

TOWN OF MIDDLESEX
PLANNING BOARD
Special Meeting

Minutes - Thursday, January 22, 2015, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer;
Dawn Kane - CEO

Others Present: Attorney Wendy Marsh, Mr. Mike Flanigan of Stantec; Mr. Tom Fromberger of the MRB Group;
Mr. David Cox of Passero Associates; Attorney Robert Place, Mr. Sam Imburgia

Agenda:

SEQRA Reviews:

1. App. #102314-SPR/Komarek's Kairos LLC, for Single Family Residence - Planning Board Review to determine SEQRA segmentation of Lot A from the SEQRA environmental review currently in process for Komarek's proposed Major Subdivision on the west side of East Lake Road. Mr. David Cox of Passero Associates is requesting Preliminary Site Plan Review for the construction of and site improvements for a Single Family Residence on vacant land on East Lake Road, (LDR), Tax Map #2.03-1-22.
2. App # 091211-SPR/Komarek 4 Lot Major Subdivision – Review by Stantec Consulting Services, Inc. of Komarek Major Subdivision Draft Environmental Impact Statement (DEIS) for adequacy, which was submitted on 12/13/14 for Board review. Application is for a proposed Major Subdivision on vacant land bordering East Lake Road, (LR) Tax Map # 2.03-1-2.1

Site Plan Review:

3. App. #102314-SPR/Komarek's Kairos LLC, Mr. David Cox of Passero Associates, as representing agent requests Preliminary Site Plan Review for the construction of and site improvements for a Single Family Residence on vacant land bordering East Lake Road, (LDR), Tax Map #2.03-1-22.

Chairman DeVinney opened the meeting at 7:05 p.m.

Chairman DeVinney introduced consulting Environmental Attorney Wendy Marsh who gave a quick summary of the evening's proceedings for these two SEQRA reviews and indicated that Mr. Mike Flanigan from Stantec would also be giving a highlight of the submitted DEIS, detailed in a letter by Stantec addressed to the applicant and dated January 21, 2015.

1. Attorney Marsh proceeded with explaining that on November 5th, the Planning Board began preliminary review for App. #102314-SPR/Kairos LLC, for Single Family Residence. At that time the Board answered criteria from the NYS DEC to determine segmentation of this application with a parcel contiguous to and also owned by Mr. Komarek for a 4 Lot Major Subdivision currently under SEQR review. The Board determined that the projects were indeed separate as proposed. After submission of the Draft DEIS for the Major Subdivision by MRB Group in December, the Planning Board learned of a vehicular and pedestrian

easement and parking area, deeded in July 2003 by previous owner, Mr. Hey. This easement connected the parcels labeled as Lot A, B, (currently owned by Mr. Komarek) and Lot C with the 8.5 acres parcel to the West proposed as the Komarek 4 lot Major Subdivision by means of an existing “gravel driveway” providing vehicular access and existing pedestrian stairway for means of access to the lake shoreline. She advised that through the DEIS SEQR process, the Planning Board could legally segment the parcel known as Lot A (for the Kairos LLC Application) from the SEQR process, if in in the DEIS review process, this easement would be addressed in detail and therefore could be deemed to be “no less protective to the environment”.

After a short discussion, Chairman DeVinney entertained a motion to accept the resolution (attached) as written and entertained a motion by the Board. Board Member Robert Mincer made the motion and Board Member Gilbert gave a second. The motion carried with the foregoing resolution put to a vote as follows:

Chairman DeVinney	aye
Board Member Mincer	aye
Board Member Gilbert	aye
Board Member Lersch	aye
Board Member St. Lawrence	absent

2. App # 091211-SPR/Komarek 4 Lot Major Subdivision – Review by Stantec Consulting Services, Inc. of Komarek Major Subdivision Draft Environmental Impact Statement (DEIS) for adequacy.

Attorney Wendy Marsh gave a brief summary of where the Planning Board, as Lead Agency was in the SEQRA process with a review of the DEIS, referencing the Komarek 4 Lot Subdivision on East Lake Road. She stated Mr. Mike Flanigan, consultant from Stantec, had been hired by the Town of Middlesex to review the applicant’s submitted DEIS, had completed that review and had made comments detailed in a letter to the applicant, dated January 22, 2015. The purpose tonight was for the Planning Board, to make a determination, based on this letter, whether the submitted DEIS is adequate for Public Review as submitted or whether revisions would be necessary.

