

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes – February 6, 2013 - 7pm

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

Others Present: Dawn Kane, CEO, Mr. Bill Allison, Mr. Jeremy Years, Ms. Debbie Samardjian, Mr. Gary Hoffman, Mr. Bill VanAlst, Mr. David Love, Mr. Boud Kuenen, Ms. Kris Jermaz, Mr. William Grove, Mr. Ted Carman.

Agenda: Site Plan Reviews:

Applications: #110812-SPR/Mr. William E. Allison of 702 East Lake Rd.,(LR); #012813-SPR/Mr. Carmen Vick, of 706 State Rd. #245 (A/R),represented by agent, Mr. Jeremy Years; #013013-SPR/Mr. Boud Kuenen of 1513 So. Lake Rd. (LR); #012513-SPR/Dr. O’Connell and Ms. Avice O’Connell of 1492 So. Lake Rd., (LR) represented by Mr. David Love, agent; #012913-SPR/Mr. Isaac Von Rhedy owning property bordering East Lake Rd. (LDR); #060612-SPR/Mr. & Ms. David & Lori-Farr Rusin of 1217 South Lake Rd., represented by agent, Wendy Meagher of Meagher Engineering.

Meeting came to order at 7:05pm

Board Approval of the following Planning Board Draft Minutes for: Dec. 5, 2012, Jan. 16 and 24, 2013. Board Member Gilbert made a motion to approve Dec. 5th minutes as submitted; Jan. 16th minutes with slight revisions as discussed; and Jan. 24th Work session minutes as submitted. Member St. Lawrence seconded the motion and all Board Members present voted in favor.

Site Plan Reviews:

1. Application #110812-SPR/Mr. William E. Allison of 702 East Lake Rd. requests Site Plan Approval for new construction of a single family residence in the (LR) zoning district.

The Board had previously requested legal advisement on whether the raised bed septic design on Mr. Allison’s property would be considered a “structure” and therefore be regulated by setback requirements. Mr. Allison’s septic design is within 10 ft. of the boundary line and could possibly need a 5 ft. side setback zoning variance before Planning Board determination.

Ms. Kane, CEO stated that upon legal advisement from our Town Attorney, and a discussion with the Watershed Inspector and NYS DOH, it has been determined that under the authority of NYS Law/Appendix 75-A that unless a raised bed septic system has a proposed retaining wall structure, the mound of dirt in itself is not considered a structure to be regulated by zoning unless it is specifically stated as such in the Zoning Ordinance of the municipality. She also stated that the 3-4ft. elevation of the raised bed has been designed to keep drainage impact away from neighboring parcels.

This application is pending Yates County Planning Board review on February 28th based on the parcel's proximity to County Road, #39/East Lake Road, and to criteria of steep slopes and Lake Residential Zoning District status.

The Board questioned whether the Watershed Inspector had approved the design and Mr. Allison replied that Mr. Barden had been onsite twice and has seen the drawings submitted to the Board as well.

After no further discussion, the Board completed a SEQR assessment of the project, stating it to be a Type II action and declaring that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member St. Lawrence made a motion to accept the negative declaration and Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

The Board moved to conditionally approve the application, pending County review and recommendation to approve. This motion was made by Board Member Mincer and seconded by Board Member St. Lawrence. Before the Board voted on the motion, a discussion by the Board resulted in rescinding this motion which was on the floor.

The discussion referenced a question raised by a neighboring parcel owner about the building and its foundation. Since the Board was approving the citing of the building footprint without seeing the house plans, it was important to review the drainage calculations around the foundation to assure proper drainage at the top of the embankment, flowed away from the house foundation.

Mr. Allison stated the foundation would be a walk-out basement which would be facing to the north.

Ms. Kane, CEO stated that once the house plans were finalized, it would be best to come back to Site Plan Review for Board determination at that time. Storm water calc flows from the foundation and the roof run-off were important considerations to review for all parties involved.

The Board made a motion to give a conditional approval to the application pending outstanding criteria requested and Yates County Planning Board review on 2/28. Board Member Gilbert made the motion and Board Member St. Lawrence provided a second. All Board Members present voted in favor.

2. App. #012813-SPR/Mr. Carmen Vick, of 706 State Rd. #245 (A/R), represented by agent, Mr. Jeremy Years, L.S requests lot line reconfiguration of 87.488 acres.

Ms. Kane summarized the application stating that it complied with all current zoning requirements.

