

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes

Wednesday, June 3, 2015, 7 pm

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

Others Present: David Moon, Laurie Robeson, Steve Robeson, Gary Schlemme, John Gibson, Phil Greene, Tom Fromberger, Gary Dutton

Agenda/Site Plan Reviews:

1. App. #052915-SPR/Gary Dutton, representing agent for Mr. Steve & Betsy Robeson of 698 East Lake Rd. requests Site Plan Review for a Lot Line Configuration on Parcel ID #11.58-1-5, 6, and 11 (LR)
2. App. #052815-SPR/Gary Dutton, representing agent for the Robeson Estate at 692 Tennessee Drive; requests Site Plan Review for a Minor Subdivision of 9.5 acres as Tax ID #11.58-1-4 into 2 parcels: Parcel A will become 7.821 acres; Parcel B and C will be combined to become 1.9277 acres.
3. App. #052015-SPR/Mr. Phil Greene of Worden Hill, representing agent for Mr. Timothy O'Connor and Ms. Avice O'Connell of 1492 South Lake Road requests Site Plan Review to install a 652 sf permanent dock and boat station (LR)
4. App. #050715-SPR/Mr. Tom Fromberger of MRB Group, representing agent for property owner, Mr. Alan Krautwurst would like to construct a proposed 740 sf storage garage with new driveway on vacant land located on east side of South Lake Rd., Tax ID#21.26-01-8.1 (LR)
5. App. #052715-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 retaining walls and driveway Improvements, Tax Map # 011.28-1-2, (LR)

Chairman DeVinney opened the floor for the following Site Plan Reviews at 7:12pm:

1. Application #052915-SPR - Ms. Kane, CEO summarized the application for the Planning Board Members prior to introducing Mr. Gary Dutton, representing agent for owners' Mr. Steve & Betsy Robeson who presented the application as a lot line reconfiguration involving Parcel ID # 11.58-1-5,6,11 in the Lake Residential District. Mr. Dutton visually indicated the proposed reconfiguration of lots on survey maps and explained they would be in compliance with zoning area requirements as proposed and provide better use of the space for both the Robeson and the Jessmer families. The annexation would include the following:
 - a. Portion of land (0.047 acres) owned by Chris Jessmer, Tax ID # 11.58-1-11 to be annexed to Tax ID #11.58-1-5 owned by Steve & Betsy Robeson.
 - b. Portion of land (0.055 acres) owned by Steve & Betsy Robeson , Tax ID #11.58-5 & 6 to be annexed to Tax ID #11.58-1-11 currently owned by the Jessmer family.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Lersch made a motion in support that the proposed action would not have any significant environmental impact. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

With no further discussion, Chairman DeVinney entertained a motion for a resolution to approve the Lot Line Reconfiguration as presented. Board Member St. Lawrence made the motion which was seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

2. Application #052815-SPR/Gary Dutton, representing agent for the Robeson Estate at 692 Tennessee Drive; requests Site Plan Review for a Minor Subdivision of 9.5 acres as Tax ID #11.58-1-4 into 2 parcels: Parcel A will become 7.821 acres; Parcel B and C will be combined to become 1.9277 acres.

Mr. Dutton presented the Minor Subdivision.

CEO Kane stated that the application was in compliance with all zoning area requirements.

Chairman DeVinney invited discussion. There was none.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Mincer 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.

With no further discussion, Chairman DeVinney entertained a motion for a resolution to approve the application as presented. Board Member Lersch offered a motion to approve the Minor Subdivision. Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

3. Application #052015-SPR/Mr. Phil Greene of Worden Hill, representing agent for Mr. Timothy O'Connor and Ms. Avice O'Connell of 1492 South Lake Road requests Site Plan review to install a 652 sf permanent dock and boat station, Tax ID #31.03-1-2 (LR)

CEO Kane summarized the application for the Board stating the project was not in a steep slope area, was in compliance with the Uniform Dock & Mooring Law and all Town Zoning Area requirements and the current owners now own all three parcels neighboring parcels at the very end of South Lake Road.

