

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes

Wednesday, August 6, 2014 - 7pm

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

Others Present: Mr. and Mrs. Thomas Mahaney, Mr. Bill Johnston, Mr. Gordon Stringer, Mr. Ted Carman, Mr. Ron Davis, Mr. Jeremy Fields, Mr. Rocco Venezia

Agenda: Site Plan Reviews:

1. App. # 053814 - SPR/Mr. Eric Lundquist, represented by agent, Mr. Ron Davis requests Site Plan Review for a Minor Subdivision of property at 5611 Water Street, Tax Map ID # 22.67-1-3 to subdivide 1.965 acres into (2) lots. Lot 1 will become 1.384 acres and Lot 2 will become 0.581 acres (HR)
2. App. #071514-SPR/ Mr. Terry DeKouski requests Site plan Review for a major Subdivision of 202.038 acres located at Elwell Rd., South Vine Valley Rd. and Hadsel Rd., Tax map ID #'s 22.02-1-1.1 and 12.04-1-10.1 (AG/R)
3. App # 071014-SPR/Mr. Jeremy Fields, agent for Mr. William Johnston requests Site Plan Review to construct a permanent dock and boat hoist at 44 East lake Rd., on County Rd. #39, Tax Map ID # 2.01-1-16 (LR).
4. App #071114-SPR/Mr. Jeremy Fields, agent for Mr. Thomas Masachi, requests Site Plan Review to construct a permanent dock and boat hoist at 640 Fisher Rd., Tax Map ID # 11.50-1-2 (LR)

Chairman DeVinney called the meeting to order at 7:10pm.

1. App. #053814-SPR/ Ron Davis, representing agent for owner Mr. Eric Lundquist, for property located at 5611 Water Street. Ms. Kane stated the application was a pre-existing and non-conforming previously known as Document Reprocessor's. The Minor Subdivision included (2) lots with (2) buildings on each lot in HR District. Lot #1 will become 1.384 acres and Lot 2 will become 0.581 acres after subdivision. Each building on each lot has its own access. The lower building, on Lot #2 would use Water Street for egress/ingress and Lot #1 would utilize West Avenue for access. It recently is listed for sale as (2) separate parcels. This application recently was granted (2) Area Variances for side setbacks between buildings and a rear setback by the Zoning Board of Appeals. This application will be sent to the County for review prior to permitting. The abutting parcel owners were present tonight to add some details referencing a deeded ROW not shown on survey map.

Mr. Ron Davis presented the application as agent, referenced that the septic system which had been investigated by Canandaigua Watershed Inspector, Mr. George Barden, is located on Lot 2 as a 3,000 gallon tank. Lot 1 shares plumbing, electric and water, however the water is disconnected due to the Health Code. The sale of the properties is contingent on the NYSDOH approval of a certified septic system.

Abutting neighbors, the Mahaney's stated that an existing 12 foot wide ROW was noted on their property deed that went from a pin shown on the submitted survey map to the Water Street entrance which connected the driveway to Lot #2. This ROW was not included on the survey map provided for the Subdivision Application. A loading dock platform with stairs was also encroaching on their setback. If sold, these two concerns would need to be resolved. The Mahaney's would like to abandon the ROW.

It was noted by the Planning Board that the noted ROW and the setback encroachment for the loading dock/stairs for Lot #2 would need to be properly noted on the survey map and all variances procured for this existing structure prior to final determination.

Planning Board Member St. Lawrence made a motion to hold determination of the application until the survey maps are returned with the following revisions:

1. Survey map amendment to show location of the stairs/loading dock of building on the north side of Lot #2 .
2. Redraft the overhead power utility to show its proper location.
3. All existing easements/ROW's should be reviewed and noted on survey for both lots.
4. Notation on survey that existing septic is located on Lot #2 and shared between buildings on both lots.

After a short discussion, Board Member Gilbert made a motion to add the following notation to the existing motion:

5. Agreement between buyers for sharing of septic and plumbing, electrical power and water between the two existing lots, and once subdivided for sale, notation of who would be responsible for the maintenance and upkeep of all these utilities.

Board Member St. Lawrence rescinded his original motion to add #5 to his original motion.

