

## **TOWN OF MIDDLESEX**

### **PLANNING BOARD**

Minutes – October 7, 2009

Board Members present: Marty DeVinney, Chair; Lynn Lersch, John Gilbert, Robert Mincer and Bruce St. Lawrence

Present: Alaine Espenscheid, Dawn Kane, applicants plus Robert Place, Robert Bringley, PE, Linda Sheive, Doug Skeet, Rocco A. Venezia, Donald Bow, and Mark Lipari

Agenda: Site Plan Reviews of the following applicants: **Mr. Dan O'Brien** of 1163 S. Lake Rd., applying for a New Home Construction in LR District; **Mr. Vincent A. Pigula** of 198 E. Lake Rd., applying for a Replacement Tram System in LR District; **Mr. Terrence M. Klee** of 344, 350 E. Lake Rd., applying for a Minor Subdivision of his properties with those at #358 E. Lake Rd, and demolition of outbuildings and an access road to do such on #350 E. Lake Rd. in LR District **Mr. Griffith Shelley** of 5615 Williams St. in HR District applying for a Minor Subdivision of his properties; **Mr. Keith Gilliland** of 894 S. Lake Rd. applying for gradework and the removal of trees on his property; Mr. William Kenyon representing the **Highlands Group of Canandaigua Lake LLC** applying for a Major Subdivision on East Lake Road in the LR District; **Mr. Andy Komarek** represented by Architect Tom Fromberger applying for a Major Subdivision on East Lake Rd., in the LR District; **Mr. Steven C. Robeson** of East Lake Rd., represented by Mr. Eugene Weaver Contractor applying for a Single Family Residence in the LR District.

Meeting came to order at 7:10p

Chairman Marty DeVinney introduced board members and opened the floor:

1. Site Plan Review for Mr. Dan O'Brien applying for a single family residence demolition and new construction at 1163 S. Lake Road. (LR District) Mr. O'Brien submitted revised Engineered House plans resolving side setback concerns. A project-surety was set in the form of an "escrow agreement" between the Town of Middlesex and himself to ensure his project during stages of construction to completion. Chairman DeVinney asked the board for a motion, Robert Mincer made a motion to approve the Site Plan with conditions stated in Mr. O'Brien's letter of 10/2/09 which included: an escrow agreement in the amount of \$5,000 to be executed by the applicant and reviewed by the Town attorney, Town Highway Supervisor; a Construction Execution Plan Submission signed by the Contractor once hired and reviewed by the Town Attorney, Planning Board and Town Highway Supervisor; and proper site remediation upon completion to be in compliance with the Town's Stormwater Mgmt. & Erosion Control Law. Board member Bruce St. Lawrence seconded the motion and a vote carried with all present in favor.

2. Site Plan Review for Mr. Vincent Pigula who is applying for a replacement Tram System on his property. Remediation conditions verbally stated by Mr. Kevin Olvany of the Canandaigua Watershed Council were discussed. Mr. Bringley of Marathon Engineering presented a revised set of materials dated October 8<sup>th</sup> to the board in response to Lu Engineers recommendations. The board stated that they would refer to Lu Engineers review of the revised plans, send the application with a full EAF SEQR assessment to the Yates County Planning Board to review on October 22<sup>nd</sup>. Applicant asked for a conditional approval of the board pending their review. Board denied request but assurance of a speedy review was given and a possible date of November 4<sup>th</sup> for final determination was intimated. Mr. Robert Bringley, Engineer of Marathon Engineering asked for Board waiver of Lu Engineers recommendation of a topographic overlay of the project site. Motion by Board member Bruce St. Lawrence was made to waive the topographic data and Robert Mincer seconded it. The motion carried with a board vote with all present in favor.

3,4 Site Plan Reviews for Mr. Terrence M. Klee, not present, determined the following:

Yates County Planning Board approved of both Mr. Klee's applications to subdivide his property at #344, #350 in agreement with neighbor, the McCormick's, at #358 East Lake Road to reconfigure property deeds, and to demolish outbuildings at #350 East Lake Road with permission to build an access road to execute demolition as long as Stormwater Management and Erosion Control measures were carefully adhered to. Board determined that both Site Plan Reviews were approved and a motion to grant w/conditions for the demolition review was made by Lynn Lersch, seconded by Robert Mincer and a vote carried with all present in favor of both applications.

