

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes

Wednesday November 2, 2016, 7 pm

Board Members present: Acting Chair - Bruce St. Lawrence; Board Members: John Gilbert, Lynn Lersch, Robert Mincer, and Dawn Kane, Code Enforcement Officer

Others Present: Sue Sage, Tom Fromberger, Vivek Thiagarajan, Bill Grove, Wendy Meagher of Meagher Engineering, Mary Kay and Steve Copeland, Dean Arpag, Ed Bronson, Brian Sorochty, Rocco Venezia, Brennan Marks and Robert Brenner

Acting Chair St. Lawrence opened the meeting at 6:58pm

Agenda: Site Plan Reviews

Old Business:

1. Application #082416-SPR/Grove, representing agent for owner Dean Arpag of 1187 South Lake Road, requests Site Plan Review for the demolition of an existing dwelling and new construction to build a Single-Family Residence to include 2 retaining walls and a new septic system, Tax Map ID #21.64-1-1 (LR)

Agent William Grove, P.E. stated that variances were granted by the Zoning Board of Appeals in September, for the two retaining walls set within the front road setback, and the pending boundary conflict between neighbors had been resolved. An updated survey by Land Surveyor Rocco Venezia was still pending. A new septic had received NYSDOH approval. The shallow trench modified septic system will be graded at 18% slope in the back of the property and remain a grassy slope upon completion. The footprint of the new residence is approximately 2200 sf. with a partially finished walkout basement. Drainage around the residence will be managed with riprap and a typical splash pad directing run-off to the culvert that crosses South Lake Road at the northern edge of property. Water run-off will be engineered to enter the gully that is on the southern boundary line.

The Board reviewed the SEQR declaring a Type II action needing no further review.

After discussion, the Planning Board entertained a motion to give conditional approval of the application as presented pending the following conditions to be resolved prior to permitting:

- a. YCPB review on 11/17
- b. Pre-construction onsite meeting scheduled with Code Office prior to start of work.
- c. Submission of the pending updated survey for the property.

Board Member Gilbert made the motion and Board Member Mincer provided a second. The motion so carried with all Board Members present voting in favor.

2. Application #091416-SPR/Fromberger of MRB Group and representing agent for owner Andrew Komarek at vacant land contiguous to his residence on East Lake Rd., Tax ID # 2.03-1-23 (LDR)

Code Enforcement Officer Kane summarized the application for those present stating the proposed project consisted of a clay tennis court, which had been partially installed without a permit. The Planning Board had reviewed the project on October 5th and again during a Site Visit last month. A topographic map of original slope for the parcel had been provided by Passero Associates and LiDAR mapping provided by the CLWA referenced the parcel's Steep Slopes..

Agent Fromberger stated the location of the tennis was less than 15% slope and outside the areas of the highlighted grading easement. The owner has requested application for an area variance for the side setback at the northern boundary line. Since both properties were owned by Mr. Komarek, they felt this would be their best option to install the court without moving it, and creating more ground disturbance. They were anxious to place the clay on the court prior to the onset of winter.

Board Member St. Lawrence confirmed that the parcel's slope, was according to his review of submitted documentation, less than 15% and in compliance with our Steep Slope Regulations. Board Member Lersch inquired of the height and the purpose of the retaining wall proposed to border the entire length of the eastern side of the tennis court. Mr. Fromberger stated its' intent was to provide an aesthetic appeal and provide possible court seating. A perforated pipe planned to force water runoff to the end of the retaining wall to the south would also help drainage flow. Board Member St. Lawrence inquired of plans for the tennis court access from the house. Mr. Fromberger stated that at this time there was none.

It was deemed by the Planning Board that SEQR review declared the project to be a Type II action needing no further review.

