

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – September 14, 2011 7pm

**Board Members present:** Marty DeVinney, chair; John Gilbert, Robert Mincer, Lynn Lersch, Bruce St. Lawrence  
**Others present:** Dawn Kane, CEO; Sue Warren, Tracy Mancini, Crystal Campfield, Rocco Venezia, Donald Bow, William Kenyon, Mark Lipari, Phil Greene, Keith Gilliland, Soumen Das

**Agenda:**

**Old Business:** App. # 120408-SPR: Mr. Steven Cunningham-Driveway Remediation Final Map Review for Approval w/conditions for property at 1265 South Lake Rd.

**New Business:** App. #021010-SPR: Highland Group of Canandaigua, LLC for preliminary application of private driveway serving (3) lots at 556 East Lake Road; App. #082211-SPR: Mr. & Ms. Jac and Susan Quin-Minor Subdivision of property at 6071 Wolfanger Rd.; App. # 081211-SPR: Ms. Kay Brugler for Lot Line Reconfiguration of property parcel at 618 E. Lake Rd.; App. #081811-SPR: Mr. & Mrs. Mancini - Site Plan Review for a Single Family Residence at 1788 Shay Rd.; App. # 081511-SPR: Mr. Keith Gilliland requesting Site Plan Review of Site Plans for Phase II development at 894 S. Lake Rd to include: Retaining Wall, permanent dock, parking area at roadside, drainage plans.

Meeting came to order: 7:15pm

Chairman DeVinney opened the meeting and offered a motion for board approval of draft minutes from July 20, 2011. Board Member St. Lawrence made a motion to approve the minutes as read and Board Member Gilbert seconded the motion. Motion to approve carried with all board members present voting in favor.

**Old Business:**

1. Application #120408-SPR/Mr. Steven Cunningham – Driveway Remediation Review of Final Map revisions for property at 1265 So. Lake Rd., Tax Map ID # 21.71-1-2. Revisions presented by agent, Mr. Rocco Venezia of Venezia & Assoc.

Agent Mr. Venezia stated that the RECP Product selected would be North American C-125. This temporary erosion control measure will be reviewed for proper vegetation root growth by the Code Enforcement officer after a (2) year period to monitor appropriate stabilization of the embankment as set forth in the Board's conditional approval; a Construction Sequence Plan would consist of first removing the jute mesh which is presently onsite, and as construction commences, they would start at the base of the driveway and work gradually uphill; drainage will be established by placement of silt fences, check dams and catch basins as shown on Site Map. These additions will be placed before bank grading commences and will be maintained throughout until bank is stabilized and vegetation in place.

The Planning Board reviewed Lu Engineer Review with Site Map revisions, and requested that a clarification of the RECP Product selected be noted on Site Map and as an Installation Specification Sheet, for the selected RECP Product, be submitted to Code Enforcement Officer prior to permitting. Mr. Venezia stated he would produce a letter as well as noting all requests by the Board on the Site Map.

Code Officer, Ms. Kane stated that an approval had already been given; however, permitting would be based on a letter from Venezia & Assoc., clarifying RECP product selected, the submittal of a Product Installation Specifications Sheet; and a detailed Construction Sequence Plan with current contractor selection for the project.

**New Business:**

1. Application # 021010-SPR/ Highlands Group of Canandaigua LLC of 556 East Lake Road (LR) Tax Map ID# 11.350-1-3.000, requesting a conceptual, instead of a preliminary plat review for servicing a (3) lot parcel with a single private driveway. Project plans were presented by Mr. Rocco Venezia of Venezia

& Associates as agent. Mr. Venezia referred to Lu Engineer's review of September 1, 2011 with the following responses:

