

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**

Minutes – May 2, 2012, 7pm

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

Others Present: Alaine Espenscheid, Town Attorney; Dawn Kane, CEO; Mr. Neal and Kathy Elli, Mr. Scott Naramore, Mr. Gary Hoffman, Ms. Debbie Samardjian, Mr. Harold Johnson, Mr. Jim Fonzi, Mr. Mike Montalto, Ms. Amy Kendall, Mr. Randall Peacock, Mr. Nathan Sirvent, Mr. Rocco Venezia of Venezia & Assoc.

Agenda: Application # 042512-SPR/Mr. R. Venezia, representing agent for owner Mr. Nathan Sirvent requesting site plan review to construct a new permanent dock at 614 E. Lake Rd., (LR); Application #042512/Mr. R. Venezia, representing agent for owner Mr. Richard Kaplan requesting site plan review to construct a new permanent dock at 598 East Lake Rd., (LR); Application # 041112-SPR/ Mr. Jim Fonzi of 5980 Widmer Rd., (LR) requests site plan review for a proposed (3) bedroom addition onto an existing seasonal dwelling; Application # 41112-SPR/ Mr. Jeffrey Smith, represented by agent Mr. R. Venezia, for a proposed Minor Subdivision of vacant property on the east side of Shay Rd., approximately 1556 ft. north of the centerline of Upper Hill Rd. (A/R); CEO advisement for Erosion Control Management on site owned by Mr. Neal Elly of 1091 S. Lake Rd., (LR) represented by agent Mr. Scott Naramore of Sterling Excavation.

Meeting came to order at 7:10pm.

Site Plan Reviews:

1. Mr. Neal Elli of 1091 S. Lake Rd. presents site information of erosion control involving a gully/culvert placement that withstood debris and loose soil/stone deposit which created damage during repeated storm events. Mr. Neal Elli summarized the problem and submitted photographs and a deed drawing of the gully on the south side of Mr. Elli's property line. A culvert pipe, installed by owner, failed for the second time during a spring storm event causing erosion to property and lake. Mr. Elli seeks a plan to alleviate possible future damage. Ms. Kane, CEO sought Planning Board advisement for erosion control management of the site, stopping the proposed project due to the site's history and it's close proximity to the lake.

Board Member St. Lawrence requested a site plan stamped by a certified NYS Engineer to address problems, showing side setbacks from abutting neighbors, a clear footprint of the creek, a cross-section depicting installation and drainage around retaining walls and a clear picture of either an open channel, as advised by Watershed professionals Mr. K. Olvany and Mr. G. Barden or appropriate culvert placement for board determination of the best management practice for this site.

Chairman DeVinney stated that this procedure was common practice when in close proximity to the lake and the final plan would possibly be submitted to either our Town Engineer and/or Yates Co. Soil & Water Conservation District for further review at the owners' cost.

It was advised that Mr. Elli seek Site Plan Review from the Planning Board with complete engineered plans of the proposed work as stated with recommendations from the Board and the Canandaigua Watershed Council and Watershed Inspector. It was stated by the Board that the culvert pipe currently in place be removed to allow an open flow channel in case of recurring storm events and submission of the Site Plan as soon as possible to be placed on the next possible Planning Board agenda.

2. Application #042512-SPR/ Mr. R. Venezia, representing agent for Mr. Nathan Sirvent requesting Site Plan Review for a proposed 360 ft. permanent dock at 614 East Lake Rd., (LR).

The site plan was summarized by owner Mr. Sirvent including a proposed Phase I- permanent dock with Phase II to be submitted later for a hoist and attached roof.

Ms. Kane, CEO stated lake frontage was 200' with the dock placement being central to that measurement. The proposed Phases I, II was well within the allowable amount referencing the UDML. Mr. Harold Johnson would be installing the permanent dock. Mr. Johnson was advised by the Board that any changes the approved site plan would need to come before the Planning Board for additional review.

The Board completed a SEQRA assessment determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Mincer made a motion to accept the declaration without any negative impact to the surrounding neighborhood and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

3. Application #041812-SPR/ Mr. R. Venezia, representing agent for Mr. Richard Kaplan requesting Site Plan Review for a proposed 560 sq. ft.

The Board stated that a revised map showing the High Mean Water Mark, the square footage of the existing dock, and Lake Frontage calculations should be submitted for original file to document allowable amounts under the UDML requirements.

