

TOWN OF MIDDLESEX

PLANNING BOARD

Minutes

Wednesday, July 1, 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: Wendy Marsh, Attny; David Moon, Viven Thiagarajan, Tom Fromberger, Wayne Wegman

Agenda: DEIS Komarek Subdivision – Resolution

Draft Planning Board Minutes – June 17th

Site Plan Reviews:

1. Application # 061515-SPR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.
2. Application #061415-SPR / Mr. Wayne Wegman - owner of property at 630 East Lake Road requests Preliminary and Final Site Plan Review for the construction of a proposed two story 530 sf addition & upper level deck to the north-east side of an existing seasonal dwelling; new septic system to replace an existing system; and drainage modifications. Tax ID # 011.042-001-010, (LR)
3. Application #061615-SPR/ Mr. Andrew Ellison of Drew's Docks, representing agent for Mr. James Fonzi of 5980 Widmer Rd., requests Site Plan Review to install a 572 sq. ft. permanent dock at shoreline, Tax ID # 31.03-1-3.1, (LR)

Chairman DeVinney opened the floor and the Planning Board Meeting came to order at 7:02pm

Draft Planning Board Minutes from June 17th were reviewed by the Board. Board Member Mincer made a motion to approve with revisions. After a short discussion, that movement was amended by Board Member Lersch who moved to hold the determination of approval, in lieu of pending information. A second was provided by Chairman DeVinney. The motion carried with all Board Members present voting in favor.

Chairman DeVinney introduced Ms. Wendy Marsh - attorney at law for Hancock & Estabrook, representing the Town of Middlesex along with Town Engineers - Stantec for the purposes of presenting a Resolution of the Town of Middlesex Planning Board regarding the Determination of Adequacy of the revised Draft Environmental Impact Statement (DEIS) prepared for the Komarek Major Subdivision project pursuant to SEQRA. Ms. W. Marsh reviewed the resolution.

Roll call vote:

Martin DeVinney	<i>aye</i>
John Gilbert	<i>aye</i>
Lynn Lersch	<i>aye</i>
Robert Mincer	<i>aye</i>
Bruce St. Lawrence	<i>aye</i>

Site Plan Reviews:

1. Application # 061515-SPR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.

Ms. Kane, CEO summarized the application for Board Members, stating that the parcel was located on East Lake Road approximately a mile south of Townline Road. This application will need county referral and an area variance for side setback. The new tram shall replace an existing tram; however the existing tram footprint shall be extended to the upper level on the southeast side of the house. Stantec had reviewed the application in a review letter dated June 30th. After a phone discussion to clarify points in the report, Ms. Kane forwarded the review to Mr. Moon who was able to bring to tonight's meeting a response from Marathon Engineers to Board Members. Ms. Kane then introduced Mr. David Moon to present the application to Board Members.

Mr. Moon stated the new footprint of the tram would include 494 sq. ft. with a linear length of 127 feet. He summarized a Geotechnical Report from Marathon stating when demolishing the old tram, it would keep intact, the old foundation at ground level in order to keep ground disturbance at a minimum. The proposed location of proposed tram would be within 6 inches of the neighbor's parcel to the south and would need an area variance due to existing site constraints.

A discussion pursued, referencing alternative options to provide safe access to the house and also reduce the variance request as proposed. An alternative suggested by Board Member St. Lawrence would not only reduce the length of the tram and materials required, but would allow the tram be relocated to the lake side of the house and a bit to the north, by removing an existing 40 ft. set of stairs or sliding them over to the north more. This could easily be accomplished as they seemed to not contain footers. This would reduce the variance request and still provide the applicant with a tram and platform that would allow safe and convenient access from the lower level of the house to the shoreline.

Board Member Lersch inquired of relocating the proposed tram's location from the south to the north side of the house where there was possibly more room so as not to need a variance. Mr. Moon stated that it would be difficult and more costly to align it from the shoreline landing and traverse around an existing retaining wall as well.

Board Member Gilbert stated the existing tram was within the required 15 ft. setback, and the applicant is requesting a variance of 9 inches with the proposed tram location that if granted by the Zoning Board of Appeals, would make the proposed project more non-conforming than it was now.

Ms. Kane added that additional room might be needed for future routine maintenance without infringing on the neighbor's parcel.

Board Member Lersch expressed a concern that the tram piles when driven into the ground might create harm to the root system of the neighbor's 12" diameter oak tree if the tram was located as proposed by Marathon's site plan.

After more discussion, Mr. Moon stated he would relay Stantec's review and the Board's recommendations to the owner and discuss alternative options and requested revisions with the owner. In summary, the Board recommended the following:

- Keep the project out of the required setbacks if possible
- Maintain the 40 ft. of existing stairs by moving them to the north
- Access the tram from the lower level of the house on the lakeside
- Provide a construction execution plan to include a plan for the ground disturbance spoils.

Mr. Moon acknowledged the Board's recommendations and inquired that the Board recap the next steps in the application process.

