

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – January 16, 2013 7pm

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

Others Present: Dawn Kane, CEO, Wayne Dunton, Eric Ferguson, James Fonzi, Ed Parrone, Alan Knauf, Debbie Samardjian, Gary Hoffman, Dan Hackett, Kris Jesmev, Ted Carman

Agenda: Site Plan Applications: #41112-SPR/Mr. James Fonzi of 5980 Widmer Rd., #122012-SPR/Ms. Betty Ferguson of 64 Bare Hill Rd., #120512-SPR/Mr. Isaac Von Rhedy, represented by agent Mr. Rocco Venezia; #10813-SPR/Mr. Wayne Dunton of 1526 Shay Rd., #110812-SPR/Mr. William E. Allison of 702 East Lake Rd., #121912-SPR/ Mr. Craig Jerabeck of 90 East Lake Rd., represented by agent Mr. Daniel C. Hackett of Ted Collins Landscape Assoc., Inc.

Meeting came to order at 7:08pm

Site Plan Reviews:

1. App. #41112-SPR/ Mr. James Fonzi of 5980 Widmer Rd.,(LR) represented by agent Mr. Ed Parrone of Parrone Engineering and Attny. Mr. Alan Knauf requesting approval for Site Map revisions to Site Development for the purpose of constructing a Single Family Residence onsite. These revisions were reviewed by Lu Engineer on Dec. 26<sup>th</sup> with further recommendations before proceeding to a pre-construction meeting status.

A final review and release from Lu Engineer was received today and submitted into the minutes. This review letter stated that all comments from previous Dec. 26<sup>th</sup> review letter have been adequately addressed.

An onsite pre-construction meeting was scheduled for Thursday, January 17 at 10am with Chairman Mr. Marty DeVinney, Board Member Mr. Bruce St. Lawrence, and Zoning & Code Enforcement Officer - Ms. Dawn Kane as well as representatives from Parrone Engineering - Mr. Paul Parrone, Mr. Steve Faulkner - site construction contractor, Mr. Tim Hughes - foundation construction contractor, as well as owner Mr. James Fonzi.

Short discussion of details covering the following topics were discussed between the Planning Board and owner Mr. Fonzi and his representing agents:

A notation of onsite stockpiling of site spoils; The C-4 drawing referenced indication of possible traffic flow congestion with the site placement of permanent shoring material; what strategy was in place to handle the placement/removal of a temporary waddle during site construction; a need to apply a 2<sup>nd</sup> layer of silt fence onsite in the southeast corner; the nature of slope protection on 2:1 steep slopes with a recommended stone mulch in disturbed areas site specific to utility trenching, as development proceeds; a request to submit to the Code Enforcement Officer, the manufacturer's specifications on the installation of the product known as 'North American Green' rolled grass matting

used for the waddle; scarify and step in the recommended stone mulching on steep slopes at construction entrance in order to keep it from slipping; tie the footer drain of the perforated 30 ft. section so it daylight to keep area clear of excess water in case of a storm event.

Chairman DeVinney asked the Board for any further discussion. There was none. The SEQR Long EAF, previously reviewed and approved by the Board on July 18, 2012 was offered by Chairman DeVinney for final review before determination. After a brief review, the Board stated that all problems had been mitigated to the best extent possible and voted to approve the SEQR. Board Member St. Lawrence made the motion and Board Member Mincer provided a second. All Board Members present voted in favor. Motion carried to determine it a negative declaration.

Chairman DeVinney entertained a motion for Final Site Plan Approval of Site Revisions as submitted. Board Member St. Lawrence made a motion to approve a complete set of drawings indexed as "Final Drawings by Parrone Engineering dated January 9, 2013" as well as all drawings included in this set to include a Table of Revisions dated 1/9/13 as well. Board Member Gilbert seconded the motion on the floor. All Board Members present voted in favor and the motion carried as submitted.

Ms. Kane requested (2) more complete sets as approved for official File folders.

2. Application #122012-SPR/ Ms. Betty Ferguson, represented by agent Mr. Eric Ferguson, requesting Minor Subdivision of approximately 12 acres of property (Tax ID #2.01-1-7.11) at 64 Bare Hill Rd., in the A/R Zoning District into Lot #1 to become 6.881 and 5.229 acres after subdivision.

Ms. Kane summarized that this Minor Subdivision, as submitted, met all current zoning requirements.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor and the motion on the floor carried.

A motion to deem this application for a Minor Subdivision as complete and approved by resolution for County filing was offered by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor. Motion carried.