Without further discussion, Acting Chairman St. Lawrence entertained a motion to give conditional approval to the application pending the resolve of the following conditions:

- a. An Area Variance must be granted to allow the tennis court to remain in current position. Without such granting by the Zoning Board of Appeals, the Planning Board shall require the tennis court moved to the south to comply with current zoning.
- b. Extension of the perforated drainage pipe located behind the proposed retaining wall. This pipe extension must daylight further to the south to force water flow into the wooded area and the southern gully. The same holds true for the collection system along the west side of the tennis court as discussed.
- c. Access from the house to the tennis court shall remain grass.
- d. Revise maps by 11/17 ZBA Hearing.

A motion for conditional approval on the application was provided by Board Member Mincer and Board Member Lersch provided a second. The motion carried as a conditional approval with all Board Members present voting in favor.

New Business:

3. Application 102816-SPR/Venezia & Associates representing agent for owner Ms. Susan Sage of 962 South Lake Road requesting Site Plan Review for the demolition and rebuild of an existing structure with proposed new driveway access at 962 South Lake Road, Tax Map ID # 21.25-1-7, (LR)

Rocco Venezia presented the application, stating the proposed house was an improvement to the existing cottage. The new house design will set on the existing footprint, though rotated slightly to conform to the property line. An existing septic system will remain on the parcel across the road and has been approved by George Barden as being acceptable for the proposed residence.

Board Member St. Lawrence made an inquiry referencing the side setback to the south. He stated that as proposed, the southwest corner encroached on the side setback, making the setback more non-conforming than in the original footprint. Current side setbacks are 15 ft. and though it is pre-existing, the proposed slight rotation of the proposed house creates the need for an area variance.

After a short discussion, and owner's agreement, it was determined a slight modification of the house footprint design would alleviate the need to apply for a side setback area variance.

The Planning Board reviewed the proposed action and determined it to be a Type II, needing no further review.

Without further discussion, Acting Chairman St. Lawrence entertained a motion to approve the application contingent on the following conditions:

- a. Modification of House footprint to keep within current zoning side setback requirements.
- b. Yates County review on November 17th

Board Member Lersch provided a motion for conditional approval of the application as presented. Board Member Gilbert provided a second. Motion so carried with all Board Members present voting in favor.

4. Application #102916-SPR/Venezia & Associates, representing agent for Leon Button, owner of vacant land bordering Vine Valley Rd., Tax Map ID # 12.01-28 &30, requests Site Plan Review for a Minor Subdivision in the AG Zoning District.

Rocco Venezia presented the application to the Board stating it was a stand-alone lot contiguous to an existing lot owned by the Bronson's with 562 ft. of road frontage on Vine Valley Rd. This subdivision meets all lot area requirements of the Town's local zoning ordinance. Total acreage is 4.286.

A review of the submitted SEQR deemed the action to be a Type II without need for further review.

Without further discussion, Acting Chair Bruce St. Lawrence entertained a motion to approve the Minor Subdivision. A motion was provided by Board Member Mincer and was seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

5. Application #101216-SPR/Brennan Marks representing agent for owner Robert Brenner of property located at 262 East Lake Road requests Preliminary Site Plan Review for the construction of a stair system to access an existing shoreline dwelling and the construction of a retaining wall at shoreline, Tax Map ID # 2.61-1-2, (LR)

Code Enforcement Officer Dawn Kane summarized the application for the Planning Board stating Brennan Marks, engineer for the project, had submitted a conceptual plan, which was presented, to the Board by Mr. Robert Brenner in October. Engineer Marks provided an independent topographic map of the property, which was then revised with an updated survey.

Mr. Brenner further stated that an onsite walk had determined a modification to the original plan with the decision that it would be best to move the steps to the north to allow for less ground disturbance and to alleviate some setback infractions with the stair system platforms. Setbacks at the toe of the slope at shoreline would still need variances, as would a proposed retaining wall. The intent of the 4-ft. terraced retaining wall was to hold back falling debris from sloughing off on a proposed stone walkway located at the shore side of the house.

Board Member Gilbert inquired of the existing boathouse shown on the map as attached to the house, and seemed to be on the neighbor's parcel to the north. Mr. Brenner stated there was an encroachment agreement dating back to 1984, which referenced this structure and a rail system for boat launching.

