

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes - July 3, 2013 7pm

Board Members Present: Marty DeVinney, Chair; John Gilbert; Lynn Lersch; Robert Mincer; Dawn Kane, CEO

Others Present: Mr. Donald Miller, Mr. James Spelman, Mr. Soumen Das, Mr. Huttar, Mr. Rocco Venezia

Agenda: Site Plan Reviews for Application #03113-SPR/ Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent, Mr. Don Miller, requests Site Plan Approval to construct an addition to an existing dwelling; Application #052013-SPR/Mr. William C. Johnston of 44 East Lake Road., (LR) represented by agent, Mr. Douglas Miller, P.E. requesting Site Plan Approval to construct a personal tram on his property from Cliffside to shoreline. Installation by Marine Innovations; Application #070113-SPR/ Mr. James Spelman requests Site Plan approval for the construction of a single family residence at 6366 Glenn Avenue, Middlesex, (LR) on Tax Map ID #11.74-1-12.3; Application #060113-SPR/Mr. & Mrs. Soumen & Margaret Das of 556 East Lake Road, Lot #2, (LR) requesting Site Plan Approval to construct a set of stairs from shoreline to pathway access; Application #062613-SPR/ Mr. & Mrs. Bill & Sally Sanford of 5960 Widmer Road (LR), requesting Site Plan Approval to construct a 16 x 44 ft. addition to a pre-existing and non-conforming 2 story cottage. (LR)

Meeting came to order at 7:09pm

Chairman DeVinney opened the floor for Site Plan Reviews mentioning that Mr. William Johnston's application would be rescheduled in August, due to late submittal of requested documentation to complete application's final determination. DeVinney introduced Ms. Kane, CEO to summarize to the Board the following applications for site plan review:

Old Business:

1. Application #03113-SPR/ Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent, Mr. Don Miller, requests Site Plan Approval to construct an addition to the owner's seasonal dwelling. The septic upgrade was approved by Mr. George Barden, Canandaigua Watershed Inspector. Ms. Kane stated it was level land and was compliant with current zoning.

Chairman DeVinney asked the Board for further discussion.

A SEQRA review, as required under the State Environmental Quality Review Act, was determined to be a Type II action based on the supporting documentation provided, therefore needing no further action.

Chairman DeVinney entertained a motion to approve the application as presented. Board Member Mincer made the motion which was seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

2. Application #070113-SPR/ Mr. James Spelman requests Site Plan approval for the construction of a single family residence at 6366 Glenn Avenue, Middlesex, (LR) on Tax Map ID #11.74-1-12.3.

Code Enforcement Officer Kane summarized the prior history of the Spelman Limited Partnership, stating the parcel was granted a Special Use Variance on June 4<sup>th</sup> to allow Mr. Spelman an opportunity if approved by Site Plan Review, to construct a second single family residence on 6366 Glenn Avenue. This application is a request for approval to construct a 2 story dwelling in the footprint of an existing garage on the property that was in need of repair. Mr. Spelman purchased a strip of land on the north boundary to alleviate any setback issues. The septic has been engineered and approved and the application meets all current requirements of our zoning code.

Mr. Gilbert inquired how far from the shoreline was this construction and was informed that it was 300 ft. away from the lake. The finished height would be no more and probably less than 35 ft. which is compliant with current code.

After no further discussion, Board Member Mincer moved to approve the application as presented. Mrs. Lersch provided a second. The motion to approve carried with all Board Members that were present, voting in favor.

A SEQRA review for this parcel was completed October 17, 2012. It was determined to be a Type II Action with no further action required by the Board.

New Business:

1. Application #060113-SPR/Mr. & Mrs. Soumen & Margaret Das of 556 East Lake Road, Lot #2, (LR) requesting Site Plan Approval to construct a set of stairs from shoreline to pathway access.

Ms. Kane summarized to the Board details of the application, stating this had come before the Board combined with a request to build a permanent dock. Without submitted construction documentation on the set of stairs, the application could not move forward. The Board approved the permanent dock and now the stairs are ready for site plan review. Ms. Kane introduced owner, Mr. Soumen Das.