Board Member Mincer seconded the addition of #5 to the motion. The motion carried with all Board Members present voting in favor.

2. App. #071514-SPR/ Mr. Terry Dekouski :

Ms. Kane, CEO summarized the application as a Major Subdivision of seven parcels from 202.038 acres in the AG/R District. The District's code requirements for each building lot require 100 ft. of road frontage for each lot, and a minimum requirement of 1 acre. All parcels meet the current code requirements. The current property is located on (3) roads - Elwell Rd., South Vine Valley Rd., and Hadsel Roads and is currently owned by Mr. Terry DeKouski and would be sold after subdivided to continue its land use as tillable land. Each of the (7) parcels would be divided as follows:

Parcel A:30.413 acres

Parcel D: 51.437 acres

Parcel B: 69.418	“	Parcel D-1: 16.691	“
Parcel B: 15.999	“	Parcel D-2: 11.542	“
Parcel C: 15.999	“	Parcel D-3: 6.539	“

Mr. DeKouski currently has submitted a satellite survey for purposes of Site Plan Review and will have it surveyed by engineer once sold and prior to filing with the county. Mr. DeKouski plans on retaining (3) of the parcels – D-1, D-2 and D-3.

Board Member Gilbert questioned how this application pertains to the criteria of the Town’s Subdivision Law and if so would require both a Preliminary and Final Plat, Full Environmental Impact Study/ SEQRA process, a full SWPP, and driveway access to each parcel. Article #6 of the Subdivision Law may provide a waiver for Substantial Justice if determined.

Ms. Kane reasoned that the intent of the Subdivision Law was to regulate development of the proposed subdivision; whereas this application was currently vacant tillable farm land and the intent for subdivision was to continue the use of the land as tillable land once sold.

Chairman DeVinney made a motion to table the application until the Town Attorney advised as to the appropriate process prior to Board determination. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

3. App. #071014-SPR/Mr. Jeremy Fields for owner Mr. William Johnston.

Ms. Kane summarized the application references the Uniform Docks and Mooring Law (UDML). Mr. Fields, agent is requesting approval to construct a permanent dock and boat hoist at shoreline of 44 East Lake Rd. The applicant has enough shoreline measurement plus and an additional amount allowed for hardship due to its steep slope location for the proposed 820 sf to be allowed.

A motion to approve the application was made by Mr. St. Lawrence contingent on clarification of the right side setback as 12.4 ft. and that the application information is corrected from 920 to 820 sf. The motion was seconded by Board Member Lersch. The motion carried with all Board Members present voting in favor.

SEQR Determination: it was determined that this application is a Type II action needing no further review.

App. #071114-SPR/Mr. Jeremy Fields, agent for Mr. Thomas Masachi of 640 Fisher Rd requesting Site Plan Review to construct a 890 sf permanent dock and boat hoist at shoreline. Ms. Kane summarized the application as a Uniform Docks and Mooring Law (UDML). This parcel is well beneath the allowed 1080 sf. A permanent pier is located on the property line with the abutting neighbor, Ted Carman. A variance request was granted and there is presently 17 ft. between the two docks as shown on the survey map.

After a short discussion Board Member Mincer moved to approve the application and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

SEQR Determination: it was determined that this application is a Type II action needing no further review.

CEO Review: Ms. Kane inquired the Board review an application on advisement for Mr. Brett Meagher of 1255/1260 South Lake Road, represented by Mr. Jeremy Fields for the construction of a retaining wall to provide additional parking spaces on South Lake Road. She stated the application was currently being reviewed by the Zoning Board of Appeals but was withdrawn.

Agent, Mr. Fields proposed changes to the application and site map. The Board advised the application be resubmitted with revisions. Code Enforcement Officer stated the application once revised will need to go back to the ZBA for the variance request.

Planning Board draft minutes for June 4th were approved. Board Member Mincer made the motion and Board Member Gilbert provided a second.

A motion to adjourn was made by Chairman DeVinney and seconded by Lynn Lersch Meeting adjourned at 8:55p,

Draft Minutes submitted by L. Lersch/Revisions to lsammy5@frontiernet.net
Minutes approved on August 20, 2014