Mr. Jeremy Years stated that his client wished to separate 1.029 acres to include the house as Lot 1-A.

Board Member Gilbert questioned the side setback referencing the deck off of the house did not meeting a rear setback of 30 ft. in AR District. Board Member St. Lawrence requested that the septic placement be shown on plans, and side setback boundary to the entrance of the driveway.

The Planning Board recommended site map revisions to indicate all requested criteria and resubmitting them in March. Mr. Years agreed and will comply asking to be placed on the March agenda.

3. #013013-SPR/Mr. Boud Kuenen of 1513 So. Lake Rd. (LR) requesting Site Plan Approval for the construction of a set of stairs at shoreline constructed without a permit.

Ms. Kane summarized the application stating that in July she had issued a Stop Work Order on Mr. Boud's project and asked for applicant to have a licensed NYS Engineer review & stamp his project plans providing a letter of approval to the Code Office prior to placement on the Planning Board agenda for Site Plan Review, because of its close proximity to the shoreline. To date, her office had received (2) letters from Mr. Robert Wigley, P.E stating that the structural framework was pre-existing and the proposed project plans to repair it would safely support the 16 stairs and deck above on the same footprint and without new ground disturbance.

Mr. Kuenen explained that he replaced new doubler posts to the southeast corner, and the stairs which have railings added to them, were anchored to the ground at the top, however the bottom of the stairs are not attached to the ground, providing movement when necessary with its close proximity to the HMWL. The stair stringers with risers were made with (3) 2"x12"'s. The railings will be built to code with 4"x 4" at 6" spacing with 4 on 5 vertical stiles. There is no increase in deck space and all is within existing footprint. He had still to add diagonal bracing to the framework to complete the project.

The Board requested that Mr. Kuenen provide the Code Office with an "as-built" copy of the project and letter from Engineer, Mr. Wigley, P.E. stating that the completed project is safe and completed as per plans.

The Board agreed to complete a Type II SEQR assessment, giving the application a conditional negative declaration, pending supporting outstanding criteria. The Board stated that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member Mincer made a motion to accept the conditional negative declaration and Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

The Board voted to approve the application, pending an “as-built plan” submitted to the Code Office from Structural Engineer, Wigley at project completion. Board Member St. Lawrence so moved with Board Member Gilbert providing a second. Motion carried with all Board Members present, voting in favor.

4. Application #012513-SPR/Dr. O’Connell and Ms. Avice O’Connell of 1492 So. Lake Rd., (LR) represented by Mr. David Love, agent requests Site Plan approval to construct an enclosed porch addition to an existing seasonal dwelling.

Ms. Kane summarized the application stating that the parcel, house and driveway were pre-existing and non-conforming and met all current zoning requirements for the LR District; however due to its close proximity to the lake, she had brought the project to Board Site Plan Review. The southwest corner of the proposed addition sits on the edge of their driveway making it a tight fit for emergency vehicle access even before proposed plans. Upon legal advisement from the Town Attorney, it was determined that there is nothing in our Zoning Ordinance that regulates setbacks within parcel boundaries. The enclosed porch is 10 feet off the ground and porch foundation poles will be hand dug with 6” x 6” poles without heavy construction vehicles or vehicle traffic.

The Board completed a SEQRA assessment giving the application a negative declaration as a Type II action and stating the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member St. Lawrence made a motion to accept and Board Member Mincer provided a second to the motion. It carried with all Board Members present voting in favor.

After a short discussion, the Board moved to approve the application as submitted. Board Member St. Lawrence made the motion and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

5. Application #012913-SPR/Mr. Isaac & Mrs. Ann Von Rhedy owning property bordering East Lake Rd. , Tax Map ID #, Tax Map ID #.03-1-22 (LDR), represented by Mr. Ben VanAlst of Larsen Engineers requests Site Plan Approval for new construction of a single family residence with attached garage, and additional site improvements.

Ms. Kane summarized the application as reviewed last November by Mr. Ronald Raucher, from Larsen Engineers, agent for owner Mr. Von Rhedy. The property is located along East Lake Road approximately 3960 ft. south of Town Line Road. The home would include (3) bedrooms. Mr. VanAlst would represent Larsen Engineers with any questions or concerns since the November inquiry.

