

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes

Wednesday, June 17, 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, John Gibson, Bill Grove, Nancy Robinson

Agenda/Site Plan Reviews:

1. Application # 060915-SPR-SSR / Mr. William Grove, representing agent for Ms. Nancy Robinson of 1431 South Lake Rd., Tax ID #31.01-1-7 (LR) requests Site Plan Review for stabilization of a gully and a waiver from a SSPA.
2. App. #052715-SPR-SSR / Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd., Tax ID # 011.28-1-2, requests Preliminary Site Plan Review and waiver from a SSPA for the installation of retaining walls & driveway improvements, and waiver from a SSPA. (LR)

Chairman DeVinney opened the floor for the following Site Plan Reviews at 7:15pm:

1. Application #060915-SPR - Ms. Kane, CEO summarized the parcel history of the application for the Planning Board Members prior to introducing Mr. Bill Grove, representing agent for owner, Ms. Nancy Robinson. Ms. Kane stated the gully had been damaged by three storms dating back as far as 2007. Ms. Robinson's dwelling was impacted as well when the creek became clogged with mud and debris. A retaining wall and gabion stone baskets were added to the east side of the gully. Further damage from a recent storm event has eroded this wall at the bottom. Mr. Grove is presenting a Site Plan which has been reviewed by Town Engineer, Stantec who conducted a site visit in early June and recommended revisions to the Site Plan in a letter, dated 6/10. This project will entail a minimum of ground disturbance, and requires a waiver from the Steep Slope Law, as it is in a SSPA.

Mr. Grove stated the retaining wall placed in 2007 had two courses of stone buried below ground, had now has been undermined by storm water 18-24" below the bottom course. To resolve the problem, Mr. Grove plans to relocate the gully centerline at its' lowest point, away from the northern wall of the gully, and Contractor Eric Johnson would then excavate gully floor upland for approximately 8 ft. To resolve the issue, they planned to line the gully, starting at the tree stump to protect its' root system, the back side of the undermined portion of the retaining wall and the northern embankment with 6-18 inch rip rap stone to further stabilize these areas. Tree removal would be minimal. Staging for the project equipment would involve building a landing on the north side. Bill Grove stated he felt the 4 ft. culvert at roadside seemed to be sized appropriately to handle the existing water runoff to the lake. A plan to mitigate upland ground water above the house will be addressed at a later date. Right now, the priority is to stabilize the gully and the retaining wall.

After some discussion, the Board decided to clarify some concerns with Town Engineer Stantec within the next couple of days and will provide confirmation at that time of a conditional approval to the submitted Site Plan prior to permitting. The following concerns by the Board were noted:

- a. Whether a SPDES permit is required for this work.
- b. The Board advised the site plan should be revised to show more detail in dimensions, setbacks, and for installation of rip rap stone to be dimensioned clearly for the contractor.
- c. Tree Removal and protection to be noted on the plans.
- d. The plan should more accurately show the extent of the proposed work to the existing modular block wall. If rip rap will be used in this area, it should be keyed as to the size and quantity as appropriate to the slope.
- e. All check dams should have a key way.
- f. The plan should state a specific rolled erosion control product, or equal, for the contractor to provide.
- g. A plan for the construction staging (construction execution plan) for site access and material laydown, etc. needs to be included on the final site map.
- h. Board advisements to include extensions further west of the stump at the west end, and further east beyond what is shown are recommended. Also noted was runoff from the uphill groundwater behind the house should be resolved now, so that you don't have to return and create additional ground disturbance later.
- i. Contact the Highway Superintendent prior to permitting.

****NOTE:** Addendum on Page 5 for additional comments referencing Application #060915-SPR Robinson

A brief discussion took place referencing the request for granting a waiver to the Steep Slope Law per Section #707.6.2.1.4 of the law. The Board stated reasons for possibly granting a waiver were listed in Section #707.1.2 of the law and would be considered on a case to case basis. The Planning Board stated that it was evident, by the presentation of the Site Plan, the history of the parcel and Stantec's recommendations as Town Engineer from their June site visit and written review, that granting a waiver would reduce both public and private safety concerns and further erosion damage to the Robinsons' gully, dwelling and ultimately to South Lake Road as well as debris entering Canandaigua Lake.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Mincer made a motion in support that 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.

Without further discussion, Board Chairman Marty DeVinney entertained a motion from the Board to grant approval of the Steep Slope Law waiver request based on the reasons discussed. Board Member Mincer provided a vote of approval for the motion with Board Member Lersch providing a second. The motion carried with all Board Members present voting in favor.

A conditional site plan approval based on the clarification of concerns and the confirmation of possible Site Plan revisions from Stantec, beyond what was listed in their June 10 letter was offered by Board Member St. Lawrence and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

2. App. #052715-SPR-SSR / Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd., Tax ID # 011.28-1-2, requests Preliminary Site Plan Review and waiver from a SSPA for the installation of retaining walls & driveway improvements, and waiver from a SSPA. (LR)

Ms. Kane, CEO provided the Board with a brief summary of the application, stating the proposed project had come to the Planning Board back in March for installation of a tram, retaining walls and modifications to the driveway. The applicant then removed the driveway improvements and proposed retaining walls from the application in April and is now resubmitting to the Board for review a Site Plan Review of the driveway modifications and installation of four retaining walls to provide additional parking and improved vehicular access to a seasonal dwelling. Stantec has provided a letter of recommendations dated June 3rd

and made an onsite review on June 1st as well. Marathon Engineers responded to Stantec's letter on June 3rd. Mr. David Moon of Marathon Engineer's was introduced as agent representing the Gibson's.