- a. Most review points referred to would apply to a Final Site Plan Review and would be addressed at a later submission.
  - b. Review reference #18: Should comply with NYS DOT standards for driveway turnout to County Road #505 (E. Lake Rd.). Some of these standards would make the driveway as currently designed very difficult. Board discussions incurred with agent, owner and client lawyer referencing the grade of slope and vehicular line-of-sight at turnout point from the proposed private driveway, and safe egress crossing over road centerline into north-bound traffic. The Board made a recommendation to review this onsite with Town and County Highway Superintendents to review the plan feasibility and safety concerns.
  - c. Review reference #4: Drainage - Agent Venezia stated they would be addressing water runoff by piping the water under the road and adding some check dams. Calculations taken, show very little water coming off East Lake Rd. due to its' grading.
  - d. Review reference #10: Emergency Vehicle Turnaround was pointed out and discussed though not shown in detail on map due to its' conceptual stage.
  - e. Review reference #6: Surface material of driveway - Discussion reviewed plans to use gravel. Board advisement referencing the Canandaigua Watershed strongly recommending pavement of waterfront driveways to alleviate the movement of gravel during high velocity storm events as experienced this spring when gravel from sloped driveways filled roads impeding emergency vehicle access. Client prefers impervious surface for specific driveway and plot layout, less impact on trees, seasonal ease of use and maintenance.
5. A Declaration of Driveway Easement will address maintenance fees and/or other extenuating costs that equities involved from the (3) lots receiving benefit from the private driveway. The easement will be signed by all prospective owners before lots are sold.

Mr. Kenyon inquired what the process would be for filing a Special Use Permit Application with the Zoning Board of Appeals and what fees were due. Board discussion reviewed the process stating the Highland Group had filed a Building Permit for the Private Driveway and next, a Special Use Permit Application would need to be filled out to be placed on the Zoning Board of Appeals October 4<sup>th</sup> agenda so that this proposal could be reviewed by this Board. Agenda approval would be decided by Chairman Radin of the ZBA. After this step, the Yates County Planning Board would review it in October if submitted by deadline. It was recommended by Board Member John Gilbert that an advisement decision on the proposed driveway design by County and Town Highway Superintendents, referencing access to East Lake Road, should be noted before the ZBA and the Yates County Planning Board reviews. It was requested by the Board that notice of the above mentioned meeting be given to Planning Board so that Marty DeVinney, Chair could attend.

2. **Application # 082211-SPR/ Mr. & Mrs. Jac and Susan Quinn of 6071 Wolfanger Rd. (LDR)**  
Agent Mr. Rocco Venezia of Venezia & Associates requested a Minor Subdivision of 55.575 acres into (2) Lots, Tax Map ID # 32.03-1-20.

Ms. Kane summarized the application as a large parcel on Wolfanger Rd., with an existing single family residence including a septic. The owners would like to split off the parcel with the house and septic. The other lot consists of vacant land and both lots meet all current zoning requirements.

Mr. Venezia presented the request to divide 55.575 acres into Lot #1 to become 48.350 acres, and Lot #2 to become 7.185 acres. Lot #2 has a two story framed house with a septic onsite that is within code. Board discussion focused on current Zoning Law requiring 300 feet of minimum frontage on the road. Lot #1 has 176.26 feet. It was recommended by Ms. Kane, CEO that the application qualified to be considered as a Flag Lot and met all the current zoning requirements. Mr. Venezia requested approval based on the consideration that Lot #1 be defined as a Flag Lot. The Board requested the road frontage of Lot #2 to be noted on the Site Map. It was also noted that there could be no further division of Lot #1 if approved as a Flag Lot. This decision made both lots more in conformance with current zoning.

\*A SEQRA was declared determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Chairman DeVinney motioned to accept the negative declaration and Board Member Gilbert seconded the motion. Motion carried with all Board Members present voting in favor. \* (Note: completed at 10/5 Planning Board Meeting)

Lynn Lersch made a motion by resolution to grant approval to this minor subdivision as a Flag Lot in the LDR District with the understanding that under current law there cannot be further division of either of these (2) parcels under current zoning. Ms. Kane requested that this also be noted in the file. Board Member Gilbert seconded the motion to approve. Motion carried with all Board Members present voting in favor. A copy of the resolution will be placed on file.

