

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes – November 9, 2010, 7 pm

Board Members Present: Martin DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer

Public Present: Dawn Kane, CEO; Ted Carman, Frederick Shelley of Shelley & Assoc., P.E., L.S., P.C.

Agenda: Site Plan Review: Application #100710-SPR/Minor Subdivision of property owned by Mr. Alan Krautwurst and Mr. Peter DeMarco, represented by agent - Mr. Frederick Shelley of Shelley Associates

Meeting came to order at 7pm

Minutes approved: Board approval of Minutes from September 7th, October 5th

Chairman DeVinney opened the floor to discussion on Site Plan Review for property owned by Mr. Krautwurst , Tax Map ID # 21.26-01-8 (Parcel B) across from 928 So. Lake Road. This lot is vacant and is approximately 4.063 acres. Mr. Krautwurst would like to split off a portion , 3.889 acres, to deed to Mr. DeMarco, Tax Map ID # 21.25-01-2 who neighbors to the south for a septic system. When added this will make the lot more conforming to present code.

A notation was made by Code Enforcement Officer, Dawn Kane that because Mr. DeMarco's property includes a shoreline and an upland parcel, it is important for the Board and Mr. DeMarco to understand that the zoning will not allow the septic system on the shoreline property to become the septic for the upland parcel if subdivided in the future. The septic on the shoreline parcel is currently functional.

Chairman DeVinney entertained a motion to approve. Board Member Gilbert made the motion and Board Member Mincer seconded it.

Chairman DeVinney amended the motion on the floor, stating the application would require County Review on the 18th of November accompanied by a SEQR. The amended motion further stated it would determine approval after Yates County Planning Board Review took place. Board Member Mincer seconded the amendment and all Board Members present voted to accept the amendment as stated.

The Board, as Lead Agency completed a SEQR. A motion was placed on the floor to accept a Negative Declaration on the completed SEQR by Robert Mincer and seconded by John Gilbert with all Board Members present, voting in favor.

The Board advised Mr. Shelley that he might attend the YCPB Review and was given contact information.

Old Business:

Application # 081319 SPR - Minor Subdivision of property owned by Mr. Thomas McCann. The Board completed a SEQR on Mr. Thomas McCann's Application reviewed at the October 5th meeting. A Negative Declaration was determined by the Board. Chairman DeVinney motioned to accept the declaration and Mr. Gilbert seconded. All Board Members present voted in favor.

Application # 082510 SPR - Minor Subdivision of property owned by Mr. & Mrs. Floyd Grover. The Board completed a SEQR on Mr. Grover's Application reviewed at the October 5th meeting. A Negative Declaration was determined by the Board. Chairman DeVinney entertained a motion to accept the declaration. Board Member Lersch made the motion to accept. Board Member Mincer seconded the motion and all Board Members present voted in favor.

Application #071410-SPR - The Board discussed Dr. Jay Yates application, represented by Venezia & Associates for a New Home Construction of a Single Family Residence at 708 East Lake Road. (LR District) It was noted that NYSDOH had not as yet approved the septic system and the application would be requesting (2) Area Variances from the Zoning Board of Appeals. The application would also be required to be reviewed by the Yates Co. Planning Board since it bordered a county road. Chairman DeVinney will ask for Town Attorney advisement of which of the (2) Town Boards should review the application first. It was determined to schedule it for October 19th, pending NYSDOH approval of the septic.

Public Notice - 8pm- 9pm

During this time frame, the Planning Board entertained public questions and concerns of the Draft ZO Amendment which would allow Private Driveways and Private Roads in the Lake Residential District by Special Use Permit only. Such draft was being considered for adoption by the Town Board and a Public Hearing will be scheduled sometime in the future.

Resident Ted Carman questioned whether the draft law would open up any loopholes in the present Town Zoning Codes. Chairman DeVinney explained the Board's position of attempting to plug any loopholes that were currently in the Zoning Code. He further stated that the Draft Law, if passed, would make placing private roads in the LDR District more restrictive than the code presently allowed. The code already states that shared driveways are not allowed, nor are Private Roads in the LR District, however in some instances it is better for the environment and character of the community to allow a private road with shared driveways. Chairman DeVinney referred to the Highland Group of Canandaigua LLC Minor Subdivision Application as an example. In this Site Plan, all consulted experts gave advisement that a single driveway/road cut into the embankment off of a main road would be more advantageous environmentally and aesthetically than (3) driveway cuts into the (3) lots the driveways would serve. He explained that as stated in the draft law, the applicant would need to present proof to the Planning Board and the Zoning Board of Appeals that a Private Road Site Plan would be a better choice both for the environment and character of the neighborhood than an individual Driveway(s) Site Plan. The Planning Board would still have to approve the Site Plan as a Minor Subdivision as they currently do, but the ZBA would hear the application as a Special Use Permit request.

Resident Ann Flax voiced her concerns against the Draft Law and requested the Board to keep pristine South Hill protected at all costs. She felt Private Roads would cut into the hill allowing development in.

The PB responded that it was their sincere objective that the proposed ZO Amendment, by permitting a Private Road by Special Use, would be more environmentally restrictive, creating conditions that would indeed restrict development on South Hill to the greatest extent possible.

Chairman DeVinney summarized that the Draft Law would be discussed further in a Public Hearing set by the Town Board and that the Planning Board was sympathetic to all concerns and wanted to keep development reasonable and at a minimum in this fragile area.

Motion to adjourn was made by Mr. Mincer and seconded by Mr. Gilbert. All Board Members present voted in favor. The meeting adjourned at 8:30pm

Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net