

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

Site Plan Reviews – Board Worksession

Minutes – Wednesday, July 18, 2012, 7pm

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

Public Present: Mr. Stephen Lewandowski; Mr. Randall Peacock, Mr. Jim Fonzi, Mr. Ed Parrone, Mr. Joe Nacca, Mr. Calvin Ames, Mr. Charles Sheets, Mr. George Barden, Mr. Donald Bow, Ms. Linda Sheive, Mr. Don Sheive, Mr. Rocco Venezia

Agenda: Site Reviews:

Application #41112-SPR/ Mr. Jim Fonzi, represented by Parrone Engineering requesting Final Site Plan approval for new construction and site development for a single family residence on steep slopes at 5980 Widmer Rd., Tax Map ID #031.062-01-04 (LR District); Application # 090112-SPR/ Highlands Group of Canandaigua, LLC represented by Venezia & Associates, requests Site Plan approval for construction of a common driveway extension servicing a lot currently under development at 556 East Lake Rd., Tax Map 11.35-1-3.1,2,3 (LR District); Work session: Draft Steep Slope Revisions

Chairman DeVinney opened the meeting at 7:05pm.

After a submitted material was read by Board Members and a short discussion, Chairman DeVinney opened the Public Hearing at 7:10pm.

1. Application #41112-SPR/Mr. Jim Fonzi, owner of property at 5980 Widmer Rd, for Site Plan Approval for site development and construction a single family residence. (LR District)

Chairman DeVinney stated to those individuals in public attendance, clear reasons for the Public Hearing, the process of notification to those neighbors within 500 ft. from the Applicant's property line, and the consideration of the Town's current position of drafting a Steep Slope Law which will overlay our current Zoning Law and provide guidelines for the Town to be able to review all construction in areas of the Town that have Steep Slopes. These guidelines would provide for best management practices in developing within the (3) slope categories identified in the law, but would be considered an overlay to our present Zoning and other Town Laws.

Chairman DeVinney introduced letters from neighbors to be submitted into the minutes. These neighbors lived in close proximity to Mr. Fonzi's property line and were in support of his project, including: Mr. D. Mark Fultz of 6100 Widmer Rd., Mr. William & Sally Sanford of 5960 Widmer Rd., and Mr. and Mrs. Renier Chaintreuil.

Resident Mr. Calvin Ames questioned if a Town Emergency Fire Truck could get down to the site in the case of a fire?

Chairman DeVinney responded that due to the extremely steep slope upon which Mr. Fonzi was building, the Town of Middlesex would not guarantee emergency services to his proposed dwelling, and had been advised that fire protection would be mainly Mr. Fonzi's responsibility.

Mr. Stephen Lewandowski, representing the Canandaigua Lake Watershed Association, reviewed the business' view on protecting not only the water quality of the lake but also the quality of life of its residents. He stated that it was up to each Town surrounding the lake to decide what development restrictions they would impose on steep slopes and what would be allowed, confirming the fact that all development affected some aspect of the impact of erosion and run-off to other underlying properties and to the water quality of the lake. He stated that erosion is extremely difficult to control and could become disastrous to surrounding watershed entities once it goes awry. Even the best management practices cannot guarantee what water run-off could impact once it begins.

Parrone Engineering Firm's representative Mr. Ed Parrone, P.E. stated that the Town had scrutinized Mr. Fonzi's proposed site development on Steep Slopes, bringing their Town Engineer to provide multiple peer reviews. Parrone Engineering had brought Geo-technical engineers onsite to do soil borings to determine the stability of the soil as required. NYS DOH had approved the septic proposed onsite. He believed that this application represented a good example of the numerous revisions made to protect the lake and to minimize onsite erosion control. He stated that the dwelling in review was not a large space and would encompass 1600 sq. ft. Mr. Parrone stated in summary that he felt that this site plan had withstood the highest scrutiny and he would professionally stand behind its professional design as submitted.