3. **Application # 081211-SPR/ Ms. Kay Brugler of 618 East Lake Road (LR)** requests Site Plan Review for a Lot Line Reconfiguration of 3.666 acres. Land parcels sited were:

Tax Map ID # 11.42-1-1 would become 2.561 acres after subdivision  
Tax Map ID #11.42-1-3 would become 0.961 acres after subdivision  
Tax Map ID #11.42-1-4 would become 0.244 acres after subdivision

Agent, Mr. Rocco Venezia of Venezia & Associates presented application as a Lot Line Reconfiguration of (3) lots totaling 3.666 acres.

It was noted by Board Member St. Lawrence that the Lot with Tax Map ID# 11.42-1-1 which borders East Lake Road (County Rte. #505), but the other (2) lots are accessed by an existing Private Road under current Zoning labeled as Genundewah Drive.

Ms. Kane, CEO stated that the lots are previously pre-existing and non-conforming lots. The proposed reconfiguration would make the reconfiguration more conforming under current zoning.

Board Member Lersch noted that it should not be assumed that the smallest bottom lot, might not be a buildable lot due to its size which was less than the 20,000 sq. ft. minimum for building in LR District.

Board Member Gilbert requested clarification on the status of the shared driveway to Lot, Tax Map #ID 11.42-1-1. On the Site Map, it appeared that the existing Dock and Boat House seems to be shared by a stairway accessing the other lot as well as the top (2) lots as well. This shared access to the lake may need improvements to service the other lots. Board Member St. Lawrence inquired about the shared driveway with the (2) upper lots and possible improvements to the third lot. It was noted that the private driveway off East Lake Road servicing these lots was listed as a pre-existing Private Road, known as "Genundewah Drive" in our current zoning.

Board Member Lersch noted that this application did not need to have County review due to the Town's Exempt Agreement currently filed with the County.

A SEQRA was declared determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member St. Lawrence motioned to accept the negative declaration and Board Member Gilbert seconded the motion. Motion carried with all Board Members present voting in favor.

Chairman DeVinney made a motion to approve the Lot Line Reconfiguration as presented. Board Member St. Lawrence seconded the motion and the motion carried with all Board Members present in favor.

4. **Application # 081811-SPR/ Mr. and Mrs. Michael Mancini** requests Site Plan Review for a Single Family Residence at 1788 Shay Rd., Tax Map ID# 044.02-1-8.000 in the Ag/Res. District.

Ms. Kane summarized Site Plan and stated to the Board that the proposed site plan was for a manufactured home on 10 acres which met all current Zoning setbacks, and the septic plans had been approved by G. Barden, Canandaigua Watershed.

Board Member St. Lawrence inquired about the driveway extension on the Site Map and it was noted that it a construction driveway created prior to installation of the home. The property is flat and the permanent private driveway will meet our Town specifications. It was also requested that Grove Engineers show documentation of the rear setback measurement similar to what they had done with the side setbacks. Foundation notes #9 and #10 on Erosion Control Notes are conflicting information for builder clarification. These should be clarified before permitting.

Ms. Kane inquired if the Board would accept a letter from Grove Engineers noting changes to be resolved and Board agreed this was acceptable

A SEQRA declaration was determined by the Planning Board that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member St. Lawrence motioned to accept the negative declaration and Board Member Gilbert seconded the motion. Motion carried with all Board Members present voting in favor.

After a short discussion a motion was made by Chairman DeVinney and seconded by Board Member St. Lawrence to accept Site Plan as approved with conditions that Grove Engineers submit a letter with changes discussed. Motion carried with all Board Members present in favor.

