

**TOWN OF WHEATLAND
PLANNING BOARD MINUTES
January 7, 2020**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Robert Hatch, Laura Michaels

Members absent:

Also present: Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Planning Board meeting to order immediately following the Zoning Board meeting.

J. Coates welcomed Laura Michaels as a new member to the Planning Board.

R. Hatch made a motion to approve the minutes from 12/3/19, seconded by J. Burns and unanimously approved, L. Michaels abstained.

Old Business:

➤ *Clearview Farms.*

The County Comments were received. The County stated that the Applicant should check any proposed street names with 911 for duplicates or similar sounding names. There were also comments about Water main extensions and sewer plans needing to be approved by Monroe County Public Health.

Chris Nadler, Brian Powers and Jess Sudol were present to give a summary of the project to the Public in attendance.

This project will be a mixture of townhomes and apartment buildings. The Applicant stated that they will only be constructing half of the number of buildings that are allowed by code, this will result in a great amount of greenspace within the project. There will be sidewalks constructed throughout the project. There will be a self-storage unit constructed for use of the residents of Clearview Farms. The townhomes will have their own driveways and garages.

Public Hearing:

J. Coates opened the Public Hearing at 7:26 p.m., by reading the following Public Hearing Notice.

NOTICE OF PUBLIC HEARING:

The Planning Board of the Town of Wheatland, pursuant to Section 116-28. A., Section 130-22. F, and Section 130-60. B. of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, January 7, 2020** at 7:00 P.M. in the **Wheatland Municipal Building, 22 Main Street, Scottsville, NY** to consider the following:

The application of Clearview Farms LLC, for Sub-division (Phase 1) approval of Clearview Farms Phase 2 North Project.

The application of Clearview Farms LLC, for Special Exception (Townhouse overall concept) approval to construct (18) 8 unit apartment buildings and (24) townhouse unit buildings for a total of (224) residential units on a 33.88 acre parcel. The project will also include construction of an area of self-storage units.

The application of Clearview Farms LLC, for Special Exception (Townhouse) final site plan (Phase 1).

The parcel is located at the northeast corner of Robert Quigley Drive and Browns Road in a RA (Garden Apartment Residence District) zoning district. The Tax I.D. number is 187.18-1-1.

All interested parties are asked to attend and be heard or to submit written comment concerning this application.

Jay D. Coates, Chairman
Wheatland Planning Board
Dated: December 11, 2019

The following comments and concerns were made by the public in attendance:

- ***Ken Soderlund***, 9 Dogwood Lane, Scottsville, NY
 - Mr. Soderlund stated that he is concerned with public safety.
 - Questioned whether Cedar Street will become an open access road.
 - J. Coates stated that it will be a gated road used for emergency vehicles only.

- **Gerry Gallo**, 717 Browns Road, Scottsville, NY
 - Concerned about his septic since his property is lower than the project. Concerned about the change in elevation that will occur with the construction.
 - J. Coates stated that there is a stormwater Plan which is available to review in the Building Department.
 - J. Sudol stated that there is a drainage plan with retention ponds and storm sewer systems, these will take care of any water drainage issues.

- **Mike Smith**, 3 Dogwood Lane, Scottsville, NY
 - Concerned about current water issues, what can be done?
 - J. Coates stated that for current issues the Highway Superintendent should be contacted.

- **Sara Rhoades**, 129 Browns Road, Scottsville, NY
 - Concerned about the traffic and the speeding currently on Browns Rd.
 - J. Coates stated that the speed would be a law enforcement issue.
 - Concerned about trucks blocking driveways during construction. She had an issue with trucks parking in her driveway the last time they paved Robert Quigley Drive.

- **Susan Blatz**, 79 Diana Drive, Scottsville, NY
 - Lives near Nathaniel Drive, wondering if there will be anyone living onsite at Clearview Farms to address issues? Ms. Blatz stated that in her neighborhood, the homeowners have to call the police department for any issues regarding the Nathaniel Drive apartment complex.
 - The Applicant stated that there is currently someone onsite to deal with problems at Clearview Farms.

- **Elaine Driscoll**, 11 Browns Road, Scottsville, NY
 - Ms. Driscoll asked the Applicant if any part of this project will consist of subsidized housing?
 - The Applicant answered “no”.
 - Ms. Driscoll stated that she has lived in her house for 50 years and has never had an issue with Clearview Farms. Traffic is an issue, but that is not the fault of the Applicant.

- ***Gloria Slater***, 711 Browns Road, Scottsville, NY
 - Questions about buffers.
 - J. Coates stated that the Board is still waiting on that information from the Applicant.
 - Question about the process, can this be denied?
 - J. Coates stated that it can be denied, but this is a permitted use of the property. The Board makes sure that the Applicant follows the code and complies with the regulations.
 - Is there a timeline for the town homes being sold?
 - J. Coates stated that the Applicant suggested that it is a possibility in the future, but that there are no plans at this time.

- ***Tina Gallo***, 717 Browns Road, Scottsville, NY
 - Concerned about people parking along Browns Road.
 - J. Coates stated that would be an enforcement issue.
 - Concerned about having more people moving into Town without a Police Department.

The Public Hearing was closed at 8:00 P.M.

T. Rech stated that there is an issue list being created. The Board will be meeting on January 21st to review these issues. J. Coates suggested that the Applicant be present at that meeting.

➤ ***Krenzer Subdivision***

J. Coates stated that the Attorney for the Town is currently reviewing this Application based on the letter from Kathleen Krenzer-Stein, and a new letter from RG&E's counsel, so this item will be held over till the January 21st meeting.

BOND SCHOENECK & KING

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December 27, 2019

Raymond Diraddo
Attorney for the Town of Wheatland
P.O. Box 15
22 Main Street
Scottsville, New York 14546
Ramma5@aol.com

Re: Subdivision application of RG&E, Michelle Krenzer and Lucas Krenzer;
Tax Map Parcel Number 185.04-1-4.1

Dear Ray,

As counsel for RG&E, we are writing in response to the December 3, 2019 letter sent by Kathleen Krenzer-Stein to the Town Planning Board. In her letter, Ms. Stein contends that Michelle and Lucas Krenzer are prohibited from selling any portion of their property based on two provisions contained in the will of Thomas Krenzer.

Enclosed is a document signed by David Krenzer that releases his right of first refusal with respect to the portion of the property being subdivided and conveyed to RG&E.

Ms. Krenzer-Stein also points to the will provision stating that the property may not be conveyed for five years following the date the property was transferred by executor deed to Michelle and Lucas Krenzer. Based on our review of the relevant case law, and consultations with Stewart Title, we have concluded that this five-year prohibition on selling any portion of the property is unenforceable as an unreasonable restraint on alienation.

In Wiesenthal v. Young, 280 A.D. 590 (First Dep't 1952), the Appellate Division considered a covenant in a deed prohibiting the grantee from selling, transferring or leasing any portion of the property for two years and further stating that the grantor could waive the covenant if the grantee paid \$1,000. The court concluded that the clause attempted to impose an illegal restriction and was void. The court relied on De Peyster v. Michael, 6 NY 467 (1852), noting that since New York's highest court issued that decision, the settled law in New York has been that a covenant prohibiting alienation can be enforced only where the grantor has a reversion in the property. Here, as in Wiesenthal, the language does not expressly set forth any such reversion. These cases are cited as good law in 56 NY Jur 2d, Estates, Powers, and Restraints on Alienation, Section 505.

756006.1 12/23/2019

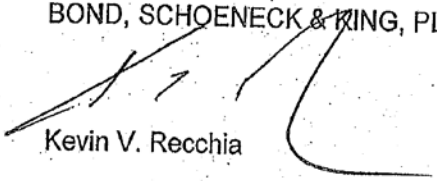
December 27, 2019

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Accordingly, we respectfully request that the Planning Board grant subdivision approval at its January 7, 2020 meeting.

Best regards,

BOND, SCHOENECK & KING, PLLC



Kevin V. Recchia

Admitted in New York and Florida

KVR/jm

The representative for the Applicant, Corey Tuffiano from DDS companies was present at the meeting. He stated that he made the changes to the map that were discussed at the last meeting. The following statements were added to the map: it is not approved as a building lot, and that the pipeline runs through the property.

New Business:

None

Future Business:

None

R. Hatch made a motion to adjourn the meeting, seconded by T. Steves and unanimously approved. The meeting was adjourned at 8:17 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND
PLANNING BOARD MINUTES
June 16, 2020**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels, Robert Hatch

Members absent:

Also present: Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Dan Brocht, Representative of LaBella Assoc.
Josh Davis, Highway Superintendent

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M., due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

New Business:

- *The application of Rapid Dry for a fill permit for 965 North Road. Tax parcel #265689199.02-1-9.112.*

There is an upcoming Monroe County DOT project for widening and improving North Road. T. Rech received a request for fill from a property owner on North Road, there is a large depression from an old gravel pit. T. Rech stated that the owner is looking to fill a 5-acre area.

Mike Bieber, from Nardoizzi Construction was present to address the Board. He stated that Nardoizzi Construction will be working on the North Road project on behalf of Monroe County DOT. There will be asphalt, stone and gravel materials which will be milled for the fill. M. Bieber stated that the owner of the property at 965 North Road, Troy Hess, will have a bulldozer operating daily to spread the fill. M. Bieber stated that Nardoizzi Construction will be responsible for keeping the roadway clean of debris, they will have a loader with a hydrostatic sweeper, and will have flaggers to control traffic. He stated that he would like to have safety signage stating that there is a construction entrance. T. Hess relayed to M. Bieber that he is willing to build up the side of the road and remove trees to increase sight distance for the construction entrance.