3. Application #120512-SPR/ Mr. Isaac Von Rhedy, represented by Mr. Rocco Venezia of Venezia & Assoc. for (2) Minor Subdivisions of property at 216 Bare Hill Rd., (LDR) Tax ID # 1.2.03-1-3 is currently 47 acres and would become 42.795 acres after

subdivision. Tax ID #2.03-1-5 currently 2.09 acres would become 5.010 acres after subdivision.

Ms. Kane summarized this Minor Subdivision meets all current zoning requirements and this subdivision, as submitted, will make the parcels more conforming to current zoning.

Mr. Rocco Venezia signed the application and will provide the Code Office with a mylar and two paper prints for Planning Board sign-off of approval at a later date.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member St. Lawrence and seconded by Board Member Mincer. All Board Members present voted in favor and the motion on the floor carried.

A motion to deem this application for two Minor Subdivisions as complete and approved by resolution for County filing was offered by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor. Motion carried.

4. App. # 10813-SPR/Mr. Wayne Dunton of 1526 Shay Rd.(A/R), requests Minor Subdivision of 9.46 acres from his original parcel totaling 58.6 acres to become 49.63 acres after subdivision.

Ms. Kane summarized the application as meeting all current zoning requirements as submitted.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member Lersch and seconded by Board Member Gilbert. All Board Members present voted in favor and the motion on the floor carried.

A motion to deem this application for a Minor Subdivision as complete and approved by resolution for County filing was offered by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.

5. App. #110812-SPR/ Mr. William E. Allison of 702 East Lake Rd., (LR) request Board approval to develop this parcel and construct a new single family residence to be used seasonally.

Ms.Kane summarized the application stating that this parcel is a pre-existing and non-conforming undersized lot with a pre-existing dock at shoreline and a garage on the

parcel. She stated that this parcel had just received (2) area variance requests for 4.5 ft. on both side setbacks where 15 ft. is required in LR Zoning District. This new dwelling will now be positioned with 10.5 side setbacks as currently approved. The septic design was engineered by Mr. William Grove has been approved by both George Barden, Canandaigua Watershed Inspector and the NYS DOH.

Ms. Kane advised the Planning Board that the existing garage faced south and the applicant would be accessing this garage by a grassy path which bordered Mr. Yates property to the north. Mr. Jay Yates had been given an area variance of 3 feet to construct a 9 ft. driveway which has not been completed. Mr. Allison intends to use this garage to park possibly one vehicle and park one outside but does not intend to gravel this access except for temporary construction access purposes.

Mr. Allison stated that it his intent to return the area to grass when construction is complete. Chairman DeVinney stated that it would be assumed that if there exists a garage, that this must be the intended access to your property.

Mr. Allison offered that the house design originally was to be of a manufactured design. This design would now be a stick construction built by Mennonite contractors at some time in the future. Mr. Allison submitted for Board review an original engineered drawing from a previous owner showing larger detail of the site and the previously approved raised bed system.

Board Member Gilbert asked if the raised bed system would be defined, under current zoning, as a structure and therefore need a separate variance for the rear yard property setback of 60 ft. required in the Lake Residential Zoning District.

Mr. DeVinney stated that before the Planning Board could proceed with a determination, further clarification was necessary on whether raised bed septics would be considered a structure. Exact dimensions of this septic system from the rear boundary line would be required prior to determination.

Board Member St. Lawrence recommended that the old plans be reexamined to clarify the actual dimensions to meet current standards if the raised bed septic had in fact not been built.

The Office of Code Enforcement will clarify what is needed after a discussion with NYS DOH.

This application was tabled until additional information was submitted.

6. App. #121912-SPR/Mr. Craig Jerabeck of 90 East Lake Rd., (LR) represented by agent Daniel Hackett of Ted Collins Landscaping Assoc. Inc., requests Site Development Approval for an existing landscape project started without a permit.

Ms. Kane stated she had received a complaint from a neighboring parcel and had asked for review by Mr. Kevin Olvany, and Mr. George Barden due to the steep slopes of the site. After inspection, she determined the Planning Board should review the project before any further work commenced.

Mr. Hackett submitted landscaping plans, using them visually to summarize the extent of the project, its' history and applicant's desire for a landscape upgrade which would include a series of retaining walls with 500- 800lb. boulders, heavy flagstone patio deck and wood steps with railing as well as site debris removal on the site's 13-17% slope. Erosion control would be managed using a Jute mesh on disturbed areas. A "grollo grass" would be seeded on slopes up to 17% and a Curlex Jute Mesh product would be seeded, and stapled on slopes up to 20%. This material is good up to 60% slope until vegetation takes over. Mr. Hackett will also be resetting an existing catch basin to it's proper grade.