Mr. Greene presented the application stating they were replacing a seasonal existing dock system and the proposed 652 sf permanent dock which is well below the allowable amount. The extension of the permanent dock will be shorter than the 60 ft. allowed due to the steep decline of the water bed. The owners wish to have Mr. Greene install a permanent Boat Station with a low profile asphalt- shingle roof and a side lift hoist without a roof.

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

With no further discussion and after completing their review, the Board moved to approve the application as presented by Board Member Gilbert and Board Member Mincer providing a second. The motion carried with all Board Members present voting in favor.

4. Application #050715-SPR/Mr. Tom Fromberger of MRB Group, representing agent for property owner, Mr. Alan Krautwurst would Site Plan review to construct a proposed 740 sf storage garage with new driveway on vacant land located on east side of South Lake Rd., Tax ID#21.26-01-8.1 (LR)

Agent Mr. Tom Fromberger presented the application stating the location to be on vacant land east of South Lake Road across from the Krautwurst's homestead at 1043 South Lake Road. The proposed 740 sf storage garage would be measured out at 40 ft. x 46 ft., set into the existing character of the neighborhood, with dark brown siding and moss toned roof and wainscoting. Electric only would be installed and a 10 ft.

driveway would access the garage with gravel at a 2 inch depth. The grading up to the pad would not change. Drainage at roof would drain at the drip onto level ground without gutters. Any excavation spoils would be silt fenced.

Board Member St. Lawrence brought drainage concerns to the Board for discussion. The following are noted:

- a. Establish a drainage swale inside the property boundary along the south side of the proposed project. Discharge this drainage swale at road side by removing a section of existing shoulder culvert and directing the flow to the new inlet towards the north. Install rip rap from the swale discharge to the new culvert inlet. Install check dams. Verify size requirements for the existing roadside culvert.
- b. Install a diversion ditch along the east side of the project beyond all new proposed grade work. This should extend the full N/S width of the property. Install rip rap at discharge into the existing drainage ditch along the north property line.
- c. Install a rolled erosion control product by North American Green Co., or approved equal, for the new steep slopes created along the east and south sides of the project site where slope is greater than 25%.
- d. Relocate the check dam shown along the north side of the perimeter drainage around the garage more towards the west. Re-draft the contours accordingly.
- e. Review driveway location with Highway Superintendent.
- f. Add silt fence to the site plan legend.
- g. Submit a revised site plan via pdf file for distribution to Board Members.

Board Member St. Lawrence suggested that if these revisions could be sent to Board Members by pdf file for Board review, that he was comfortable to have the Code Office issue a permit for the application after all conditions were resolved.

Chairman DeVinney entertained a motion to approve with conditions as noted.

Board Member St. Lawrence offered a motion with Board Member Gilbert providing a second. All Board Members present voted in favor and the motion carried.

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

5. App. #052715-SPR / Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd. requests Site Plan Review for the installation of Driveway Improvements, Tax Map # 011.28-1-2 (LR)

CEO Kane summarized the application for Board Members referencing this application previously included both the driveway improvements and the installation of a tram at shoreline. Due to the non-compliance with the Town's Steep Slope Law, the owner's decision was to separate the driveway modifications from the tram installation. This application was only for Board Site Plan Review of the Driveway modifications and the proposed installation of retaining walls which would need variances from the Zoning Board of Appeals. Due to the steep slopes on this parcel, the applicant is seeking a Planning Board waiver from the Steep Slope Law, referenced in Section #707.6.2.1.4.

Ms. Kane further stated that Stantec, as Town Engineer, had visited the site twice with her, had reviewed all of the submitted material, submitting their review of recommended Site Plan revisions today which would be pertinent to resolve concerns if a Planning Board waiver and the required zoning variances were granted. This review was received by the Code Office today and was transmitted to Mr. Moon at Marathon

that afternoon. Mr. Moon had responded with revisions and both reports were now being submitted to the Board for their initial review.

