

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes – November 2, 2011

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

Others present: Ms. Dawn Kane, CEO; Mr. Randy Cooley, Charles and Joanne Domm, Ms. Marilyn Tedeschi, Ms. Vickie Fumia, Mr. Donald Miller, Ms. Debbie Samardjian, Mr. Gary Hoffman, Mr. Bradley Quayle, Mr. Donald Sheive, Mr. Ron Rauscher of Larsen Engineers, Mr. Isaac Von Rhedey, Mr. Rocco Venezia, Mr. James Stewart

Agenda: Application #102011-SPR: Single Family Residence and Driveway Installation represented by Mr. Don Miller, agent for owners Ms. Vicki Fumia and Ms. Marilyn Tedeschi at 991 Old Vineyard Rd. Middlesex, (LDR); Application #091211-SPR: Commercial signage for business (permit request) Mr. Bradley Quayle, owner of fitness center, "Middlesex Pumpatorium," at 5628 Water St., Middlesex (HR); Application #101511-SPR: Proposed (2) lot Minor Subdivision of property at 985 Newell Rd, Middlesex, represented by agent, Mr. Rocco Venezia of Venezia & Assoc. and owned by Mr. Charles Domm (LDR); Application #092811-SPR: (2) Dry Laid Keystone Retaining Walls, project represented by agent, Mr. Randy Cooley of Finger Lakes Hardscapes, for property owned by Mr. and Mrs. William Scott of 845 S. Lake Rd. (LR); Application #101311-SPR: Single Family Residence- Site Improvements requested by owner Mr. Isaac Von Rhedey on property at 233 E. Lake Rd., project represented by Mr. Rauscher of Larsen Engineers (LDR)

Meeting came to order at 7:20pm

1. Application 102011-SPR: Mr. Don Miller representing owners Ms. Fumia & Tedeschi, owners of property at 991 Old Vineyard Road, requesting site plan review for the construction of a single family residence and installation of a driveway off a pre-existing road in the LDR District.

Ms. Dawn Kane, CEO gave a quick summary of Application #102011-SPR represented by Mr. Miller. The site is a pre-existing lot with proposed new construction of a single family residence and driveway installation off one of the town's pre-existing private roads in the LDR Zoning District. The project meets all setback requirements and has a traditional septic system. Current zoning (Sect. #703.1) dictates certain criteria when there are 2 or more lots being serviced by a private road/Old Vineyard Road.

Mr. Miller, representing agent for this project stated that he planned on upgrading the driveway up to the Town's standards with a 15 ft. width, and a turnaround for emergency vehicle access. It was his plan to put 6" stone base during the construction stage and he would place more to comply with the 8-12" base requirement after construction was complete. He also planned to bury an 8-12" culvert across the ditch onsite. The parcel is basically flat.

A lengthy discussion developed with the board's review of the applicant's request for site plan approval. The Board stated the criteria listed in the Town's Private Driveway/Private Roads Law, the Road Standards and current Town Zoning Law. It was the board's consensus to strike a reasonable balance between what is essentially a pre-existing grass pathway off of a private road to access this new home, applying what our laws dictate and at the same time providing safe ingress/egress for emergency vehicles to the dwelling. It was decided to invite legal advisement and engineering expertise from our

Town Engineers to advise on the cost of upgrading to current law's standards as well as any liabilities on site plan approval on these pre-existing lots. The board proposed allowing a construction road to the project site in order for development of the project to commence over the winter, yet due to future expansion of (2) or more vacant lots being developed on Old Vineyard Road, it was felt that it is time to address the Private Road upgrade since all development would be new construction as referred to in Sect. 703.6 of our Zoning Ordinance.

Mr. Miller was requested to submit a cross-section of driveway as proposed to show the layers of proposed base in the driveway extension to the turnaround area.

Board Member Gilbert was concerned with our approval of these pre-existing lots as buildable if they don't meet the current zoning standards. It was his opinion that if our town engineer confirmed the submitted specifications were sufficient and all safety issues were resolved, than approval could proceed.

Board Member Lersch offered a motion on the floor to enlist the advisement of Lu Engineers at the owner's expense, to make a site visit and concur with current laws, concluding advisement to the applicant within a month's time on a proposed plan to proceed.

Board Member St. Lawrence requested the motion be changed to a 2 week period before advisement could be procured and explained to the applicant that we would send all documentation submitted in the current application and request a site visit. Lu Engineers would return a cost estimate at which time, the board would request applicant's permission before proceeding. Generally the cost for such a review of this nature would be around \$250. Ms. Fumia and Tedeschi agreed to this procedure and thanked the board.

Ms. Kane, CEO offered to also get legal advisement from our Town Attorney on the matter.

