

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

Minutes – Wednesday, December 4, 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. Robert Bringley, Mr. Joseph Gray

Agenda: Conceptual & Site Plan Reviews:

Conceptual Review with Second Look Maintenance, Inc., Mr. Joe Gray, CEO and President requesting Site Plan Review to lease commercial business from owner Mr. E. Lindquist at 5611 Water Street, Tax Map ID # 22.67-1-3. Lot #2; App.#100113-SPR/Mr. Robert Bailey represented by agent, 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).

Chairman DeVinney opened the Planning Board Meeting at 7:09pm.

Draft Planning Board Minutes for November 6<sup>th</sup> were approved. Motion offered by Board Member Mincer was seconded by Board Member Gilbert and carried by all Planning Board Members present.

Requesting Board advisement, Ms. Kane, CEO introduced Mr. Joseph Gray who gave the Board a conceptual review, prior to Application Site Plan Review for a Special Use Permit, to operate a commercial business in the Hamlet Residential Zoning District. This land use is not allowed with current zoning. The parcel is owned by Mr. Lindquist and was commercially operated as 'Document Reprocessors' prior to zoning. This parcel has been vacant for many years and Mr. Gray would like to lease the building on Lot #2 to operate a landscape and property maintenance business. Mr. Gray stated his business handled property upgrades on foreclosed and distressed structures for banks. He was considering plans for long-term lease with an option to buy. Traffic flow would be minimal as it was a small business with 12 or so employees. Mr. Gray stated 95% of all equipment used in the business would be stored inside onsite with only minimal vehicular parking of employees who worked onsite.

A discussion took place defining the process of applying for a Special Use Permit and the fact that this parcel was located very close to residential dwellings without a buffer or screening. This made it a difficult site to review and the process required a recommendation by the Planning Board to the Zoning Board of Appeals, who would be actually determining the outcome of the application and granting the Special Use Permit.

Mr. Gray thanked the Board and would look forward to discussing the business further after submitting his Site Plan Application for the permit.

Site Plan Review:

1. Application #100113-SPR/Mr. Robert Bailey represented by Mr. Robert Bringley P.E. of Marathon Engineering, Inc. requests Site Plan Approval for house, garage and site improvements for property with 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 provided a quick summary of current application status, stating the application had received County review and recommended the project be approved as it lacked county-wide impact. Marathon Eng. had provided all revisions previously requested at our November 6<sup>th</sup> Planning Board meeting and was seeking Planning Board Site Plan Approval.

Ms. Kane introduced Mr. Robert Bringley, P.E. from Marathon Engineering who presented a color overview of the Bailey Site Project Details to the Board as well as a full set of engineered plans.

The project overview included improvements to an existing two-story seasonal dwelling (depicted in gray). A proposed addition of approximately 860 sf combined an open and an enclosed porch. Detail on these porches, depicted in blue, showed an open-roof 372 sf porch with patio below at ground level and a 484 sf proposed enclosed screened-in porch w/ roof. Attached to both of these porches and (depicted in orange) was proposed an attached 12' x 36' open deck of approximately 432 sf facing north with stairs and a landing which would lead to an existing garage that faced east. Depicted in pink, showed the area proposed to contain the (2) Keystone retaining walls to be installed according to manufacturer's specifications. A plastic Geogrid mesh would be installed prior to the backfill of these two walls.

Also proposed was remedial plans for proposed temporary improvements to an existing driveway for construction vehicular access and the installation of Jersey Barriers near the switchback of the driveway loop where a perforated drainage pipe was to be placed at the south side of this part of the driveway.

Upon discussion with the Planning Board, Mr. Bringley stated the plans could be phased. Phase I would include pier placement and pouring the foundation of the area planned for the proposed porches. This action would include the removal of an existing deck & stairs with attached Jacuzzi tub. Some tree removal was necessary but the two pre-existing timber retaining walls bordering a deep ravine to the north would remain.

Phase I would also include some improvements to the interior of the existing two-story garage. Phase II would include the installation of the (2) Keystone Retaining Walls, and temporary improvements to the existing driveway for safe conveyance of construction vehicle access.

Planning Board discussion with Marathon Engineering agents and contractor Mark Laese, covered the following requests which were also highlighted in both Town Engineer review by Lu Engineers and also from the Yates County Soil & Water:

- Soil Borings – Marathon stated they would do a test pit of a couple of holes once the excavation commences and if they hit bedrock, they would modify the design and pin rock into the wall detail to eliminate the load off the wall. Mr. Bringley stated they would plan to excavate the entire area where the retaining walls would be installed.
- The Planning Board requested the delay of Phase II until Spring in order to allow for ground stabilization from ground disturbance onsite. Marathon agents and building contractor, Mr. Laese, stated that this request was reasonable and could be met.
- Responsibility for onsite construction and supervision of all sub-contractors doing onsite project installations would fall on Mr. Mark Laese, the builder who would coordinate all onsite stage sequencing. Mr. Laese would be working directly with the Code Enforcement Office informing Ms. Kane of any changes to requested construction execution plans.