Josh Davis stated that he is comfortable with the improvements to increase sight distance,

The proposed hours of operation will be 7:30 A.M. till 4:00 P.M. Monday through Friday.

M. Bieber stated that the sweeper will be used when there is debris in the road. He stated that on a day to day basis they will be examining the road and using the sweeper as needed.

R. Hatch questioned whether they had a plan to put in a silt fence since there is a creek on the east side of the property? M. Bieber stated he had a conversation with T. Hess making him aware that as the owner, he would have to comply with all the terms of the permit.

- M. Grasso made a motion to declare the application of Troy Hess on behalf of Lee Carroll Holding Co., LLC, for a fill permit at 965 North Road a Negative Declaration. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

- M. Grasso made a motion to approve the application of Troy Hess on behalf of Lee Carroll Holding Co., LLC, for a fill permit at 965 North Road with the following conditions:
 1. The fill is leveled periodically and at the completion of the project.
 2. The road is kept clean as needed and at the end of each workday.
 3. The property owner gives T. Rech an authorization for the fill.
 4. The silt fence is installed to prevent sedimentation into the stream adjacent to the operation.

This was seconded by R. Hatch and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

➤ ***Fill permit for Jack Miller for Wheatland Center Road.***

It was determined that this will be a Type 1 SEQR since it will be 30 acres. This application will be discussed at a future Planning Board meeting.

Old Business:

None

Future Business:

➤ **Helios Solar**

. Helios put in a request for modification of their financial security condition. There has been a review done and a letter will be sent asking for additional information. Helios submitted a revised plan in which the reclamation cost dropped from a half a million dollars to a quarter million dollars.

➤ **Spring Street Solar**

AES has contacted the Town with plans. The application may come to the Board for the July meeting.

The next Planning Board meeting will be July 7, 2020.

R. Hatch made a motion to adjourn the meeting, seconded by J. Burns and unanimously approved. The meeting was adjourned at 7:47 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND
PLANNING BOARD WORK SESSION MINUTES
January 21, 2020**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Robert Hatch, Laura Michaels

Members absent: Tim Steves

Also present: Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Raymond DiRaddo, Attorney for the Town
Michael Simon, LaBella

Chairman Coates called the Planning Board Work Session meeting to order at 7:00 P.M.

Old Business:

➤ ***Krenzer Subdivision***

J. Coates distributed the following memo to the Board from R. DiRaddo, the Attorney for the Town. The memo states that the Planning Board is not bound by deed restrictions in the Subdivision process in this case.

Raymond S. DiRaddo, Esq
Town of Wheatland
Planning Board Attorney

To: Town of Wheatland Planning Board
From: Raymond S. DiRaddo, Esq
CC: Linda Dobson, Supervisor
Date: 1/16/2019
Re: Subdivision Application of RG&E, Michelle Krenzer and Lucas Krenzer
Tax Map Parcel 185.04-1-4.1

Conclusion

Based upon the facts presented in this application, and the documents attached to this memo, in this case the Planning Board is not bound by deed restrictions in the subdivision process.

Background

At the public hearing on this above matter, according to comments made by Kathleen Krenzer-Stein to the Planning Board, and her letter dated December 3, 2019, Ms. Krenzer correctly stated that there are conditions and restrictions of use of the property (Tax Account 185.04-1-4.1) as well as a right of first refusal regarding this property. These restrictions and the right of first refusal are set forth in the will of Thomas J. Krenzer and are part of the source of title of the applicants to this property.

The question posed is whether the Town Planning Board in the subdivision process is bound by such restrictions.

The Planning board has received a letter from Bond, Schoeneck and King, attorneys for the future owner RG& E. The letter outlines the legal issues regarding the title to this parcel, including a discussion of the restrictions and right of first refusal, and cites case law. The letter includes, the will of Thomas J. Krenzer (which sets out the restrictions as to use and the right of first refusal), pertinent parts of the purchase and sale contract signed by the applicants Michelle and Lucas Krenzer as well as the waiver of the right of first refusal from David Krenzer.

I include in this memo the letter from Kathleen Krenzer-Stein (12-3-2019), the executor deed dated May 3, 2016,

Discussion

The subdivision process is merely a method of adjusting lines of a larger parcel, which may or may not facilitate the sale of the property. Whether the title is clear of claims, encumbrances, or restrictions, or the title contains restrictions as to use is a matter of the buyer's concern, not the planning board.

The only requirement of the planning board is to assure that the tax parcel 185.04-1-4.1 is owned by the applicants and/or the owners have granted the applicants the right to seek subdivision approval for the parcel. Lucas Krenzer's authorization to make application is attached.

It is therefore my opinion that the state of title to the parcel, whether the restriction have or have not been violated and whether the proper consents for title transfer have been met is not a matter for the planning board to address. The planning board's is not subject to the title issues and they are the matter for the applicant and his purchaser.

Therefore, **in this case**, given the facts as I understand them, the Planning Board is not bound by deed restrictions in the subdivision process.

The Board completed the SEQR assessment form.

R. Hatch made a motion to determine this to be a negative declaration for the RG&E- Krenzer Subdivision on Wheatland Center Road. J. Burns seconded the motion and it was passed as follows:

Mike Grasso – aye
Jay Coates -aye
Joseph Burns – aye
Laura Michaels – abstained
Robert Hatch – aye

R. Hatch made a motion to approve the RG&E- Krenzer Subdivision with the condition that they do a site plan and building permit. M. Grasso seconded the motion and it was passed as follows:

Mike Grasso – aye
Jay Coates -aye
Joseph Burns – aye
Laura Michaels – abstained
Robert Hatch – aye

➤ ***Clearview Farms.***

Chris Nadler, Brian Powers and Matt Newcomb were present to address any open items with a discussion and review session with the Board members.

The Applicant will be back at the February 18th Planning Board meeting.

J. Burns made a motion to adjourn the meeting, seconded by M. Grasso and unanimously approved. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND
PLANNING BOARD MINUTES
June 2, 2020**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Robert Hatch, Laura Michaels

Members absent:

Also present: Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Raymond DiRaddo, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order, due to the Covid-19 pandemic, the Planning Board meeting is being conducted virtually.

R. Hatch made a motion to approve the minutes from 1/7/20, seconded by J. Burns and unanimously approved.

M. Grasso made a motion to approve the minutes from 1/21/20, seconded by R. Hatch and unanimously approved.

New Business:

The application of Shultz Associates as agents for Good Living Properties, LLC to seek approval for a (6) lot subdivision and site plan with (5) proposed single family building lots and (1) remaining agricultural land parcel. The property is located approximately 3,000 feet West of the intersection of Scottsville-Chili and North Road on the North side of the road and is in an AR-2 Zoning district. The Tax I.D. number 186.04-1-19.2

R. Hatch recused himself from this part of the meeting.

Matt Tuttle from Schultz Assoc. was present to speak to about the project. He stated that they will be constructing 5 individual homes and 1 agricultural building. The homes will all be on septic systems, and public water.

County comments were received on March 18, 2020.

J. Burns had a question about the proposed barn which would be accessed from lot 3. He had questions about the setbacks and the placement of the barn on the site plan in regard to the lots. Dan Brocht from LaBella stated that he commented on this in his letter to Matt Tuttle. M. Tuttle stated that he did see that comment and will correct the site plan to meet the Town Code for setbacks. J. Coates questioned whether there would be an easement created for the barn, since the assess is off lot 3 instead of North Rd.

T. Rech stated that he would like R. DiRaddo and the Town Engineers to look at the setbacks to determine if they comply with the Town Code.

M. Grasso questioned whether there would be a private drive or private road. J. Coates stated that they are in communication with the applicant about this since MCWA does not like to construct hydrants on private drives. J. Coates stated that as a Fire Marshall, he would like fire hydrants since there will be multiple homes constructed.

Public Hearing:

J. Coates opened the Public Hearing at 7:35 p.m., by reading the following Public Hearing Notice.

NOTICE OF PUBLIC HEARING:

The Planning Board of the Town of Wheatland, pursuant to Sections 116-1, 116-22 and 130-22.F. of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, June 2, 2020** at 7:00 P.M. in the “*virtual*” **Wheatland Municipal Building, Scottsville, NY** to consider the following:

The application of Shultz Associates as agents for Good Living Properties, LLC to seek approval for a (6) lot subdivision and site plan with (5) proposed single family building lots and (1) remaining agricultural land parcel. The property is located approximately 3,000 feet West of the intersection of Scottsville-Chili and North Road on the North side of the road and is in an AR-2 Zoning district. The Tax I.D. number 186.04-1-19.2

All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or building@townofwheatland.org concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call +1 585-491-9963** **Conference ID:** 800 603 407#. To view documents prior to meeting you may make an appointment to come to our office, visit the following link <https://schultzpc.com/nextcloud/index.php/s/hewitt-prelim> or URL:



Jay D. Coates, Chairman
Wheatland Planning Board
Dated: May 19, 2020

The following comments and concerns were made by the public in attendance:

- ***James Musshafen***, 968 North Road, Scottsville, NY

- Questioned where the creek is located in relation to Lot 1 & Lot 3?

- M. Tuttle stated that the creek is 600 Feet to the North of Lot 1.

- Questioned where the utilities would come from for the barn?

- M. Tuttle stated that there has been no discussion about utilities at the barn.

- Once this is approved, will the zoning change from AR-2?

- J. Coates stated that it will remain AR-2.