5. Site Plan Review by Mr. Griffith Shelley of 5615 Williams Street in the Hamlet Residential District of Middlesex for a Minor Subdivision of his property deeds was approved with a motion made by John Gilbert and seconded by Board Member Bruce St. Lawrence. Deed Transfer papers stating Planning Board Site Plan Approval were signed by Chairman, Marty DeVinney for Mr. Shelley.

6. Site Plan Review by Mr. Keith Gilliland of 894 S.Lake Rd. in the LR District, who applied for a review of his new home construction of a single family residence. The project shall include a driveway, new septic, retaining wall as well as deck work at the shoreline which will be staged throughout this Fall and next Spring. The board approved grade work to begin this Fall for removing a mound of dirt and the removal of some trees leaving the root system intact except where the septic will be placed. Code Enforcement Officer commented that it was important to note for future reference that the existing deck even if demolished is "grand-fathered in" and the new deck will stay within the dimensions of the old deck. Motion to grant the first phase of this project was made by Robert Mincer and seconded by Bruce St. Lawrence. Board members voted with all present in favor of the motion.

7. Site Plan Review of the Highlands Group of Canandaigua Lake, LLC represented by Mr. William Kenyon for a Major Subdivision on East Lake Road, Middlesex (LR District.) An advisory review was given on site map submitted for later Area Variance to the Zoning Board of Appeals. A request for relief from the Private Driveway and Private Road Law was presented to the Board by making (2) instead of (4) driveway curb cuts bisected at the north and south boundary lines to be used for access points leading to the (4) proposed lot parcel sites. Board deferred proceeding until after the Zoning Board of Appeals hearing which is scheduled for November 19<sup>th</sup>. Board stated a definement of the following was pertinent to determination: County Planning Board Review, Full EAF Assessment, an onsite visit with board members and a referral to Rick Ayers of the Yates County Soil & Water Conservation Services and possible Canandaigua Watershed Council Project Manager, Kevin Olvany.

8. Site Plan Review of applicant Mr. Komarek, represented by Architect Tom Fromberger, applying for a Major Subdivision of property on East Lake Road in the LR District. Mr. Fromberger presented his site map, history of the parcel and a pre-existing accessway which served as town and county approved ROW easement for parcels on eastern side of East Lake Road for lake access. This accessway has been upgraded and widened over the past couple of years. Discussion between Board, Town Attorney and those representing Mr. Komarek developed in reference to variance requests to the ZBA to provide relief from the Private Driveway/Private Road Law in using the pre-existing access road to driveways for (4) proposed homes. It was determined that a zoning change would need to be amended to do so as it was the Town's intent that there be no relief from this law. Applicant was advised to provide with conceptual overlays to better visualize what they were proposing and to proceed within compliance of the town's laws. No determination was made.

9. Site Plan Review of applicant Mr. Stephen C. Robeson of East Lake Road (LR District), represented by builder Eugene Weaver who is applying for construction of a new home, single

family residence. He is asking permission to access a ROW easement from off of East Lake Road (Co. Rte #505) owned by Mrs. Deborah Wood for construction of his new home. Town Highway Superintendent Reifsteck and Fire Chief Rodney Bassett will be asked to confirm safe accessibility for this use. The Yates County Planning Board will review his application on October 22. A short form SEQR, Unlisted Action with a negative declaration of impact from board members will attach to the application. Mr. Robeson, as owner, agreed to a sign off with the Town on the possible necessity to upgrade this ROW to specifications in our current Road Standards and Private Driveway/Private Road Law if required. A motion to grant the Site Plan Review, pending County approval was made by Lynn Lersch and seconded by John Gilbert with conditions that a review of the road for its intended use is completed by Mr. Reifsteck and Mr. Bassett as well as a letter from Mr. Robeson stating agreement to possibly upgrade the road if necessary. Motion carried with all present voting in favor.

Minutes were approved by the Board for September 2<sup>nd</sup>.

Motion to adjourn at 10pm was made by Robert Mincer and seconded by John Gilbert. All present board members voted in favor. Motion carried.

Next meeting was officially changed from October 14 to the 28<sup>th</sup> at 7pm at which time the board will be reviewing our Zoning Law edits and possible Site Plan Review Determinations pending from Yates County Planning Board review.

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net