

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

Wednesday August 3, 2016, 7 pm

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

Others Present: Eric Lundquist, Duncan Rioch, David Seconi, Mike Greene, Doug Doebler, Dave Moynihan, Nancy Evans, Tom & Bonnie Mahaney

Agenda: Site Plan Reviews:

1. App. #052814-SPR, Eric Lundquist requests Site Plan Review for a Minor Subdivision of properties where Document Reprocessors was located on West and Water Streets in the Hamlet Residential District. Tax ID #'s 22.67-1-2.1, 22.67-1-3, and 22.67-1-1.1.
2. App. # 021716-SPR, Venezia & Assoc. representing agent for property owner, Mr. David Seconi of 989 South Lake Rd., requesting Site Plan Review for structural improvements to shoreline property, Tax ID #21.33-1-10, (LR)
3. App. # 072016-SPR, Preliminary Application with Greene Surveying representing agent for property owner, Mr. & Mrs. Lee Muncy of 672 Fisher Rd., requesting Site Plan Review for demolition of existing house and rebuild with new septic system, Tax ID #11.50-1-7 & 8, (LR)

Chairman DeVinney called the meeting to order at 7p.m.

Draft minutes from July 6<sup>th</sup> were reviewed and a motion to approve was made by Board Member St. Lawrence and seconded by Board Member Mincer. Motion so carried with all Board Members present voting in favor.

1. App. #052814-SPR, Eric Lundquist requests Site Plan Review for a Minor Subdivision of properties located on West and Water Streets previously known as Document Reprocessors in the Hamlet Residential District. Tax ID #'s 22.67-1-2.1, 22.67-1-3, and 22.67-1-1.1.

CEO Ms. Kane gave an application summary to the Planning Board Members reminding the board had reviewed these parcels back in August of 2014 as a Minor Subdivision; however the plat was never filed and so the owner has now chosen to reconfigure the subdivision differently. Owner Eric Lundquist and representing agent Duncan Rioch were in attendance as was Mr. David Moynihan who had presented to the Board, a conceptual business plan in June with interest in commercial use of these properties. Lot 1 currently has an unsafe building that was damaged last winter by a snow collapse, and currently is in need of repair. This parcel has egress to Water Street with proposed road frontage of 45.12 feet. Lot 2 has a building with egress to West Avenue, and Lot 3 has a manufactured home and driveway egressing West Avenue as well. After subdividing, Lot 1 would become 0.581 acres, Lot 2 would become 2.455 acres and Lot 3 will remain the same with 0.900 acres. The application has pending septic approval from George Barden, Canandaigua Watershed Inspector for 2 new septic systems which are to be located on Lot 2 within the proposed septic easement shown on the map. Lot 2 has an alternate egress to Water Street available for emergency or maintenance use via a proposed driveway ROW. Lot 3 shows a proposed ROW of 10 feet to allow the current owner the ability to safely pull into his driveway from West Avenue. There are multiple variances this application will need to be granted, prior to final determination. Electric once shared between buildings has been resolved and inspected for compliance by NSEG.

A Yates County Planning Board Review is to be scheduled due to the location of Lot 2's egress to Water Street, which is State Road #364; therefore requiring county review.

The Planning Board discussed the application's proposed shared septic easement on Lot 2 to be shared with Lot 1. Board Member Lersch was concerned of allowing a non-conforming parcel to become more non-conforming due to allowing the septic easement for Lot 1 to be located on Lot 2 and that it could be problematic in the future even though they were not sharing the same septic. Board member St. Lawrence would like to have noted on the site map or general notes that the proposed septic easement on Lot 2 will include 2 new septic designs with a shared absorption field for both Lot 1 and Lot 2.

Bruce St. Lawrence inquired of more information on the 42 in. culvert pipe located on the map. Owner Eric Lundquist informed the board that the project was reviewed by the Town Highway Supervisor a couple of years back and the Town prepared the road and materials for the upgrade, however the culvert was placed privately.

Discussion developed referencing owner's plans for repair to the damaged building on Lot 2, as currently it is unsafe per NYS and local code requirements. Owner acknowledged that he had 36 months from the time of filing of the damage claim to repair it and that much time has been used up in the insurance adjustment process. Mr. Lundquist, the owner stated he had plans to board up the collapsed wall with plywood and replace the temporary tarp. He spoke of possible plans to donate the building and parcel, labeled Lot 2, to the Friendship House for their expansion purposes.

Chairman DeVinney was concerned about increased heavy truck traffic coming off Water Street (NYS #364) with the sharp switchback at the curve as it pertained to oncoming traffic. It was stated by owner and his representative that this driveway would access Lot 2 and Lot 1 by a proposed easement. This ROW would only be servicing Lot 1 in the case of an emergency or a specific maintenance event and Mr.

Moynihan interjected that he had no need for large trucks to use this driveway, as was stated in his business plan reviewed by the Planning Board in June.

After much discussion, the Planning Board stated that the application's positive upgrades to both the septic system design, with the West River nearby; and plans for use of the buildings, which have remained vacant since Document Reprocessors moved to Rushville, NY far outweighed the non-conformities.