After the Board reviewed the reports, Ms. Kane introduced Mr. John Gibson as owner of the parcel who provided the Board with his intent for the proposed work. Mr. Gibson stated his intent was to provide safe vehicular accessibility to his seasonal dwelling and to provide relief for family members accessing the property as well as to provide a staging area midway for emergency vehicle access.

Mr. Gibson summarized the proposed three areas to be modified:

- a. Bottom section by the house (Northwest Section) – shale slope eroding, clogging the existing drain which carried groundwater runoff to the existing northern ditch. The application proposed to cut back into the embankment and install a dolomite boulder retaining wall of Dolomite boulders which would provide room for a circular turnaround, rather than needing to navigate a vehicular 3pt. turn. and would also provide additional parking uphill from the house.
- b. Middle section (West Section) by the existing driveway switchback – two retaining walls were proposed. The eastern wall in this area would help the erosion impacted by ground water runoff coming off the driveway and also to redirect water flow around this wall and back into an existing ditch to the south. The second retaining wall, to the west of the switchback, would provide additional parking and emergency vehicle staging.
- c. Upper section by Seely Landing (Northeast Section) – one retaining wall was proposed here which would provide additional vehicular parking, important during winter months and when encountering other vehicles using the road. Vehicles currently parked on Seely Landing and then walked down to dwelling.

An inquiry by Board Member St. Lawrence of the possibility of the need for two waivers as well as multiple zoning variances; one for the driveway modifications and one for over 500 sf. of ground disturbance which kicked in the law. These three areas could not be segmented under SEQR Law.

Further discussion included the possibility of a redesign of the mid-section to include extending the proposed western wall at by 10 feet which would increase the height of the wall as well and require the need for safety railings for fall protection.

Ms. Kane stated that it was discussed onsite that the area to the east was tight, and included a peat moss septic system. Emergency vehicles would not currently be able to access the house.

Chairman DeVinney suggested prior to further review, that the Planning Board be allowed to set up a site visit to better visualize the applicant's concerns and those presented by the Board. He stated the intent of the waiver was to establish need for repair or modifications based on a safety factor, not based on improving traffic flow or to provide additional parking. He agreed that this location was in an extremely steep slope area and the erosion concerns interested the board. He also stated that he would like to have more time to review the Town Engineer and Marathon's response letter prior to this site visit to make the best determination possible.

Mr. Gibson provided permission for the Board to access the property, with the date to be set in the near future.

Mr. Moon from Marathon Engineering inquired of the Board whether they would want him to be at the onsite visit as well. He also inquired if the waivers would then be decided at the June 17th meeting and a possible placement on the July Zoning Board of Appeals for the variances with a Planning Board recommendation.

Chairman DeVinney stated he would inform Mr. Moon of the site visit date once it was set and the Ms. Kane of the Code Enforcement Office would inform him when the application, if granted waivers from the Planning board, of the process of being placed on the Zoning Board of Appeals agenda and when.

Other Business:

Ms. Kane, CEO updated the Planning Board Members she is awaiting requested information on the application for the proposed Wind Turbine.

Board Member Lersch referenced the selection of a town resident for recommendation as a Yates County Planning Board alternate representative for the Town of Middlesex. This alternate would fill a vacancy during the winter months when our current representative, Mr. Douglas Skeet leaves for a six month period. After a short discussion, Board Member Lersch offered to contact recommended residents for the position and will report back at our next meeting.

After a short discussion, it was decided we would meet for a June 17th mid-month meeting.

Chairman DeVinney made a motion to adjourn. Board Member Lersch offered a second. The motion carried with all Board Members present voting in favor. Adjourned at 8:45pm.

Draft Minutes submitted by L. Lersch/revisions to lsammy5@frontiernet.net

Minutes approved on June 17, 2015

