

TOWN OF MIDDLESEX
PLANNING BOARD WORK SESSION

Minutes
Wednesday, September 17, 2014, 7 pm

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

Others Present: Geraldine Biddle, William Grove, P.E; Karl Nuebauer

Agenda: Site Plan Reviews, Planning Board Review of reformatted Steep Slope Draft Law (9/16 rev.), Draft Minutes from 8/20 Work Session & 9/03 Site Plan Reviews.

Chairman DeVinney called the meeting to order at 7:02pm.

Site Plan Reviews:

Old Business:

1. Application #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)

Ms. Kane, CEO summarized the application, as a Major Subdivision coming back to the Planning Board for determination. Chairman DeVinney stated that although the lots were taken from one deed, there were actually two separate tax map ID's creating (2) Minor Subdivisions instead of one Major Subdivision. Therefore DeVinney proposed that under the Town's Subdivision Law, Section #6.2 (Variances & Waivers) the Board could waive the Town's Subdivision Law process due to unique situations. DeVinney stated that because the intent was to sell off parcels to a neighboring farmer who has been using the land for crops and would continue this use, therefore creating no change in use and no proposed development and so would qualify as a "unique situations" under the law.

He also reviewed for the Board NYS Town Law #277.7, which noted that Special Conditions could be applied here.

He entertained a motion to waive the criteria of this law as set forth in Article #6.2 (Variances & Waivers) because of the following reasons:

- a. The intent of this Subdivision is to keep it tillable farm land in the Agricultural District of the Town and there is no subdivision infrastructure that would include further development of the land, roads, or housing.
- b. Such a waiver would be in accordance with the Town's Master Plan.

And furthermore, Chairman DeVinney recommended the following condition to be considered by the Planning Board:

a. Prior to Town or County filing of the Subdivisions, the final plat must include the following notation by the surveyor: “any future land use must remain in Agricultural Use or must come back for further review to Planning Board.

After a short discussion, the Planning Board moved to grant a waiver for this application, as presented with the proposed special condition. Board Member St. Lawrence made the motion and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

SEQR Determination: After review, it was determined by the Planning Board that this application is a Type II action needing no further review.

Board Member Lersch will call Ms. Bonshak, County Planner to discuss the need for Yates County Planning Board Review of the application and report results.

2. Application #082114-SPR/ Ms. Geraldine Biddle, of 6060 Widmer Rd. requests Site Plan Review to construct an addition and stairs to a pre-existing dwelling, Tax Map ID #31.54-01-04, (LR)

CEO, Ms. Kane updated the Planning Board of recent submission of new Site Maps which addressed all pending Site Map requests made by the Planning Board at the September 3rd Site Plan review. She introduced Mr. William Grove, P.E., and agent/contractor Mr. Karl Nuebauer for the application to the Board.

Mr. Grove and Mr. Nuebauer presented all necessary revisions and changes to the Board as the new Site Maps were reviewed with the following changes:

1. No trees will be removed
2. All spoils will be placed on the east side of the property in a flat parking area temporarily as needed, but will be removed from site by Steve Faulkner.
3. Silt Fence will not be placed below the house as the house itself serves as a natural barrier.
4. General Note #8 was reworded to reflect specific town requirements.
5. Proposed change in contour was noted on map as a 2 ft. change in grade to accommodate the stairs.
6. Notation of rip rap added to the south side of the house, utilizing a splash pad at the foundation for roof stormwater runoff.
7. Notation of Wall Height, though previously noted as a 5 ft. maximum, will be 4 feet at the highest point.
8. Site Plan Detail was blown up to make for easier reading.

After a short discussion the Planning Board moved to approve the application with all revisions as discussed considered resolved. Board Member St. Lawrence made a motion to approve as presented with Board Member Mincer providing a second. The motion carried and all Board Members present voted in favor.

SEQR Determination was completed by the Zoning Board of Appeals in August 5th and is a Type II action needing no further review.

3. Application #082014(A) - SPR/ Mr. Eric Johnson, representing agent for Mr. Robert Bailey of 478 East Lake Rd., Tax Map ID # 11.27-1-1 requests Site Plan Review for additional site work to include a retaining wall, and improvements to a driveway, (LR)

CEO, Ms. Kane updated the Planning Board of recent submission of new Site Maps which would address pending Site Map requests made by the Planning Board at the September 3 Site Plan review. She introduced Mr. William Grove, P.E. for the application, and contractor/agent Mr. Eric Johnson.

After a short discussion by the Planning Board, Board Member Mincer made a motion to approve the Site plan with all drainage changes revised as requested and provided by agent Grove and Johnson. Board Member St. Lawrence provided a second. The motion to approve carried with all Board Members present voting in favor.

SEQR Determination: The application was determined as a Type II action and therefore needing no further review.

Chairman DeVinney announced that the Planning Board Work Session would begin to review a reformatted revision (9/20) by Town Attorney Jeffrey Graff.

After much review, the Planning Board decided to seek advisement and further review with the Town Attorney of the Draft Law in its' new format to address some cosmetic as well as some process oriented revision suggestions to a document that seemed to provide a good balance of purpose, regulation and guidelines addressed with legal rationale.

Ms. Kane, CEO will coordinate a conference call with Members from the Planning Board in the near future.

Draft Minutes of 8/20 Work Session and 9/03 Site Plan Review Meeting will be reviewed at the next meeting on October 1st .

Members of the Board were remitted for review, copies of the NYS DEC update on the Komarek application for Major Subdivision under their coordinated review as lead agency.

Motion to adjourn was made by Board Member Lersch and seconded by Board Member St. Lawrence. Motion carried with all Board Members present voting in favor.

Meeting adjourned at 9:28p.

Draft Minutes submitted by L. Lersch/revisions to lynn.lersch@gmail.com

Minutes approved on October 1, 2014.