- ***Pat Hirokawa***, 1313 North Road, Scottsville, NY

- Questioned whether this is a Flood Plain or wetlands?

- J. Coates stated that a portion of the land is wetlands.

- Ms. Hirokawa also expressed a concern about all the septic systems being installed and what will happen if they fail?

- M. Tuttle explained that designed into every septic system is an expansion area which is factored in to restore a failed septic system if needed.

- Since there was a notation about radon in the area, she wondered if there would be any testing for radon during construction.

- M. Tuttle stated that he was not notified of any flags or requirements for radon testing.
- T. Rech stated that he suggests that new residential building install a passive system and then they can add a fan if needed.

- *Catherine Gilbert*, 1195 North Road, Scottsville, NY

→ Where will the main access road be located?

- Lots 4 & 5 will have their own private driveways. The main access for the other lots will be on the west side of the property and border the existing access to the Stokoe property.

→ How wide will the access be?

- 20 feet wide

- *Alex Gilbert*, 1195 North Road, Scottsville, NY

→ Questioned whether there is an access to the unused property on the eastern border?

- M. Tuttle stated that there is a 60 ft access

→ Mr. Gilbert asked if the property was going to be used for more constructing more lots?

- M. Tuttle stated that there are no plans for future development. J. Coates stated that 60 feet would not be a large enough right of way for access.

The Public Hearing was closed at 7:51 P.M.

The Board was in consensus to table to application until the changes are made to the map regarding the easement to the barn. M. Tuttle requested preliminary approval at this meeting, but the Board was not in favor. J. Coates stated that at the next meeting it would be a possibility to grant preliminary and final approval.

Old Business:

➤ Clearview Farms

The Board was in consensus to move forward with the following approvals for the Clearview Farms project.

- R. Hatch made a motion to accept and approve the Finding of facts as presented for Clearview Farms Phase 2 North Application for Preliminary Overall Site plan and Special Exception Use Townhouse Approval. This was seconded by T. Steves, and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

TOWN of WHEATLAND PLANNING BOARD

Clearview Farms Phase 2 North Application for Preliminary Overall Site Plan, Site Plan Approval Phase 1 and Special Exception Use Townhouse Approval

FINDING OF FACTS

In accordance with the Code of the Town of Wheatland Sections 116 Subdivision of Land; 130-9 Conformance with Regulations required; site plan approval; 130-22 Site Plan Approval and Chapter 130 Article VII Special Exception Uses:

- A. The Planning Board determines that the use proposed and the project as submitted will be in harmony with and promote the general purposes and intent of the Town of Wheatland Code and will achieve the following related and specific objectives as follows
- 1) TO GUIDE AND REGULATE THE ORDERLY GROWTH, DEVELOPMENT AND REDEVELOPMENT OF THE MUNICIPALITY IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND WITH LONG-TERM OBJECTIVES, PRINCIPLES AND STANDARDS DEEMED BENEFICIAL TO THE INTERESTS AND WELFARE OF THE PEOPLE.

The Wheatland/Scottsville 2004-2024 Plan (Plan) targets high density and multi-family residential housing in areas where public services are available. This project conforms to these objectives, which pursuant to the Plan have been deemed to be beneficial to the interests and welfare of the Town of Wheatland residents.

- 2) TO PROTECT THE ESTABLISHED CHARACTER AND SOCIAL AND ECONOMIC WELL-BEING OF THE EVOLVING COMMUNITY.

This project will be a modern addition to an already established and viable housing project and a source of housing for Town residents which will increase available housing for the residents.

- 3) TO PROMOTE, IN THE PUBLIC INTEREST, THE UTILIZATION OF LAND FOR THE PURPOSES FOR WHICH IT IS MOST APPROPRIATE.

Since the inception of the original Clearview Development, it was always envisioned and hoped that this land will be used for this type of use. That vision has been accomplished with this project.

- 4) TO SECURE SAFETY FROM FIRE, FLOOD, PANIC AND OTHER DANGERS, AND TO PROVIDE ADEQUATE LIGHT, AIR AND CONVENIENCE OF ACCESS.

All proposed units will be sprinklered and other items such as securing safety from fire, flood, panic and other dangers, and to provide adequate light, air and convenience of access, were reviewed under SEQRA and addressed in the site plan. The project will comply with the parameter of the clean water act and will be required to supply a Storm water plan to address the factors required in such a SWPP plan. The overall site plan addresses ease of ingress and egress to and from a main thoroughfare. The Project will contain street lighting and the formation of a lighting district if one is required.

- 5) TO PREVENT OVERCROWDING OF LAND AND BUILDING AND TO AVOID UNDUE CONCENTRATION OF POPULATION

The Density proposed for this project is less than the density permitted in the RA Zoning District (224 proposed/421 permitted)

- 6) TO LESSEN AND, WHERE POSSIBLE, PREVENT TRAFFIC CONGESTION ON PUBLIC STREETS AND HIGHWAYS.

The design of the streets and their access to the main thoroughfare shows s an orderly and adequate street arrangement and adequate capacity.

- 7) TO ELIMINATE NONCONFORMING USES GRADUALLY.

- 1. This project does not contain any non- conforming uses. There are several unpermitted structures encroaching on the site from neighboring properties, these are to be removed. Wheatland Code enforcement will assist the developer in mitigation efforts. This will eliminate several non-conforming, unpermitted structures and encroachments from neighboring parcels.*

- 8) TO CONSERVE THE VALUE OF BUILDINGS AND TO ENHANCE THE VALUE OF LAND THROUGHOUT THE MUNICIPALITY.

The buildings proposed to be constructed are to be constructed in accordance with modern construction standards, will be code compliant and contain resilient traditional architecture features. Such construction has a greater life span than what was traditionally allowed in prior developments, reducing maintenance and retaining value of these buildings.

9) TO PROTECT THE ENVIRONMENT FROM ALL TYPES OF POLLUTION.

The building proposed will contain units that are modern energy efficient.

10) TO CONSERVE AND REASONABLY PROTECT THE NATURAL SCENIC BEAUTY OF THE MUNICIPALITY AND ITS ENVIRONS.

This project proposes an orderly landscape design which will replace scrub and fallow land, which protect the natural scenic beauty of the municipality and its environs

B. THE PLOT AREA IS SUFFICIENT, APPROPRIATE AND ADEQUATE FOR THE USE AND THE REASONABLY ANTICIPATED OPERATION AND EXPANSION THEREOF.

As stated above, the density proposed for this project is far less than permitted in the RA Zoning District (224 proposed/421 permitted), which is at final build-out.

C. THE PROPOSED USE WILL NOT PREVENT THE ORDERLY AND REASONABLE USE OF ADJACENT PROPERTIES IN ADJACENT USE DISTRICTS.

The project as proposed is an expansion of existing multifamily development that has co-existed with adjacent properties, which include single family dwellings. The prior project blended well with the single family dwelling adjacent or near to this project and will compliment an already established neighborhood.

D. THE SITE IS PARTICULARLY SUITABLE FOR THE LOCATION OF SUCH USE IN THE COMMUNITY.

The existing zoning allows for the proposed use. See 10 (C) above.

E. THE CHARACTERISTICS OF THE PROPOSED USE ARE NOT SUCH THAT ITS PROPOSED LOCATION WOULD BE UNSUITABLE NEAR TO A CHURCH, SCHOOL, THEATER, RECREATIONAL AREA OR OTHER PLACE OF PUBLIC ASSEMBLY.

The proposed use would be suitable for the above nearby uses.

F. THE PROPOSED USE, PARTICULARLY IN THE CASE OF CONTROLLED INDUSTRY, CONFORMS WITH THE DEFINITION IN THIS CHAPTER OF THE SPECIAL EXCEPTION USE, WHERE SUCH DEFINITION EXISTS, OR WITH THE GENERALLY ACCEPTED DEFINITION OF SUCH USE WHERE IT DOES NOT EXIST IN THE CHAPTER.

This factor is non-applicable

G. ACCESS FACILITIES ARE ADEQUATE FOR THE ESTIMATED TRAFFIC FROM PUBLIC STREETS AND SIDEWALKS, SO AS TO ASSURE THE PUBLIC SAFETY AND TO AVOID TRAFFIC CONGESTION; AND FURTHER, THAT VEHICULAR ENTRANCES AND EXITS

SHALL BE CLEARLY VISIBLE FROM THE STREET AND NOT WITHIN 75 FEET OF THE INTERSECTION EXCEPT UNDER UNUSUAL CIRCUMSTANCES.

A Proposed traffic study has been reviewed and approved. The Board and Applicant have discussed the additional pedestrian traffic that will impact the existing complex. The existing complex does not have sidewalks along the street. To mitigate this issue the applicant has agreed, within five years of phase 1 approval, to construct a sidewalk along Robert Quigley Drive.

H. ALL PROPOSED CURB CUTS HAVE BEEN APPROVED BY THE STREET OR HIGHWAY AGENCY WHICH HAS JURISDICTION.

The curb cuts have been reviewed and approved as part of review process.

I. THERE ARE OFF-STREET PARKING AND TRUCK LOADING SPACES AT LEAST IN THE NUMBER REQUIRED BY THE PROVISIONS OF TOWN OF WHEATLAND CODE § 130-38, BUT IN ANY CASE ADEQUATE NUMBER FOR THE ANTICIPATED NUMBER OF OCCUPANTS, BOTH EMPLOYEES AND PATRONS OR VISITORS; AND FURTHER, THAT THE LAYOUT OF THE SPACES AND DRIVEWAYS IS CONVENIENT AND CONDUCIVE TO SAFE OPERATION.