5. **Application # 081511-SPR/ Mr. Keith Gilliland** requests Site Plan Review for Phase II of development at his property at 894 South Lake Rd. to construct a retaining wall and permanent dock at shoreline, a roadside parking area, drainage site work, and modification of architectural plans approved by Planning Board last year as part of Phase I.

Mr. Gilliland presented a summary of his plans beginning with a modification to his house plans. Mr. Gilliland stated that due to the significant elevation changes of the raised sand leach field, he would like to create an exposed walk-out, lower level basement facing lakeside to replace the original basement concept and add 2" onto the back yard footprint of the house to widen the garage plans. Mr. Gilliland professed that such modification would still lie within all setback requirements and not require variances.

Mr. Gilliland presented the plans for a roadside parking area, stating that Mr. Reifsteck, Town Highway Supervisor had given him approval to place gravel for parking two cars at roadside.

Drainage, to alleviate roadside storm water runoff at driveway, was planned to place a 12" drop box at roadside with a 12" drainpipe from road to lake. This was to alleviate drainage problems experienced during seasonal flow times, and during the past spring which eroded away the embankment at lakeside between Mr. Maddox's property and Mr. Gillilands. Mr. Gilliland had made a request for the Town of Middlesex to absorb the cost of this drainage concern due to neighboring upland parcel culvert and ditching problems; however he would still choose to install this storm water runoff measure to protect his property and others no matter what the outcome was.

Mr. Gilliland presented his permanent Dock plans, which consisted of a permanent dock, covered boat hoist and (2) proposed boat slips referencing UDML requirements. He may reduce this to (1) boat slip and the Planning Board suggested that he come back with plans on this part once it was decided.

Mr. Gilliland presented his Retaining Wall plans for a 100' bulkhead/retaining wall along the base of the bank approximately 10' from the upland side of the High Mean Water Mark. It would be constructed out of Versa-Lok Standard Modular Concrete Units (6x6x12" in size) that are deep pre-cast solid blocks with fiberglass pins to join the units and the use of a geo-grid as a tieback and dead man system per manufacturers' specifications. This application will be installed by Mr. Phil Greene of Worden Hill, Inc., on the landside within 6 ft. of the High Mean Water Mark. A mini excavator will be used for installation. The NYSDEC has been notified of his plans and include their specific requirements. Mr. Gilliland produced photographs of a minor landslide that occurred in April of a section of this bank. Excavation of this material from the landslide is proposed to stabilize and prevent further erosion into the lake returning this area to its original condition. Plans submitted show a 15' high wall, however this measurement has been reduced to approximately 12' high with vegetation at the top to stabilize the remaining footage. Sides

of the proposed retaining wall step back into the northern boundary lines abutting the shoreline embankment at a width of 15 ft., yet will return at approximately 10 feet, even though it is shown on plans right to the property line and open at southern boundary line. This 10-15 ft. retaining wall is hidden from view to the neighboring southern parcel because of (2) existing willow trees and considerable vegetation currently present there. The neighbor's wall at this area is some feet away and 3-4 ft. high. The proposed retaining wall doesn't have a northern boundary line tieback because that neighbor has stated that he eventually wants to tie into mine with some sort of wall to keep his bank from future sloughing of material.. The last storm event placed approximately 5-10 yards of clay at the bottom of the lake close to shoreline. Without definite plans, I am left with erosion with storm water runoff cutting into the back of the wall so I may possibly step down the wall to north also.

Board Members stated their concerns the massive vertical height of the retaining wall and it's appearance from the shoreline, advising Mr. Gilliland to possibly taper or terrace it back into the upland parcel to blend it at shoreline into the upland parcel. Discussion developed on what other products or option had been considered to retain the embankment. Mr. Gilliland stated he had considered the natural look of timbers but was concerned with losing trees and root systems by cutting back into the embankment with footers. The Gillilands also chose to minimize steep slope maintenance that would be required of a terraced embankment retaining wall.

