

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes July 6, 7pm

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

Others Present: Mr. and Mrs. Burnell Rieff, Mr. Scot Rowles, Mr. Steven Cunningham, Mr. Jon Schick, A.I.A; Ms. Linda Sheive, Mr. Donald Sheive, Mr. Kelli Furnare, Mr. Kris Schultz, Mr. Douglas Skeet

Agenda: App. #60811-SPR: Mr. Burnell Rieff of 217 Bare Hill Rd. (AR) requests Site Review for constructing a Greenhouse Wholesale/Retail business on his property to sell flowers, produce and maintain cropland on parcel Tax ID # 2.04-1-1.1; App. #60911-SPR: Mr. Scot Rowles requesting a Minor Subdivision of lot line deed change on parcel located at 1730 West Ave., (A/R), Tax ID #32.03-1-19; App. # 120408-SPR: Mr. Steven Cunningham of 1265 So. Lake Rd. (LR) requesting Site Review for remediation of a private driveway on parcel Tax ID #21.71-1-2; App. #050411-SPR : Mr. Jon Schick, AIA ,representing agent for Mr. & Mrs. Dan Mahar of 968 South Lake Rd., requesting Site Plan Review for site map revisions to their residential property in the (LR) district, Tax ID# 21.33.1-2.

Chairman DeVinney opened the meeting at 7:32pm commencing Site Reviews after board members had an opportunity to read material submitted by Mr. Jon Schick pertaining to his application. This material included letters from neighboring property owners, Mr. Rath and Mr. & Mrs. Utter; Drainage area/runoff calculations by Mr. Bernard G. Pulver, P.E. for the onsite diversion ditch; letter from the NYS DEC from N. Saavedra, Fish and Wildlife Technician to Mr. Robert Fladd referencing shoreline breakwall permits specifying the permitted work at the Mahar property. This material was submitted into the minutes.

New Business:

1. App. #60811-SPR: Mr. Burnell Rieff of 217 Bare Hill Road, Middlesex presented his site and survey maps with a letter of intent to open a Wholesale/Retail Greenhouse operation on his property. He wishes to construct a 90' x 96' greenhouse with 42" steel pipes set in concrete on grade with a gravel base floor. The greenhouse design would be of pole barn dimensions with gravel placed in front for ample parking. The lay of the land in the proposed spot is flat terrain. The pre-existing driveway leading into the pre-existing flag lot parcel has a good sub base appropriate for emergency vehicle access. A pre-existing well is available onsite and septic would be maintained by use of a portable toilet. Lighting used for the Greenhouse will be contained inside. Future signage plans will state business name and direct traffic flow to location. Before installation, Mr. Rieff was directed to discuss plans with the Code Officer due to a need for a possible permit. Mr. Rieff was given a copy of the signage requirements from our Zoning Code. The greenhouse top was made by a Canadian firm and is able to withstand snow loads. Mr. Rieff plans on selling produce from his own cropland and flowers produced from seed in the Greenhouse. Irrigation would come from (2) 1200 gallon tanks that would hold rain water produced from the greenhouse roof gutters and transported by 6" pipes to the tanks. Overflow from these tanks will be directed to existing waterways to drain and remain contained on property. Neighbors have been notified on business plans without any negative response. All fertilizers and pesticides will be contained and safely stored within the building.

Board members stated they would like to see all plans as discussed to be drawn on (1) map and sent back to us for original file purposes before permitting occurs. Mr. Reiff will submit the final site map for board approval and SEQRA declaration.

2. App. # 60911-SPR: Mr. Scot Rowles, owner of property at 1730 West Avenue, (A/R) Middlesex requests a Minor Subdivision of lot line. He has plans to sell off Lot #1 with a pre-existing cabin on 13.26 acres. Lot #2 will become 42.696 acres of which he will retain as Tax Map ID #32.03-1-19. Chairman DeVinney signed (1) Mylar and (2) paper prints for county filing and Board Members declared the project not to have any negative environmental impacts. A resolution was initiated by Board Member John Gilbert and seconded by Board Member St. Lawrence to approve the Minor Subdivision. The motion carried with all board members present voting in favor.

Old Business:

2. App. # 120408-SPR: Mr. Steven Cunningham of 1265 South Lake Road, Middlesex (LR) District presented his plans for private driveway remediation. Stamped engineered plans, submitted by Venezia & Associates including the following remediation plans: (2) root damaged oak trees will be removed from the top of the grade to allow excavation to ease back the top of the 2:1 embankment slope. Along the length of the driveway, check dams will be added as well as silt fencing at inlet protection. These were noted by Board Member St. Lawrence to be added along with notation that all silt fencing be maintained until bank stabilized was established. An erosion control fabric, North American Green C125 was proposed on slope from 1 to 1.5:1. Board member St. Lawrence would like Lu Engineer to confirm that this fabric is suitable up to slopes 2:1 to maintain stability in major storm events such as the region experienced in the springtime. Another revision requested by the Board was to show a check dam detail that would be placed along the diversion swale. A keyway notation with reference to Lu Engineer's Steep Slope standards would be required. It was noted that excavated dirt and the (2) trees removed will be hauled offsite. The board would like applicant to discuss products for erosion control with Town Engineer, Lu Engineers and send a product specification sheet of RECP selected to the Code Enforcement Officer use during installation. A final release from Lu Engineers would be required and will be communicated to applicant in a timely fashion. A motion to approve with the following conditions was made by Robert Mincer and seconded by John Gilbert. All Board members present, voted in favor of the motion as approved with the following conditions:

1. Final submission of site map revisions to the Planning Board and Code Office after final release from Town Engineer, Lu Engineer.
2. Proposed Erosion control fabric, jute mesh to be confirmed for approval with Town Engineer, Lu Engineers. Board requested Town Engineer to provide recommendations as to the RECP product to be used on slopes up to 2:1 and advised a RECP North American Green C-125 for temporary stabilization while vegetation is establishing. Any other proposed RECP other than what is recommended by Lu Engineers must first be approved for use by the Planning Board before its 'application.
3. A copy of the installation specification sheet for the selected RECP shall be provided to Code Officer, Ms. Kane prior to starting work.
4. Add Site Map revisions to the Inlet Protection Detail showing staked straw bales around the screening fabric, all to be maintained until vegetation growth is well established.
5. Correct Site Map to indicate a keyway or "cut-off trench" for the Check Dam Detail.
6. Do not remove any erosion control measure unless authorized by the CEO.

A SEQRA form, completed by the board, was determined not to have any adverse environmental impacts with the proposed action.

2. App. #50411-SPR: Mr. Jon Schick, AIA and representing agent for property owners Mr. and Mrs. Dan Mahar of 968 South Lake Road, (LR) requests Site Review of Site Map revisions to proposed site work on Parcel ID #21.33-1-1-2. A June 9th review from Lu Engineer and subsequent decisions since that time were discussed with applicant in great detail. Further revisions were advised by Board Member St. Lawrence and Mr. Schick was advised to contact Lu Engineer in reference to the size stone to be used as outlet rip rap, the dimension of side slope and depth in the diversion ditch. Discussion of the cross drainage culvert size at roadway (north property line) should be coordinated and approved by Town Highway superintendent. Pipe sizing for discharge downstream of the road crossing must also be sized proportionately to fit with proposed South Lake Road Study. Erosion control silt fencing was advised to be maintained until vegetation occurred on upland parcel. Water from the Main House to the accessory structure at shoreline was advised to be deleted on map. The Planning Board further advised that the drawing must provide (1) detail #4 to all check dams whether temporary or permanent and to delete the other options. Further explanation of back yard setback of 48' from road centerline which was granted by the Zoning Board of Appeals in April 15, 2010 was discussed. It was explained that the variance granted was for other building plans which were not used. Board members requested the Town's Code Officer to be onsite during

installation of pipe laid for a Dry Hydrant from lake to road. Finally it was noted that determination on the Shoreline Accessory Structure in violation of the Town's Zoning for setback infringement will come from the Town of Middlesex Town Board. It was noted that on the most recent site map submission of 6/12/11, did not include the note stating that the Boat Accessory Structure, docks, and shoreline break walls were "not to be included in Site Review in this application" which appeared on Site Map of 8/17/10.

A recommendation was made on advisement by the Planning Board but not required, for owners to secure easement rights with the neighbor to the north for drainage site work on upland parcel and between properties.

Applicant will contact Town Engineer, Lu Engineers to submit further revisions as discussed in order to submit (2) final maps in large paper format for Planning and Code Office original files before final release from Lu and the Town Planning Board.

A motion was entertained by Chairman DeVinney to move to approve the Mahar site work with specific conditions which follow. Board member St. Lawrence moved to approve with conditions and Board Member Gilbert seconded the motion. Vote carried with all Board Members present in favor. These conditions are:

1. All further site work on the Shoreline Accessory Structure will be at builders/owners risk. Determination forthcoming from The Middlesex Town Board on existing code violations will be binding.
2. Code Enforcement Officer must be onsite during installation of Dry Hydrant Pipe from roadside to lakeside.
3. Submission of (2) final sets of full size plans after final release from Lu Engineers is determine
4. The following revisions were recommended by the Board to be added to the final map and discussed with Town Engineer:
 - a. Drawing C.1-5 shall use only Detail #4 for all check dams whether temporary or permanent.
 - b. Show the size of the riprap stone to be used at all drainage discharge points.
 - c. Revise Detail #4 on Drawing C1-4 to delete reference to pipe size. Use as a typical outlet detail for buried drain pipe.
 - d. Discharge detail to be added to northwest corner drainage from the Guest House.
 - e. Add side slope indication at Curtain Drain Detail on Drawing C1-4.
 - f. Cross drainage culvert size at roadway (north property line) must be confirmed with Town Highway Superintendent. This same pipe size must be coordinate with piping used for discharge piping downstream of the road crossing as well.
 - g. All water service to Boat Accessory Structure must be deleted.

Mr. Kris Schultz introduced his request for information on what process was necessary for the purpose of permission to rebuild/fortify the pre-existing Widmer Road which currently serves multiple properties. This private road is extremely steep and is located at the south end of Canandaigua Lake. Chairman DeVinney stated knowledge of many town, county and state departments that would need to be involved in such a decision. All plans would start at the Town level with the Office of Code Enforcement and be referred to our Town Engineer at owner's expense and was referred to our Stormwater Management and Erosion Control Laws and Private Driveway/Private Road Law which can be accessed through the Town's website, www.middlesexny.org. Mr. Schultz thanked the board.

Next meeting Agenda 7/20: Draft Steep Slope Law work session. Chairman DeVinney will invite Mr. Olvany to attend for discussion of Overlay Steep Slope Parcel Map.

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member St. Lawrence. Motion carried with all Board Members in attendance in favor.

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