Mr. George Barden, Canandaigua Lake Watershed Inspector stated his professional opinion with over 40 years in the field monitoring the impact of erosion control as it pertained to development surrounding property around Canandaigua Lake. He stated that he would not approve of this application's septic design. He stated it had been approved by NYS DOH based on a waiver requirement (#75A) relating to the application when submitted. This approval was based on a newer enhanced treatment system which included waste water on a difficult site and a non-standard leaching system which was placed on an abandoned driveway onsite. He then provided a history of shear wall failures on this site from erosion run-off which impacted the lake 12 years ago and provided the Board with photographs of the area referred to. He stated the soils in this area were highly erodible and unstable soils, called Lords Town Soils, which were made up of both sand and shale for the better part of the West side of South Hill where Widmer Road cuts down to the lake. There had not been recent construction activity in this area, but with the introduction of this project's development in an 83% slope on highly unstable soil, he warned of the possibility of new slides in the area above existing residences on Widmer Rd. He stated that Widmer Rd. is a dead end private road, creating a difficult turn-around for vehicular construction traffic to the site and would hence require traveling twice as many times because of this. He then recommended the Town of Middlesex to consider the safety of all residents using Widmer Rd. to service their property and to use due diligence in reviewing this Application for Site Plan approval because of its' possible severe consequences.

Mr. James Fonzi, owner of the proposed site stated he had photographs of the site as far back as 1998 – 2001 when he purchased the land from Mr. Loomis. He stated since that time, the road had been improved dramatically and its' drainage had been upgraded significantly. Ongoing maintenance had kept the area in good condition and there had been no further cracks in the road or cliffs in the past 11 years.

Board member Lersch asked of Mr. Fonzi how many other residents lived on Widmer Road year-round or seasonally and what development to this area had occurred in the past 11 years.

Mr. Fonzi replied that there were (27) property owners and 15-18 dwellings existed. 95% of the property owners pitched in to fund the road repair and there is currently \$20,000 in escrow. He stated that if there was a problem to anyone's property or to the road, that he would accept full responsibility. He referenced the (3) letters of support from neighboring property owners, Mr.(s) Fulz, Sanford and Chaintreuil.

Resident Mr. Nacco of 5940 Widmer Rd., stated that he lived near to Mr. Fonzi's site and requested if this proposed project had been adequately reviewed by the Planning Board using all submitted plans and all existing as well as alternate proposals?

Chairman DeVinney responded that this site development and proposed project had been referred to our Town Engineers for final release and did feel we had addressed all relevant concerns with numerous recommendations from multiple outside resources.

Zoning and Enforcement Officer, Dawn Kane was asked by Board Member Gilbert if her office had any concerns. Ms. Kane recommended that all monitoring at critical points during the installation of the shear steel piling design to be used in the retaining wall and the foundation of the dwelling itself, should be by an engineer to be decided upon by the Board and should include Parrone Engineering as well. She summarized her position and all of the concerns that had been discussed with this site tonight.

Board Member St. Lawrence suggested a Pre-Construction meeting onsite, prior to development commencement involving Parrone Engineer Project Manager, Lu Engineer, the contractor hired to excavate the site and the builder as well.

Mr. Ed Parrone stated that Mr. Steven Faulkner had been chosen as contractor and Mr. Donald Miller would possibly be the builder.

Chairman DeVinney closed the Public Hearing at 8:47pm.

After a short discussion, the board considered the submitted Full EAF Assessment for Mr. Fonzi's application. Legal time allotted to accept the Conditional Negative Declaration and/or revise it was (45) days from July 5<sup>th</sup>. All Board Members present voted in favor of accepting the Conditional Negative Declaration. A motion to accept was made by Board Member Mincer and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

A motion by Board Member St. Lawrence to approve the Site Plan as discussed, based on the premise that all revisions to all maps were currently complete as proposed and accepted and that Lu Engineer attend an onsite pre-construction meeting to set up a schedule of onsite inspections to be completed during the installation of Mr. Fonzi's site development and construction of a proposed 1600 sq. ft. dwelling. Requested would be a set of maps, copied for each pre-construction meeting attendee for careful review. Board Member Gilbert seconded the motion. The motion carried with all Board Members voting in favor.

2. Application #090112-SPR/ the Highlands Group of Canandaigua Lake LLC, represented by Venezia & Associates, requesting Site Plan Approval for construction of a common driveway extension to service a lot currently approved & under development at 556 East Lake Rd., (LR District)

Code Enforcement Officer Kane summarized this site review request to extend the approved Shared Private Road to include Lot #1 so that all (3) lots will now be serviced by the same access off of East Lake Road. Ms. Kane requested an explanation of the current use of an existing driveway which now serviced Lot #1.

