

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes

Wednesday, November 5, 2014, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane - CEO; Wendy Marsh - Attorney

Others Present: Kim Newell, Paul Dreher, Doug Howles, David Cox, David Moon, Stan Olevnik, Rocco Venencia, Pat Venezia, Sam Imburgia, Bob Bringley, Shawn Ritchie

Agenda: Draft Minutes from October 1st.

New Business:

1. App. #102314-SPR/Mr. Andrew Komarek (Kairos, LLC), represented by Passero Associates requests Site Plan review for proposed site development of vacant property on East Lake Rd. to build a Single Family Residence, Tax Map ID # 002-03-1-22, (LDR)
2. App. # 041714-SPR (Addendum to original application) representing agent Mr. Rocco Venezia for Applicant Mr. Paul Dreher and owners, Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd. (LR) requests Site Plan review for a Minor Subdivision of 0.961 acres. (LR)
3. App. # 090214-SPR/Mr. David Moon of Marathon Engineers, representing agent for owner Mr. Douglas Howles of 430 East Lake Rd. requests Site Plan review for installation of a private tram on property, Tax Map ID # 001.084-001-006 (LR)
4. App. #102914-SPR/Mrs. Kimberly Newell requests Site Plan Review for a Special Use Permit to operate a small home business "Moo Moon Confections" on her property located at 6187 South Vine Valley Rd. , Tax Map ID # 22.28-1-5, (LDR)
5. App.#091714-SPR/Mr. Rocco Venezia, representing agent for the Estate of Milton Johnson, requests Site Plan review for a Minor Subdivision of 115.462 acres located at 6070 South Hill Rd, (LDR)
6. App. # 103014-SPR/ Mr. and Mrs. Thomas Clutz, represented by Mr. John Hill requests Site Plan Review for construction of an addition on property located at 1385 South Lake Rd., Tax Map ID # 31.01-1-1, (LR)

Chairman DeVinney called the meeting to order at 7:05pm.

Ms. Kane noted that the agent for the Clutz Application #103014-SPR was not present and the application would be rescheduled for Site Plan Review at a later date.

1. Application #102314-SPR/Mr. Andrew Komarek (Kairos, LLC), represented by Passero Associates. Ms. Kane, CEO introduced Mr. David Cox from Passero Associates, representing agent for Mr. Andrew Komarek (Kairos LLC), owner of parcel located on East Lake Road to be reviewed for site plan and site modifications to a previously approved site by another property owner and engineering firm. Prior to agent presentation of the project, Ms. Kane referred this application to Attorney Ms. Marsh because of a concern for SEQR segmentation. Because the owner owns contiguous parcels with a deeded ROW to the East Lake Road shoreline, which is currently under SEQR Environmental Review for a proposed Major Subdivision.

Ms. Marsh stated such action was appropriate and proposed that the Planning Board review with the client, the criteria for determining segmentation of the proposed projects, developed by the NYS DEC. This criteria requested answers to the following questions:

- Whether the purpose of both projects had a common purpose?
- What was the intended plan for both projects?
- Do both projects have a common geographic location?
- When one reviews each project individually, is there something missing when one looks at the total picture?
- Do both projects have the same principles?
- What is the overall plan for both projects?
- Are both projects functionally dependent on each other?
- Does approval of one project in any way impact the other?

After careful consideration the Planning Board determined that based on the NYS DEC criteria, there was no intent to segment the two projects for future benefit to the client. Ms. Marsh requested Mr. Cox, agent for Kairos LLC to provide such justification when responding in writing in order to document by resolution: the project's intent, such timing resolution to include intended construction schedule by calendar date or part of; and that any possible Board approval of this project would become null & void if otherwise documented.

Mr. Cox requested the Board to allow him to present the plan as submitted for Preliminary Plat Approval since he was present to answer any questions the Board may have. CEO, Ms. Kane stated that the application was on the agenda tonight only to determine possible segmentation. Since the submitted maps were received late today and the Board and Lu Engineer would still need time to review them, the next step in the process would be for Passero Assoc. to write a review response back to Lu Engineer's prior to Site Plan Review.

Chairman DeVinney also stated that a review by the NYSDOH for onsite septic and well may also be necessary during Site Plan Review since the site plan and footprint of the project had changed from when it was previously approved by the Planning Board upon submittal by a previous owner.

Ms. Kane stated that a review by Yates County Soil and Water and Yates County Planning Board would also be requested and she provided the applicant with appropriate deadlines for being placed on the Town's Planning Board agenda for December.

2. Application # 041714-SPR (Addendum to original application) representing agent Mr. Rocco Venezia for Applicant Mr. Paul Dreher and owners, Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd.(LR).

Ms. Kane summarized the application by stating this application was submitted as an addendum to the original application submitted in May of this year for a Major Subdivision which was never filed with the County due to the need for it to be reconfigured in order to fit a garage and a driveway to access the lot. This application was submitted to the Zoning Board of Appeals to be heard on the 13th of this month for (2) area variances as well. If the variances are approved, the application will continue to Site Plan Review prior to permitting. It is on the agenda tonight for the purpose of a Minor Subdivision and the reconfiguration of (2) lots that do meet the zoning criteria for subdivision. A total of 0.961 acres will be subdivided as such: Lot 1 will become 0.459 acres or 20,021 sf. and Lot #2 will become 0.494 acres or 21, 840 sf.