This matter has been reviewed, amended, and approved. The results are contained in the project as proposed.

J. ADEQUATE BUFFER YARDS AND SCREENING ARE PROVIDED WHERE NECESSARY TO PROTECT ADJACENT PROPERTIES AND LAND USES.

Berms, shielding, and plantings are proposed to protect adjacent properties and adjacent land uses.

K. ADEQUATE PROVISIONS WILL BE MADE FOR THE COLLECTION AND DISPOSAL OF STORMWATER RUNOFF FROM THE SITE AND OF SANITARY SEWAGE, REFUSE OR OTHER WASTE, WHETHER LIQUID, SOLID, GASEOUS OR OF OTHER CHARACTER.

The collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character have been reviewed and approved through the review process. The Board also reviewed surface water runoff and reviewed the concerns of the adjacent property owners. The adjacent subdivision was constructed prior to current storm water regulations and had several existing subsurface agricultural drains that were simply cut causing some issues within the subdivision. The current project will redirect any abandoned subsurface drains and additionally the Board determined and required modification for surface drainage and runoff collection and redirection in the projects phase 1.

L. THE SITE DEVELOPMENT PLAN SHALL BE COMPATIBLE WITH THE DISTRIBUTION OF SOIL CHARACTERISTICS ON THE SITE AND THEIR IMPLICATIONS FOR SUCH DEVELOPMENT.

The distribution of soil characteristics on the site and their implications for such development have been reviewed and approved.

M. CONSIDERATION HAS BEEN GIVEN TO PRESERVING SIGNIFICANT TREES AND NATURAL FEATURES IN THE VICINITY.

A tree survey has been taken and no trees and natural features of real significance were present. New landscape plantings are proposed.

N. THE PROPOSED USE RECOGNIZES AND PROVIDES FOR THE FURTHER SPECIFIC CONDITIONS AND SAFEGUARDS REQUIRED FOR PARTICULAR USES IN TOWN OF WHEATLAND CODE § 130-62, TOWNHOUSE CLUSTERS AND DEVELOPMENTS (R-12, R-16, R-24, AR-2 AND RA DISTRICTS), [ADDED 3-1-2007 BY L.L. NO. 4-2007] WHICH REQUIRES THAT THE FOLLOWING SITE DESIGN STANDARDS SHALL BE APPLICABLE TO ALL TOWNHOUSE DWELLING UNIT DEVELOPMENTS:

(a) In additional to the dimensional requirements set forth in Town of Wheatland Code § 130-11 and 130-14, the minimum tract area for townhouse development shall be not less than three acres and served by public water and sewer.

This project is a total of 33.877 acres, which is above the minimum required acreage.

(b) The code requires that the overall site density may be up to eight dwelling units per gross buildable acre. However, in all cases Subsection X(1)(e) and (8) below shall prevail.

The proposed use is a mix of 8-unit apartments and single-family townhouses with a maximum of 224 total dwelling units, which is less than that permitted (271) for straight Townhouse as permitted in this code section/

(c) INDIVIDUAL DWELLING UNIT LOT SIZE.

[1] The code requires the minimum lot area for each townhouse dwelling unit shall be 3,500 square feet. *The proposed project reduces the individual lot area but is mitigated by project design that shows contiguous common area, open space, and development amenities.*

[2] Despite the code requiring minimum lot width at the main building line at 20 feet. *The proposed project design show a minimum lot width of 23.5 feet.*

[3] The minimum front setback from the roadway right-of-way shall be 30 feet. *The proposal is compliant in this regard.*

[4] The code requires a minimum rear yard depth shall be 30 feet.

The proposal as submitted reduces the minimum rear yard depth below 30 feet, but the project mitigates this reduction by providing increased and contiguous common area, open space, and development amenities.

(d) The code requires that the minimum unit size shall not be less than 800 square feet of living space. Overall, maximum three-bedroom units shall comprise no less than 25% of total units.

The proposal as submitted will most likely have three-bedroom units comprising more than 25% of the total units. When final design drawings are complete, the percentage will be more than 25%, approximately 50%.

(e) The code limits the maximum allowable percentage of impervious coverage of the development to be no more than 40% of the total proposed development. ***This proposal is at 10.7% impervious coverage.***

(2) The code requires that each townhouse dwelling unit shall be located, constructed, and served by public facilities (water and sewer), services and utilities in such fashion that each dwelling unit may be sold individually.

This project is compliant in this regard

(3) Natural features, including streams, drainageways and existing trees, shall be preserved and incorporated in the landscaping of the development.

This project is compliant in this regard

(4) The code requires that all utility lines which provide electric, gas, telephone, television, or other similar services shall be installed underground. Surface-mounted equipment shall be in a manner to minimize potential conflict with other uses and activities.

This project is compliant in this regard

(5) The code requires that sidewalks shall be provided within the townhouse development and shown on any plans. The Planning Board shall review each proposal, and if it determines that the proposed development may have an impact on adjoining areas, the Planning Board may require the developer to upgrade or place sidewalks outside the boundaries of the townhouse development.

This project is compliant in this regard in that upon completion of various phases of this development, it will be compliant with this requirement. In addition, the Board and Applicant have discussed the additional pedestrian traffic that will impact the existing complex. The existing complex does not have sidewalks along the street. To mitigate this issue the applicant has agreed to within five years of phase 1 approval to construct a sidewalk along Robert Quigley Drive.

(6) Trails and walkways may be provided and must be shown on any plans within the townhouse development for any common areas or required green space. Trails and walkways may be constructed of pavement, gravel, or other materials. These are not required to meet sidewalk construction standards nor are they included in the impervious area calculations. The Planning Board shall review and approve each proposal.

The Board has reviewed this and to best accomplish this goal the Board determines that extending sidewalks along Robert Quigley Drive will provide access to the NYS Greenway, plaza and existing sidewalks, which will better accomplish this objective. Further, the Board and Applicant have discussed the additional pedestrian traffic that will impact the existing complex and to mitigate this issue and improve safety, the applicant has agreed to within five years of phase 1 approval to construct a sidewalk along Robert Quigley Drive.

(7) Buffer areas. The Planning Board shall review each proposal and may require buffer areas between areas adjoining the proposed development. Buffer areas may consist of berms, open space, landscaping, vegetation barriers, tree barriers or any other such mitigation measures that the Planning Board may determine.

Berms, open space, shielding, and plantings are proposed to protect adjacent properties and adjacent land uses.

(8) Green space or open space. The Planning Board shall consider and shall require a dedicated green or open space that is separate and distinct from any common spaces within the townhouse development. Such green space shall be secured via conservation or use easements to the Town. Consideration shall be made for inclusion with a Town-wide walkway or trail system. The area(s) to be preserved for open space purposes, including playgrounds and parks, shall be in an amount, location, quality and contiguous shape as is desirable for accessibility to all developed properties and open space preservation, as determined by the Planning Board. Open space created by the townhouse development shall be clearly labeled on the final plat as to its shape, use, ownership, management, method of preservation and the rights to such land, if any, of the property owners of the subdivision and the general public. The plat should clearly identify that the open space is permanently reserved for open space purposes and shall not be platted for building lots or other development. It shall indicate the liber and page of any conservation restriction(s) or deed restrictions required to be filed to implement such reservation of open space. If the open space is to be owned in common with others, the applicant shall provide for the ownership, management, and rights to such lands by means of an entity acceptable to the Planning Board. *This project is unique in the fact that it proposes to extend the existing mixed apartment and townhouse development owned and operated by a single entity as a rental property. Considering this, the Board, as allowed under Section 130-60 (J), has modified minimum lot size and enhanced the green, open and common space.*

The proposed project reduces the individual lots in order to allow for increased and contiguous common area, open space, and development amenities. A common space plan is incorporated in the proposal.

(9) The code requires that street lighting shall be provided within the townhouse development as determined by the Planning Board. Fixtures shall be selected to enhance a village or decorative design and be approved by the Planning Board.

The Planning Board determines the initial submission complies. Final determination will be made when the lighting district is formed.

(10) The code requires that plans submitted for townhouse developments shall identify areas proposed for dedication to the Town, areas to be held in common ownership, areas dedicated or reserved for Town green space, roadways, sidewalks, trails, fences, landscaping and property to be owned by individuals.

Phase 1 approval, site plan approval and the special exemption uses all address the code requirement that the plans submitted for townhouse developments will identify areas proposed for dedication to the Town, areas to be held in common ownership, areas dedicated or reserved for Town green space, roadways, sidewalks, trails, fences, landscaping and property to be owned by individuals. Throughout all future review of plans for this project the planning board will assure compliance with the code.

(11) Common property shall, except when accepted by the Town Board for dedication, be privately owned. Where property is to remain in common ownership, the developer shall provide for and establish an organization for the ownership and maintenance of such common property. Rules and regulations proposed to govern the operation and maintenance of all common property shall be submitted for review and approval by the Planning Board. Common property shall not be changed from its status or use as common property without

specific authorization of the Town Board. In reviewing proposals for the establishment of organizations to govern the ownership and maintenance of any common property, the Planning Board shall consider and determine the adequacy of:

- (a) The timetable required for the creation of the organization is as follows
- (b) The requirements for membership in the organization by residents
- (c) The safeguards to ensure the continuance of the common property as common property.
- (d) The liability of the organization for insurance, taxes, and maintenance of all facilities.
- (e) The provision for pro-rata sharing of costs and assessments.
- (f) The financial capacity of the organization to maintain and administer common facilities.
- (g) The proposed relationship between the developer and the organization and the plan to turn over the responsibility for the maintenance and administration of common facilities to the organization.
- (h) The proposed maximum percentage of rental parcels permitted at any one time.

