

TOWN OF MIDDLESEX
PLANNING BOARD

*Note: Date change due to the July 4th Holiday

Minutes – Thursday, July 5, 2012, 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence
Public Present: Dawn Kane, CEO; Ms. Amy Kendall, Mr. Ed Parrone, Mr. James Fonzi, Mr. Keith Gilliland, Ms. Wendy Meagher, Mr. Andrew Ellison, Mr. Gary Hoffman, Ms. Debbie Samardjian, Mr. Thomas D. Clutz, Mrs. Jo Ann Clutz, Mr. Dan O'Brien, Mrs. Sue Ford

Agenda: Site Plan Reviews: App. #061312-SPR/ Mr. Keith Gilliland – 1101 S. Lake Rd., Tax Map ID #21.48-1-3 (LR); App. #061212-SPR/ Mr. & Mrs. Thomas Clutz – 1385 S. Lake Rd., (LR); App. #060612-SPR/ Mr. David & Mrs. Lori Farr-Rusin -1217 S. Lake Rd., (LR); Full EAF SEQR assessment for App. #041112-SPR, Mr. James Fonzi – 5980 Widmer Rd., (LR)

Meeting came to order at 7pm

Site Plan Reviews:

1. App. #061312-SPR/ Mr. Keith Gilliland of 1101 S. Lake Rd, requests site plan approval for replacement of existing set of stairs/railings from road to lakeshore property at 1101 S. Lake Rd. (LR). Existing stairs & railing to access the shoreline property are pre-existing and in need of repair for safety reasons. Applicant will replace the existing stairs with pressure treated timber. A double wood railing will replace an existing pipe railing. The onsite grade varies from 18%-70% slope. Applicant will not be removing any trees or dirt. There are no shoreline concerns from the code office.

After a brief discussion, Board Member Gilbert moved to conditionally approve the application, and Board Member Mincer seconded the motion, with all Board Members present voting in favor. The motion carried with the following conditions:

- a. Applicant must prepare a clear site map which showed the North and South side setback measurements to the property line.
- b. Applicant must meet NYS Code when **installing foundations** for the stairs. A depth of 42” must be met.

The Planning Board completed a SEQR assessment for this project, determining that the proposed action would not result in any significant adverse environmental impacts and provided clear reasons supporting the determination. Board Member Lersch made a motion to accept the declaration as stated and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

2. App. #061212-SPR/ Mr. & Mrs. Thomas Clutz of 1385 S. Lake Rd., represented by agent Mr. Andrew Ellison of Drew’s Docks, requests Site Plan approval for construction of a proposed 720 sq. ft. permanent dock at shoreline (LR)

Code Enforcement Officer, Ms. Kane summarized the application and stated there were no shoreline concerns for the project. There was a Boat House at shoreline that is pre-existing with over 170 ft. of shoreline. Ms. Kane advised the Board that Kocher Surveying had sent the Code Office an addendum that showed the North and South points to be 93.3 ft. and 56 ft. respectively. The new map measurement was added to the original file.

Without further discussion, Chairman DeVinney entertained a motion. Board Member St. Lawrence moved to approve as presented and Board Member Lersch seconded the motion. The motion carried with all Board Members present voting in favor.

The Planning Board completed a SEQR assessment for this project, determining that the proposed action would not result in any significant adverse environmental impacts and provided clear reasons supporting the determination. Board Member Gilbert made a motion to accept the declaration as stated and Board Member Mincer provided a second. The motion carried with all members present in favor.

3. App. 3060612-SPR/ Mr. David Rusin & Mrs. Lori-Farr Rusin of 1217 S. Lake Rd, represented by agent Ms. Wendy Meagher, P.E. of Meagher Engineering, requests Site Plan approval for the construction of a retaining wall and proposed new driveway parking space.

Ms. Wendy Meagher presented the application stating **that the existing** timber retaining wall **which is failing** would be replaced by a **new steel piling/ timber beam system**. The existing wall housed a septic system and propane tank which did not allow the owner to safely egress the existing driveway without backing down onto S. Lake Rd. It also housed a septic system and propane tank which would be relocated. The new design would provide the applicant additional space to safely turn a vehicle around and would also provide a safety railing around the parking space. Side setbacks which were not in compliance with current code would be reset so that the side setback would be in compliance with the 15 ft. required in Lake Residential. The front yard setback would move from an existing 9ft. side setback to a 10 ft. – 15 ft. setback. It would vary due to the slope of the land. Ms. Meagher, P.E. stated that NYS DOH was in the process of approving the new septic design.