The Planning Board and Ms. Kane, the Code Enforcement Officer relayed that once final revisions, recommended by Stantec, were made and a decision was resolved on the tram's location, the Planning Board could then provide the Zoning Board of Appeals with a recommendation from our Site Plan Review. Agenda dates for the ZBA would be provided through the Office of Code Enforcement. After the Town reviews, the application will then be referred to the Yates County Planning Board who will make a recommendation to the Planning Board. Once all reviews have been completed, the application will come back to the Planning Board for Final Determination of Site Plan Review.

2. Application #061415-SPR / Mr. Wayne Wegman owner of property at 630 East Lake Road requests Preliminary and Final Site Plan Review for the construction of a proposed two story 530 sf addition & upper level deck to the north-east side of an existing seasonal dwelling; new septic system to replace an existing system; and drainage modifications. Tax ID # 011.042-001-010, (LR)

Ms. Kane, CEO provided a brief summary of Mr. Wegman's application, stating all required zoning requirements were met and the application would not require any variances. The intent was to create a year round residence from a seasonal cottage which he purchased in 1998. The addition would not create more bedrooms, but would increase the storage and make a more convenient entrance. A new septic system would be upgraded and existing drainage improved. Ms. Kane then introduced Mr. Wegman to present his application.

Mr. Wegman addressed the Board and stated what structures presently existed on the parcel. They included a garage, a two-story single family residence that was approximately 785 sq. ft. per floor with a walk-out basement and a deck on the lakeside. The 530 sq. ft. addition would reflect the frame style that currently exists and would add approximately 265 sq. ft. providing us with an entrance, a master bath, closets, and in the basement, a utility and storage room.

The septic upgrade would be relocated by approximately 40 yards. and increase the tank from 1000 gallon to a 1200 gallon tank. It is currently sitting 10 feet off the property line as was required as setback when built. I can't set it back any further as I would lose a healthy tree. The existing pump station will be replaced and upgraded as well to current standards.

Existing drainage on the parcel includes a swale running north to south on property with a pre-existing French drain at the top of the embankment. Water now flows to the north side. I will be installing downspouts on the structure which will connect to downspouts on the north side which would flow to this north swale. I would like to start construction this fall and plan to move in in the Spring of 2016.

Planning Board Members inquired if the proposed septic system was aerobic vs. leach and whether it had been approved by the Canandaigua Lake Watershed Inspector, Mr. Barden as required prior to Planning Board Site Plan Determination. Board Member St. Lawrence requested appropriate sized rip rap added to all discharge points where they daylight to protect against erosion getting to the lake. The Board inquired who would be contracting the work and Mr. Wegman offered possibilities stating he was waiting for bids to come back. When asked of the addition's dimensions, he stated it to be 21 ft. by 12 ft. with a depth of 17 ft. with a slope of 4 ft. from the front to the back of the addition. The land slopes approximately 15% slope \pm increasing to a 20 ft. drop to the shoreline.. The Board inquired how construction equipment would be accessing the site and where equipment/materials would be staged onsite. Mr. Wegman replied that all construction equipment would stay within the confines of the driveway and would be hauled to the site by an excavator. There would be approximately 52 cubic yards of spoils that would be brought to the driveway area to the dump trucks who would haul it away. No spoils would be left onsite. All disturbed ground would be reseeded and stabilized once construction complete.

Without further discussion, the Planning Board gave conditional approval of the proposed site plan. Conditions required on the final stamped plans would include the following:

1. The plans need to identify location of all utilities, pump and septic
2. A sign-off from Mr. George Barden is required prior to Planning Board Determination
3. A construction execution plan on Site Plan noting how equipment will access the site, where equipment and materials will be staged onsite
4. All drainage discharge points will require appropriate sized rip rap to grade at inlet and outlet areas.

The Planning Board stated they were ready to review the SEQR for the application. The application was determined to be a Type II action needing no further review and to have no significant environmental impact. A negative declaration was determined with a motion offered by Board Member Lersch and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Board Member St. Lawrence moved for conditional approval as presented and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

3. Application #061615-SPR/ Mr. Andrew Ellison of Drew's Docks, representing agent for Mr. James Fonzi of 5980 Widmer Rd., requests Site Plan Review to install a 572 sq. ft. permanent dock at shoreline, Tax ID # 31.03-1-3.1, (LR)

Ms. Kane summarized the application for the Board Members, stating that the Mr. Fonzi had enough shoreline property, that setbacks were not a concern. It was a pretty straightforward application and met all Uniform Docking & Mooring Law (UDML) requirements as well.

Without further discussion, the Planning Board stated they were ready to review the SEQR for the application. The application was determined to be a Type II action needing no further review and to have no significant environmental impact.

A negative declaration was determined with a motion offered by Board Member Gilbert and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

After reviewing the submitted Site Plan and all documentation provided, Chairman DeVinney entertained a motion for approval of the application as presented. Board Member St. Lawrence made the motion and Board Member Lersch seconded the motion. The motion carried with all Board Members present voting in favor.

A motion to adjourn was offered by Board Member Gilbert and Board Member Mincer provided a second. Adjournment of the Planning Board Meeting was recorded at 8:15p.

Next meeting will be scheduled for August 5th

Draft Minutes submitted by L. Lersch/revisions to lynn.lersch@gmail.com
Minutes approved on August 5, 2015