

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
**Minutes**

Wednesday, March 18, 2015, 7 pm

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

Others Present: David Moon

Agenda: App. #011415-SPR/ Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd. requests Preliminary Site Plan Review for the installation of a Tram & Driveway Site Improvements to include retaining walls, Tax Map # 011.28-1-2, (LR)

Meeting came to order at 7pm

Chairman DeVinney entertained a motion to approve the draft February 4<sup>th</sup> Planning Board minutes. Board Member Mincer offered a motion which was seconded by Board Member Gilbert. All Board Members present voted in favor of the motion which carried.

In reference to the night's agenda, the Code Enforcement Officer stated due to unforeseen circumstances, Application #102314-SPR for Mr. Andrew Komarek (Kairos, LLC), represented by Passero Associates had been pulled from the Agenda and was to be rescheduled in April.

CEO Ms. Kane then passed out a March 3<sup>rd</sup> response letter from Marathon referencing comments to Lu Engineers review. A quick summary of the application was given to the Planning Board, followed by an introduction of representing agent, Mr. David Moon of Marathon Engineering who presented the application.

Mr. Moon stated the Gibson's would like to install a tram for ease in getting to the lakefront, and some reconstruction of the existing stairway with driveway improvements to provide additional parking. These driveway turnouts would incorporate proposed retaining walls because of the steep slopes in this location. There would be (3): one located at the top of the driveway allowing (2) vehicle parking; one located at the south west point of the switchback that would allow for (4) vehicles; and a parking turnout by the existing dwelling that would allow for turning vehicles around instead of backing up the driveway. Side setbacks would area variances as they did not accommodate the 15 ft. setback required in LR Zoning District.

Board Member Gilbert questioned zoning compliance of the existing driveway itself if modified. He also stated the need for compliance with the new Steep Slope Law as the proposed modifications did not seem to comply. The board agreed they would seek legal advisement prior to further review.

After a thorough review, the board agreed the ability to partially modify a non-conforming and pre-existing driveway will need response from the Town Attorney. If allowed, the following items shall be revised on the submitted plans. If legal advisement does not allow, all revisions pertaining to driveway & retaining wall modifications shall not apply:

1. A Construction Execution Plan is required as per Sect. #2 of Steep Slope Law. It shall be written as a narrative and inserted on the site plan drawing or submitted as a separate document, describing the approach and sequencing of all construction activities with primary emphasis on:

- Initial and intermittent erosion control methods to be used and maintained
- Site preparation activities & tree removal, clearing & grubbing, temporary crushed stone usage, temporary construction access roads, clearing for material storage and equipment access, etc.)
- Storage/removal of excavated materials
- Construction entrance location and the maintenance of
- Staging sequence – material staging cannot be placed on steep slope nor can the ground be disturbed for this purpose - if location is on county road, Yates County Highway Supervisor shall be notified of construction schedule.
- Specific to the proposed tram installation, the plan shall include specifically how the tram installation will be executed sequentially onsite, so development may be monitored throughout the installation. The plan must provide detail in regard to site impact and safety. The tram section view on dwg. C2.0 indicates excavation will be required near the top part of the cliff area. The construction execution narrative shall include a description of proposed methods planned for excavation, soil removal and the prevention of loose spoils from sliding down to the shoreline, the type of construction equipment proposed for installation, how tram site will be accessed by equipment and how this equipment will be supported on steep slopes and how it will complete the excavation/installation of the tram.
- Note: If the submitted execution plan changes during construction, notification to the Code Enforcement Officer is required prior to the start of construction.
- Compute the amount of total ground disturbance into square feet.

Erosion Control:

2. Assure that all drainage work, both temporary and permanent, is sufficiently detailed on the plans.
3. All (3) new retaining wall features being proposed along the existing driveway will be violating the Steep Slope Law if the sum of the disturbances is greater than 500 sf. These features are being shown within areas equal to or greater than 40% slope. Additional variance requests may be needed, and if so, will need to be added to the “**Project Statistics**” section on dwg. C1.0
4. Provide more drainage detail for contractor. It is not clear specifically what the contractor must do throughout site plan mapping.
5. The east end of the proposed parking spaces at the switchback in the driveway needs additional embankment stabilization via retaining wall or boulders, along with drainage provisions.
6. Adequate turning radius for emergency vehicles will need to be demonstrated at the switchback in the driveway if the new parking spaces are to be allowed.
7. The center drainage discharge shown at the proposed boulder bank stabilization at the bottom of the driveway should be eliminated. Entire wall drainage should discharge at the north end.
8. Add silt fence and sediment control log symbols to the Legend on dwg. 1.0.
9. Fill requirements shown behind retaining walls (Sections A and B on dwg. C3.0) are not sufficient. The type of material to be used, preferably utilizing state designations, along with compaction requirements need to be indicated. The drafting should show the excavation limits to encompass the Mirafi 3XT material.
10. If the proposed parking spaces are allowed, fall protection will be necessary along the top of the retaining walls. A potential fall of over 6 ft. is being shown.
11. Note #2 under Construction & Erosion Control: General Project Start on Dwg. C1.0 indicates the location of staged materials. This is not shown.
12. Note #3 under Erosion Control on Dwg. C1.0 indicates stockpiling topsoil. List the location where offsite soil spoils will be taken.
13. The top end of the tram section view shown on dwg. C2.0 indicates installation of dolomite boulders. This is should be indicated on the dwg. C1.0 as well. Also, drainage provisions and silt fence will need to be shown on dwg. C1.0.

Tram Installation:

14. A sketch was shown during the meeting of the wood walkway crossing the tram rails. This should be included on the plan details, with a note about safe operation maintenance at this point for the home owner.

Mr. Moon inquired what the application process might entail to prepare for readiness to permit. The following steps were provided with an explanation that all applications were unique and much would depend on compliance with steep slopes and any variances that might need to be applied for:

- Application is reviewed by Code Enforcement Office and placed on a Planning or Zoning Board agenda
- Application is reviewed by Planning Board for preliminary site plan review
- Revisions shall be addressed prior to placement on ZBA agenda for variances.
- After revisions determined by the Code Enforcement Office, Planning Board and Town Engineer as resolved and in compliance with Town Code and Laws, the Planning Board will make a decision to create a waiver or make a recommendation to the Zoning Board of Appeals if variances are necessary.
- Code Enforcement Office will determine variance(s) for the application and placement on the Zoning Board of Appeals Agenda
- After determination of PB waiver or ZBA variance, the application will be referred to Yates County Planning Board for review
- Planning Board will make final site plan determination of application to ready application for permitting
- Code Enforcement Office will permit with possible onsite construction meeting prior to development

A Planning Board comment letter listing all required revisions as discussed will be forwarded to Mr. David Moon at Marathon Engineering as soon as possible. David Moon stated that map revisions will be forthcoming to the Code Enforcement Office in a pdf format and larger revised maps will follow by mail.

Chairman DeVinney entertained a motion to adjourn the meeting which Board Member Gilbert provided. Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:34pm

Next Meeting Agenda: April 1<sup>st</sup>

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

Minutes approved on April 1, 2015