  | <input type="checkbox"/> Check this box if you have one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.   |
|  | <input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination. |
| Name of Lead Agency                                      | Date  |
| Print or Type Name od Responsible Officer in Lead Agency | Title of Responsible Officer  |
| Signature of Responsible Officer in Lead Agency          | Signature of Preparer (if different from Responsible Officer)   |

J. Coates had an issue with a few items which he wanted to have clarified. In the second paragraph of C1 he wanted the last sentence to read “Excessive noise levels created by the use of recreational motor vehicles on the property will be controlled by limiting the use of non-agricultural motor vehicles to those which will remain below the 85 decibels at the property line.”

There was discussion about the plan for concrete barriers for manure storage. J. Coates stated that if A.Vieira stated his plan to store manure in that way, that will be what is expected to happen. A. Vieira agreed to this, stating that was his plan all along.

In the C-2 section, J. Coates stated that he thinks the language should be changed to read that “there was a dirt track which was removed.” He believes this will make the statement more accurate and truthful.

D. Woerner and T. Rech had an issue with the last line of section C2 which reads “the existing codes”. J. Coates would like the word “existing” removed, this was agreed upon by the Board. J. Coates, with the Board’s consensus, rewrote C2 and used that version for the environmental impact form.

D. Stokoe would like to see a limit on the number of recreational vehicles mentioned in the mitigation. J. Coates stated that this could be done as a condition of the approval. J. Coates stated that the Planning board will be writing a code for the Town and they can put the limit in the Code. It was the consensus of the board that the mitigation be used as conditions for the SEQR and the re-subdivision approval.

The conditions are as follows:

1. No dirt bike track
2. Decibel limit
3. Manure kept 100 ft. from property line
4. Land contours will be restored and maintained
5. Limit dust

D. Woerner made a motion to accept the Environmental Review, seconded by S. Stein and unanimously approved.

J. Coates then moved on to the Resubdivision and site plan approval. It was stated that the Board has the modified maps. D. Woerner stated that he didn’t see any plans for the electrical utilities and wondered if they had decided on that yet. A. Vieira stated that he planned to go underground with the electricity. J. Coates stated that he didn’t see a problem not stating that on the modified maps, they could change their minds and go overhead with the utilities if needed.

D. Stokoe made a motion to approve the re-subdivision and site plan approval for 1549 North Rd, with the same conditions as C1 and C2 in the SEQR form. This approval was seconded by D. Woerner and unanimously approved by the Board.

Debra Stokoe - aye  
Don Woerner - aye  
Steve Stein - aye  
Jay Coates - aye

T. Rech will be making an inspection of the former dirt track site to make sure that the conditions of removal have met.

**Old Business:**

T. Rech stated that David Ras talked to someone from DMV who stated that the sign for his business can just be placed in a window. It would need to be a sign that said NYS DMV and had his dealer license number displayed. It was stated that he would only have one car at a time, sometimes he would buy and deliver and the car would never come to his house. T. Rech stated that this would be a minor home occupation since he no longer needed a sign displayed in front of his home. T. Rech stated that the sign wouldn't even be visible from the road. He asked for feedback from the Board on this issue. D, Woerner stated that the Board can look at his history Mr. Ras built and has maintained a beautiful home. T. Rech stated that he had a discussion with Mr. Ras and told him that he would speak to the Board and see if they were in agreement to this being a Minor Home Occupation. Mr. Ras agreed to put in writing what he is proposing to do with his business, which would become the limitations of his Minor Home Occupation. The Board was in concurrence, so T. Rech will get in touch with Mr. Ras.

**New Business:**

None

J. Coates stated that there will be a work session on September 17, 2013. They will be working on a new Town Law pertaining to recreational vehicles. They will also do required Workman's Comprehensive training.

D. Woerner made a motion to adjourn the, seconded by D. Stokoe and unanimously approved.

There being no further business, the meeting adjourned at 8:00 PM.

Respectfully submitted,

Renee Smith

Recording Secretary

**TOWN OF WHEATLAND  
PLANNING BOARD MINUTES  
December 3, 2013**

Members present: Donald Woerner, Debra Stokoe, Jay Coates, Robert Hatch, Mike Grasso, and Scott Hallock

Alternates Present: Steve Stein

Members absent: Randy Dawley

Also present: Terry Rech, Bldg. Inspector, Ed Shero, Town Board Liaison

Chairman Coates called the meeting to order and asked for any corrections/additions to the minutes from September 3, 2013. There being none, the following motion was made:

D. Woerner made a motion to approve the minutes of September 3, 2013 as written, seconded by D. Stokoe and unanimously passed.