Board Member Lersch inquired how materials would be brought to the site. Mr. Brenner replied that materials to be used at lakeside would be brought in by barge. Materials for the stair system upland would be brought in by delivery vehicle off East Lake Road to a staging area. The stair system posts would be hand dug with a one and two-man auger. All landings would consist of wood with posts set in concrete. All existing trams on property would remain in place and there were no future plans at this time to locate a new tram on the property, although if in the future that changed, he would probably terminate the tram at the proposed stair system platform at shoreline.

The application would require 5 area variances to comply with current zoning. These would include: two side setbacks at both ends of the retaining wall system at shoreline, as it extended beyond the south platform; one side setback for the final stair landing; and two front yard setbacks for the stairs and retaining walls for the distance they were located from the HMWM.

A SEQR was declared to be a Type II action needing no further review.

Acting Chairman St. Lawrence entertained a motion to approve the Preliminary Plan for Site Plan Review with the following conditions needing resolve prior to permitting:

- a. Site Map notation of drainage plan to manage water run-off behind the proposed shoreline retaining wall where it daylight to neighboring contiguous parcels. Show size and area of erosion control stone.
- b. Retaining wall design to be low impact to consider neighboring parcels view.
- c. Updated stamped land survey to be referenced on Site Plan Map prepared by engineer.
- d. Construction Execution Plan to be written by contractor(s) used onsite. (See SSPA Regulations and Guidelines, definitions section for more information)
- e. Pre-construction onsite meeting to be scheduled with Code Enforcement Officer prior to permitting.
- f. Site map notation of stockpile location of spoils and indication of surrounding silt fencing as needed.

Without further discussion, Board Member Gilbert offered a motion to give preliminary approval of the application with conditions as presented and Board Member Mincer provided a second. The motion so carried with all Board Members present voting in favor.

6. Application #101316-SPR/ Wendy Meagher of Meagher Engineering representing agent for Mr. Steven Copeland of 703 East Lake Rd., requests Preliminary Site Plan review for the construction of a new Single Family Residence and extension of an existing driveway, Tax ID #11.51-1-2 & 11.59-1-4, (LDR)

Code Enforcement Officer Kane summarized the application for the Board stating Wendy Meagher as Engineer, would be presenting the application. She had submitted a SWPPP application, and had received back the SPDES Permit for the project due to the amount of ground disturbance. The septic system had been approved by George Barden and was awaiting pending NYSDOH approval. There was an existing garage on the property and the driveway included a ROW easement from East Lake Road shared with the contiguous neighbor. The pre-existing driveway would be improved to add emergency vehicle turnouts slightly beyond the 500-ft. due to lay of the land slopes.

Engineer Meagher stated the application was new construction of a 2500 sf two-story single-family residence to include a walk out partially finished basement. The proposed action met all the lot area requirements for zoning and Steep Slope requirements. There is an existing metal pole barn on the property. The construction will necessitate a group of trees to be removed. An erosion control plan will manage the original slope of 15-25% to a 35% slope uphill and a 37% slope downhill by the septic system. She stated the SEQR process had flagged the possibility of an archaeological SHPO review. They had completed Phase I and II of this process and to date, these reviews have found nothing of significance, though still pending NYS approvals.

A survey by Jeremy Years was updated by Babcock Land Surveyors to certify boundaries. Estimated start of work to be in the Spring 2017.

