

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – March 6, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Bruce St. Lawrence  
Others Present: Dawn Kane, CEO, Ms. Debbie Samardjian, Mr. Gary Hoffman, Mr. Soumen Das, Ms. Elizabeth Newbold, Mr. Jeremy Years, Ms. Krista Cowell, Mr. Ron Rauscher of Larsen Engineers, Mr. Rocco Venezia,

Agenda: Site Plan Review

Applications: #012813-SPR/Mr. Carmen Vick of 706 State Rte. #245, represented by agent Mr. Jeremy Years, L.S., #020413-SPR/Mr. Charles & Beverly Reed of 559 & 561 East Lake Rd., represented by Ms. Elizabeth Newbold of the Finger Lakes Trust; #020213-SPR/Mr. Neil Elli of 1091 South Lake Road, represented by agent Mr. Dan O'Brien; #020313-SPR/Mr. Anthony J. Affuso, of 1503 South Lake Road, represented by Mr. Rocco Venezia; #020113-SPR/ Mr. Soumen Das of 556 East Lake Rd. (LR); #012913-SPR/ Mr. Isaac Von Rhedy of vacant land bordering County Road #39, East Lake Road (LDR) represented by agent Mr. Ronald Raucher, P.C. of Larsen Engineers; #110812/Allison – YCPB review & Board determination.

Meeting came to order at 7:03pm

Site Plan Reviews:

1. App. #012813-SPR/ Mr. Carmen Vick, (A/R) represented by agent Mr. Jeremy Years L.s. requesting approval for a Minor Subdivision of 87.488 acres on parcel located at 706 State Rte. #245. (A/R) Map revisions were pending showing criteria required from Board at February 6<sup>th</sup> Planning Board Meeting.

After a short discussion, and reviewing all submitted revisions requested at the February 6<sup>th</sup> Planning Board Meeting, the Board moved to approve the Minor Subdivision as submitted. Chairman DeVinney entertained the motion which was seconded by Board Member St. Lawrence and all Board Members present voted in favor.

The Board then 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 Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

2. App. #020413-SPR/Mr. Charles & Beverly Reed of 559 East Lake Rd., (LR & LDR), represented by Ms. Elizabeth Newbold of the Finger Lakes Trust requests Site Plan Approval for a Minor Subdivision and Lot Reconfiguration of 69 acres with 395 ft. of lake frontage into (3) Parcels. After subdividing, Parcel A will become 1.793 acres, Parcel B will become 1.554 acres and Parcel C will become 65.777 acres.

Ms. Newbold summarized to the Board that it is the intent of the Finger Lakes Trust to purchase the parcels currently owned by the Reeds, to become a conservation land purchase by the Land Trust, eventually reselling the two existing homes with approximately 1.5 acre lots to private buyers. The Land Trust will ultimately convey forested acreage on the east side of East Lake Road to the NYSDEC as an addition to the State Unique Area which it currently borders, while retaining the lakefront parcel, which it intends to manage as a public conservation area, to be part of a proposed Canandaigua Water Trail with public access provided for recreation purposes.

Ms. Kane, CEO stated to the Board that this Application would need to be reviewed by the County Planning Board and also to obtain (2) Area Variances from the Zoning Board of Appeals prior to Planning Board determination. For these reviews, it was requested that the Planning Board submit a recommendation that could follow the applications to these Boards to expedite the process.

As lead agency, the Planning Board completed a SEQRA determination of Negative Declaration as a Type II Action. It was determined that the proposed action will not result in any significant adverse environmental impacts, and in fact harmonizes well with the Town's Master Plan. Chairman DeVinney entertained a motion to accept the negative declaration and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

After Board review, the application was given conditional approval, pending Yates County Planning Board review on March 28<sup>th</sup>, and the granting of (2) variances by the Town of Middlesex Zoning Board of Appeals on April 2, 2013. Board Member St. Lawrence made the motion to conditionally approve as stated and Board Member Gilbert provided a second. Final Determination will be made at the regularly scheduled Planning Board meeting on April 3, 2013.