**Old Business:**

None

**New Business:**

*The application of Amjad Baig for Site Plan approval to replace/alter gas pumps, islands, canopy/suppression system and traffic pattern. The property address is 3932 Scottsville Rd located in a SCB Zoning district. The Tax I.D. number is 187.03-1-75.*

The applicant wants to take down the existing canopy and replace it with an island canopy. They are also planning to change the current direction of the island, and will increase from one to three islands. Each island will have 1 double sided pump with diesel available on the pump nearest to Scottsville West Henrietta Road. J. Coates asked if the Kerosene tanks had been removed. It was stated that the tanks couldn't be removed because they would undermine the existing gasoline tanks. The DEC allowed them to close the tanks in place; they cleaned the tanks and filled them with cement slurry.

They want to pull the old gasoline tanks and put in new tanks. Mr. Baig stated that there are 2 parts to the loan, above ground issues and below ground issues. He stated that the below ground section is more complicated because of the testing involved. They are currently working on this part now. T. Rech stated that they may need a second permit and plans.

It was stated that the work won't start until the spring.

The new tanks will be in the same location as the old tanks. Presently, they have 3 tanks, 2 of these are manifolded. They are planning to have only 2 steel tanks with the new plans, one of these will have 2 compartments.

J. Coates stated that there were no bollards on the diagrams that were submitted. It was stated that the DEC approves having canopy columns and doesn't require bollards. J. Coates questioned whether the propane exchange tank was going to be located where it is on the diagram. It was stated that it would be left there and there will be bollards placed out front.

The shed will be moved out behind the dumpster.

There was discussion of the lighting plans.

J. Coates mentioned the traffic issues. People tend to cut across the corner to avoid the traffic light. Mr. Baig is concerned with the safety of his customers. He stated that he is willing to put up signs and allow tickets to be given. J. Coates suggested putting in planters or bollards. Mr. Baig is concerned about the liability issues he may face if his customers back into these things and get into an accident. J. Coates stated that using moveable Jersey borders may be a solution. J. Coates is concerned with changing the traffic pattern at the station and having people still try to cut the corner. The idea of using speed bumps and traffic cameras were brought up. R. Hatch suggested that when the tanks are being removed that they should look into expanding the island in order to get closer to the canopy which would remove the corner. This may make it less convenient for people to cut through.

T. Rech stated that after sending out the Public Hearing Notices, he received 2 calls questioning what was going on, both seemed to be happy with the information that was given to them. He also stated that there was a previous variance issued in 1985 for a canopy for this property. He stated that this would still fall under the same front set back variance as was previously granted.

T. Rech stated that if there was a sign that was generated in order to eliminate the cut through traffic, it would fall into the category of a safety directional sign which is exempt from the code for free standing signs. It would be approved through the Town's Building Department office.

J. Coates stated that there will be 2 new signs the will be going on the canopies. One will be on the Scottsville Road side, and one on the Scottsville West Henrietta Road side.

The public Hearing was opened at 7:35 pm. There was no public before the board so the public hearing was subsequently closed at 7:36pm.

J. Coates asked for the Board's opinion. D. Woerner stated that he believes it will be an improvement for the Town, and will help to increase the stations business. D. Stokoe mentioned that she likes the idea of reducing the cut through traffic, either with planters or increasing the size of the curb.

J. Coates would like to have a fire lane designated in front of the store with a sign.

J. Coates stated the following conditions:

- Fire Lanes
- Terry to review and approve traffic mitigations for the corner
- Terry to review and approve the plans for the bollards for the propane and the canopy

D. Woerner made a motion to approve this application with the 3 stated conditions. Seconded by S. Stein and passed as follows:

Robert Hatch - aye  
Scott Hallock – aye  
Debra Stokoe - aye  
Don Woerner - aye  
Mike Grasso - aye  
Jay Coates – aye  
Steve Stein - aye

T. Rech stated, with the Board's consensus, that the SEQR status for this application would be a classified as a Type 2, "Accessory rebuild".

**New Business:**

Dan Harmon came in to request an extension till June 2014 to remove the barn. The conditions for approval of his re-subdivision were to remove the barn by January 1, 2014. J. Coates stated that if the extension is granted he will have to comply by June since the Board waived doing a zoning variance at the time of his original approval.

R. Hatch made a motion to extend the barn removal till June 4, 2014. D. Stokoe seconded this and it was passed as follows:

Robert Hatch - aye  
Scott Hallock – aye  
Debra Stokoe - aye  
Don Woerner - aye  
Mike Grasso - aye  
Jay Coates – aye  
Steve Stein - aye

J. Coates mentioned that 1089 Bowerman Road, Scottsville has been added to the National Historic Register.

There will be a training session on December 17<sup>th</sup>, run by Scott Hallock.

The next meeting date will be January 7<sup>th</sup>. J. Coates mentioned that he will not be present at that meeting.

T. Rech stated that they will be working on the Code for off road vehicles at the January 21<sup>st</sup> workshop meeting.

D. Woerner made a motion to adjourn the, seconded by D. Stokoe and unanimously approved.

There being no further business, the meeting adjourned at 7:55 PM.

Respectfully submitted,

Renee Smith

Recording Secretary