

TOWN OF MIDDLESEX
PLANNING BOARD

PUBLIC INFORMATIONAL MEETING

STEEP SLOPE DRAFT LAW REVISION UPDATE

Town of Middlesex Fire Hall

Minutes

Thursday, July 17, 2014 – 6:30 pm

Present:

Town Council – Supervisor Robert Multer, Deputy Supervisor Wayne Dunton, Peter Gerbic, Alan Button
Planning Board – Chairman Martin DeVinney, John Gilbert, Robert Mincer, Lynn Lersch
Code Enforcement Officer – Dawn Kane
Zoning Board of Appeals – Richard DeMallie, Ted Carman
Yates County Planning Board – Mr. Doug Skeet, Yates County Planning Board Representative

Public present:

Mr. George Barden, Mr. & Mrs. Ira Biddle, Mr. & Mrs. Richard Bolton, Mr. & Mrs. Jeremy Fields, Mr. Keith Gilliland, Mr. Chip Green, Mr. Thomas Hansen, Mr. Andrew Komarek, Mr. Pat LaVelle, Mr. Steven Lewandowski, Mr. Ron Milton, Mr. Dan O'Brien, Mr. Dan Paddock, Mr. & Mrs. Ron Papa, Mr. Burnell Rieff, Ms. Linda Sheive, Mr. James Smith, Mr. Smith, Mr. Stringer, Mr. Bill Yust and (3) unknown attendees.

Chairman Martin DeVinney opened the Public Information Meeting at 6: 35pm with introduction of Facilitator Kevin Olvany, Program Manager of the Canandaigua Watershed Council

Mr. Kevin Olvany presented current information of local spring storm damage impacting steep slopes around Canandaigua Lake; summarized current concerns from public comment as they correlated directly with current Steep Slope Draft law revisions and presented the proposed draft revisions in an open dialogue format to those in attendance. The following is a summary of the information presented:

Intent of Meeting - Facilitator Kevin Olvany:

1. To show a slide presentation depicting spring storm damage that impacted steep slopes around the lake, correlating how steep slope regulations could have provided options/ protection for property owners who experienced damaging erosion and storm water runoff in the May Storm Events Slides showed sites in Bristol, on Widmer Road and South Lake Road, which all border the shoreline of Canandaigua Lake.
2. To correlate proposed revisions of the Draft Steep Slope Law with a summary of specific comments, recommendations and concerns received from interested public property owners.
3. To create an open dialogue format with each of the specific draft revisions to the law to those in attendance and to acknowledge further research where necessary.
4. Summarize the proposed revisions as follows:

- a. Proposed Amendment (3 pages) to the current Zoning Law as supplementary regulation.
- b. Proposed Draft Regulations & Guidelines (13 pages) which specifies the (3) Steep Slope Protection Areas (SSPA).
- c. Note the reduction of page content from 33 to 8 pages, plus two appendices which included – a reference section of Definitions and the Development Standards (ST-1 thru ST-6) which are visual tools to illustrate “typical development standards” on each of the specific three SSPA’s.

The following is a list of specific sections of the current proposed draft law which incurred comments, questions and/or recommendations from those in attendance referencing areas for possible further review:

1. Sect. 707.6 Variances and Appeals/Zoning Law Art. VII: Supplementary Regulations: Request for another more reasonable type of variance for appeal on steep slopes other than a “Use Variance”?
2. Sect. 8-8.7, 8.8/ Request for criteria to resolve land disturbance and/or tree removal in gullies for reason of access by bridging the gully. Would variances be required?
3. Sect. 707.5/ Referencing to the paragraph, “The Town Planning Board shall have the right to grant a waiver from any or all of the Guidelines and Regulations where appropriate and thus modify the scope of review.....” How does this correlate to the normal variance request criteria in our current zoning code?
4. Sect. 5.01H/Permitted Uses on Very Steep Slopes (25% to 40%) Referencing the paragraph, “Paths developed specifically for golf carts, ATV’s.....” Request for explanation of how it pertains to erosion and storm water runoff?
5. Request if site work could be segmented into separate phases if total ground disturbance is kept under the 500 sf threshold for each phase?
6. Request for shoreline retaining wall setback exemptions.
7. Request for explanation of the need for a Steep Slope Law if existing Town Laws manage steep slopes?
8. Request for explanation of how the Agricultural Zoning District is exempt from this law?
9. Sect. 7.1/ Request if personal tram installations would be allowed if site disturbance is over threshold of the law?
10. Request if Town plans on combining the pertinent parts of the application process to combine Site Plan Review and Steep Slope Review or will the applicant be required to go through both?
11. Sect. #6D/ Request if Storm water “detention basins” are prohibited and why?

12. Sect. 8.18/ referencing the paragraph that states a "Review is required by the "relevant Fire Chief" to determine if the proposed development meets the latest State Building Code and Fire response requirements" Request for specifics on contact information and a request for posting NYS Building Code on the Town's website for reference.
13. Resident request for a comparison of erosion damage to the areas of Hemlock Lake as compared to Canandaigua Lake in correlation with surrounding development practices.
14. Sect. 10/ 10.1: Referencing the paragraph, "Following approval of the Preliminary Site Plan.....shall include, but not be limited to" Request that this statement be stricken from the document as it's intent seems to have ambiguous and arbitrary inferences.
15. Request to define and make application to "Scenic Vistas" as a separate SSPA?
16. Sect. 8.10/ Request for an exception consideration of appropriate engineered plans show net zero peak runoff for drainage improvements that will accept the increased discharge from the property during a storm event.

At the conclusion of the Informational Meeting, Mr. Olvany summarized his presentation by concluding that research has shown that each town's zoning laws, comprehensive plans, and erosion control laws all reflect a net benefit to each community. Any law shall create restrictions that will impact property owners, however the intent is to protect the landowner's property, their health, welfare and safety and it's natural resources which remain its' mainstay. To annunciate all of this into a law is the town's intent.

Public Meeting – Informational Night/ Meeting adjourned at 9pm.
Approved Minutes on August 20, 2014
Recording Secretary – L. Lersch