A motion to amend the previous motion was offered by Mr. Gilbert with Mr. Mincer offering a second. The board voted on the amended motion allowing a 2 week period from tonight's meeting for the purpose of procuring a written review from Lu Engineers as professional advisement on this application and procuring legal advisement prior to the Town Engineer's review. The motion carried with all Planning Board members present in favor.

2. Application #091211-SPR: Commercial Signage permit for owner Mr. Bradley Quayle for "Middlesex Pumpatorium Fitness Center" located at 5628 Water St., Middlesex (HR)

Ms. Kane, CEO summarized the application stating Mr. Quayle, owner of the "Middlesex Pumpatorium" requested Site Plan Review for a permit to install a one-sided 3 ft. x 3 ft. sign for his business to be located 5-6 ft. off the ground and 30 ft. from the road frontage on Water St., Rte. #364. County review and SEQRA was not necessary to complete due to the application for the business had already received previous county approval at which time a SEQRA was completed.

After a short discussion Mr. Gilbert made a motion to approve the Sign Permit request with Board Member Mincer seconding the motion. The motion carried with all Board Members present in favor.

3. Application #101511-SPR for a proposed (2) lot Minor Subdivision of property owned by Mr. Charles Domm of 985 Newell Rd, Middlesex (LDR), and represented by agent, Mr. Rocco Venezia of Venezia & Associates.

Ms. Kane summarized the application stating it was a Minor Subdivision of 10.2 acres, with Lot #1 becoming 5.203 acres and Lot#2 becoming 5 acres. The request meets all current zoning requirements.

Mr. Rocco Venezia stated that the land parcel was predominantly flat with a ravine to the back and 10% grade at the road.

The Board completed a SEQRA which determined that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Gilbert motioned to accept the negative declaration and Board Member Mincer seconded the motion. Motion carried with all Board Members present voting in favor.

After a short discussion, Chairman DeVinney asked for a resolution to approve the proposed subdivision without conditions. A motion to approve was made by Mr. John Gilbert and seconded by Mr. Mincer.

4. Application #092811-SPR: Site Plan Review of (2) Dry Laid Stone Retaining Walls to be constructed at property owned by Mr. and Mrs. William Scott of 845 So. Lake Rd., (LR) project is being built by Finger Lakes Hardscapes, agent Mr. Randy Cooley.

CEO, Ms. Kane introduced Mr. Cooley and summarized the Site Plan request for installation of (2) retaining walls was due to both the size of the project and the slope of the land.

Mr. Cooley presented his Site Plan to the Planning Board. At owner's request the walls (1) 30 ft. in length and approximately (3) feet high and the other 40 ft. in length at the same height would aesthetically contain a perennial bed and would also serve to retain a steep slope for storm water management and control, located between the east side of the house and the detached garage/barn. For construction installation, Mr. Cooley would be accessing the site through an egress point by backhoe on So. Lake Rd. contiguous to the Scott's residence and also owned by them. The egress point with roadside culvert was recently installed with suitable base by the Highway Superintendent. Mr. Cooley was reminded to keep the road clean of any construction debris. Mr. Cooley was asked how he would be managing water runoff through the wall and he explained that the Keystone Wall was not an air tight wall and would be dry stacked allowing some seepage to continue through the wall. At the north end of the wall he intended to lay some drainage tile to further direct water flow during peak flow times. He would be using some of the spoils to grade the slope and would haul the excess offsite. Board Member St. Lawrence asked him to extend the perforated pipe to 20 feet to make sure peak water flow was directed away from the house foundation and to place appropriately sized Gabion stone at discharge point of the pipe where it daylighted. This was so noted as a revision on the site map and signed by Mr. Cooley.

The application did not require a SEQR due to its dry laid structure. After no further discussion from the Board, Chairman DeVinney made a motion to approve the Site Plan as presented and Board Member Mr. St. Lawrence seconded the motion. All Board Members present voted in favor. Motion to approve carried.

5. Application #101311-SPR: Site Plan Review for (2) Phase Development on land parcel at 233 E. Lake Rd., (LDR) owned by Mr. Isaac Von Rhedey. Project represented by agent Mr. Ronald Rauscher of Larsen Engineers. Phase I of Site Plan request was to make site improvements to land to accommodate a Freeze Thaw Septic Field for septic percolation over the winter months.

Ms. Kane, CEO introduced representing agent, Mr. Rauscher of Larsen Engineers, summarizing that Phase II of this Site Plan would be to build a Single Family Residence on 5.52 acres meeting all current zoning requirements. The land was presently a vacant lot, naturally forested. Ms. Kane introduced a letter which was read to the Board from a neighboring parcel owner which stated his concerns for downhill storm water runoff from Mr. Rhedey's upland parcel and implored the Board to make a prudent review of the plan for septic design, recommending improvements and requesting stringent analysis by a qualified licensed engineer to manage the upland flow of storm water runoff keeping the natural resources of the lake and his parcel in mind.

