

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes – Wednesday, January 8, 2014 - 7pm

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

Public Present: Mr. Joseph Gray, Mr. Richard Hill, Mr. Jason and Mrs. Linda Cernis, Mr. William Grove, P.E.; Mr. Tom Mahaney

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.#121013-SPR/Mr. Joseph Gray of 268 Bagley Road, requests a Special Use Permit in order to lease a commercial business, DBA Second Look Landscaping and Property Maintenance on Lot #2 at 5611 Water Street currently owned by Mr. Eric Lindquist. Tax Map ID #22.67-1-3 (HR); App# 121813-SPR/ Mr. Daniel Paddock of 6109 South Hill, requests a Major Subdivision of vacant land, Tax Map ID# 020.000-02-53.1 (LDR); Application #120413-SPR/Mr. Jason and Mrs. Linda Cernis requests Site Plan Review for new construction of a single family residence on vacant property at 712 East Lake Road, Tax Map ID # 11.66-1-1 (LR).

Chairman DeVinney opened the Planning Board Meeting at 7:07pm.

Ms. Kane, CEO stated that Application for the Bailey project was to be rescheduled as Mr. Laese had conferred that a redesign of the retaining walls was in progress and as yet not ready for review.

1. App.#121013-SPR-SUP/Mr. Joseph Gray of 268 Bagley Road, requests a Special Use Permit in order to lease a commercial business, DBA Second Look Landscaping and Property Maintenance on Lot #2 at 5611 Water Street currently owned by Mr. Eric Lindquist. Tax Map ID #22.67-1-3 (HR);

Ms. Kane, CEO introduced Mr. Joseph Gray as having appeared before the Planning Board for a quick conceptual review on Dec. 4th, and now was requesting Board review to lease a commercial business at Lot #2 of the old Document Reprocessors building at 5611 Water Street. This application would need County Review County review which would take place on January 23rd at 7pm/417 Liberty St., Penn Yan at the County Office Buildings. Special Use was determined for this application by our Town Attorney as this type of business was not listed in our current code as a permitted use in HR District. Upon site plan review and a recommendation by the Planning Board, this application would then be reviewed by the Zoning Board of Appeals for determination on the application for a Special Use Permit.

Mr. Joseph Gary offered the following information for site review by the Planning Board :

1. Parking – quantity onsite vehicle storage/parking: 8 current with a projected number: 10

Most of these vehicles would not be parked overnight as they would travel home with employees (trucks). There would be a maximum of (2) vehicles per day and possibly a couple of landscape trailers. When parked onsite temporarily, they would be positioned behind the barn. Bulk mulch would be piled onsite at a maximum of 120 yds.

2. Maximum of Employees: 12
3. Length of Lease - Temporary – possibly 6 mos. to 2 years.
4. Buffer between HR/Commercial Use – No Plans to buffer boundary line that abuts (4) residential properties. A natural tree-line buffer existed for about 75 feet between one of these property lines.
5. Water Drainage onsite - a ditch system provided existing water drainage on site and the Canandaigua Watershed nor the NYSDOH had record of an onsite septic system.
6. Hours of operation would be from 5am to 9pm.
7. Lighting would be only what is currently there.
8. Noise – employees picking up service vehicles for jobs and leaving. Mulch would be shoveled.
9. Signage would go over what is currently there, next to Highway Department when removed.
10. There would not be any maintenance onsite for the trucks. Mower maintenance would be done onsite and spoils would be disposed of appropriately offsite.
11. Egress/Ingress from Water Street for all business vehicles and equipment. Office staff would access the building from West Avenue.

Public input: Mr. Mahaney stated that Document Reprocessor's used the entrance from Water Street as we own all the driveways parallel to our house. If the mulch piles stay small and contained, it would be less of a fire hazard as mulch easily catches on fire. I strongly suggest this application go through a stringent review process as it is a commercial activity smack dab in the middle of a dense residential neighborhood. Document Reprocessors' business started in 1997 prior to Zoning which was 1999 and so was grandfathered in.

Chairman DeVinney stated this application was especially difficult because if granted, this Special Use, as with all zoning variances, would go with the land. The Planning Board, when making their recommendation, must consider what would be the best long range plan to utilize the parcel at 5611 Water Street. The old commercial use of Document Reprocessor's was grandfathered in, yet this new application would be considered a new multi-faceted commercial use that was not allowed in the Hamlet Residential District. To make an informed recommendation, we will be reviewing what is filed with the Canandaigua Watershed Inspector, Mr. George Barden and the NYSDOH for an approved onsite septic system. If nothing, this will need to be upgraded to approval status prior to granting a permit.