The units will be initially offered for rent. The owner is responsible to comply with a-h as applicable common space, open and green space are being considered collectively and noted on the plan. If at a point in the future, individual lots are to be sold, applicant shall return to Planning Board for approval and modifications.

(12) Building standards. The code requires the following

- (a) No more than six townhouse dwelling units shall be included in a single dwelling building

The proposal contains a maximum of four (4) units.

- (b) No building shall exceed a maximum length of 180 feet on any exterior facade. The minimum separation between buildings shall be 20 feet or equal to the highest adjacent building, whichever is greater.

The proposal is compliant in this regard

- (c) Townhouse dwelling buildings shall be related to one another in design, building mass, materials, and placement to provide a visually and physically integrated development.

The proposal is compliant in this regard.

- (d) The treatment of the sides and rear facades of all buildings in a development shall be comparable in amenity and appearance to the treatment of any building facade which faces a public street and complementary in architectural design to adjacent residential structures.

The proposal is compliant in this regard

- (e) Building walls shall be oriented to ensure adequate exposure of light and air to each dwelling unit and to the rooms within.

The proposal is compliant in this regard.

- (f) Buildings shall be arranged to preserve visual and audible privacy between each townhouse dwelling unit and adjacent townhouse buildings.

The proposal will be compliant in this regard

(g) Building entranceways of adjacent dwelling units in the same structure shall be designed to ensure the privacy of occupants. This may be accomplished by varying the setbacks of entranceways or by providing screening or landscaped plantings, as appropriate.

The proposal is compliant in this regard

(h) Building entranceways shall be provided with appropriate illumination for the convenience and safety of residents. Such lighting shall be shielded to avoid glare disturbing other properties.

The proposal is compliant in this regard

(i) All townhouse dwelling units shall include ground-floor living space. The location of an enclosed garage shall not qualify as meeting this requirement. ***The proposal is compliant in this regard***

(13) Townhouses must meet the following parking standards.

(a) The requirements for off-street parking may be met by providing parking spaces in an enclosed garage plus any combination of spaces on private driveways and/or in a common parking lot. A total of 2.5 parking spaces shall be provided per unit. This shall include one enclosed space per unit.

The proposal is compliant in this regard

(b) No common off-street parking lot or outdoor storage area shall be located closer than 25 feet to any adjacent property.

The proposal is compliant in this regard is that the requirement is no closer than 40 feet.

(c) All off-street parking areas shall be privately owned and maintained.

The proposal is compliant in this regard the complex owner is responsible for this.

(d) Common off-street parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and the monotony of parked cars.

The proposal is compliant in this regard requiring black cedar/white pine storage area

(e) Common off-street parking areas shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access and shall be developed as an integral part of the overall site plan.

The proposal is compliant in this regard

(f) Common off-street parking areas shall be provided with suitable lighting for the convenience and security of residents but positioned and shielded to minimize glare and potential inconvenience to residents of the townhouse cluster or development and adjacent properties.

Street lighting is provided throughout the development as well as security lighting in the proposed storage area, it is all dark sky compliant.

The proposal is compliant in this regard

(g) Parking and storage of recreational vehicles, trailers, boats, or other such items shall not be permitted in individual yards, common space, green space, or driveways. If the applicant or townhouse organization wishes

to allow such items within the development, details for the regulation and storage must be included in the rules and regulations of the townhouse organization. The proposal includes a storage area, all such items must be stored in the common storage area.

The proposal is compliant in this regard

(h) If the development wishes to allow parking/storage of recreational vehicles, trailers, boats or other such items, a separate area shall be designed within the development for the parking and storage of such items. This dedicated parking area must be shown on the plans and be visually shielded in an acceptable manner. The project proposed a storage area.

The above requirement is addressed in such storage area.

(14) THE CODE REQUIRES LANDSCAPE SITE DESIGN STANDARDS.

(a) Landscaping shall be provided along and adjacent to all streets, common driveway areas and common off-street parking areas. Landscaping treatments shall be designed, coordinated, installed, and maintained in accordance with the site plan approved by the Planning Board.

The proposal is compliant in this regard

(b) Landscape treatment shall consist of shrubs, ground cover and street trees and shall be designed and installed to provide an attractive development pattern. Landscape materials selected should be appropriate to the growing conditions of the local environment.

The proposal is compliant in this regard

(c) Whenever possible, existing trees shall be conserved and integrated into the landscape design plan. The existing inventory of salvageable trees is low.

Those worthy preservation will be retained.

(d) All landscaping except for trees, shrubs, and grasses, either existing or to be installed within the public right-of-way, shall be privately owned, and maintained.

The proposal is compliant in this regard

(15) THE CODE REQUIRES SITE CIRCULATION SYSTEM DESIGN STANDARDS.

(a) An adequate, safe, and convenient circulation system shall be provided.

The proposal is compliant in this regard

(b) The arrangement of streets and common parking areas shall be designed as integral parts of an overall site plan. These features shall be properly related to existing and proposed buildings and appropriately landscaped.

The proposal is compliant in this regard

(16) THE CODE REQUIRES MISCELLANEOUS TOWNHOUSE REGULATIONS.

(a) No home occupations, home professional offices, or business activity creating any external impact shall be permitted within a townhouse cluster or development.

The complex will be responsible for enforcing this until such time as a homeowner's association is formed at which time this will be a condition of approval for the association.

(b) All fencing of common areas shall be shown on the site plan approved by the Planning Board. There is no fencing of the common areas,

The proposal is compliant in this regard

(c) Individual owners may erect privacy fences to create private outdoor areas for individual dwelling units. Such fences must be located in the rear yard and may be up to eight feet above ground level, extend no more than 12 feet from the building, be open on the rear lot end and shall be of a similar type and design for the entire development as approved by the Planning Board

The complex will be the owner at this time, privacy fences if any will be part of the building itself and as rear lot size is limited detached rear lot fences will not be allowed. The proposal is compliant in this regard.

(d) No individual property owner shall erect or place an accessory building on the premises.

The individual townhouse lot size was reduced to enhance open, green and common space there is insufficient lot size for accessory buildings, therefore accessory buildings for individual units are not allowed.

(e) The storage of any unregistered vehicles or other similar equipment out-of-doors shall be prohibited.

The complex will be responsible for enforcing this until such time as a homeowner's association is formed at which time this will be a condition of approval for the association.

(f) The storage of any recreational vehicles, trailers, boats, or other such items is permitted within the enclosed parking space for the unit and shall not be permitted in individual yards, common space, green space, or driveways

The proposal includes a storage area, all such items must be stored in the common storage area. The proposal is compliant in this regard

(17) SPECIAL ACCESSORY USES.

The following special accessory uses may be established for the common and exclusive use of owners of townhouse residences and their guests. Such special accessory uses shall be operated on a not-for-profit basis and subject to the approval of the Planning Board:

(a) Recreational facilities such as open or enclosed tennis courts, exercise facilities, picnic areas, gazebos or swimming pools as regulated herein.

These facilities already exist within the complex.

(b) One structure to house maintenance shops and vehicles to be used exclusively for the maintenance and management of the townhouse development.

This facility already exists within the complex.

(c) Common space for the exclusive use and convenience of residents of the townhouse cluster or development and their guests to park vehicles. Such common space shall be adequately landscaped and buffered to screen the site from adjacent areas and uses.

(d) An area for parking and storage of recreational vehicles, trailers, boats, or other such items. The proposal includes a storage area, all such items must be stored in the common storage area.

These facilities already exist within the complex.

(e) One community building for the exclusive use and convenience of the residents of the townhouse cluster.

These facilities already exist within the complex

(f) Common storage unit(s) for the use of townhouse cluster residents to match all other dwelling units in exterior appearance and included in overall unit calculations.

The proposal provides for a dedicated screened storage area.

The record of submissions for this application is as follows:

CLEARVIEW PHASE 2 NORTH CASE RECORD

File Location: Clearview Phase 2 North

Date/Filed By/Description

File Location: Clearview Phase 2 North/Application

20190424 CVF Application EAF.pdf – Clearview Farms(CVF) Application and 1st EAF Passaro Associates

File Location: Clearview Phase 2 North/Board Info

File Location: Clearview Phase 2 North/County Comments

20190603 WH19004PRR.pdf – Monroe County Comments Subdivision

20190603WH19004Response.pdf- Monroe County Comments Subdivision

20200107WH19008PRR.pdf- Monroe County Comments Subdivision

20200107WH19008Response.pdf- Monroe County Comments Subdivision

File Location: Clearview Phase 2 North/Engineer Comments

20200110 CVF Traffic Study Response.docx- PA Traffic Study Response to LaBella Comments

20200226 NY PARKS NO IMPACT SHPO.pdf

File Location: Clearview Phase 2 North/Engineer Comments/Site Plan

20190726 LB Clearview_Site Plan Review.pdf- Labella Comments on Site Plan

20190917 CVF PA Response to MCWA MCDPH.pdf- PA Response to MCWA MCDPH Comments of 07/29/2019

20200219 LB Clearview_Meeting and Plan review comments.pdf

20200226 CVF Response to Labella Comments.docx – PA Response to Labella Comments

File Location: Clearview Phase 2 North/Engineer Comments/SWPP

20190722 LB Clearview_SWPPP review comments.pdf- LaBella Comments on Storm Water

File Location: Clearview Phase 2 North/Plans

- 20200226 OPEN SPACE DESCRIPTION SUBMAP.pdf – Detail Plan of Open Space
- 20200507 PLANS_SITE PLANS .pdf – Set of Site Plans
- 20200507 PLANS_SUBDIVISION MAP.pdf- Subdivision Plat Map

