

TOWN OF MIDDLESEX
PLANNING BOARD

MINUTES - WORK SESSION

August 17, 2011, 6-6:30pm (Kevin Olvany)
7-8pm (Lu Engineer – Steep Slope Development Standards & Other Business)

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

Others present: Dawn Kane, CEO; Kevin Olvany

Agenda: Work Session/Draft Steep Slope Maps from Canandaigua Lake Watershed Council, and Draft Book of Standards from Lu Engineers; Other business

Meeting came to order with Chair Marty DeVinney introducing Mr. Kevin Olvany, Program Manager for the Canandaigua Lake Watershed Council. Mr. Olvany presented a series of visual maps depicting various steep slope grade percentages by parcel in the Town of Middlesex. These maps would serve as a visual tool in identifying steep slopes by parcel. Each slope was depicted by a differentiating color and broke the slope percentages into (4) categories as requested: 0-15%, 15-25%, 25-40%, and 40% and above.

Board discussion focused on enforceable regulations in the proposed Draft Steep Slope Law and how these maps would bring a clearer picture in illustrating where these varying slopes fall within the Town. Mr. Olvany supported our draft law stating that the Town of Middlesex is currently considered the leading edge with a proactive Steep Slope Law including specific regulations based on grade slope. This provides residents a clearer picture on what can be developed on their parcels and suggestions for managing appropriate development design before an application comes for Site Plan Review with required NYS Certified Engineered Stamped Plans. Mr. Olvany also stated that the regulations for 40% and above, although stringent are necessary in protecting the Canandaigua Watershed and he is in support. He also stated that there is room for review in the 15-25% category and gave suggestions, also stating that variances to the law could be applied for by the applicant.

Steep Slope Regulations in surrounding townships currently enforceable:

1. Town of Bristol – Simple regulations on 15% and above. Regs do not involve Planning Board review. All plans must meet NYS requirements for Certified Engineered Plans.
2. Town of Gorham – addresses steep slopes in their Zoning Ordinance.
3. Town of Naples – Code Enforcement Officer has the ability to enforce, or waive what is 15% or over per current Zoning.
4. Town of Italy – does not have any. They just adopted zoning codes.

Lu Engineer Standards for Development on Steep Slopes (Addendum to Draft SS Law)

Board Member St. Lawrence introduced the Steep Slope Standards, ST-1 through ST-6 developed by Lu Engineers, Town Engineers which shows typical house and foundation plan views on the following land slopes:

- ST-1> Type 1: Typical House Plan View on 15%-40% Steep Slopes
- ST-2> Type 1: Typical House Foundation on 15%-25% Moderately Steep Slopes
- ST-3> Type 1: Typical House Foundation on 25%-40% Very Steep Slopes
- ST-4> Type 2: Typical House Plan View on 15%-40% Steep Slopes
- ST-5> Type 2: Typical House Foundation on 15%-25% Moderately Steep Slopes
- ST-6> Type 2: Typical House Foundation on 25%-40% Very Steep Slopes

Planning Board Discussion on submitting our draft to the Town Board for agenda review this next month. If no revisions, our recommendation was to have the Town Board set a Public Hearing for public review prior to adopting the Draft Law, the Standards for Development on Steep Slopes Addendum and Visual Steep Slope Maps of the entire town. It was decided to set up a separate meeting as a work session with the Town Board Members, date to be announced.

Other Business:

Board Member Lersch inquired what the ruling by Town Attorney Elaine Espenscheid, was on whether “Dry Laid “steps with risers would be considered a “structure” per current zoning definition, Art. II Sect. #200.101 and its Side Yard Setback definition in Sect. 200.119. The Planning Board had reviewed on August 3rd, site revisions to an approved Site Plan at the O’Brien property at 1183 So. Lake Road and sought legal advisement due to the “stair design” partially was within the parcel’s side setbacks. It was noted by Code Enforcement Officer, Dawn Kane that it was determined by the Town Attorney that the Dry Laid Stairs were not considered a “structure” due to the fact that it was not “fixed” to the ground, did not have “footers” and could be disassembled at any point in the future. In determining “structures” within setbacks, our current zoning does not define “structures” placed within setbacks.

The Planning Board reviewed a list of proposed amendments to our zoning law to be adopted in the future.

A vote by resolution followed a motion by John Gilbert, requesting that during Planning Board meetings designated as work sessions, the Planning Board would not allow, in the future, any Site Plan Reviews, or public input at work sessions. The Board would, however, allow the public to submit written topics to be placed on upcoming agendas if so desired. A second to this motion was made by Board Member St. Lawrence and all Board Members present voted in favor of this motion by resolution.

The Board reviewed their department budget to be submitted to the Town Board for adoption in Year 2012, the details of which will be presented at the Annual Budget Public Hearing to be announced.

Next month’s meeting on September 7th Agenda was reviewed with the following applications submitted:

1. App. #071410- SPR: Dr. Jay Yates/Revisions to Single Family Residence at 708 E. Lake Rd., (LR)
2. App. #021010-SPR: Highlands Group of Canandaigua LLC/Venezia & Assoc.
Lu Engineer review of Preliminary Site Plan for Common Driveway for (3) lots at
556 East Lake Road (LR)
3. App. #081211-SPR: Ms. Kay Brugler/Venezia & Assoc.
Lot Line Reconfiguration of 3.666 Acres at 618 East Lake Rd. (LR)
Land parcels - #11.42-1-1: 2.561 Acres after subdivision
 #11.42-1-3: .961 “ “ “
 #11.42-1-4: .244 “ “ “
4. App. #080811-SPR: Mr. & Mrs. Michael Mancini/Grove Engineering
Single Family Residence at 1788 Shay Rd (A/R)
5. App. #081511-SPR: Mr. Keith Gilliland/Worden Hill Inc.
Site Plan Review: Retaining Wall, Dock, Parking Area, Drainage at 894 S. Lake Rd., (LR)

A motion to adjourn was made by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.
Meeting adjourned at 8pm.

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