Board Member Gilbert responded that he would check with a Scott Foti (sp?) from the NYSDEC to see if they had any interest in the property and it's close proximity for the West River/Canandaigua Watershed.

Board Member Lersch inquired of the reason Second Look Property Maintenance, Inc. was using the property at 5611 Water Street to park vehicles and use of the building prior to obtaining a permit. Mr. Gray stated that the owner had allowed him to park there.

Ms. Kane stated that the Code Office had received a complaint, and Mr. Gray had been informed that onsite vehicle/van parking for a commercial use on private property was not allowed without a permit.

It was advised by the Board that Mr. Gray attend the County review on the 23rd and we would advise him of the application process after that date.

Board Member Mincer made a motion to send the application to the county for review on 1/23 and Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

2. App. # 120413-SPR/Mr. and Mrs. Jason & Linda Cernis, with agent Mr. William Grove attending, requests Site Plan Review for new construction of a single family residence on vacant property at 712 East Lake Road, Tax Map ID # 11.66-1-1 (LR).

Ms. Kane, CEO stated that this application was a new build on vacant land. It was a single family seasonal residence with an approved septic system. There had been an old cabin that suffered irreparable storm damage and was demolished. The parcel had a 12 ft. ROW on the deed search to access Robeson Tract which was pre-existing private road off of Robeson Road.

This ROW serves the Miller and Yates property and stops at the Motz (sp?) boundary line. This southern parcel does not impede passage to Robeson Tract or East Lake Road. The ROW is depicted on the survey map as a grassland trail. The deeded ROW stops before the trail and should not be an issue. There is an existing turnaround down by Cownies' property that is used. The application had received Yates County Planning Board recommendation to approve.

Agent Mr. William Grove, P.E. stated he did not have much more to add. The existing cabin had an outhouse/shed onsite built in 1968 which they will keep. It has a septic tank that they will not use. The planned cottage meets all setbacks for current zoning and the parcel is level land, sloping to a grass lawn that ends at the lake with a steep bluff. The front of the house will be 30 ft. to the embankment at lakeside.

Board Member St. Lawrence inquired if the septic pumped up to the vineyard on the hill, which it did. It was stated that shoreline development was not to be scheduled for some time in the future.

Board Member Gilbert inquired if trees would be cut down. It was stated that removal of mostly scrub brush and a couple of 6-8" trees will need to come out.

The Board discussed the following topics:

1. Storm water runoff from the roof will hit pea gravel around foundation.
2. Footed piers will serve as a foundation to the house.
3. Access to the lake will utilize pre-existing stairs to shoreline. They were advised if they were to extend or add to what is existing, that the Planning Board would need to review plans.
4. Construction plans were scheduled to begin as soon as possible weather permitting.

The SEQRA had been reviewed prior to County review and determined to be a Type II action, needing no further review and the application was deemed complete.

Chairman DeVinney inquired of further questions from the Board. There was none and Chairman DeVinney entertained a motion to approve the application as presented. Board Member St. Lawrence made the motion which was seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

3. App.# 121813-SPR/Mr. Daniel Paddock of 6109 South Hill, owner of (5) acres - vacant land directly across from his residence is requesting a Major Subdivision of Tax Map ID #020.000-02-53.1 (LDR).

Mr. Paddock presented information to the Planning Board that the five acres had 300 ft. of road frontage and he was separating it into (4) lots to accommodate future expansion for his family. Lots 1,2 & 3 would be deeded to his sons and Lot #4 would be for him and his wife.

The Board reviewed a SEQR of the parcels in review and determined it a Type II action needing no further review and the application complete.

After a short discussion with the Planning Board, Chairman DeVinney motioned to approve the Major Subdivision as presented by resolution. Board Member Mincer seconded the motion to approve and all Board Members present voted in favor. Maps for the County filing would be signed by the Planning Board Chairman prior to filing with the county clerk's office.

Mr. Daniel Paddock announced that he would be retiring from his councilman's position on the Town Board and thanked the Planning Board for their ongoing research and hard work for the Town of Middlesex and its Town Board while he was in office.

Other Business:

The Planning Board voted on a Resolution to make a recommendation to the Town Board for the adoption of a proposed Local Law to Amend the Zoning Law. Art. VII: Supplementary Regulations to add a new Sect. #707: Steep Slope Protection Areas.

Board Member St. Lawrence made a motion to accept the resolution as revised and Board Member Lynn Lersch seconded the motion. The motion carried with all Board Members present voting in favor of the revised resolution.

Board Member Lersch made a motion to adjourn and Board Member Gilbert seconded the motion. All Board Members present voted in favor and the motion carried. The Planning Board meeting adjourned at 8:35pm

Draft Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net
Minutes approved on March 5, 2014

