

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes – Wednesday, September 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. Richard Testa, Mr. Mark Lipari, Mr. Donald Bow, Mr. Jeremy and Mrs. Cathy Fields

Agenda - Site Plan Reviews: App. #080112-SPR/Mr. & Mrs. Tom Masachi, represented by Mr. Jeremy Fields, requests Site Plan approval for the construction of a 977 sq. foot permanent dock and 2 boat hoist/slips referencing the UDML, at the shoreline of 640 Fisher Road, Middlesex (LR); App. #082212-SPR/Mr. William Dolan, represented by Mr. Jeremy Fields, requests Site Plan approval for the construction of a 668 sq. foot permanent dock and a boat hoist/slip, referencing the UDML, at the shoreline of 648 Fisher Road, Middlesex (LR).

A motion to approve draft minutes from August 7th was made by Board Member St. Lawrence and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Chairman DeVinney opened the Planning Board Meeting at 7:10p and Code Enforcement Officer Ms. Kane stated that Application #080112-SPR for Mr. Thomas Masachi would be withdrawn from the agenda pending further information.

1. App. #082212-SPR/Mr. William Dolan, represented by agent Mr. Jeremy Fields, requests Site Plan approval for the construction of a 668 sq. foot permanent dock and a boat hoist/slip, referencing the UDML, at the shoreline of 648 Fisher Road, Middlesex (LR).

Ms. Kane summarized the application for the Board stating Mr. Dolan had submitted an application approximately a year ago and had made some current modifications. He had enough shoreline for two docks and there was an existing concrete seawall, a stone wall and a timber wall at shore line, which would remain. The parcel has an existing deeded ROW used by four neighbors. The proposed dock cannot exceed 60 feet out from the HMWL at shoreline and new maps were submitted on August 7th showing the new dock measurements. There are currently no issues referencing current code or the UDML. The Code Office will be requiring an “as-built” plan at project completion.

After a short discussion, Board Member Robert Mincer made a motion to approve the application as presented and Board Member John Gilbert provided a second. The motion carried with all Board Members present voting in favor, confirming board approval on requiring a stamped “as-built” plan from engineer at project’s end.

Public comment was received by the Planning Board by residents present who inquired on the current proposed Moratorium for development of Steep Slopes greater than 25% in the Town of Middlesex for a term of one year. Their concerns referenced what impact the Moratorium could have on properties currently for sale on East Lake Road, if the Moratorium was passed by the Town of Middlesex Town Board.

Discussion among those present referenced the Town’s reasons behind proposing a Moratorium, and upon confirmation from legal counsel that it would be important to do so while the Board researched further analysis of existing data; taking into account all public concerns, while revising the current draft of the

Steep Slope Law. Discussion referenced what slopes of specific parcels would be affected and what slopes would not be affected by the proposed Moratorium. Suggestions from the public were considered by the Planning Board for posting referenced data analysis on the Town's website for resident review.

The Board referenced public access to all of this data of specific soil analysis and water quality reports through the Yates County Soil & Water Conservation District as well as the Canandaigua Watershed Association and Council reports.

Mr. Testa inquired of possible Subdivision exemptions from the Moratorium if a Subdivision application had received approval from the Planning Board to subdivide potential building lots. Chairman DeVinney stated he would seek counsel from the Town Attorney, yet perceived that the only waivers allowed once the proposed Moratorium was filed, would be those Site plan applications which had received Planning Board Approval and had a been issued a building permit from the Code Enforcement Office to develop that site.

Board discussion on other matters continued and included a recommendation from the Planning Board to the Town Board to amend the Zoning Law to allow under Section #402, 1A: Housing of livestock for personal use in the HR District when special conditions were applied. Further discussion to refer to legal counsel when drafting the proposed amendment, prior to Yates County Planning Board and preceding any action by the Town Board on such an amendment.

The Board also recommended that the Town Board take advisement provided from our Town Attorney, Alaine Espenscheid who in coordination with Land Use Lawyer David Slottje had proposed in draft changes for amending the local Zoning Ordinance to include a restriction on all gas drilling and mineral extraction in the Town of Middlesex once the current Moratorium has expired.

Also recommended by the Planning Board to the Town Board who will hold a public hearing on Thursday, September 12th to vote on a proposed Moratorium on all development on Steep Slopes with a grade of 25% or greater in the Town of Middlesex for a term of one year. This would not affect existing properties that had received a Building Permit from the Code Enforcement Officer prior to the date the proposed Moratorium may be filed with the State of New York.

Board Member Lersch distributed copies of sample resident survey questionnaires from neighboring municipalities which referenced resident opinion/data analysis used in revising comprehensive plan. While reviewing/revising the Master Plan for the Town, the Planning Board shall review these along with the mid-1980 questionnaire results and data used when the 1999 Master Plan was compiled.

Next Meeting Agenda: Work Session on Draft Revisions of the Steep Slope Law

A motion to adjourn was offered by Board Member St. Lawrence and seconded by Board Member Mincer. Meeting adjourned at 8:38pm.

Draft Minutes submitted by L. Lersch/revisions to LSammy5@frontiernet.net
Minutes were approved on September 18, 2013