

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes – February 2, 2011, 7pm

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

Agenda: Review of Draft Steep Slope Law, Review of Highland Group of Canandaigua LLC application referencing applicant's request for extension of Resolution for Final Plat Approval w/conditions.

Meeting came to order at 7:15pm

Current Board Members Terms: A motion by Board Member St. Lawrence to extend Chairman DeVinney's term from 1/8/ 2011 to 1/8/2016 was met with a second by Board Member Robert Mincer and motion carried with all Board Members present in favor.

Approval of Minutes: Board approved draft minutes submitted for January 19, 2011. A motion by Board Member Gilbert was seconded by Board Member Mincer. Motion carried with all Board Members present in favor.

Old Business: Application #021010-SPR, Highland Group's Minor Subdivision of property at 556 East Lake Rd, Middlesex. Board discussion centered on request for extension of timeline set forth in a 7/8/10 Resolution with Final Plat Approval w/conditions. The Board will meet with applicant at the start of the Feb. 16th meeting to discuss the extension. Since the application has changed, referencing Lot #2 to be developed, the Applicant will be required to present their Site Plan, as revised with all required documentation in order for the Board to make a determination on the request. Mr. Venezia and Mr. Kenyon, representing agents for this application will be notified.

New Business: Chairman DeVinney invited Board discussion in review of Draft Steep Slope Law from Lu Engineer (version 11/1/10):

Board Member Bruce St. Lawrence summarized current status of the Draft Steep Slope Law and proposed splitting information contained in Section #4 which now is entitled "Standards and Requirements for Approval" into (2) sections. He proposed a separate section, possibly entitled "Steep Slope Requirements" that would include all the general requirements and procedural information on what the Law and submitted application would be expected to address. Another section, possibly entitled "Design and Drawing Plans" would include all the project design applications.

Board Member Gilbert suggested a section of itself on Governing Documents that stated what the law was (referencing Sect. 4.4, 4.7) Chairman DeVinney felt it important to include and differentiate the different soil types in this area when referencing steep slopes in order to ascertain whether a parcel is environmentally fragile when considering site development. Board Member St. Lawrence stated he

could foresee the Overlay District mapping, to be coordinated between Kevin Olvany and Lu Engineers to also be a separate section. This section would trigger the Law at the time application was made in the Office of Code Enforcement. Board discussion centered on the permit itself and it was decided that the Planning Board would develop a new permit for Steep Slopes or redesign the present Building Permit to include both possibly in two phases. Phase I would be site development. Phase II would be structural development . A Book of Standards with separate visual graphs and drawings (Lehigh Valley Steep Slope Module referenced from Lu Engineers.) The board felt it important to designate slope grades into (3) Divisions: Moderately Steep (15-25%), Very Steep (25%-40%), Extremely Steep/Unbuildable (40% +). Discretion on the part of the Planning Board to decide what designated " unbuildable" if project scope could not be revised to fit the law.

The following possible revisions to the draft law were discussed:

Section #1: Purpose

#3.1 : Authority. Add this section currently in Sect. #3 to be placed after 2nd paragraph Sect. #1.

Section #2 : Definitions: add the following: "Structure", "Creep", "Steep Slope Building Permit", Differentiate between "Disturbed and Disturbed Area" (possibly take out the latter ?)

Section #3: SPOD Authority, Jurisdiction and Applicability becomes " Applicability"

#3.2 Jurisdiction. Take out

#3.3 Currently too general. Board felt it should state clearly "any structure" to include such as shed, yurt etc.

Section #4: Standards and Requirements for Approval - could be redrafted and split into (2) sections:

1. Steep Slope Development Requirements:

This section would include all general process requirements such as #4.1, 4.3, 4.8, 4.9, 4.10, 4.12, 4.13, 4.14 (take out the following paragraph and place "The Town of Middlesex Planning Board may allow.....when the proposed fill depth is greater than 3 feet.", 4.15, 4.22 ("Public Road Access, ROW....sight distance" move into Design Sect.)

2. Design and Drawing Specifications: would include all data specific to Site work detail. Such as 4.5, 4.6, 4.11, 4.12, 4.13, 4.14, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, Section # 4.23 (add a section on Performance & Payment requirements).

Discussion over certain sections within Section #4 followed:

#4.2, 4.4, 4.7 would become part of Section #5 (Governing)

#4.11 - What was its' purpose?

#4.12 - Reference to Temporary Stabilization Measures: suggested to be put in as a standard , adding more authority....."as determined by.....CEO or Planning Board etc ?

#4.14 : term "non-developable" what does it mean? Take out "The Town of Middlesex Planning (pg. 11) Board may allow.....depth is greater than 3'" (pg. 12) and place in section with

#4.19, 20, 21, 22 : Move into Section on Design & Drawing Specification Requirements

#4.22: "Parcel's limits": Does this reference boundary line? Should read clearer.

"Public road access, ROW.....distance" could combine this with Section on Design and Drawing Specs.

#4.22 (2) should become #4.23 and become a separate section on Performance & Payment or Bonding Requirements are.

Section #5: Permit Procedures - could become the Governing properties of the law. It could include Sections # 4.2, 4.4, 4.7. A reference to an addendum with visuals on explaining grade, slope etc. possibly at end or in a separate document. This document should be easily accessible to the Code Office and include Overlay District mapping (K.Olvany) so it would trigger the law when applicant first submits. It should state definitively that the Planning Board has the discretion over whether a site is build able. Reference to addendum visuals possibly at end of section?

Section #6 : becomes Permit Forms & Fees.

Section #7: Enforcement and Penalties as it is.

After lengthy discussion it was decided that Board Member St. Lawrence would review and reorganize the draft and send it off to Board Members to review again for a February 16th review. The new draft would include a section on General Process Requirements, Governing Documentation, Categories of Slope into (3) Divisions, Detailed Design Requirements, and a Book of Standards. After the Board reviewed this, he would compile and send it to Lu Engineers to review. Also he would list what specific work the Planning Board would review and designate areas that engineering expertise would indicate Lu's review. This would set in motion a financial estimation of proposal to be submitted to the Town Board on February 10th.

Next meeting agenda: Feb. 16 - Review of Steep Slope Draft Law, review of Uniform Dock and Mooring Draft Law, Site review of Revisions from the Highland Group of Canandaigua LLC of Minor Subdivision on property at 556 East Lake Road (LR District), Middlesex.

A motion to adjourn was offered by Loretta Henrie and seconded by Lynn Lersch. All Board Members voted in favor. Motion carried.

Meeting adjourned at 9pm.

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