

**TOWN OF WHEATLAND
PLANNING BOARD MINUTES
May 7, 2024**

Members present: Joe Burns, Kane Gascon, Robert Hatch, Michael Grasso
Tim Steves, Laura Michaels and Jay Coates

Members absent:

Also present: Ed Shero, Town Board Liaison
Eric Stowe, Attorney for the Town

Chairman Coates called the Town of Wheatland Planning Board meeting to order at 7:00 P.M.

R. Hatch made a motion to approve the Town of Wheatland Planning Board minutes from 4/2/2024, seconded by T. Steves and approved as follows:

Joe Burns – aye
Kane Gascon -aye
Mike Grasso -aye
Laura Michaels -aye
Robert Hatch - aye
Tim Steves -aye
Jay Coates -aye

Old Business:

➤ Clearview Farms Phase IV Special Exception for Townhouses

The application of Mark IV Enterprises, for Special Exception (Townhouse overall concept) approval to construct (18) 8-unit apartment buildings and (22) 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 Mark IV Enterprises, 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 187.18-1-1.1

Chris Nadler was present to speak to the Board. He gave a summary of the project. They are looking for renewal of the Special Exception permit to allow Townhouses as part of the site plan. The only change from the original site plan approval is that they have taken the Clubhouse and the former model homes and subdivided them out of the parcel.

The project will probably start in the Fall. Sidewalks will be included in this phase.

Chairman Coates re-opened the Public Hearing at 7:04 P.M.

There being no one from the Public who wished to speak, the Hearing was closed at 7:05 P.M.

J. Coates made a motion to reaffirm the SEQR that the Board has reviewed in detail, seconded by R. Hatch and passed as follows:

Joe Burns – aye
Kane Gascon -aye
Mike Grasso -aye
Laura Michaels -aye
Robert Hatch - aye
Tim Steves -aye
Jay Coates -aye

**TOWN OF WHEATLAND PLANNING BOARD
CLEARVIEW SUBDIVISION
SPECIAL EXCEPTION APPROVAL
May 7, 2024**

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, under the Code of the Town of Wheatland 130-60.F., a Special Exception expires after 90 days if not used, and

WHEREAS, the Town of Wheatland Planning Board held a public hearing on April 2, 2024 to obtain public input for the renewal of a special exception for Townhouses, 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 had previously made a separate resolution which found that there is no significant adverse environmental impact regarding this project, and

WHEREAS, the present application seeks only to renew the special exception previously granted by the Board and does not expand permitted construction, soil disturbance, utility needs, traffic, or any other items that would require a new SEQRA review,

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 townhouse use subject to the conditions contained herein, and

BE IT FURTHER RESOLVED THAT

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

1. The findings of fact made by the Town of Wheatland Planning Board on May 17, 2020 as they relate to this project are reaffirmed and 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 be deemed a no-build area with no improvements thereon 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 reappear before the planning board for approval. Pertaining to the Homeowners 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 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. The five-year requirement for construction of sidewalks shall continue to be measured from the date of the original approval, June 2, 2020 and shall not be modified or extended by this reapproval.
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 | | | |
| Kane Gascon | | X | X | | | |
| Mike Grasso | X | | X | | | |
| Robert Hatch | | | X | | | |
| Laura Michaels | | | X | | | |
| Tim Steves | | | X | | | |
| Jay Coates, Chair | | | X | | | |

New Business:

➤ **Gravel Ponds**

The application of Scott A Harter, P.E. as agent for Gravel Ponds SPE LLC, to seek Special Exception Use and Site Plan approval for the expansion Phases 9 & 10 of the Gravel Ponds Seasonal Recreational Campground. The property is located at 2329 North Road and is in an AR-2 Zoning District. Tax I.D. # 198.04-1-10.11 and a small portion of Tax I.D.# 198.04-1-10.12.

Additionally, the application of Scott A Harter, P.E. as agent for Gravel Ponds SPE LLC, to seek Special Exception Use and Site Plan approval for expansion Phases 11 & 12 of the Gravel Ponds Seasonal Recreational Campground. The property is located at 2329 North Road and is in an AR-2 Zoning District. Tax I.D. # 198.03-1-10.2, small portions of Tax ID #198.04-1-2.11 and #198.04-1-10.2.

Jack Miller was present to speak to the Board. The Owners would like to expand. Jack Miller is in the process of selling them 37 acres of land that he had retained from the last land sale.

M. Grasso made a motion to set a Public Hearing for Gravel Ponds Campground Special Exception expansion for the June 4th, 2024, Planning Board meeting. This was seconded by T. Steves and approved as follows:

- Joe Burns – aye
- Kane Gascon -aye
- Mike Grasso -aye
- Laura Michaels -aye
- Robert Hatch - aye
- Tim Steves -aye
- Jay Coates -aye

➤ **Kingsbury Subdivision**

No one was present so the Application was tabled.

➤ **Union Street/North Rd Subdivision**

R. Hatch spoke to give a summary of an upcoming application. This will be a subdivision with 2 lots. Perc tests have been completed.

T. Steves made a motion to adjourn the meeting, seconded by R. Hatch and unanimously approved. The meeting was adjourned at 7:36 P.M.

Respectfully submitted,

Renee Smith