The Board advised Mr. Gilliland that under current Zoning, structures are not to be constructed within the setbacks and if the wall returns on the sides, the wall would be within the front yard setback at waterfront and side setbacks as well as the concerns raised with the base of the proposed retaining wall being so close to the High Mean Water Mark at shoreline. Inquiry from the Planning Board of the color of the stone used in the wall and Mr. Gilliland stated that he had selected a limestone color which would blend with neighbor's wall at shoreline and with the proposed house colors.

Drainage concerns were discussed. The Board wanted to know how storm water runoff would be managed through or around the retaining wall and requested contours to be shown on the Site Map to show how drainage daylighted at points around the wall and stairs where water runoff would be conveyed.

Board questioned how the stairs would be built integral to the wall and requested it to be shown more clearly detailed. Plans should show the exact rise of the step, calculating where the first step would be in relation to the dock height at shoreline.

Grading on the driveway portion of the lot, between the property to the north was discussed and the possibility of a retaining wall to transition the slope differences. Board Member St. Lawrence advised that this also should be placed on site map prior to commencement of development.

The Planning Board summarized its request for additional information to be added to Site Plan to better clarify what was to be reviewed once final decisions were made. Such additions for the present work at shoreline would include grading contours, detail of how stairs tied into dock at shoreline and to wall, depicting where they would daylight to contours of land, and a decision on how the north corner of wall at shoreline would be managed to prevent erosion potential. Later, Site Plans could be submitted to show house modifications within the footprint, and a final plan of the permanent dock and boat slips. The Board would need a Final Site Plan to include everything that was to be done onsite and to clearly sequence the construction so that the builder would be able to follow specific construction sequencing. The Code Enforcement Officer could then verify correct installation procedures at timely intervals. If there were revisions to be made, as the plan proceeded, these could be reviewed by the Planning Board as Site Plan revisions at that time. A Final Determination on Site Plan Review could not be given without complete final plans showing what was proposed on property, and prior to commencement of site development. Mr. Gilliland stated that he intended to provide the Board with an "as built" plan at project completion. It was suggested that he could provide house modifications at a later time, but intent should be clear now on the lakeshore project plans in order to reach a determination on Site Plan Approval.

Ms. Kane explained the concept of Site Plan Review, based on the Town's Zoning Law, and how it involved the Planning Board stating the importance of detailed engineered stamped plans depicting all proposed site work, erosion control management.

After a short discussion, the Board proposed an onsite visit to expedite determination of this site plan. During this time, the applicant could make plan modifications and could come back for the October 5<sup>th</sup> Board meeting for review and final determination.

Mr. Gilliland withdrew his Site Plan Application. The Board advised review at a future time when plans could be finalized if he chose to do so. The board withdrew their onsite meeting time.

It was noted that our Work Session on the 21<sup>st</sup> for Steep Slope has been pushed to a later date.

Next PB meeting will be October 5<sup>th</sup>. Agenda applications will include:

1. Application #091411SPR/Mr. Bradley A. Quayle requests Site Plan Review for Commercial Signage for Middlesex "Pumpatorium" located at 5618 Water Street/Rte. #364, Middlesex (HR)
2. Application #091211-SPR/ Mr. Andrew Komarek requests Site Plan Review of a Major Subdivision on East Lake Road, Tax Map ID# 2.03-1-2.1 for (4) parcels utilizing a pre-existing shared driveway to access parcels from East Lake Rd.(LR)
3. Application #071410-SPR/ Mr. Tom Johnson for Mr. Jay Yates and Heidi Piper for Site Plan Review of a Single Family Residence with Site Map revisions at 708 East Lake Rd. (LR)
4. Application #091311-SPR/Mr. Alex Kuehne of Kuehne Construction, agent for shared owners at #786, 788, and 790 Newago Drive (LR)

A motion to adjourn was made by Board Member Gilbert and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.

Meeting adjourned at 10:45pm.

*Minutes submitted by L. Lersch. / Submit any revisions to lynn.lersch@gmail.com*