Board Member St. Lawrence entertained a motion to conditionally approve the application contingent on the submission of the following Site Map revisions:

1. Show the HMWM measurement on revised site map.
2. Show existing Dock Square Footage
3. Show the property's lake frontage calculations

Board Member Lynn Lersch seconded the motion. All Board Members present voted in favor of the motion as presented. Motion carried.

The Board completed a SEQRA assessment determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Mincer made a motion to accept the declaration that there not a negative impact to the surrounding neighborhood and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

4. Application #04112-SPR/ Mr. James Fonzi requests Site Plan Review for proposed new construction on a primary residence located at 5980 Widmer Road, Middlesex, NY (LR) Representing Agents for Mr. Fonzi included Ms. Amy Kendall, Attny; Architect Mr. Randall Peacock; Project Engineer for Parrone Eng., Mr. Michael Montalto.

Mr. James Fonzi and his agents summarized the request Site Plan Approval stating all Site Maps included setback requirements, approved utilities, Erosion Control measures, NYSDOH Septic Approval, driveway specs, excavation to be done by Mr. Steve Faulkner and would be constructed in stages to protect driveway, and to all vehicular usage. All spoils would be trucked offsite and no grading would take place at lakeside. The hill behind the house would be disturbed to update utilities and to install a 700 ft. duplex pumping system. The foundation of the house at the back will become a retaining wall constructed of sheet pilings with rock anchors, so the existing grade would not be altered. A Geo-Technical Engineer would determine all necessary components to provide protection from rock slides, earthquake etc.

Board questioned the impact of the development on the road itself and what upgrades would be necessary to handle the construction load while developing was in process as the area's steep grade had produced numerous slides in the past. A letter by Watershed Inspector, Mr. George Barden, was submitted confirming this and referencing the road's history during past storm events with color photographs depicting major hill slides and erosion control problems that had occurred.

Board reiterated concern for the safety of Widmer Rd., as vehicular passage for more than 27 properties that would be affected. Without a full upgrade, the road would be directly impacted by development and construction vehicular travel, with subsequent possible failure potentially affecting approximately 20+ neighboring residents. Also of major concern to the Planning Board was safe passage of emergency vehicle travel to dwellings on the road due to its steep grade, making it prohibitive at best even in the best of seasonal weather. The Planning Board stated that it has discretionary power to make determinations based on upholding the health, safety and well-being of it's' residents.

Mr. Fonzi related those 5-6 years ago, upgrades were made to the road drainage and K-turns were now possible, although tight. Mr. Fonzi stated that he assumes risk and legal liability of the area in which he has chosen to live.

Chairman DeVinney stated that the final plans would be reviewed by the professional expertise of the Town Engineer at applicant's expense, due to the steep slope and close proximity to the lake. The Board would expedite the process as best they could.

Board Member St. Lawrence stated that a construction sequencing schedule would be crucial to assessing staging onsite when building. He advised that any changes made to approved plans would come back to the Planning Board and would initially incur a Stop Work Order on further development until resolved.

Ms. Kane, CEO stated the town could request the presence of an engineer from Lu to be onsite during project installation at applicant's expense.

Mr. Fonzi inquired of the Town's progress in the adoption of the Draft Steep Slope Law as it pertained to the proposed development on his property. The Board referenced the procedure of law adoption, referencing time constraints.

The Board stated a review by our Town Engineer would include a work order estimate for site plan review which would be forwarded to them for approval before review work commenced. The forthcoming review would most likely be available by the next regularly scheduled Planning Board Meeting.

After a brief discussion with Town Attorney, Alaine Espenscheid and the Board referencing our Private Road Zoning Law Amendment in the Lake Residential District, it was decided that Chairman DeVinney would request clarification for use in our determinations.

Map revisions from Parrone Engineering would be forthcoming to the Board and Lu Engineer at which time a work order would be written.

#### Other Business:

Ms. Kane, CEO summarized an application pending future determination before the Planning Board for Site Plan Review of a Lot Line Reconfiguration of property at Upper Hill Rd., Tax Map ID #32/04-1-11 & 12 owned by Mr. Jeffrey Smith/Ms. Vicki Sloth of 1751 Shay Rd., (A/R)

After a brief discussion and review, the Board determined to make a motion of resolution to approve the subdivision as presented. A SEQR would be determined at the May 18<sup>th</sup> meeting at which time, maps would be stamped by the Planning Chair. Motion to approve was made by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.

A motion was made by Board Member Gilbert to adjourn the meeting and seconded by Board Member Gilbert. All present voted in favor. Motion carried.  
Meeting adjourned at 9:45pm.

Draft Minutes submitted by L. Lersch. Board approval: 6/20/12