Mr. VanAlst stated that the septic design was a multi-flow gravity fed aerobic residential system. All water would be treated and gravity fed into a sand bed with total site disturbance to become approximately .50 acres of the 5.52 acre site. Site drainage would limit sheet flow as it drains through wooded areas to the ROW. It is then collected via roadside swales before entering the Canandaigua Lake Watershed. Erosion and water

run-off surrounding the site will be managed by the swales which tie into a 'stilling basin' on both sides of the house which when filled will slow down run-off to the driveway/roadside swales. The sheet flow calculations were based on a 10-25 yr. storm event. There is minimal site clearing with necessary removal of existing grasses within the footprint of the new home and within the septic system as designed. All topsoil stripped will be stored onsite. Check dams and silt fences will be utilized for sediment control during construction. All stabilization practices to be employed have been submitted to the Board. A construction sequence of actions taken has also been submitted with Site Plan and Map detail.

The Board made an inquiry referencing the "existing driveway" on the plans. Ms. Kane stated that she did not have any documentation that this driveway was permitted or established as more than a grassy path that had been graveled at one point to clear the vacant land at the top and would not be currently in compliance with our Town Driveway Laws. Board Member St. Lawrence suggested that it might need a zoning variance based on the slope gradient if greater than 10% and questioned the driveway's- [= setbacks as there appeared to be an "easement located at the first leg" of the driveway. He added that in reference to the plans submitted, the driveway would also need to comply with Standards for Emergency Vehicle Access such as a "turn-out or turn-around" when the driveway is beyond a certain distance from the main road. The Board provided Mr. VanAlst with a copy of the Town of Middlesex Road Standards, Private Driveway/Private Road Regulations that pertained to the Board's discussion.

Another Board inquiry from Board Member Gilbert that in Section B of the proposed plans submitted, the proposed walk-out basement to the house foundation might be better placed following the contours of the land, producing less site disturbance. Mr. VanAlst was shown and advised that the Board was looking to adopt Steep Slope Development Standards of 25-40% for developing on Steep Slopes.

Mr. VanAlst thanked the Board and stated that since Engineer Ron Raucher, P.E. had done most of the plans for the site; he would indeed bring back all of the Board concerns and review them with the applicant for possible revisions.

Old Business:

Application #060612-SPR/Mr. & Ms. David & Lori-Farr Rusin of 1217 South Lake Rd., represented by agent, Wendy Meagher of Meagher Engineering.

Ms. Kane summarized the application review has met all design revisions requested after a final Town Engineer Review by Lu Engineers, dated December 26, 2012. It currently meets all Zoning requirements and is ready for the Board's determination after final review. The current owners requested the Planning Board Chairman sign-off on any Site Plan Approval for the determination of approval may be transferred to new owners at the point of property resale.

Ms. Kane, CEO explained to the Board that a Building Permit, issued for development of the property will need to be applied by the new owners, prior to development of the property through the Office of Code Enforcement.. A permit is not transferrable and states an annual time limit.

Without further discussion, the Board determined the application approved and completed a SEQRA assessment stating it to be a Type II action and after review determined that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member St. Lawrence made a motion to accept and Board Member Gilbert provided a second to the motion. It carried with all Board Members present voting in favor.

The Board moved to approve the application as reviewed. Board Member St. Lawrence so moved and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

Other Business:

The Board discussed the SEQRA process as it pertains to its position on the Komarek application. Legal advisement in completing Part II of the EAF is being researched. Chairman DeVinney distributed copies for Board Review of NYS Regulations on Subdivision process and the SEQRA process, Section #617.6.

Resident Gary Hoffman updated the Planning Board on the process of working with Mr. David Slottje in finalizing amendment to the Town's Zoning Ordinance referencing our Moratorium Deadlines and the strength of the intent of our Master Plan. All recommended revisions to our Zoning have now been sent to Alaine Espenscheid, Town Attorney and will be drafted for review by the Town Board soon. Deadlines for Yates County Planning Board are February 19th for a 28th review. The Town Board will make a review decision at their regularly scheduled Board Meeting on February 14th to accept the draft amendments as submitted or to apply for a moratorium for an additional six months. The current Moratorium for Hydro and Gas Fracking will be up on March 27th.

Resident Ted Carman had a question for the Planning Board about Site Plan Review process. The Board suggested he start with Ms. Kane as all Site Plan Applications were processed through the Code Office prior to being placed on Site Plan Review Agenda for Board Review.

A motion to adjourn was offered by Board Member St. Lawrence and seconded by Board Member Mincer. All Board Members present voted in favor and the motion carried.

Meeting adjourned at 9:30pm

Minutes submitted by L. Lersch/revisions to: lsammy5@frontiernet.net