Chairman DeVinney introduced Mr. Mike Flanigan, from Stantec Consulting Services to proceed with highlights on their review. In summary, Stantec gave 43 comments which encompassed revisions from Stantec’s Final Scoping document submitted for review in May. Of these 43 comments, it was felt that (3) major areas needed more work:

- a. Slope Stability – areas needing more support were highlighted in a Geotechnical review (Memo attached) with Stantec’s letter dated January 6th from Trey Dykstra, Geotechnical Engineer.
- b. Access Road – incorrect references to the “gravel driveway”, support data to prove statements referencing emergency vehicle turnarounds, adequate access, proposed plans to manage traffic flow/parking for subdivision residents and easement owners.
- c. Deeded Easements – more detail needed referencing environmental impacts, proposed management and legal impacts to future Subdivision homeowners of an extra (3) Lot vehicular and pedestrian access to the proposed 4 Lot Major Subdivision.

Mr. Flanigan, stated that revisions to the DEIS would once again be reviewed for adequacy, prior to a Public Notice wherein the document, if adequate would then be available for public comment for a period of no less than 30 days. Stantec invited applicant and his agents to communicate any

questions directly to him and he would provide a phone log of all comments to the Planning Board via Attorney Wendy Marsh.

A resolution of the Town of Middlesex Planning Board providing comments on the DEIS prepared for the Komarek Major Subdivision Project and pursuant to the State Environmental Quality Review Act (SEQR), referencing attached Stantec's letter and Geotech Memo was offered for approval by the Board by John Gilbert and seconded by Robert Mincer. This resolution (attached) stated it was resolved by the Planning Board's determination that the submitted DEIS was not adequate with respect to its scope and content for the purpose of commencing public review; deficiencies had been identified and stated in a letter of 1/22 by consultant Stantec to the Applicant for the project; a copy of the letter and Memo with said resolution would be mailed to applicant; a copy of the Final Scope shall be filed in the Town Clerk's Office and made available for public inspection and review.

The motion carried with the forgoing resolution was put to a vote as follows:

Chairman, Martin DeVinney	aye
Board Member, Lynn Lersch	aye
Board Member, Robert Mincer	aye
Board Member, John Gilbert	aye
Board Member, Bruce St. Lawrence	absent

3. App. #102314-SPR/Kairos LLC, Mr. David Cox of Passero Associates is requesting Preliminary Site Plan Review for the construction of and site improvements for a proposed Single Family Residence on East Lake Road, (LDR), Tax Map #002.03-1-22.

Ms. Kane, CEO summarized the application as meeting Yates County Planning Board recommendation for approval w/comments on Dec. 18th. The Yates County Soil & Water Conservation District also reviewed the application and made comments.

Secretary Ms. Lersch stated that all YCS & W comments had both been resolved. Ms. Kane asked if there were comments from the Yates County Planning Board.

Ms. Lersch read the comments which requested resolve of the YCS & W comments and added that the application must meet all existing variance and Steep Slope Law requirements prior to permitting.

Ms. Kane stated that all variance(s) had been met in the redesign of the existing footprint of the dwelling, and she would prepare a Work Order for Lu Engineer to review this application with the new Steep Slope Law requirements currently in place and would advise Mr. Cox of the results from that review when they were received.

Mr. Cox requested of the Planning Board to approve the site plan based on both preliminary and final site plan review with the condition that the review by Lu Engineer was without revision.

A SEQRA review determined the action to be Type II, needing no further review. Chairman DeVinney offered a motion to determine the proposed action would not have any significant environmental impact. Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

The Planning Board then determined the application conditionally approved for Site Plan Review with the condition that Lu Engineer determined the application had answered all Steep Slope requirements. Board Member Mincer motioned to approve and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

Other Business:

Ms. Lersch offered the following materials submitted to the Planning Board for future board review:

- NYS DEC/Northern Finger Lakes Unit Management Plan (UMP)/Public Input Requested – for a 5 county plan that will define management goals and objectives for state land use and to also prepare a 10 yr. plan of action to achieve those objectives.
- YCPB has officially amended the by-laws to include an option for the provision for municipalities to appoint an alternate to the Co. Planning board in addition to any current appointee. This appointment needs Town Board approval and final approval by the County Legislator.

A motion to adjourn was offered by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 7:52 pm.

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

Minutes approved on February 4, 2015