- Construction Time Frame – Board request included a construction execution plan for both Phases to be submitted prior to any site excavation. A Construction Execution plan for Phase I would provide the Board with a plan on how and where construction components (vehicles, and materials) would be stored and/or brought to the site, how concrete would be brought to the area for the foundation pour and how it would be ramped for the pour, flagging of all trees to be removed, notation that all onsite spoils will be hauled away and siting of an appropriate soil disposal facility, appropriate silt fencing to be staked and maintained with straw bales throughout project installation to completion, as well as how disturbed ground would be stabilized using appropriate materials recommended for steep slopes after excavation during non-growing months. The Board was concerned with the site being left open to storm erosion all winter. This plan was to be submitted to the Board and Code Enforcement Office prior to all site excavation, and met with agreement from Marathon Engineers, Mr. Bringley and Mr. Laese.

Phase II Construction Execution Plan would include how construction sequencing would detail the installation of temporary Jersey Barriers, installation of drain pipe at south side of existing driveway switchback, and detail how site excavation was to be sequenced for (2) Keystone Retaining Walls, appropriate silt fencing placed and maintained throughout the project until site was stabilized, and how surface run-off, driveway drainage and stabilization will be controlled during probable Spring storm events. The Board is concerned with typical Spring gulley-washes that are typical and problematic this time of the year.

- Certification by Marathon Engineering, Inc. that an onsite inspection by Geo-Tech or a certified Engineer from Marathon Engineering responsible to inspect and verify proper wall installation during construction phase and prior to backfill. The Board would accept a letter from Marathon stating Engineer's Certification that the Keystone Walls were installed to manufacturer's specifications. As-Builts would be required on all certified wall installations.
- The Board requested a Letter of Agreement with the neighbor to the south to be filed with the Code Enforcement Office to establish permission for use of the land during installation of a proposed drainage pipe to the south of the driveway loop.
- Keystone Wall Manufacturing Specifications would be submitted to the Code office so installation and backfill staging could be monitored for appropriate installation.
- Advisement to keep the county road clean from construction debris, flagged for traffic safety and that a time frame of construction sequencing to be submitted to the Yates County Highway Department.

Mr. Bringley stated a map redesign would be forthcoming to provide note clarification, and requested existing land contours. Review-response letters to Lu Engineers and to Yates County Soil & Water, would be copied to the Planning Board for the file. He would get back to Ms. Kane with all building plans for permit status.

Chairman DeVinney stated that the Planning Board would accept map revisions by pdf in email to be submitted along with a letters of response to both Lu Engineer and Yates County Soil & Water. Another meeting would be necessary prior to Board determination of Site Plan Approval.

Board Member Gilbert moved to table all Board approvals until submittal of complete map revisions per discussion and all review letters had been responded to. House framing would be allowed; however a site construction execution plan would need to be reviewed by the Board, prior to any site excavation for the

purpose of reviewing detailed plans for access to the site, construction and excavation plans for pier placement, tree removal and storm water erosion control.

The Board voted to accept the motion on the floor. The motion carried with all Board Members present voting in favor.

2. Application #120413-SPR/ Ms. Linda Cernis, requests Site Plan Review for new construction of a Single Family Residence on vacant land owned at 712 East Lake Road, (LR)

This application, scheduled for January 8<sup>th</sup> Planning Board Site Plan Review, was to be reviewed by the Yates County Planning Board review on December 19<sup>th</sup>. SEQRA Determination was required by the County prior to local board review.

The application was reviewed to be a Type II action requiring no further action and based on the information and supporting documentation provided for initial review, determined the proposed action will not result in any significant adverse environmental impacts.

Board Member Gilbert motioned to approve the SEQR as reviewed and Board Member Mincer provided a second which carried the motion with all members voting in favor.

Town Attorney Proposal Bids prior to Alaine Espenscheid's retirement were discussed. All proposals will be reviewed when submitted and a recommendation made for Town Board Review and approval.

Next Meeting agenda will be changed from Wednesday, Dec. 18<sup>th</sup>, to Thursday, December 19<sup>th</sup> for a possible Board review to accommodate the Bailey Application if submittals required are received in timely fashion.

Motion to adjourn was offered by Board Member Mincer and seconded by Board Member Gilbert. Motion carried with all Board Members present voting in favor. Meeting adjourned at 9:30pm.

Draft Minutes submitted by L. Lersch/Revisions to: [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)  
Minutes approved on: February 12, 2014