

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**

Minutes – September 2, 2009, 7pm

Board Members Present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Public present: Andrew Ellison, Terrence Klee, James Baker, James Storrie, Joseph McCue, Linda Sheive, Vincent A. Pigula, Steve Cunningham, Mike Daly, Mary Daly, Sue Sage, Bridget DeRollo, Bob Gunderman, Bob Bringley

Agenda: Site Plan Reviews for: Ms. Linda Sheive, Mr. Terrence Klee, Ms. Susan Sage, Mr. Vincent Pigula, Mr. Steven Cunningham, Mr. Joseph McCue

Meeting came to order at 7pm.

Site Plan Reviews:

1. Ms Linda Sheive (LR District) South Lake Road – application for a retaining wall to stabilize shoreline embankment/walking path improvements for access to shoreline. Motion made by board member St. Lawrence and seconded by Robert Mincer. Vote carried with (5) votes in approval and (1) vote against. Determination: approved
2. Mr. Terrence Klee (LR) East Lake Road – application for the demolition of a structure and the construction of an access road. Mr. Rick Ayers from Soil & Water Conservation Services has conducted an 8/26-onsite review and reported on 9/2 his recommendations for erosion and remediation of the site. The Yates County Highway Superintendent, Dave Hartman requested applicant to file a work permit with the county and to heed road safety regulations during time of construction. Motion was made by Chairman Marty DeVinney and seconded by Board member Robert Mincer for approval with conditions that follow: pending Yates County Planning Board review on 9/24, with revised plans with project scope and execution, and erosion control plan as recommended by Rick Ayers. Determination: Conditional, pending.
3. Mr. Terrence Klee (LR) East Lake Road – applicant requests a Minor Subdivision for reconfiguration of property deeds. Board received submittal of a new deed reconfiguration and will seek Yates County Planning Board review on 9/24. Determination: pending.
4. Ms. Susan Sage (LR) South Lake Road – application review of a permitted 696sq. ft. dock, and an accessory boat structure that was built w/o a permit. Discussion of definition of UDML Code and the local Zoning Codes as they pertain to High Mean Water Mark and square footage allowed. Board Chair, Marty DeVinney made a motion to seek counsel from Maria Rudzinski of the Ont. Co. Planning Board and our Town Attorney on what was built vs. the original building permit before coming to any determination. Board member, John Gilbert seconded the motion and it carried with all in favor. Determination: pending
5. Mr. Vincent Pigula (LR) East Lake Road – application for reinstatement of revoked building permit to install a tram system replacement. Reviews were heard from Mr. Bringley-Project Engineer from Marathon Engineering and Mr. Baker- Geo-tech Engineer from Foundation Design. Geo-tech reports from Fischer Associates and the Town's Engineering firm- Lu Engineers were distributed. Mr. Bringley submitted a revised project Site Plan to be reviewed by Lu Engineers. The Planning Board determined that the following information must be received before the review of this project can proceed:

- a. Legal counsel from Town Attorney regarding correct legal review procedure.
  - b. NYS DEC – report of site failure, violations cited from HWM lakeward
  - c. Full SEQR Environmental Assessment to be completed by applicant
  - d. Recommendation by Lu Engineers referencing the following:  
environmental and structural concerns of Tram System installation procedures as they pertain to the site, lake, neighboring parcels and the local Zoning Law Article VI, Sect. 609 specific to Tram Systems.
  - e. Review of onsite remediation recommendations from Kevin Olvany, Canandaigua Lake Watershed Council
  - f. Plans submitted for review to Lu Engineers must show structural and environmental plans of tram system landing detail at shoreline as it pertains to the Mean High Water Mark.
6. Mr. Joseph McCue (LR) Newago Cove – application for a replacement foundation system to re-support a house on a lake level parcel. Project will be hand-dug with engineered stamped plans. Board motion by John Gilbert and seconded by Bruce St. Lawrence to conditionally approve the foundation project Site Plan once a letter signed by engineer Mr. Carmichael has been submitted stating his approval of any further revisions to the original Site Plan as discussed. This revised Site Plan should accurately reflect all work to be done.
  7. Mr. Steven Cunningham (LR) South Lake Road – application for the construction of a private driveway to access a vacant upper buildable lot. Pending determination from 12/4/08 in regard to building without a permit and remediation of erosion control concerns addressed by Town Engineer – Lu Engineers recommendations (8/14) Determination pending site remediation plan and inspection by the Office of Code Enforcement.

Board approval of draft minutes from August 19, with minor revisions were made by Chairman, Marty DeVinney and seconded by Loretta Henrie.

Agenda for next month's meeting on September 16: Review of Zoning Law draft edits and Steep Slope Model Law, Town of Torrey and Jerusalem Steep Slope Laws.

Motion to adjourn Planning Board meeting was made by John Gilbert and seconded by Bruce St. Lawrence. Vote carried with all in favor. Meeting adjourned at 9:45p.

Minutes submitted by L. Lersch/revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)