File Location: Clearview Phase 2 North/Plans/Plan Detail

- 20191125 CVF Special Exception Statement.pdf - Passaro Associates Townhouse Subdivision Special Exception
- 20200302 CVF Affidavit for HOA Creation.pdf- Clearview Farms Home Owners Association Affidavit
- 20200210 Sidewalk LOC Estimate Sidewalk.pdf – Sidewalk Estimate for letter of credit
- 20200519 Sidewalk LOC_FULL SIDEWALK.pdf - Sidewalk Estimate for letter of credit
- 20200519 Sidewalk LOC_PHASE I.pdf- Sidewalk Estimate for letter of credit
- 20200227 Lighting District Property Description.doc
- 20200227 Open Space Description.doc
- 20200227 Open Space Description_2.doc
- 20200227 Open Space Description_3.doc
- 20200227 Sanitary Easement 3.doc
- 20200227 Sanitary Easement 3.pdf
- 20200227 Storm Easement 1.doc
- 20200227 Storm Easement 1.pdf
- 20200227 Storm Easement 2.doc
- 20200227 Storm Easement 2.pdf
- 20200227 Storm Easement 3.doc
- 20200227 Storm Easement 3.pdf
- 20200227 Water Easement 1.doc
- 20200227 Water Easement 1.pdf

File Location: Clearview Phase 2 North/Plans/Renderings

- Apartment Picture 1 5-14-19.jpg – Sample building rendering
- Apartment Picture 2 5-14-19.jpg– Sample building rendering
- Apartment Picture 3 5-14-19.jpg– Sample building rendering
- Apartment Picture 4 5-14-19.jpg– Sample building rendering

File Location: Clearview Phase 2 Reports

- REPORT_ENGINEERS.pdf -- June 2019 CVF PA Engineers Report
- REPORT_PHASE I ARCHEO.pdf—02182020 CVF Archeological Report
- REPORT_PHASE1_ENVIRONMENTAL.pdf -10032020 CVF LaBella Environmental Report Phase 1
- REPORT_SWPPP.pdf -CVF Revised 02/2020 Stormwater report
- REPORT_TRAFFIC.pdf- CVF Revised 01/2020 Traffic Study Report

File Location: Clearview Phase 2 North/SEQRA

- 20200506 SEQR_LONG EAF REV.pdf – Revised SEQRA EAF Part 1
- SEQRA _ Notice of Intent Lead Agency-CLVW_Phase 2 North .docx

Member	Motion	Second	Aye	Nay	Abstain	Recused
Joseph Burns			X			
Mike Grasso			X			
Robert Hatch	X		X			
Laura Michaels			X			
Tim Steves		X	X			
Open						
Jay Coates, Chair			X			

- J. Burns made a motion that the Planning Board for the Town of Wheatland declares that the Clearview Farms Phase 2 North Project SEQR Resolution is a negative Declaration. This was seconded by R. Hatch and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

**TOWN OF WHEATLAND
CLEARVIEW FARMS PHASE 2 NORTH PROJECT
SEQR RESOLUTION - NEGATIVE DECLARATION**

At the meeting of the Wheatland Planning Board held on June 2, 2020, Board Member Joseph Burns moved adoption of the following resolution; Board Member Robert Hatch seconded the motion and was passed.

WHEREAS,

- 1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Planning Board of the Town of Wheatland announced its intent to serve as Lead Agency in May 2019 and to conduct an environmental review of a project proposed by Clearview Farms LLC (the “Applicant”) to develop a residential complex containing 144 apartment and 80 townhouse units located near the intersection of Robert Quigley Drive and Browns Road. The project will construct 18 apartment buildings and 22 townhouse buildings, including a self-storage rental lot, dedicated roadways, sidewalks, utility connections, stormwater management areas, and landscaping.
- 2) The Planning Board has determined that the proposed action is a Type I action as defined under SEQR, as the project in a city, town or village having a population of 150,000 persons or less, 200 [new residential] units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works.
- 3) The Planning Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
- 4) The Planning Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Wheatland Planning Board serving as Lead Agency for this project.

- 5) The Planning Board has considered the Environmental Record prepared by LaBella Associates, DPC for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Planning Board of the Town of Wheatland declares that it will serve as Lead Agency for the Clearview Farms Phase 2 North Project; and,

The Planning Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Planning Board Chairperson is hereby authorized and directed to issue, on behalf of the Planning Board, the Negative Declaration in the Part 3 of the Environmental Assessment Form.

Member	Motion	Second	Aye	Nay	Abstain	Recused
Joseph Burns	X		X			
Mike Grasso			X			
Robert Hatch		X	X			
Laura Michaels			X			
Tim Steves			X			
Open						
Jay Coates, Chair			X			

STATE OF NEW YORK:

COUNTY OF MONROE: ss

TOWN OF WHEATLAND:

I, Renee Smith Clerk for the Town of Wheatland Planning Board, Monroe County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Planning Board of the Town of Wheatland on the ___ day of _____, 2020, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED:

2020

- R. Hatch made a motion to approve the Town of Wheatland Planning Board Clearview Subdivision Special Exception Approval dated June 2, 2020. This was seconded by M. Grasso and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

**TOWN OF WHEATLAND PLANNING BOARD
CLEARVIEW SUBDIVISION
SPECIAL EXCEPTION APPROVAL
JUNE 2, 2020**

WHEREAS, The Town of Wheatland Planning Board (Board), as authorized under the Code of the Town of Wheatland, held a public hearing to obtain public input, on the 7th day of January 2020, regarding a project proposed by Clearview Farms LLC (the "Applicant") to develop a residential complex containing 144 apartment and 80 townhouse units located near the intersection of Robert Quigley Drive and Browns Road (project). The project composes 18 apartment buildings and 22 townhouse buildings, including a self-storage rental lot, dedicated roadways, sidewalks, utility connections, stormwater management areas, and landscaping. The project also requires the Board grant a special exception under Town of Wheatland Code§ 130-62(y) for the entire project; preliminary site plan approval for the entire project, and final site plan and subdivision approval for Phase I of the project, and

WHEREAS, the Planning Board of the Town of Wheatland has determined under a separate resolution, a SEQRA Resolution -Negative Declaration under the New York State Environmental Review Act, after having reviewed and analyzed an EAF Part 1, 2 & 3 with attachments that this action is classified as Type I action pursuant to 6 NYCRR, Part 617, the implementing regulations of the New York State Environmental Quality Review Act ("SEQRA") under Article 8 of the Environmental Conservation Law, and has made a separate resolution which finds that there is no significant adverse environmental impact regarding this project, and

WHEREAS, the Board having reviewed all information provided, addressed public comments, referred to and reviewed the Town's engineer's report and comments, referred to and reviewed the County of Monroe comments. This decision is based upon all the above documents, any specifications and information submitted including all plans, drawing and other documents pertaining hereto, which are incorporated into this decision and are deemed effective and binding on the applicant and any successor to the applicant, and

WHEREAS, the Town of Wheatland Planning board having made separate findings of facts addressing the factors set out in the Town of Wheatland Code regarding this project, and

WHEREAS the applicant has offered and agreed to abide by the terms and conditions of this resolution and this resolution, and the finding contained or referenced herein are binding upon the applicant, its successor or assigns.

NOW THEREFORE BE IT RESOLVED

That the Town of Wheatland Planning Board hereby approves Clearview Farms LCC 's application for a special exception use and site plan for the construction of subject to the condition contained herein, and

BE IT FURTHER RESOLVED THAT

This special exceptions and site plan are subject to the following conditions:

1. The findings of the Town of Wheatland Planning Board dated May 17, 2020 as they relate to this project are incorporated into this resolution are made a part hereof, as if same were set out in their entirety,
2. All easement documents prior to filing are subject to the approval of the Board and the attorney for the Board.
3. All dedicated streets, sanitary mains within the rights of way and easements , storm sewer sanitary mains within the rights of way and easements and all infrastructure will , at a minimum, be built to town specification; will be 100% completed at the same time as the completion of all building in the appropriate phase of development; will be inspected and approved by the Town Engineer prior to dedication and acceptance; any remedial measure taken to address issues prior to acceptance and dedication.
4. All common space, open space and greenspace will deemed a no-build area and will be established and be in compliance with the Town of Wheatland Code §130.33 and §130-62. Y. (6) and (8)
5. This project is currently proposed as a rental project, not requiring a Homeowners Association (HOA) to be formed. If the project changes, in whole or in part, from a rental project to a Town House for sale, the applicant is required to reappears before the planning board for approval. Pertaining to the Home Owners Association (HOA) to be formed, all HOA covenants and restrictions to be approved by Town planning board prior to submission to Department of State (DOS); receipt of approval or no action from DOS; compliance with Town code for Town Houses; until the HOA is formed and approved , the developer is to comply with Town Code regarding Town Houses.
6. Regarding the storage area on the project, this area will be used by Clearview Farm Residents only, and there will be no general public use of the storage area.
7. The Developer will cooperate with the Town of Wheatland in the creation of a lighting district if the deemed necessary by the Town or the Office of the State Comptroller.
8. The Board and Developer have agreed that within five years of phase 1 approval the Developer will construct or cause to be constructed in phases a sidewalk along Robert Quigley Drive as shown in the sidewalk plan. The Developer will post an irrevocable letter of credit for the full amount of the estimated sidewalk construction. If the sidewalk is not constructed within five (5) years, the Town may use the letter of credit to construct the sidewalk. The Board has determined this to be the best way to address additional pedestrian traffic in the area, improve safety and to accomplish multiple goals in the Town Plan and Code of mitigating impacts, providing sidewalks, adding trails and to provide access to the NYS Greenway, plaza and existing sidewalks. The Developer was consulted with and has agreed to this condition.
9. There are several unpermitted structures encroaching on the site from neighboring properties, these are to be removed. Wheatland Code enforcement will assist the developer in mitigation efforts. The Developer was consulted with and has agreed to this condition.