After a review, the Board held a short discussion on how the installation would be sequenced and how the stair footers would be placed into the ground and shallow bedrock. Mr. Das stated that Mr. Fields would be the contractor and would have these details. Without his agent in attendance, the Board moved to place conditions on the application to be resolved by the Code Enforcement Office prior to permitting. The following conditions apply:

- Stair footers holes to be hand-dug.
- Shoreline silt fence to be located & maintained at shoreline as well as noted on Site Map.
- Submit written construction sequence to the Code Office stating how equipment will be brought onsite, and rebar will be placed into shale bedrock at cliff.

A SEQRA review, as required under the State Environmental Quality Review Act, was determined to be a Type II action, based on the supporting documentation provided, and needing no further action.

Chairman DeVinney made a motion to approve of the application with conditions as discussed. Board Member Gilbert provided a second and the motion carried with all Board Members present voting in favor.

2. Application #062613-SPR/ Mr. & Mrs. Bill & Sally Sanford of 5960 Widmer Road (LR), requesting Site Plan Approval to construct a 16 x 44 ft. addition to a pre-existing and non-conforming 2 story cottage. (LR)

Ms. Kane summarized the application to the Board Members, stating that there was a recent change to the dimensions of the addition. The Site Plan showed the addition to be 16 x 44 ft. and this has been increased to 16 ft. x 52 ft. (a maximum of 8 ft. on the south side of the proposed addition.

After a short discussion, the owner Mr. Sanford explained that there used to be a trailer where the addition would be constructed. There is a 10 ft. space between the pre-existing trailer and a retaining wall structure, which would be used with the expansion of the addition. He also stated that the land is flat where this trailer is located and there is an existing shared driveway. Mr. Sanford has hired Mr. Steve Faulkner to excavate the trailer and all spoils would be hauled offsite to Penn Yan.

Agent, Mr. Rocco Venezia stated that an existing drain that serviced the trailer would be relocated once the trailer was demolished.

Board Member Gilbert inquired of the location of the existing setback which was right on the neighbors' property line to the north. Ms. Kane stated all current setbacks are pre-existing and therefore are grandfathered in. The Miller property to the north is currently vacant land with 100 ft. of shoreline.

Chairman DeVinney proposed to the Board that they could defer determining the application until the site plan was revised. Code Enforcement Officer Kane stated that the Board could also approve the application with conditions which she would oversee in the Code Office prior to permitting. Mr. DeVinney stated he would acquiesce to this decision with the board's approval; however he would also like to run the application past Board Member St. Lawrence for review prior to this step.

Board Member Mincer moved to approve with the following conditions:

- Submit an erosion plan stating where site drainage will daylight to.
- Addition to site map of appropriate placing of silt fence to control onsite erosion.
- Note dimension change of the addition on site map to show an increase from 16 x 44 ft. to 16 x 52 ft.

Chairman DeVinney seconded the motion which carried with all Board Members present voting in favor.

#### CEO/Chair Report:

Code Enforcement Officer Kane brought an application on advisement to the Planning Board for review. She introduced owner Mr. Huttar, who owned property at 5090 State Rte. #245, Tax Map ID # 23.02-1-13, and had come to her requesting a permit to build a 3 bedroom Single Family Residence on the property. There was an existing Pole Barn that had been previously permitted. She advised the Board that all requirements by current code had been met; the project had engineered stamped plans, septic approval, an existing driveway and a construction sequence for the project. The land had a natural berm and an existing ditch for drainage. Referencing Site

Plan Review requirements, that seemed to be already met, it was her request to inquire if this application could be waived through the Planning Board Review process and be monitored and permitted through the Code Office without Board review.

Board Member Mincer moved to allow this application to be waived from Site Plan Board review and Board Member Lersch seconded the motion which carried. All Board Members present voted in favor.

Further discussion on upcoming/outstanding applications were updated to Board Members. Ms. Kane requested of Board Members to work on a Planning Board recommendation to address the current outstanding Elli/O'Brien application of property at 1091 South Lake Road.

Mid-month agenda:

The Planning Board will meet on Tuesday, July 23<sup>rd</sup> with Environmental Lawyer Wendy Marsh to discuss Steep Slope Draft Law revisions and future work to include known County, Resident and Town comments/concerns derived from a previous work session last January. Board Member Lersch will send a summary of this to Board Members and from which our recommendation for future revisions could be derived to send to Ms. Marsh.

A motion to adjourn was offered by Board Member Lersch and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 9:03pm

Draft Minutes submitted by L.Lersch/revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)

Minutes Approved on August 7, 2013