3. App. #020213-SPR/Mr. Neil Elli of 1091 South Lake Road (LR), represented by agent Mr. Dan O'Brien, requests Site Plan Approval for construction of a retaining wall and site development without a permit. This application was withdrawn from the agenda and will be rescheduled.
4. App. #020313-SPR/Mr. Anthony J. Affuso, of 1503 South Lake Road (LR), represented by Mr. Rocco Venezia of Venezia & Assoc. requesting Site Plan Approval for the construction of a 720 sf permanent dock at shoreline. Mr. Venezia presented the application regulated by the UDML. Ms. Kane, CEO stated the application met all current zoning requirements. After a short discussion, the Board determined the application was complete, meeting all UDML and Site Plan Review criteria.

A SEQRA review was completed with the Planning Board declaring the application was a Type II Action. It was determined that the proposed action will not result in any significant adverse environmental impacts, and Chairman DeVinney entertained a motion to accept the negative declaration and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

A motion was made by Chairman DeVinney to approve the application as submitted. Board Member Gilbert seconded the motion and all Board Members present voted in favor.

5. App. #020113-SPR/ Mr. Soumen Das of 556 East Lake Rd. requests Site Plan Approval to construct a 700sf permanent dock at shoreline. Mr. Das stated that the proposed stairs shown on the site map would not be part of this review and would be submitted as a separate application at a later time.

Mr. Das, owner of parcel, presented the application regulated by the UDML. Ms. Kane, CEO stated the application met all current zoning requirements. After a short discussion, the Board determined the application was complete meeting all UDML and Site Plan Review criteria.

A SEQRA review was completed with the Planning Board declaring the application was a Type II Action. The Board determined that the proposed action will not result in any significant adverse environmental impacts, and Chairman DeVinney entertained a motion to accept the negative declaration and Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

A motion was made by Chairman DeVinney to approve the application as submitted. Board Member Gilbert seconded the motion and all Board Members present voted in favor. The motion carried.

#### Old Business:

1. App. #012913-SPR/ Mr. Isaac Von Rhedy, owner of vacant land bordering County Road #39, East Lake Road (LDR), Tax Map ID # 002-03-1-22, represented by agent Mr. Ronald Raucher, P.C. of Larsen Engineers.

Mr. Raucher presented new map revisions requested by the Planning Board on February 6<sup>th</sup>:

- Revisit the driveway gradient to meet current Town standards for Private Driveways and access off of County Road #39 to meet County standards.
- Compliance with emergency vehicle access with reference to turn-outs and turn-around as required by Town and State Laws.
- Recommendation to keep site disturbance at a minimum due to steep slopes.

Ms. Kane, CEO stated that the driveway had been determined as pre-existing, after applicant recently submitted a document from past CEO Mr. Welch, stating the driveway was permitted. The driveway, though pre-existing would need to comply with emergency vehicle access standards with appropriate pull-outs, turn-around etc. A site visit to confirm that Emergency Fire Apparatus could access the site, turn around and egress the site would be scheduled.

After a short discussion, the Board requested the following criteria for Site Plan Map revisions prior to Board determination and after County Planning Board Review on March 28<sup>th</sup>:

- Plans need to show Emergency Vehicle Access, with a separate section detail for the second section of the driveway which requires a mid-way pull-out for passing vehicles due to the length of the driveway and the slope gradient.
- Plans to show drainage around retaining wall with type and amount of fractured rock at discharge points to clarify for appropriate contractor installation.

After the Planning Board review, the application was given a conditional approval, pending the receipt of outstanding criteria as requested by the Board and Yates County Planning Board Review on March 28<sup>th</sup>.

2. App. # 110812/Allison of 702 East Lake Road, (LR) requests Board approval after YCPB 2/28 review.

This application received a recommendation for approval from the Yates County Planning Board on February 28, 2013.

Board discussion reviewed a request on February 6<sup>th</sup> Planning Board Meeting that the Board would conditionally approve the application pending YCPB review on the 28<sup>th</sup> of February. Since the Board was only citing approval on the footprint of the house, the motion to approve was rescinded to request the applicant to provide map revisions to show clearly how drainage flow would be managed around the foundation.

It was requested that once the house plans were finalized, Mr. Allison would submit these revisions to the Code Office and the Board would expedite the application for final review and determination.

Next meeting Agenda: Steep Slope Revisions (Draft 8/20) with Comments & Notes from 1-24 Steep Slope Work Session

A motion to adjourn was offered by Chairman DeVinney and Board Member Gilbert seconded. All Board Members present voted in favor.

Meeting adjourned at 9:32p.

Minutes submitted by L. Lersch/revisions to : [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)  
Minutes approved on April 3, 2013