

**TOWN OF MIDDLESEX**  
**PLANNING BOARD WORK SESSION**  
Minutes

Wednesday, August 20, 2014 - 7pm

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

Others Present: Mr. Kevin Olvany, Thomas Hansen, Mr. Gordon Stringer

Chairman DeVinney opened the work session at 7:08p, stating the agenda for the work session, introducing Mr. Kevin Olvany and with acknowledgment of public in attendance.

Approval of draft minutes for July 17 and August 6<sup>th</sup> were reviewed by the Board and a motion to approve was made by Mincer and St. Lawrence respectively and seconded by Gilbert and Mincer. All Board Members present voted in favor of July 17 draft minutes and after a short discussion approved of August 6 draft minutes with revisions. The motion carried.

Board discussion of 2014-2015 Planning Board Budget Requests and results will be given to Supervisor Multer by Lynn Lersch.

Board discussion of status of all applications from August 6<sup>th</sup> Agenda for DeKouski and Davis/Lundquist.

Chairman DeVinney gave the floor to Canandaigua Watershed Council's Program Manager, Mr. Kevin Olvany who summarized his current revisions (8/15) to the Draft Steep Slope Law after the July 17<sup>th</sup> Public Informational Meeting. Revisions discussed from the work session include the following:

Article VII: Supplementary Regulations (New Section #707 – Steep Slope Protections Areas

- Sect. #707.3.2> DISTURBANCE - Section deleted from here and reformatted to be Sect. #707.3.3: “Applicants cannot segment disturbance...utilized by applicant.”
- Sect. #707.3.3> New paragraph to read: “Applicants cannot segment disturbance to stay below disturbance thresholds or develop the site with structures that would otherwise not be approved. Disturbances and structures constructed after the adoption of this law shall be reviewed by the Planning Board to determine if it is part of an overall Common Plan of Development for the site if future disturbances occur or applications are submitted.”
- Sect. #707.3.3-707.3.4 renumbered to follow formatting.
- Sect. #707.5.1> The first paragraph shall read: “***The Town Board*** has adopted the associated Regulations and Guidelines, for use....”
- Sect. #707.6 Variances and Appeals  
Delete>”All variance requests for prohibited items and all variance requests on slopes greater than 40% will be considered a use variance request.”

## Regulations and Guidelines for Steep Slope Protection Areas (SSPA)

- Table of Contents> Appendix II: **Development Reference Drawings** (ST-1 thru ST-6)
- Sect. #4 – Permitted Uses **and Activities** on Moderately Steep Slopes (15% to <25%)
  - #5 - Permitted Uses **and Activities** on Very Steep Slopes (25% to <40%)
- Sect. #5/5.1H> To read; **“New or expanded paths developed specifically for golf carts, ATV’s or other similar small vehicles – maximum path width to be six feet**
- Sect. #6 – Prohibited Uses and **Activities** on Very Steep Slopes (25% to <40%) ...or greater”
- Sect. #7 – Permitted Uses **and Activities** on Extremely Steep Slopes of 40% or More
- Sect. #8/8.1> “All federal and state laws, and all other applicable Town laws, codes, **references** and ordinances, such as:”
- Sect. #8/8.9> New language to read: “Locate proposed new drainage features to provide for proper connectivity and flow to existing drainage gullies, etc. This shall include new drainage design features necessary within setbacks. Stormwater calculations shall be provided for any **existing or new culverts or changes to existing gullies/concentrated flow paths and diversion swales that traverse the property.** Storm water piping, channels and swales shall be designed based on the entire contributing drainage area to handle the 25 year – one hour rain event (currently 2.1 inches/hr.)”
- Sect. #8/8.10> Split the paragraph into two separate sections and added language to the bulleted paragraph to read:
  - **“If downstream culverts/ditches/gullies/streams ..... analyzed storms. If site constraints do not allow for practices to obtain a net-zero increase in peak runoff then the applicant calculate the drainage capacity of the most immediate downstream drainage culvert for the 25 year, one hour storm (currently 2.1 in/hr.) design storm and determine if it can handle the increase from the proposed construction. In the event the anticipated peak flow exceeds the existing culvert capacity, and no alternative to reduce the peak flow exists, then the Planning Board and Code Enforcement officer shall be notified. All discharged storm water from the site shall be reduced to non-erosive flow rates.”**
- Sect. #8/8.18> Add language to read: **“Request a review by the Middlesex Fire Chief and CEO, to determine if the proposed development meets the latest State Building and Fire Code Emergency Vehicle response requirements.”**
- Delete> “The Fire Chief will coordinate review with the Code Enforcement Officer, who also has authority to review these items on language in the State Building Code.”

## Appendix I: DEFINITIONS

DISTURBANCE – shortened the paragraph to eliminate “Applicants cannot segment disturbance.....utilizes by applicant.” This paragraph is now added into the ZL Amendment as Section #707.3.3. Add language to read: “The removal of vegetation, any and all excavation.....construction entrances, **driveways (including shared)**, retaining walls, utility work and shall include the conditions resulting from such activity.”

Revisions as discussed were met with approval from all Planning Board Members present and two Town Board Members present.

Draft of the document will be sent to the Town Attorney for review prior to holding more public hearings and prior to County review.

Board Discussion referencing other Steep Slope Laws adopted locally as the Towns of Jerusalem, South Bristol, Torrey and a comparison between community challenges/needs.

Chairman DeVinney invited comment from public present.

Resident Tom Hansen referenced the law, stating the following comments:

1. The Prohibition of land uses and activities that are prohibited on 40% and greater are a taking of land owners' rights.

Planning Board response was the law was changed to compromise with a threshold of 500 sf of site disturbance necessary before the law kicking in.

2. Can I maintain my existing paths and swales and ditches to keep them clear of debris?

Planning Board response was the language changed to state "new or expanded" paths. All pre-existing and grandfathered sites will be reviewed individually and fairly if over the 500sf threshold.

3. Will all private roads/driveways now need to be upgraded to meet the standards of the Town?

Planning Board response was the criteria for standards for private roads and driveways are not part of this law, but are to be found in the existing Private Road/Private Driveway Law adopted in 2005 and also the Towns Standards for New Roads.

4. Uphill watershed runoff calculations for steep slopes can be expensive for the resident.

Planning Board response was it doesn't have to be expensive with LiDAR mapping capabilities available. Residents may request help with referrals using this technology.

5. I don't think it is fair that the resident pays for the driveway culvert pipe.

Planning Board response was that it is common practice in many towns that when new driveway cuts are placed, the culverts size and placement are at the cost of the town. However, if it is shown that excess discharge comes from development, this cost is transferred to the resident for the cost of the culvert upsize and the Town Highway Department absorbs the cost of the labor.

After no further discussion, a motion to adjourn was offered by Board Member Gilbert and seconded by Board Member St. Lawrence.

Meeting adjourned at 9:22 pm

Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)

Minutes approved on October 1, 2014