Code Enforcement Officer stated that she had received notification that the aerobic septic design was approved and confirmed that all setbacks would become within code compliance after project completion.

After a brief discussion, Board Member St. Lawrence stated the front setback would need variance determination to be applied for prior to the Planning Board proceeding to a determination. The proposed design, as presented required rebuilding beyond the existing footprint and would be considered “new construction”, not simply a repair or replacement.

Mr. St. Lawrence suggested an onsite meeting with Highway Supervisor Reifsteck to review the transition to cross the existing 12 in. culvert. Mr. St. Lawrence referred Ms. Meagher to Lu Engineers South Lake Rd. Engineering Study for reference on the proposed Town culvert work. A Lu Engineer review was requested by the Planning Board, which would provide all map revisions, including: calculations for the proposed driveway elevations that would be load bearing, due to vehicular traffic; revisions to the 4” corrugated downspout drainage trenched into the retaining wall to indicate that it follows the design of the wall and that appropriate rip rap is added at the drain outlet.

Ms. Meagher added that catch basins would also be added to the map revisions.

Ms. Kane thanked the Board and advised the application would be heard by the Zoning Board of Appeals on August 7th, returning after, to the Planning Board for determination of the SEQR and the application.

4. App. # 41112-SPR/ Mr. James Fonzi of 5980 Widmer Rd. (LR) Full EAF SEQR Assessment.
Board Member St. Lawrence summarized the current status of the application.

June 14 – Lu Engineer review – site map revisions needing resolve.

June 27 – Last Planning Board Review

July 3 – Applicant met with Lu Engineer referencing Site Map #C-2 Dosing Chamber

July 5 – Lu Engineer reviews changes without further review necessary.

Chairman DeVinney introduced the SEQR process and explained that this application required a Full EAF Assessment review. Part I was determined as a Type I. Part II determined potential impacts that might need mitigation in order for the Board to make a determination. Part III would be completed after the Board’s determination.

After the SEQR review and discussion by the Board, Chairman DeVinney requested a motion to approve the application with the condition that all engineered plans were considered by all resources to be in

compliance or could be mitigated. Board Member Gilbert moved to approve and Board Member St. Lawrence seconded the motion. Motion carried with all members present voting in favor.

Chairman DeVinney announced that a copy of the completed SEQR would be available for public review in the Town Clerk's office.

Board Member Lersch made a motion to set a Public Hearing date for public review. Board Member St. Lawrence seconded the motion. After a brief discussion, July 18th was set as a Public Hearing date with all Board members present voting in favor. Motion carried.

The Board moved to also work on the revisions to the Draft Steep Slope Law on July 18th after the Public Hearing closed. Mr. Gilbert made the motion which was seconded by Mr. Mincer. Motion carried with all Board Members present voting in favor.

CEO Review: Ms. Kane advised the Board that the Highland Group of Canandaigua LLC requests Site Approval to propose a driveway extension in order to access all (3) lots from the recently approved existing shared driveway. After Board discussion it was proposed that July 18th would be a possible review date. Also a letter was received and submitted for Board review from Attorney Dan O'Brien, representing landowners Mr. Neil Elli of 1091 S. Lake Rd., referencing his proposed project for remediating a gully.

Public Comment: Mr. Hoffman reported on a Vine Valley Community Center Potluck Dinner at which residents publicly commented on a topic entitled "Community Concerns." He stated that a resident commented that a number of residents are unhappy with the Draft Steep Slope Law, currently in revision also stating he had difficulty navigating through the Town of Middlesex online website. Mr. Hoffman advised the Board that discussion was then heard and advisement by some was introduced to be in the best interest for all concerned to attend both Planning Board and Town Board meetings, in order to voice concerns to those that could bring some sort of resolve. Mr. Hoffman also requested an update from the Planning Board on the current status of both the Draft Steep Slope Law and work to be reviewed during the Moratorium Extension for Hydro-Fracking Natural Gas.

After a short discussion addressing Mr. Hoffman's statement and request, Chairman DeVinney entertained a motion to adjourn. A motion to adjourn was made by Board Member St. Lawrence and seconded by Board Member Mincer.

Meeting adjourned at 9:45pm

Draft Minutes submitted by L. Lersch/revisions to Lsammy5@frontiernet.net
Minutes approved on October 3rd