Member	Motion	Second	Aye	Nay	Abstain	Recused
Joseph Burns			X			
Mike Grasso		X	X			
Robert Hatch	X		X			
Laura Michaels			X			
Tim Steves			X			
Open						
Jay Coates, Chair			X			

- R. Hatch made a motion to approve the Preliminary Subdivision and Plat and Site Plan Resolution for Town of Wheatland Clearview Farms-Phase 2 North Project. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

**TOWN OF WHEATLAND
CLEARVIEW FARMS – PHASE 2 NORTH PROJECT**

PRELIMINARY SUBDIVISION PLAT AND SITE PLAN RESOLUTION

At the meeting of the Wheatland Planning Board held on June 2 2020, Board Member Robert Hatch moved adoption of the following resolution; Board Member Joseph Burns seconded the motion and was passed.

WHEREAS,

- 6) The Planning Board has determines under a separate resolution, a SEQRA Resolution -Negative Declaration under the New York State Environmental Review Act, after having reviewed and analyzed an EAF Part 1, 2 & 3 with attachments that this action is classified as Type I actions pursuant to 6 NYCRR, Part 617, the implementing regulations of the New York State Environmental Quality Review Act ("SEQRA") under Article 8 of the Environmental Conservation Law, and has made a separate resolution which finds that there is no significant adverse environmental impact regarding this project, and

- 7) The Planning Board has granted under a separate resolution, a special exception under Town of Wheatland Code§ 130-62(y) for the entire project, and
- 8) An application has been made for preliminary subdivision plat and preliminary site plan approval for Phase 2 North of the development commonly known as Clearview Farms in the Town of Wheatland, and
- 9) The Planning Board has reviewed the application for preliminary subdivision plat and deemed it complete pursuant to Town Code 116-36, and
- 10) The Planning Board has reviewed the application for preliminary site plan and deemed it complete pursuant to Town Code 130-22 C (1), and
- 11) The Planning Board, having reviewed all information provided, addressed public comments, referred to and reviewed the Town’s engineer’s report and comments, referred to and reviewed the County of Monroe comments. This decision is based upon all the above documents, any specifications and information submitted including all plans, drawing and other documents pertaining hereto, which are incorporated into this decision and are deemed effective and binding on the applicant and any successor to the applicant, and
- 12) The Planning Board having made separate findings of the facts addressing the factors set out in the Town of Wheatland Code regarding this project, and
- 13) The applicant has offered and agreed to abide by the terms and conditions of this resolution, and the findings contained or referenced herein are binding upon the applicant, its successor or assigns

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat and Preliminary Site Plan approval for the for Clearview Farms Phase 2 North, with the following conditions,

- 1) All Town engineering comment are to be addressed to the Town’s satisfaction.
- 2) Project shall comply with Special Provisions pursuant to town Code 130-22 E.
- 3) The conditions imposed upon the Special Exception Approval dated Junes 2nd 2020 are deemed conditions of this approval as if fully set forth herein.

Member	Motion	Second	Aye	Nay	Abstain	Recused
Joseph Burns		X	X			
Mike Grasso			X			
Robert Hatch	X		X			
Laura Michaels			X			
Tim Steves			X			
Open						
Jay Coates, Chair			X			

**TOWN OF WHEATLAND
CLEARVIEW FARMS – PHASE 2 NORTH PROJECT**

FINAL SUBDIVISION PLAT AND SITE PLAN RESOLUTION – PHASE 1

At the meeting of the Wheatland Planning Board held on June 2, 2020, Board Member Joseph Burns moved adoption of the following resolution; Board Member Tim Steves seconded the motion and was passed.

WHEREAS,

- 14) The Planning Board has determined under a separate resolution, a SEQRA Resolution -Negative Declaration under the New York State Environmental Review Act, after having reviewed and analyzed an EAF Part 1, 2 & 3 with attachments that this action is classified as Type I actions pursuant to 6 NYCRR, Part 617, the implementing regulations of the New York State Environmental Quality Review Act ("SEQRA") under Article 8 of the Environmental Conservation Law, and has made a separate resolution which finds that there is no significant adverse environmental impact regarding this project, and
- 15) The Planning Board has granted under a separate resolution, a special exception under Town of Wheatland Code§ 130-62(y) for the entire project, and
- 16) The Planning Board has granted under a separate resolution, Preliminary Subdivision Plat and Preliminary Site approval for the project known as Clearview farms North, and
- 17) An application has been made for final subdivision plat and final site approval for Phase 1 of the development commonly known as Clearview Farms Phase 2 North in the Town of Wheatland, and
- 18) The Planning Board has reviewed the application for final subdivision plat and deemed it complete, and
- 19) The Planning Board has reviewed the application for final site plan and deemed it complete pursuant to Town Code 130-22, and
- 20) The Planning Board, having reviewed all information provided, addressed public comments, referred to and reviewed the Town's engineer's report and comments, referred to and reviewed the County of Monroe comments. This decision is based upon all the above documents, any specifications and information submitted including all plans, drawing and other documents pertaining hereto, which are incorporated into this decision and are deemed effective and binding on the applicant and any successor to the applicant, and
- 21) The Planning Board having made separate finding of the facts addressing the factors set out in the Town of Wheatland Code regarding this project, and
- 22) The applicant has offered and agreed to abide by the terms and conditions of this resolution, and the finding contained or referenced herein are binding upon the applicant, its successor or assigns

BE IT RESOLVED, that the Planning Board hereby grants Final Subdivision Plat and Final Site Plan approval pursuant to Town Code 130-22 for the for Clearview Farms Phase 2 North – Phase 1, with the following conditions,

- 4) The Final Plat is to comply with Town Code 116-37, 116-38 and 116-39.
- 5) All Town engineering comments are to be addressed to the Town's satisfaction before issuance of final signed plans.
- 6) Project shall comply with Special Provisions pursuant to town Code 130-22 E.
- 7) The conditions imposed upon the Special Exception Approval dated June 2, 2020 are deemed conditions of this approval as if fully set forth herein.

Member	Motion	Second	Aye	Nay	Abstain	Recused
Joseph Burns	X		X			
Mike Grasso			X			
Robert Hatch			X			
Laura Michaels			X			
Tim Steves		X	X			
Open						
Jay Coates, Chair			X			

STATE OF NEW YORK:
COUNTY OF MONROE: ss
TOWN OF WHEATLAND:

I, Renee Smith Clerk for the Town of Wheatland Planning Board, Monroe County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Planning Board of the Town of Wheatland on the____, day of _____, 2020, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED: 2020

Future Business:

➤ **Helios Solar**

Helios Solar has requested a modification of their conditions of approval: specifically, the letter of credit for the decommissioning.

➤ **Spring Street Solar**

J. Coates stated that there would be no work session for June.

R. Hatch made a motion to adjourn the meeting, seconded by T. Steves and unanimously approved. The meeting was adjourned at 8:22 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND
PLANNING BOARD MINUTES
July 7, 2020**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels, Robert Hatch

Members absent:

Also present: Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Dan Brocht, Representative of LaBella Assoc.

Chairman Coates called the Town of Wheatland Planning Board meeting to order immediately following the Zoning Board of Appeals meeting. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

M. Grasso made a motion to approve the minutes from 6/2/20, seconded by T. Steves and unanimously approved.

J. Burns made a motion to approve the minutes from 6/16/20, seconded by R. Hatch and unanimously approved

Old Business:

➤ *Hewett Subdivision*

The application of Shultz Associates as agents for Good Living Properties, LLC to seek approval for a (6) lot subdivision and site plan with (5) proposed single family building lots and (1) remaining agricultural land parcel. The property is located approximately 3,000 feet West of the intersection of Scottsville-Chili and North Road on the North side of the road and is in an AR-2 Zoning district. The Tax I.D. number 186.04-1-19.2

R. Hatch recused himself from this part of the meeting.

There were 2 sets of revisions for the Subdivision Plans which have been received from the Applicant. The barn has been relocated and there is a note stating that it is not for livestock. There is a sufficient set back. T. Rech stated that everything looks good to him.

Matt Tuttle was present from Schultz Assoc. to answer questions from the Board.

County Comments came back nonconsequential.

M. Grasso made a motion that the application for subdivision and site plan for the Hewitt subdivision is considered an unlisted action under SEQR, seconded by J. Burns and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – recused
Jay Coates -aye

M. Grasso made a motion to grant preliminary and final subdivision approval for the Hewitt subdivision based on the map by Schultz Assoc. labelled preliminary plat #P1 which was submitted to the Town on 6/29/20 with the following conditions:

- The access strip to the remaining lands be revised to be a minimum of 66' wide measured perpendicularly at its smallest point
- The subdivision map be labeled with the revision date of 6/29/20

T. Steves seconded the motion and it was passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – recused
Jay Coates -aye

M. Grasso made a motion to grant preliminary and final site plan approval for the Hewitt subdivision site plan based on the map by Schultz Assoc. named site plan drawing S1 which was submitted to the Town on 7/7/20 with other sheets as back up submitted on 6/29/20 with the following conditions:

- The access strip to the remaining lands be revised to be a minimum of 66' wide measured perpendicularly at its smallest point
- The site plan map be labeled with the revision date of 6/29/20

J. Burns seconded the motion and it was passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – recused
Jay Coates -aye

➤ *Fill permit for Jack Miller for Wheatland Center Road.*

This will be a Type 1 SEQR. J. Coates stated that we are going to request to be Lead agency.