Without further review, the Middlesex Planning Board made a motion to conditionally approve the Preliminary Plat for the 3 Lot Subdivision contingent on the following:

- Zoning Board of Appeals review for the multiple variances needed.
- Yates County Planning Board scheduled review.
- Map revision or letter to be filed with the Code Office stating the proposed 2 septic designs with shared absorption field easement will be shared with Lot 1 and Lot 2 within Lot 2's as a proposed septic easement location shown on the survey map.
- Easement must clarify that the Town of Middlesex Water Superintendent must be able to access parcels to service and provide maintenance on a regular basis to water valves shown on survey.

The motion on the floor made by Board Member Mincer was seconded by Board Member Lersch and the motion so carried with all Board Members present voting in favor.

2. App. # 021716-SPR, Venezia & Assoc. representing agent for property owner, Mr. David Seconi of 989 South Lake Rd., requesting Site Plan Review for structural improvements to shoreline property, Tax ID #21.33-1-10, (LR)

CEO Dawn Kane gave a summary of the status of the application since last the Board Members reviewed the application. Pending information had been requested to clarify the retaining wall dimensions of height, width, and length of walls, the road ROW dimension from South Lake Road to the retaining wall and a revision date placed on the revised map. The proposed retaining wall at the southern boundary line between Mrs. Flax and the Seconi parcel had been removed pending a future agreement to resolve erosion at this culvert between neighbors.

It was determined that the average height of the walls will vary from 8 feet maximum at the highest point to 2-3 feet minimum. The retaining wall parallel to South Lake Road will be built on the original footprint so no variance will be needed at roadside. Board Member St. Lawrence noted the wall height should be shown on any wall detail over 3 feet. It was noted that a handrail shown on the wall detail is 1 ft. 10 in. on one side and 3 ft. 8 in. on the other side (Detail Sk1.1) The retaining wall detail provided appears to be appropriate for use along the roadside, however the Planning Board questioned the need for this detail to be used for all other remaining walls as indicated it would be. The Planning Board suggested that the applicant go back to his engineer to review possibilities to produce a second detail that would be less disruptive to the embankment for all remaining walls.

Mr. Seconi stated that Bob Fladd would be commencing work in the fall and work would be completed within a month. He stated the wall was continuing to fail and was anxious to get the work completed.

Without further discussion, a motion was made by Board Member St. Lawrence to conditionally approve the application once the following had been forwarded to the Code Enforcement Office in the form of a pdf :

- A final site plan showing what retaining wall detail would be used for the various locations, and that a Professional Engineer stamp supports all details provided.

A second to the motion on the floor was made by Lynn Lersch. The motion so carried with all Board Members present voting in favor.

A review of the submitted NYS SEQR Environmental Impact Statement and completion of Part 2 & 3 by the Planning Board determined the project to be a Type II action needing no further review. Board Member St. Lawrence entertained a motion to deem the SEQR a negative declaration, having no significant environmental significance, and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

3. App. # 072016-SPR, Preliminary Application with Greene Surveying as representing agent for property owner, Mr. & Mrs. Lee Muncy of 672 Fisher Rd., requesting Site Plan Review for demolition of existing house and a rebuild with new septic system, Tax ID #11.50-1-7 & 8, (LR)

CEO Kane summarized the application for Board Members noting the attendance of representing agents Mr. Doug Doebler of Gerber Homes and surveyor Mr. Michael Greene for owners Mr. Lee & Mrs. Midge Muncy. The application included two parcels split by a private road that ended at the Muncy parcel. They would like to demolish the existing cottage with a proposed plan to rebuild a Gerber Home on the lakeside parcel. The existing garage would remain and a new septic system with absorption field pending approval would be installed on the uphill parcel. The private road, which has deeded use amongst property owners, ends at the Muncy parcel and so does not affect any neighboring parcels. This proposed project meets all zoning requirements in the Lake Residential District.

The slope of the land was surmised to be less than 20% from East Lake Road to shoreline, which had a steep embankment to water's edge with a stair system for access. There were no current plans to improve the shoreline or existing garage.

The Planning Board gave preliminary approval contingent on the following recommendations prior to final determination and permitting:

- Merging both parcels as a lot line reconfiguration.
- Letter of septic system approval from George Barden
- Site Map revision noting where the storm water drainage will discharge off roof and on the ground.

- Yates County Planning Board Review.
- Silt fence to be maintained and inspected on a regular basis, adding additional fencing as needed.
- Height of house measurement not to exceed 35 feet.
- Pre-construction meeting onsite with code enforcement officer, engineer and contractor prior to work commencing onsite.

A review of the submitted SEQR and completion by the Planning Board of Part 2 & 3 determined the project to be a Type II action needing no further review. Board Member Lynn Lersch entertained a motion to deem the SEQR a negative declaration, having no significant environmental significance, and Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

Other Business:

Code Officer reported a local resident had contracted a Timber Harvesting Co. to harvest a number of black walnut trees in the Vine Valley - South Lake Road vicinity. There would be no ground disturbance and site clean up would be part of the 3 day contract which commenced on August 1<sup>st</sup>.

An additional contract was requested for Stantec Consulting to review a pending Article 78 in progress. After a short review, Board Member Mincer made a motion to approve the new contract and Board Member St. Lawrence provided a second. Motion so carried with all Board Members present voting in favor.

Without further discussion, a motion to adjourn was made by Board Member Lersch and seconded by Board Member St. Lawrence. Motion so carried with all Board Members present voting in favor.

Meeting adjourned at 9:15pm

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

Minutes approved on October 5, 2016