

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Work Session

Minutes – May 15, 2013 7pm

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

Others present: Ms. Dawn Kane, CEO; Mr. Ted Carman

Agenda: Application #041713-SPR/Mr. Donald Tesch of 624 East Lake Rd., (LR) represented by Mr. Ted Carman requests Site Plan Approval to construct a set of stairs at shoreline; Planning Board's mid-month work session agenda to include: Master Plan Draft Outline, Steep Slope Draft Law Update, ZL Amendments that need to be amended to Zoning Ordinance; CEO's Report.

Meeting came to order at 7pm.

CEO Dawn Kane summarized the Tesch application on the table. Mr. Tesch's project was a repair to a deteriorating set of stairs from cliff to shoreline and currently meets all setback requirements. She introduced Mr. Tesch's agent, Mr. Ted Carman who presented the site plan and project details. The stairs would have two landings and would be located to the north side of the parcel. It would follow the footprint of the old set of stairs which would be demolished. Footers would be hand dug with possibly a hand held auger and without excavation equipment onsite and the length would be the shortest distance between the cliff and the lake to provide safe access to the lake. It was the owner's goal to not cut any trees presently standing and the steps would be constructed with the lay of the land. The contractor would be Mr. Jeremy Fields.

After a short discussion, Chairman DeVinney made a motion which was seconded by Board Member Gilbert to conditionally approve of the Site Plan stating that prior to permitting; the contractor would submit a sequence of construction plans stating how he would construct the stairs, specifically if excavation equipment was to be used.

Ms. Kane, CEO brought a proposed project to the Board on advisement on whether or not it needed Site Plan Review by the Board. Mr. Bruce St. Lawrence of 876 S. Lake Rd. wanted to construct a set of dry laid stairs to navigate a steep slope from his house to his back yard and lake access. Ted Collins Landscaping Assoc. was selected to build the stairs. The Planning Board waived the project from needing Site Plan Review because much of the excavation for the stairs would be hand dug and would not be requiring a lot of ground disturbance without footers needed to be placed into the ground.

The Board reviewed the update to the Elli project. They requested Lu Engineer to review the amount of erosion impact to the southern embankment during a major rain event because the placement of the constructed retaining wall was situated close to the boundary line of the gully between the neighboring parcel to the south, which narrowed the gully. The possibility of the embankment requiring more support was in question. The project has been reviewed by the Town Attorney and does not require a zoning variance. Chairman DeVinney questioned whether this project would have future impact to the road due to the reconfiguration of the gully and the proposed culvert replacement at roadside, required in the South Lake Road Engineering Study. Lu Engineer and legal advisement will be sought.

Ms. Kane reviewed applications on next month's agenda and stated that all applications would soon be processed for Board review. She updated the Board on the great site work done at the Allison parcel by the surveyor and the builder who staked and excavated precisely what was discussed at the onsite construction meeting. The Fonzi site on

Widmer Road was relatively stable and the contractor was working hard to finish stabilizing the site with projected rains predicted this week. Updates to the Komarek Application included the filing of an Article #78 in Yates County on May 14<sup>th</sup> against the Town of Middlesex Planning Board for acting in an arbitrary and capricious manner in declaring a Positive Declaration to a SEQRA FEAF on April 3<sup>rd</sup>. FOIA requests from Spindleman Fix and Broitz Law Firm had been received by her office and also by the Town Clerk's office and is currently being reviewed by the Town Attorney.

#### Steep Slope Draft Law Update:

Chairman DeVinney stated that Alaine Espenscheid had inquired of Environmental Lawyer, Wendy Marsh of Hancock Estabrook LLP to provide an estimate of cost for review/rewrite of the current draft into a more compact, and user friendly document. This estimate would be offered to the Town Board for review and analysis. Chairman DeVinney had inquired of the Canandaigua Watershed Council to offer review assistance.

#### Master Plan Draft Outline:

Board Member Lersch drafted a Master Plan Draft Outline of future action steps. She distributed copies to the Board for review and future discussion.

A short discussion followed, referencing an article in the May 23<sup>rd</sup> Canandaigua Daily Messenger referencing Steep Slopes and the recent interest to develop these fragile areas surrounding Canandaigua Lake. The article referenced the pros and cons of such development and reviewed Middlesex's attempt to draft ordinances to regulate what can and cannot be developed based on erosion during storm events, soils analysis, water quality and testing and the impact erosion has on our natural resources. Discussed was the desire to hold a Public Hearing to discuss proposed revisions to the draft law prior to Yates County Planning Board Review.

Registration Forms were distributed to Board Members for a 3<sup>rd</sup> Annual Training Workshop for Local Planning and Zoning Officials sponsored by Yates and Ontario Planning Departments in cooperation with the NYS Department of State Division of Local Government Services. These trainings fulfill annual training requirements.

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

Next month's meeting will bring site plan reviews to the Board.  
Meeting adjourned at 8:45p

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

Minutes approved on June 5, 2013.