New Business:

➤ *Graff-Dunn subdivision*

The application of Stephan Dunn for a four-lot residential subdivision with three new single-family building lots and a remaining land parcel on Cedars Ave., Churchville, NY 14428.

R. Hatch recused himself from this part of the meeting.

M. Tuttle from Schultz Assoc. was present to speak to the Board on behalf of the Applicant. He stated that this is a 4-lot subdivision with 3 building lots and 1 land parcel. It is 87.9 acres, the 3 building lots will be around 3.8 acres and will have their own driveways, serviced by individual septic systems and wells.

T. Rech stated that this was sent to the County electronically, but we will also need to send in a paper copy.

The perc tests have been done. There are no wetlands in the area that will be impacted.

The Public Hearing will be done at the August Planning Board meeting.

Future Business:

➤ **Helios Solar**

J. Coates sent a letter to Helios asking for clarification to complete the application. He has not heard back from them at this time.

There will be no work session meeting in July.

R. Hatch made a motion to adjourn the meeting, seconded by J. Burns and unanimously approved. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND
PLANNING BOARD MINUTES
September 1, 2020**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels, Robert Hatch

Members absent:

Also present: Terry Rech, Building Inspector
Ed Shero, Town Board Liaison
Raymond DiRaddo, Town Attorney

Chairman Coates called the Town of Wheatland Planning Board meeting to order immediately following the Zoning Board of Appeals meeting. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

J. Burns made a motion to approve the minutes from 7/7/20, seconded by R. Hatch and unanimously approved as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

Old Business:

- *Fill permit for Jack Miller for Wheatland Center Road.*

No update, but still in progress.

- *Fill permit for North Road-Update*

There have been some issues with the County Contractor regarding cleaning debris in the road and working later than they were approved. There have been citizen complaints to the Supervisor and to the County. It is now an enforcement issue.

➤ ***Graff-Dunn subdivision***

The application of Stephen Dunn for a four-lot residential subdivision with three new single-family building lots and a remaining land parcel on Cedars Ave., Churchville, NY 14428.

R. Hatch recused himself from this part of the meeting.

The County Comments were received with nothing of significance noted.

J. Coates had questions for Matt Tuttle from Schultz Assoc. regarding the short environmental form which he submitted. J. Coates stated that questions 12 and 13 were answered in the affirmative, so the Board will need clarification. There will need to be an appendix added to the filing to clarify the issues.

J. Coates opened the Public Hearing at 7:41 P.M. by reading the Public Hearing Notice.

NOTICE OF PUBLIC HEARING:

The Planning Board of the Town of Wheatland, pursuant to Sections 116-1,116-22 and 130-22.F. of the Code of the Town of Wheatland, will hold a Public Hearing on **Tuesday, September 1, 2020** at 7:00 P.M. in the “*virtual*”

Wheatland Municipal Building, Scottsville, NY to consider the following:

The application of Shultz Associates as agents for Stephen Dunn to seek approval for a (4) lot subdivision and site plan with (3) proposed single family building lots and (1) remaining agricultural land parcel. The property is located on Cedars Avenue and is in an AR-2 Zoning district. The Tax I.D. number 198.01-01-011.

All interested parties are asked to **remotely** attend and be heard or to submit written comment to 22 Main St PO Box 15 Scottsville, 14546 or building@townofwheatland.org concerning this application. Pursuant to Executive Order 202.1 this meeting will be held remotely via Microsoft Teams. To join meeting please **Call** +1 585-491-9963 United States,

Rochester (Toll) **Conference ID:** 979 356 470#. To view documents prior to meeting you may make an appointment to come to our office, visit the following link

<https://schultzpc.com/nextcloud/index.php/s/graff-dunn> or URL:

Jay D. Coates, Chairman
Wheatland Planning Board

Dated: August 12, 2020

The Public Hearing was closed at 7:42 P.M. since there was no public who wished to speak.

J. Coates would like to get the SEQR questions addressed for the next meeting.

L. Michaels had a question about improvements for the road since it is a dirt road. M. Tuttle stated that there would be no need for improvements since there are just 3 single family homes going in with no significant change in traffic.

New Business:

➤ *Helios Solar*

Mike Lossia from Helios was present to address the Board virtually. Geoff Johnson and Chris Goldie from Cypress Creek were also online. M. Lossia stated that they are looking for a modification to convert the Special Use Permit from a cash escrow to a decommissioning bond for the decommissioning plan. He stated that they increased the amount for the decommissioning and laid out an explanation of how the Town is protected from any financial impact in case the project does not get decommissioned after the 30-year life span.

Chris Goldie stated that the surety bond agreement that they use with the solar projects is legally bound to the Town for the cost of decommissioning. The surety bond agreement is legally binding to make sure that the resources are available for decommissioning at any time. J. Coates stated that Helios and the Board had come to an agreement to do a cash escrow at the time of the original approval. M. Lossia stated that the agreement to do a cash escrow was an error on the project manager's part.

The engineering report was received and will be sent to Helios for their review.

The Board is in consensus to work with Helios on an agreement.

J. Coates stated that they will work on the wording for the surety bond.

➤ *AES - Ravich Solar*

Adam Wingard was present to speak to the Board on behalf of AES. He did a presentation for the Board on the company and the project. A. Wingard stated that this project is right on the county line. The company has 2 parcels under an option to lease agreement, the project will span both parcels. They are proposing a 7-foot-high fence and utilizing an existing gravel drive coming off Spring Street. This is a 5 MW AC system size, 7.3 MW DC covering 36.2 acres based on the current design. This is intended to be a community solar project which allows local residents the ability to sign up to go solar.

AES would like to start construction in the spring.

J. Coates stated that the Board would like to see a glare and an audio study. A. Wingard stated that they have manufacturer information for audio that can be provided.

J. Coates stated that he would like visuals to see the berms and shielding.

T. Rech stated that this is 2 separate parcels. The one property would be an AR-2 zoning district with side setbacks of 25 feet. The other property would be a rear line set back of 40 ft. This would be 2 separate Special Exception projects.

There will be a Public Hearing most likely in November.

➤ *Mark IV Special Exception Extension Request*

Mark IV sent a letter requesting a 90-day extension for a Special Exemption approval which was granted on 6/2/2020. The approval allowed for a 90-day period to apply for a building permit after the Planning Board approval and gave an option to apply for an additional 90-day extension.

R. Hatch made a motion to grant a 90-day extension to Mark IV to submit their Building permit application. This was seconded by M. Grasso and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -aye
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

Future Business:

None

There will be no work session meeting in September.

M. Grasso made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 8:42 P.M.

Respectfully submitted,

Renee Smith

**TOWN OF WHEATLAND
PLANNING BOARD MINUTES
November 4, 2020**

Members present: Mike Grasso, Joseph Burns, Jay Coates, Tim Steves, Laura Michaels, Robert Hatch

Members absent:

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

Chairman Coates called the Town of Wheatland Planning Board meeting to at 7:00 P.M. Due to the Covid-19 pandemic, the Planning Board meeting was conducted virtually.

R. Hatch made a motion to approve the minutes from 9/1//20, seconded by J. Burns and unanimously approved as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves -inaudible
Laura Michaels – aye
Robert Hatch – aye
Jay Coates -aye

Old Business:

➤ *Graff-Dunn subdivision*

The application of Stephen Dunn for a four-lot residential subdivision with three new single-family building lots and a remaining land parcel on Cedars Ave., Churchville, NY 14428.

R. Hatch recused himself from this part of the meeting.

J. Coates stated that the updated Short Environmental form was received from Matt Tuttle.

M. Grasso made a motion to grant a Negative Declaration under SEQR for the Graff Dunn Subdivision and Site Plan based on the EAF dated 10/3/2020. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves – inaudible
Laura Michaels – aye
Robert Hatch – recused
Jay Coates -aye

M. Grasso made a motion to approve the Graff Dunn Subdivision and Site Plan based on the Subdivision map dated 6/17/2020 and the Site Plan dated 6/17/2020. This was seconded by J. Burns and passed as follows:

Joseph Burns – aye
Mike Grasso – aye
Tim Steves – aye
Laura Michaels – aye
Robert Hatch – recused
Jay Coates -aye

➤ ***AES - Ravich Solar***

J. Coates stated that he has been receiving many emails from residents and has established a site to share information with them. The residents raised issues that caused J. Coates to review a 841 page report on the railroad accident that occurred in Leroy in the 1970's which caused the area to be a NY State Superfund Site. J. Coates stated the revised Environmental form never mentioned this issue. The spill has travelled from Leroy to Spring street and has contaminated wells. There will need to be more research done by AES to see if this project will cause an environmental impact.

D. Brocht from LaBella stated that they are reviewing the spill and the DEC process internally. They have an environmental lawyer and environmental group on staff.

New Business:

None

Future Business:

None

There will be no work session meeting in November.

R. Hatch made a motion to adjourn the meeting, seconded by M. Grasso and unanimously approved. The meeting was adjourned at 7:21 P.M.

Respectfully submitted,

Renee Smith