

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

Minutes – Wednesday, November 6, 2013 - 7pm

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

Public Present: Mr. Jack Sigrist, Mr. Mark Laese, Mr. Eric Schaaf, Mr. Richard Deys

Agenda: Site Plan Reviews:

App.#100113-SPR/Mr. Robert Bailey represented by Mr. Robert Bringley P.E. of Marathon Engineering requests Site Plan Approval for improvements to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR); App. # 100313- SPR/Mr. Richard W. Deys Jr. of Sandmans Sandblasting requests Site Plan Approval for a Special Use Permit for a Land Use Activity not listed in current zoning at 5611 Water St. , Tax Map ID # 22.67-1-3 in the Town of Middlesex (GB); App. #100213-SPR/Mr. James & Cynthia Gray requests Site Plan Approval to build improvements to a 168 Sq. Ft. Addition to an existing Single Family Residence located at 520 East Lake Road, Middlesex (LR)

Chairman DeVinney opened the Planning Board Meeting at 7:05pm.

1. Application #100113-SPR/ Mr. Robert Bailey represented by Mr. Robert Bringley P.E. of Marathon Engineering requests Site Plan Approval for improvements to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR)

Ms. Kane, CEO summarized the application, introducing Mr. Eric Schaff of Marathon Engineering , who presented as representing agent for owner Mr. Robert Bailey. Mr. Schaff stated there were new revisions to the original submitted application site maps, however the scope of the project had not changed. These revisions added more detail to the 2<sup>nd</sup> story of the structure, the porch, garage, and repair to a section of stairs accessing the lakefront, drainage improvements to an existing swale, driveway surface stabilization and placement of temporary jersey barriers at the switchback curve, removal of (3) wood retaining walls and an existing deck and Jacuzzi tub, and new erosion control measures.

It was stated that the slope to the project varied from 20% - 80% slope. Improvements to the driveway switchback would be a temporary safety measure to aid in the conveyance of construction vehicle access, and after project completion would still not bring the existing driveway into current code requirements.

When questioned whether the additions to the structure would add to the square footage, it was stated by Mr. Schaaf that changes to the interior of the garage would not change the existing footprint but only to provide habitual space.

After further Board discussion, it was mentioned that a full EAF SEQR might possibly be required and that a review by Town Engineer would be required by the Planning Board, due to the extent of development on steep slopes.

The following concerns and requested revisions from the Planning Board would accompany a Work Order to Lu Engineers for review prior to Board Determination:

1. Use of site excavated material for fill behind the retaining walls will likely not be acceptable. State what type of import material will be required.
2. Map C2:
  - a. Slope is stated as 1:2 or 50% at the new retaining wall system east of the residence. It is indicated by contour as 80% slope
  - b. Stabilization – Stated: Restore w/ground cover/plantings at owners’ direction. This cannot be left to the Owner’s discretion. There are specific stabilization materials recommended for steep slopes – indicate appropriate material for slope stabilization.
  - c. Show control of surface run-off on asphalt driveway east side of residence
  - d. Area under deck along north side indicates 50% slope with washed stone over Mirafi fabric. This is not an acceptable application for erosion control at this degree of slope.
  - e. A wooden retaining wall on the north side of the property is designated to remain. There is a new 8” PVC drain tile from the retaining walls being proposed within approx. 3 ft. from this retaining wall. Relocate pipe so as not to affect the integrity of the wall when trenching.
3. Stockpile of Materials & Spoils: Make notations that all waste soils not used will be hauled away. Stockpiling on steep slopes is not acceptable. Limit spoils on the small flat area due to possible run-off during a storm-event.
4. Add requirement for Geo - Tech or Engineer responsible for design to inspect and verify proper wall installation during construction phase.
5. Application to be reviewed for Site Erosion Control Best Management Practices by Town of Middlesex Engineering Firm – Lu Engineers. Applicant may submit map revisions to Lu Engineer directly to expedite the process. The Town will submit a Work Order for Town Engineer review, once Marathon Engineering has made changes requested at Board meeting.
6. Map C1.0/Driveway Drainage & Stabilization Plan: state NYS DOT item number for the type of material to be used. State size and quantity needed.
7. At driveway radius, where temporary Jersey Barriers will be added, and new cross drainage to be installed, make note on map of what kind of long-term stabilization must be placed in this area where significant slope to tree line exists.
8. Detail required on Stone Check Dams.
9. Add a Construction Execution Plan to include all steps of development from initial disturbance to stabilization of site.