Upon the advisement of our Town Attorney, Mr. Drehr has abandoned a request for a deeded ROW and has purchased additional footage in order to own the part of the access from private drive Genundewah Drive in order to locate the driveway and legally own it as well. It is an extremely difficult lot to fit all the components to make it possible to build and to keep it under the zoning requirement of 20,000 sf. Ms. Kane introduced Mr. Rocco Venezia to further present the Site Plan, as agent, to the Board.

Mr. Venezia stated the slope of the driveway will be 14% and a 2:1 slope on the side, yet feels it is doable and hopes the applicant will be able to receive approval for the variances in order to provide the room to make it fit. Mr. Venezia will present plans for Site Plan in December.

Board Member St. Lawrence made a motion to approve of the Minor Subdivision as presented with the reconfigured lot measurements. Board Member Mincer provided a second and the motion carried with all Board Members present voting in favor.

A Type II SEQR was determined for the property in review in May and needed no further review.

3. Application # 090214-SPR/Mr. David Moon of Marathon Engineers, representing agent for owner Mr. Douglas Howles of 430 East Lake Rd. requests Site Plan review to install of a private tram on property in the LR District.

Mr. Robert Bringley of Marathon Engineering presented the application and stated that Mr. Shawn Ritchie, contractor for Tram Installer – Finger Lakes Tram. He stated that information had been transmitted back and forth to Lu Engineers and to date they were satisfied that all had been addressed. They were advised that the County Planning Board and the Soil & Water Conservation District would be contacted for additional reviews in November, once the Site Plan was finalized.

The Planning Board requested whether Lu Engineers had reviewed revisions from Map dated Oct. 28th and Mr. Bringley stated they had. Board Member St. Lawrence advised Mr. Bringley that the manufacturer's specification for the installation of the Jute Mesh planned for onsite Soil & Erosion Management should be submitted to the Code Enforcement Office. Referencing tree removal, Mr. Howles stated they had picked a site for the tram installation that would cause the least impact on the environment, but that there were three trees that would be removed by Liddiard's tree service. When asked when they planned to commence construction, Mr. Howles stated he would start as soon as he was able to.

Without further discussion, Board Member St. Lawrence made a motion to approve the Site Plan contingent on the pending reviews from Yates County Planning Board and Soil & Water reviews. Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

It was determined after a Planning Board review that the SEQR was a Type II action, needing no further review. All Board Members present voted in favor.

4. Application #102914-SPR/Mrs. Kimberly Newell requests Site Plan Review for a Special Use Permit to operate a small home business "Moo Moon Confections" on her property located at 6187 South Vine Valley Rd.

CEO Ms. Kane stated the application would be heard by the ZBA on the 13th for a Special use Permit as it was a commercial activity within the Low Density Residential District in which this activity was not listed in zoning, not qualifying as a home occupation since the business would be located in one of two homes the Newell's owned in which they did not reside.

Mrs. Newell presented a brief history of her business plan, intent and details to the Board about her "Moo Moon Confections" web-based business. For licensing requirements, Mrs. Newell stated she needed to comply with Article 20c for certification by New York State Department of Agriculture & Markets for a commercial business. An inspector has been onsite and stated all she would need is to change her kitchen sink to a three bay sink. Water testing is required on a regular basis and they have installed a UV System already. There are no extra drainage concerns, there will be no employees so parking is not an issue, there will be no lighting or signage as it is not to ever become a retail business and deliveries to the house will be by rural delivery such as FedEx, which is common in the neighborhood.

Chairman DeVinney stated he felt this was the type of small business that would serve the community best as it has no negative impact to the neighborhood while adding to the tax base.

Ms. Kane stated that she would be requesting a recommendation from the Planning Board to the Zoning Board of Appeals prior to their hearing on the 13th. Also important to note was that she would be making an annual inspection and if there were any future plans of expansion, there would need to be a new application.

Without further discussion, the Planning Board moved to approve the application as presented, with a recommendation to that effect to the Zoning Board of Appeals. Board Member Gilbert made the motion and Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

5. App. #091714-SPR/Mr. Rocco Venezia, representing agent for the Estate of Milton Johnson, requests Site Plan review for a Minor Subdivision of 115.462 acres located at 6070 South Hill Rd.

Ms. Kane provided a brief summary of the application as a Minor Subdivision, stating that the lot was family owned, had a 50 ft. ROW to a flag lot which was owned as well within the family.

The Board questioned the road frontage and after a brief discussion with Mr. Venezia, the application was tabled until the lot was reconfigured to meet the Zoning District's frontage requirements.

Board review of draft minutes for October 1st. Board Member St. Lawrence made a motion to approve and Gilbert provided a second. Motion carried with all Board Members present voting in favor.

Mid-month Meeting agenda: Nothing scheduled as the Steep Slope Revisions were being reviewed by Attorney Graff and the Planning Board would make a final review in December, prior to Town Board review.

Chairman Devinney entertained a motion to adjourn. Board Member Gilbert made the motion and St. Lawrence provided a second. Motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:45pm

Draft Minutes submitted by L. Lersch/revisions to LSammy5@frontiernet.net

Minutes approved at Planning Board Meeting on 12/03/14