Mr. Moon stated that in the initial Site Plan which included both the tram and the current proposed actions, Lu Engineer had provided both Steep Slope and Site Plan Reviews and Marathon intends to incorporate both Lu Engineer's and Stantec's June 3rd recommendation into the Site Plan as recommended. The current application is requesting of the Planning Board, a waiver from the Steep Slope Law, per Section #707.3.5.1D and area variances for setback non-compliance from the Zoning Board of Appeals if a waiver is granted from the Planning Board. The intent of the application is to provide better vehicular accessibility to the seasonal dwelling from both a safety and erosion focus. The proposed action will provide safer vehicular access and a turnaround in the winter months when conditions are exacerbated by snow and ice, additional parking, staging area for emergency vehicles and better erosion control by stabilizing the steep embankments impacted by storm water runoff on the parcel. The project was proposed in three sections, the Northeast Area (Section A) at the top of the driveway where it intersects with private road Seely Landing, Southwest Area (Section B) at the driveway's switchback and the Northwest Area (Section D) at the bottom of the driveway opposite the seasonal cottage.

Board Member St. Lawrence stated the Planning Board received permission to visit the site on June 11th to better visualize the application. He requested further detail to understand the applicant's request due to finding the site stable. After a brief discussion of each of the project's proposed actions, the Board considered granting a SSPA waiver for Section D only because it would provide additional room for safe vehicular turnaround as well as stabilizing significant erosion to the eastern embankment down by the applicant's dwelling and septic system.

Chairman DeVinney invited further Board discussion. Board Member Lersch opposed granting a waiver for this particular request based on the following reasons:

1. The owner's request additional parking could be resolved using alternate methods.
2. Fire Emergency Vehicle access to the dwelling would remain impossible in the winter months and probably would not be guaranteed throughout the year, even if the proposed improvements were granted, as per comments made by Board Member Mincer, also a Fire Volunteer for Middlesex Hose.
3. The parcel seems not unlike other steep slope parcels with the same or worse atypical erosion patterns from uphill storm water runoff.
4. Ms. Lersch, having visited the site after a recent storm event that caused major erosion problems in the area, did not see any additional erosion concerns from the June 11th site visit.

Chairman DeVinney asked Board Members for a motion to proceed.

Board Member St. Lawrence offered a motion to grant a waiver to the Steep Slope Law per Section #707.6.2.1.4 of the law for only the proposed Section D on the Site Map for reasons of providing stability to the eastern embankment, providing containment of the erosion by installing a dolomite boulder retaining wall, as well as providing additional space for safe vehicular turnaround down by the dwelling.

Board Members took a roll call vote: M. DeVinney- aye; B. St. Lawrence – aye; R. Mincer – aye; J. Gilbert – aye; L. Lersch – nay. The motion carried granting a SSPA waiver from the Steep Slope Law to the proposed Section D on the Site Plan and to provide Preliminary approval to the Site Plan (Section D) as presented.

Board Member Lersch reminded the Board that this application would now be sent to the County for Planning Board Review on July 23rd and final revisions to the Site Plan (Section D) per Stantec and Lu Engineer's recommendations would need to be completed prior to their deadline on July 14th.

A SEQRA review was determined to be a Type II action needing no further review. Board Member St. Lawrence made a motion in support that the proposed action (Section D) would not have any significant

environmental impact as presented. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

Mr. Moon was advised that a letter of confirmation of the meeting's actions would be mailed next week.

Other Business:

The Board reviewed draft minutes for May 6 and June 3. A motion to approve them as written was made by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Board Members voting in favor.

Board Member Lersch provided the Board a letter of resignation from Yates County Planning Board Member Douglas Skeet, as our Town of Middlesex County representative, that as of December 31, 2014, he would be retiring and Mr. Donald Sheive of the Town of Middlesex would be interested in applying for the position. Since Mr. Sheive is a year round resident, he would be able to represent the Town of Middlesex on a year round basis. Mr. Skeet will review the County process and provide him with all Planning Board Requirements and information necessary to represent us at the County level. The Planning Board will provide Mr. Multer, the Town Supervisor with a recommendation which will be sent to the County for appointment by the County legislators.

The next Planning Board meeting will be on Wed., July 1st for Site Plan Reviews.

A motion to adjourn was made by Board Member Lersch and seconded by Board Member St. Lawrence. The meeting adjourned at 9:45pm.

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

Minutes approved on August 5, 2015

****June 18, 2015:**

Addendum to Town of Middlesex Planning Board Minutes of June 17, 2015

Town Engineer - Stantec additional recommendations to Planning Board questions raised at their June 17, 2015 meeting after reviewing Application #060915-SPR Robinson:

1. A SPDES permit is not required for this work. This work falls under the general stormwater permit section of SPDES and is not required if less than 1 acre is disturbed.
2. The plan should be revised to show dimensions for the rip rap work. Extensions further west of the stump at the west end, and further east beyond what is shown are recommended. Final plan view for the rip rap is to be dimensioned for the contractor.
3. The plan should more accurately show the extent of the existing modular block wall.
4. The rip rap required must be specified as stated in comment #8 from Stantec. The note on the plan which states 6" to 18" is not adequate for the contractor to order the correct product. A state classification is to be shown.
5. The east end of the rip rap, at a minimum, should be keyed in. A detail or description needs to be included.
6. The plan should state a specific rolled erosion control product, or equal, for the contractor to provide. Lu Engineering typically uses a Tensar North American Green product that is designed for the particular slope being addressed.
7. A plan for the construction staging (construction execution plan) for site access and material laydown, etc. needs to be included. (Stantec comment #3)
8. Show trees to be removed on the plan. This must compliment the contractor's execution plan.