10. Note that existing stairs, when replaced, must be on existing footprint.

The Planning Board advised all representatives for the project that the application would also be submitted to the Yates County Planning Board for a November 21<sup>st</sup> review because of the project was in a steep slope location and was located on a county road in the Lake Residential Zoning District of the Town. All revisions discussed would need to be made on a revised site map to be submitted to the Code Enforcement Office by Tuesday November 12<sup>th</sup> in order to adhere to County deadlines. Once reviewed, the report will be compiled along with the Town's Engineer review and the application will be placed on the December 4<sup>th</sup> agenda for possible determination.

2. Application # 100313- SPR/Mr. Richard W. Deys Jr. of Sandmans Sandblasting requests Site Plan Approval for a Special Use Permit for a Land Use Activity not listed in current zoning at 5611 Water St. , Tax Map ID # 22.67-1-3 in the Town of Middlesex (GB)

Ms. Kane, Code/Zoning Officer stated the application was determined to be a Special Use Permit because the intent of the land use and is not currently listed in the Town's Zoning Land Use Schedule. Mr. Deys was proposing a business that cleaned and restored corrugated steel tanker trucks used to provide and hold creek water (no chemical-fracking residue) used in Hydro and Gas Fracking operations. The location of this proposed business would be the old Document Reprocessor site, now vacant, which is in the General Business District.

Mr. Richard Deys presented his application in great detail to the Planning Board and a lengthy discussion of questions and concerns developed which are summarized as:

1. Residual exhaust from interior sanding/spray coating of epoxy paint used in restoration of trucks.
2. Possible escape of residual fumes and odors from chemical compounds (Hydro Carbons) escaping into environment through
3. Residual drainage of water from business site into environment through water sewer system.
4. Spill/Fire Protection method used to provide suppression & relief
5. Noise decibel
6. Traffic load and driving pattern for egress/ingress off of Rte. #364 into residential neighborhood. Truck and employee vehicle parking/storage visible outside building.
7. Business Hours and Days of Operation.
8. Residential component to the neighborhood within close proximity to the proposed business site location, without a buffer.
9. Comprehensive Plan – fits vision for future expansion of the Town of Middlesex
10. Zoning Land Use – legal concern as to the Land Use as permitted use – goes with the land.

Ms. Kane stated she has referred the application to the NYS DEC for their review and has been informed that they will be making further inquiry prior to commenting. She will provide the Planning Board with that information at time of disclosure.

The Planning Board reviewed the probable timeline with Mr. Deys, stating tonight's was considered a conceptual review. Once the application use was designated and the appropriate Board was scheduled to review it and placed on an agenda, the application would be reviewed by the County Planning Board for Site Review. If the application was designated a Special Use by the Town Attorney, there would be a review by both the Planning and Zoning Board of Appeals as well as a probable Public Hearing scheduled prior to determination and permitting.

The application's timeline was also discussed and the Planning Board stated that the Code Office would continue to review and update him ad all pertinent information from outside sources became available.

Code Enforcement Office report:

Ms. Kane requested Site Plan Review exemption from the assembled Planning Board on Application #100213-SPR for Mr. James Gray requesting permission to construct a 168 sf addition to an existing Single Family Residence located at 520 East Lake Road, (LR). She has inspected all construction and erosion control measures traditionally required and stated there would be no setback issues. The septic will be approved through Mr. George Barden, Watershed Inspector.

After a short discussion, Board Member Mincer offered a motion to allow the application to be reviewed and permitted through the Office of Code Enforcement. Board Member Gilbert provided a second and the motion carried with all Members present voting in favor.

The Planning Board completed the following (2) SEQRS and determined both actions would have no significant adverse environmental impacts. The Board completed the review for the Town Board as Lead Agency determining them both to be Type II Actions with no further action required. Board Member Mincer motioned and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor. The (2) SEQR's are:

1. Town of Middlesex Zoning Text Amendment to allow livestock for personal use in the Hamlet Residential Zoning District with special conditions to be reviewed on an annual basis through the Office of Code Enforcement.
2. Town of Middlesex wishes to amend certain provisions of the Zoning Law to provide for the prohibition of exploration, extraction, underground storage, and disposal of natural gas and petroleum within the Town of Middlesex.

Draft Minutes for October 2 and 30<sup>th</sup> were approved. Board Member Gilbert motioned to approve as drafted with minor revisions made and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

Also unanimously voted to approve, was a motion by Board Member Lersch to adjourn and seconded by Chairman DeVinney. The meeting adjourned at 9:45pm

Next meeting: Nov. 20<sup>th</sup> PB Work Session

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes approved on December 4, 2013