Ms. Kane stated that some trees had been removed prior to her review and all existing stumps were required to be left in place. Mr. Hackett stated that his company was not responsible for the tree removal, however he planned on cutting the stumps flush with the embankment and place "grollo grass" mesh over the stumps to provide for site reseeding.

Mr. Hackett stated that all onsite areas disturbed by site development would be supported by an application of jute mesh and seeding with grass fescues to revegetate immediately upon site completion. Also noted, was the construction path from house to embankment followed the existing access road and would be returned to it's original state.

Board Member St. Lawrence requested further information detailing silt fence placement, disbursement pits, type of construction equipment to be used and general site management information as development progresses to completion.

Ms. Kane assured the Board that other than the permitting issue, she had found the site in great shape for erosion control concerns, and was ready for site approval. She would forward owner Mr. Craig Jerabeck a copy of the current Zoning Regulations in effect.

Chairman DeVinney invited further discussion and there was none. He motioned for SEQR review. The Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor and the motion on the floor carried.

The Board moved to approve the application as submitted and determined it complete. Board Member St. Lawrence made the motion and Board Member Gilbert provided a second. The motion carried with all Board Members present in favor.

CEO/PB Advisement Review:

Ms. Kane referred to a project that existed on a piece of property that was defined as steep slope in some areas. The project was a proposed garage that met all setbacks and was in a good location on the property. The garage had already been built prior to her review and she requested Board approval to permit. The Board advised Ms. Kane to allow the project to be permitted.

Other Business:

Board Member Lersch advised the Board on findings from a review by the Yates County Highway Supervisor, Mr. David Harman of the proposed Komarek subdivision plans at Parcel Tax ID # 2.03-1-2.1 bordering County Rte. #39, known as East Lake Road. Mr. Hartman was given the opportunity to review both sets of submitted MRB Goup, Inc. plans to qualify for a Special Use Permit. After looking at both site plan options, Mr. Hartman listed his comments and concerns in an email dated January 7<sup>th</sup>. Ms Lersch summarized those comments:

1. County preference for the shared driveway approach vs. (4) separate parking pads built adjacent to the roadway. This is due to safety concerns for residents, motorists, pedestrians and bicyclists using the roadway; however a concern for emergency access at the first radius turn of existing proposed driveway is a major concern.
2. County Capital Improvement project slated for 2014 will include implementation of culvert and ditch re-design, guard rails in steep slopes instead of the current concrete posts, making additional visiting vehicular parking on the existing shoulder difficult once implemented. This could mean vehicles parking on road which would conflict with vehicle flow.
3. (4) lots proposed seems very congested and proposed parking pads with site disturbance involved should be carefully considered by the Town.

Ms. Kane advised the Board that DEC representative Craig Jackson had stated, in reference to the Komarek Subdivision, if approved, the DEC would like one lot to be built and completed with site stabilization before other lots were developed.

Ms. Kane advised the Board and Public Present of a Steep Slope Work Session date change from Jan. 17<sup>th</sup> to Jan. 24<sup>th</sup> from 6-8pm at Town Hall. This work session's intent is to discuss goals and concerns for revisions to the submitted draft of a "*Local Law for the Regulation and Protection of Steep Slopes in the Town of Middlesex.*" Ms. Kane asked for all concerns/discussions relative to this topic be emailed to her office in order to provide appropriate talking points for the meeting. Chairman DeVinney stated that a list of resident comments/concerns received during the review process would be discussed at the meeting.

Resident Mr. Gary Hoffman stated that he had successfully communicated with Mr. David Slottje, Land Use Lawyer who has offered to review and write recommendations

for establishing legal protection in our Local Zoning Law from Hydro & Gas Fracking and Heavy Industrial Uses in the Town of Middlesex. Mr. Hoffman summarized that Mr. Slottje would personally draft a document for these recommended amendments to our Zoning Ordinance to be delivered for Board review soon. Town Attorney, Alaine Espenscheid will draft the amendments to our current Zoning Ordinance.

Town Board Deputy Councilman Wayne Dunton stated that Yates County Planning was holding a forum on January 29<sup>th</sup> for the General Public to discuss the pros and cons for Hydro & Gas Fracking. He also stated that the Town of Middlesex has adopted agreements for Road Repair and Management as well as intended Water Usage.

A motion to adjourn was offered by Board Member Mincer and Board Member Gilbert provided a second. All Board Members present voted in favor. Motion carried.

Meeting adjourned at 9:30pm.

Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on 2/20/2013