

TOWN OF MIDDLESEX
PLANNING BOARD
Work Session Minutes

Wednesday, December 5, 2012, 7pm

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

Public Present: Mr. Gary Hoffman, Ms. Deborah Samardjian, and Mr. and Mrs. Ted Carmen

Agenda: Update on pending applications under review from outside resources:

1. UDML – review of intent of law in reference to pre-existing shoreline cribbing, piers, and wharfs in the total square footage allotment per parcel in the Town of Middlesex.
2. Lu Engineer – new invoice process; App. ##060612, #41112 for Site Plan Review
3. Update on review process – Moratorium Extension for Hydro-fracking
4. Old Business: SEQR for Application #071112-SPR
5. New Application distributed for January 16, 2013 PB Meeting

Meeting came to order at 7:15p

Board approval of November 7, 2012 draft minutes. Board Member Mincer motioned to approve and Board Member St. Lawrence seconded the motion which carried with all board members present in favor.

Ms. Dawn Kane updated the Planning Board on pending applications under review for permits for the construction of proposed permanent docks to be constructed from pre-existing shoreline cribbing, piers or wharfs at shoreline of Canandaigua Lake. Ms. Kane requested interpretation of what the proper allotment of square footage allowed would be on parcels that had these structures at shoreline. She received a preliminary interpretation of the intent of the law from those involved in writing the law, representatives from the NYS DEC, the OGS (Office of General Services) and a consensus of opinion from other code offices in other towns surrounding the lake. From this, Ms. Kane received indication that all felt at this time, an appropriate way to determine square footage allotment on these parcels would be from parcel point to parcel point at shoreline. More work on interpretation of these pre-existing shoreline structures is in process. It is believed that any structure that is positioned beyond the HMWM would be under NY State jurisdiction, leaving everything landside of the HMWM as owned by the parcel owner. It was learned that an exception to this ruling is when the rightful owner has filed the parcel with OGS and has the paperwork to prove it, the property owner has jurisdiction. For the time being, an applicant would have the option to demolish the pre-existing pier/cribbing/wharf and apply for full allotment allowed, or include them in the allotted square footage and consider them a pre-existing “dock”. Ms. Kane stated code officials from surrounding towns around the lake requested a future meeting to discuss setting an appropriate foundation in which to enforce this part of the UDML. Also in order to simplify the process of UDML applications, in the future all applicants would be required to use the UDML application format rather than the Town’s Site Plan Application.

Invoicing of applicant’s Lu Engineer reviews were discussed by the Board, requesting an Invoice numbering system to follow all work orders sent out to outside resources. Also discussed was Site Visits requested for gathering important data for determination should come out of the Planning Board’s budget, so as not to further burden the applicant. Board Member St. Lawrence will follow up with a call to Lu Engineer’s.

Short discussion of current status of the Komarek application. Ms. Lersch, as Planning Board Clerk, will initiate correspondence with applicant to summarize a status update from the Planning Board's perspective. Ms. Lersch will also initiate a review of Komarek's proposed Subdivision with Mr. David Hartman, County Highway Supervisor's to gain the County's perspective on both options for (4) lot access from County Road, East Lake Road. Ms. Kane will request from Mr. Richard Thompson, any NYS Code referencing either of the submitted proposed options. Chairman DeVinney will contact the NYS DEC in reference to the SEQR Process.

Ms. Kane informed the Planning Board that she has contacted Mr. David Zorn of the Finger Lakes Genesee Regional Planning Council to meet referencing our Zoning Ordinance and the Moratorium in place for protection against Hydro and Gas Fracking in our region. The Moratorium Extension of six months will conclude in March 2013. The Master Plan will be reviewed also in the future.

The Board completed a short form SEQR for Application #071112-SPR for Mr. John Meagher of 1255 South Lake Road and represented by agent Field's Construction. This application was approved on November 7th with conditions which have been currently met. The Board determined that the proposed action would not result in any significant adverse environmental impacts and provided supporting reasons. Board Member Lynn Lersch motioned to accept the negative declaration of impact and Board Member Mincer provided a second. The motion carried with all members present in favor.

A tentative date in January sometime after the 15th was discussed to set a special meeting to invite all local Town Boards and members of the Canandaigua Watershed Council to discuss goals for revising the 8/20/12 version of the Draft Steep Slope Law. This date will be confirmed after the holidays.

Board discussion of Holiday meetings confirmed that the next Planning Board meeting would be on January 16, 2013 to review Site Plan Reviews on the agenda. Board Member Mincer made the motion and Board Member Gilbert provided a second. A notification of the meeting change will appear in the Daily Messenger, the Town website, posted on the bulletin board and the outside door for reference.

A motion to adjourn was entertained by Chairman DeVinney and seconded by Board Member St. Lawrence. Motion carried with all Board Members present in favor.

Meeting adjourned at 9:30pm

Minutes submitted by L. Lersch/revisions to LSammy5@frontiernet.net
Minutes approved on February 6, 2013