Mr. Venezia of Venezia & Associates stated that originally, applicant felt it best to abandon this pre-existing driveway, however the most current decision was to leave it as it is without further disturbance to the soil in order to abandon it by remediation.

Board Member St. Lawrence asked if there might be a benefit to the applicant by retaining the driveway as it was. Mr. Rocco Venezia stated that it could be used as a circular egress for Lot #1 possibly in the future.

Board Member St. Lawrence asked if there were utility poles pre-existing in this area and it was stated by Mr. Venezia that all utilities would be parallel to the road, and all lots had a right to a power line.

Board Member St. Lawrence asked if there would be any further clearing or tree removal, and what was the amount of base necessary to upgrading the desired extension.

Mr. Venezia stated that this was the flattest area of the site, without trees and approximately 8-10" of stone would be required.

Board Member St. Lawrence inquired about water run-off to Lot #1. Mr. Venezia stated that there is little run-off due to the culvert installation which was currently under the driveway.

Board Member Mincer inquired if the extension could be extended to the middle of Lot #1. Mr. Venezia stated that once it sold, the owner could extend it.

Board Member St. Lawrence inquired about driveway maintenance agreement for all (3) lots.

Mr. Venezia stated that all (3) dwellings, once sold, would share the same % of use and the cost would also be shared.

Board Member Lersch asked if there were any plans for future subdivision of these properties as currently subdivided.

Mr. Venezia stated that the applicant could place a provision to not subdivide further.

Chairman DeVinney asked if the Board required further discussion before determining.

The Planning Board deferred discussion and 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.

Board Member St. Lawrence made a motion to approve the Site Plan with the provision that the intention of the extension of the approved shared Private Road was to use it as a primary access for all (3) lots. Also stated was the intent of the current application was not to further subdivide

any of the (3) building lots. Board Member seconded the motion. All Board Members present voted in favor. Motion carried.

The Board ended Site Plan Review and started a Work Session at 8:15pm

Code Enforcement Office:

Ms. Dawn Kane, Code Enforcement Officer brought the following development projects to the Planning Board for advisement.

- Lersch driveway repair/culvert replacement & upgrade
- Mr. Daniel Hare/Weidrick shoreline project involving a stone paver walkway Over a culvert replacement, stone retaining wall & steps, stone paver patio
- Installation of a private driveway at 996 Old Vineyard Drive for Ms. Vicki Fumia & Ms. Marilyn Tedeschi, represented by Mr. Don Miller.

The Board voted and the following projects will go to Site Plan Review in August. Hare/Weidrick shoreline project at 1121 South Lake Road, installation of a private driveway at 996 Old Vineyard Drive for Ms. Fumia/Ms. Tedeschi.

Board Member Gilbert voted in favor of site plan review and appropriate agenda placement. Board Member Mincer seconded the motion. Motion carried with all members present in favor.

Old Business:

After reviewing Application # 122011-SPR multiple times, the Planning Board voted to contact Mr. DeKouski for an updated site map that would show specific placement for the intended amount of boats to be stored onsite so we could ascertain by a site visit how to create a buffer on site to resolve neighbor concerns. The board will review the application in August.

Residents Linda and Don Sheive commented on concerns they had referencing neighboring properties on South Lake Road.

Board Member Lersch referenced re-appointment of Member Terms to be extended and that these would be referred to Kathy Pelton, Town Clerk for Town Board reappointments.

Board Member St. Lawrence made a motion that draft revisions to the Steep Slope Law would be addressed at the next Work Session. He offered to revise and adjust formatting of the draft law, which resident Mr. Bob Johnston advised was confusing. Mr. St. Lawrence also suggested a Table of Contents would allow easier navigation through the law. He suggested we add a reference point in the law to refer to our Town Zoning Ordinance for concerns of repair and maintenance.

A motion to adjourn was entertained by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor. Motion carried. Meeting adjourned at 9:27p.

Minutes submitted by L.Lersch/Revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on October 17, 2012