Mr. Rauscher presented the Site Plan requesting the Board to first look at Phase I which would be completed this fall if approved. This Phase would be to bring in fill material of granular sand material, stabilize it with stone rip rap and allow it to sit in a Freeze/Thaw cycle until Spring when it would be tested for a traditional septic percolation. The septic design would then be submitted to the NYSDOH for approval prior to its installation and after it was proven permeable. Phase II would commence after the traditional septic was installed. Phase II design was planned to create minimal site disturbance.

Board discussion initiated with concern for the proposed 100% 1:1 slope stabilized by stone rip rap on the entire bank to accomplish the cut for Phase I septic site testing. Mr. Rauscher stated that this "Freeze/Thaw System" was crucial to install now so it could sit over the winter in order to ascertain whether or not it would perk. Design submittal to the NYSDOH requesting septic design approval would happen in the Spring when it was proven permeable.

Chairman DeVinney stated that it was part of the Planning Board's process to not approve a Site Plan that involved septic designs without approval first from George Barden, Watershed Inspector and the NYSDOH. The Board would be glad to make recommendations on both Phases, however Phase I would need approval from both of these professional resources before site plan approval could be obtained. Mr. Rauscher stated that Mr. Barden had last reviewed the site in 2005 at which time the design of that particular septic system at that time proved not to perk. A Freeze/Thaw cycle was crucial for it to perk properly. We would have to wait until the following summer or fall to accomplish this, if not allowed to complete this fall.

Phase II – Site Improvements to accommodate a Single Family residence were reviewed with recommendations to contours provided, check dams, swales with rip rap at discharge points, and flow calculations to show how concentrated water runoff is managed with curtain drains. Board Member St. Lawrence requested that a complete mapping (referencing a digital LIDAR Program) of all water sources, ravines, gullies on the entire lot with existing contours and side setback dimensions was important to submit in order to see exactly what was happening onsite for the site review. The Board warned of major storm water runoff with peak flows for a 24 hr. storm in a 2 hr. period of time that occurred in this region last Spring and advised that these requests were crucial to protecting the lake and neighboring parcels. Recommendations were also requested in changing the turnaround design of the driveway adding a 20 foot radius. A copy of the Road Standards specifications was given to applicant's engineer for reference.

The Board stated that the Site Plan would be sent to the Town Engineer for review, explaining the burden of cost was on the applicant and involved approval of review cost before proceeding. It was explained that this process was common practice with steep slope parcels in gaining engineering advisement in fragile areas of the town. It was further explained that a Yates County Planning Board and Soil and Water Conservation District review would be necessary as the project was in a Steep Slope area that bordered a county road. Determinations from our Board would be made only after these reviews were completed which was consistent with our Site Plan review process. It was concluded through advisement by the Board that the applicant should wait until next Spring to start Phase I due to the unpredictability of the weather at this time of the year and the length of time it would take to get these necessary reviews completed after site revisions were made as advised. Applicant agreed to wait and thanked the Board for its time in reviewing the plan. The Application was withdrawn and will be resubmitted next year.

Next Meeting agenda: November 16th

Steep Slope Work session – Review of new edits, procured through a 10/25 Work Session with the Town Board, would be provided by Board Member St. Lawrence for the next Planning Board meeting. Work on developing a one page Steep Slopes Application, Permit and Determination Form as well as Town website posting to town residents to introduce the new law and how it's regulations may pertain to their particular property to be mailed or posted online before the Public Hearing is set. The final revision of the Draft Law will be sent to the County for review once reviewed and approved by the Town Board and Town Attorney.

Other Business: A (1) year Draft "*Moratoria Law on the Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes*" with a regulatory Appendix was sent to Yates County Planning Board for review on November 17th at 7pm. Upon county approval a Public Hearing will be set by the Town Board possibly in December.

Board decision to send a Final Draft of the Steep Slope Law to the Town Board with current revisions, taken from the October Workshop, was voted on by the Planning Board. Chairman DeVinney asked for a resolution to approve this motion. Board Member St. Lawrence made the requested motion and will send the revised draft to Lynn Lersch to forward upon completion. Board Member John Gilbert seconded the motion. All Board members present voted in favor of the motion. Motion carried. A resolution will be sent to the Town Board accompanied by the current version of the Draft Law for Town Board review on December 8th.

A motion to adjourn the meeting was made by Board Member Lersch and seconded by Board Member Mincer. All Board Members present voted in favor of the motion. Motion carried.

Meeting adjourned at 10:01pm.

Minutes submitted by L. Lersch/ submit all revisions to: lynn.lersch@gmail.com