After a discussion, it was determined by the Board to give preliminary approval to the application with the following requirements resolved prior to final determination possibly in December:

- a. Map notation of Steep Slope Erosion Control Product to be used specific to referenced grade.
 - b. Map notation of trees removed on property within the construction area.
 - c. The updated stamped Land Survey used for documentation requires a reference noted on Site Plan Map, prepared by W. Meagher, P.E.
 - g. Existing 1200 ft. driveway to be modified to a minimal width of 12 feet with appropriate radius of turn and turnaround to serve emergency vehicle access to the residence from E. Lake Rd. Dimensions referenced in the Regulations for Private Driveway/Private Road Law and the Standards for New Roads for dimensions.
 - d. Septic design pending NYSDOH Approval
 - e. Construction Execution Plan to be written by contractor(s) for onsite use. (See SSPA Regulations and Guidelines, definitions section for more information)
 - f. Pre-construction onsite meeting scheduled with Code Enforcement Officer prior to permitting.
7. Conceptual Review brought by the Code Enforcement Office to the Planning Board for the DDS Companies, represented by agent Brian J. Sorochty for owner Sean Donohoe of 370 East Lake Road, Tax Map ID # 1.76-1-7, (LR) for the purpose of installing over 400 feet of REDI-ROCL block retaining walls for replacement of failing timber walls currently in place.

Ms. Kane, Code Enforcement Officer stated the proposed project currently had a stop work order in place as the installation had begun without a permit. Learning of the zoning regulations in place, the company had provided her with all applications necessary, a letter of intent, and an engineered Site Plan stamped as Preliminary for Board review. Ms. Kane's onsite inspection showed most of the work was a repair without a great deal of excavation necessary. Mr. Sorochty was in attendance to present and has provided the board with the addition of a photo log, to better visualize the proposed project. He confirmed the proposed project was Phase I of site improvements for the parcel. They would be installing over 400 lineal feet of REDI-ROCK interlocking wall system by Kissner, with varying heights from 24 in. to 8.5 feet in this Phase of the project. Future work would be applied for in an appropriate manner.

After a review, the Planning Board determined the Stop Work Order on the project could be lifted if the following Site Plan requirements were resolved prior to the start of more onsite construction:

- a. Submission of a Construction Execution Plan written by contractor.
 - b. Site Plan Map notation of onsite drainage management behind walls and across driveway, showing wall detail of such.
 - c. Site Plan Map notation of all setback dimensions of structures proposed or existing.
 - d. Site Plan Map notation of what currently exists and what is proposed.
 - e. Site Plan Map notation of plan for location of hauling spoils offsite or stockpiled on property with appropriate silt fencing where needed.
 - f. Clarification for reason existing timber wall at East Lake Road is not being replaced.
 - g. Variance application for two setbacks not in compliance. They include a side setback at location by the guesthouse and a front setback from road centerline for a retaining wall at East Lake Road.
8. Conceptual review for the construction of a permanent docking system at shoreline for Robert Palmateer of 480 East Lake Road, Tax Map ID # 11.27-1-2.1, (LR)

Ms. Kane, Code Enforcement Officer summarized the application request for the Board Members stating Mr. Palmateer's docking system had experienced ice damage from past winters and he was requesting Site Plan Review to complete these repairs, performed by Brawdy Construction. Mr. Palmateer had

approximately 500 ft. of shoreline frontage and his request is well within the UDML required regulations. The project meets all existing setback requirements as well.

After a short review of submitted Engineered Site Plan, the Planning Board advised the following conditions prior to permitting:

- a. Notation on Site Plan Map of proposed work to stay within the original footprint where refacing of the existing dock work at HMWM is located.
- b. Notation on Engineer's Site Plan map of reference to work by Land Surveyor used.

Other Business:

Training Brochures were distributed to Board Members for the Fall 2016 Regional Local Government Workshop, sponsored by the Genesee/Finger Lakes Regional Planning Council on Nov. 16 in Batavia, NY.

Planning Board Draft Minutes for October 5th were placed on hold for the purpose of revisions.

Without further discussion, Acting Chairman St. Lawrence entertained a motion to adjourn. Board Member Lersch offered a motion and Board Member Mincer provided a second. Motion so carried with all Board Members voting in favor.

Meeting adjourned at 9:30pm
Next Meeting: December 7th

Draft Minutes submitted by L. Lersch/revisions to lynn.lersch@gmail.com
Minutes approved on January 4, 2017