

**TOWN OF MIDDLESEX**  
PLANNING BOARD  
Minutes

Wednesday September 7, 2016, 7 pm

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

Others Present: William Grove, Sue Johnson, Donald Sheive, David Moynihan, Nancy Evans, Tom Fromberger, Rocco & Pat Venezia

Agenda: Site Plan Reviews:

1. App. #052814-SPR, Eric Lundquist requests Final Plat Review for a 3 Lot Minor Subdivision of properties 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. # 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 an 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.

1. CEO - Ms. Kane gave a summary of the history of the application reminding the board had given Preliminary Plat approval contingent on pending septic approval from the Canandaigua Lake Watershed, and County review. Also part of the Preliminary Plat Approval was a notation on property easement to clarify that the Town of Middlesex Water Superintendent must be able to access parcels on a regular basis to service and provide maintenance to water valves shown on property survey. Noted as well was a proposed driveway easement giving Lot 2 a ROW for alternate egress to Water Street in the case of an emergency or a specific maintenance event.

Part of the application's history involved a potential buyer, Mr. David Moynihan who was still interested in purchasing Lot #2 for commercial use of the building. The Board reviewed Mr. Moynihan's conceptual business plan this past June.

CEO Kane noted that she had received a recommendation of approval from the County, and a letter from George Barden stating approval of the septic design. The application had gone to the Zoning Board of Appeals on September 1<sup>st</sup> and been granted all three requested variances contingent on Planning Board Final Plat Approval of the subdivision.

Actions still to be determined was Final Plat Approval and SEQR declaration.

The Board reviewed the Subdivision Plat and reviewed easement notations. The applicant noted the septic system for Lot 1 will not be combined with Lot 2 in the area noted as the proposed septic easement area. The pre-existing building on Lot 1 currently had its own septic tank that would remain operational. The installation of a new septic system with absorption field specifically for the building on Lot 2 will be located in the proposed easement area shown on the site map as Lot 1.

Discussion developed to resolve a possible hardship created for Lot 1 to locate a new septic and absorption field in the future, if the septic system for Lot 2 was located in the proposed septic easement. Applicant Bill Grove stated, as representing agent for owner Eric Lundquist, the use of the building on Lot 1 would continue to remain a determination to be made in the future, based on existing structural engineering challenges to repair the building for safe commercial use. A pre-existing 3,000 gallon tank could be maintained, and so a hardship was non-existent. Bill Grove stated the owner considered the location of a new business in town and selling the property- Lot 2 took priority at this time.

Code Officer Kane stated she had received a letter from George Barden referencing a full set of plans for two septic systems had been designed, one for Lot 1 and one for Lot 2. She repeated a concern for future hardship for Lot 1, caused by allowing Lot 2 to locate a septic system and absorption field in the proposed easement area on Lot 1 without expansion room for Lot 1 to locate the same in the proposed septic easement area.

Chairman DeVinney inquired whether there was a hardship. Applicant stated that there was currently none and at this time only Lot 2 would be installing a septic system for Lot 1's usage.

Without further discussion, the Board reviewed Part 2 and 3 of the submitted SEQR and declared it to be a Negative Declaration without significant environmental impact, and determined it to be a Type II action needing no further review. A motion to declare the SEQR as submitted and to approve the Final Plat for the Subdivision was made by Board Member Mincer and seconded by Board Member Gilbert. The motion so carried with all Board Members present voting in favor.

CEO Kane stated that next steps in the permitting process would be to stamp and sign the Mylar and two paper prints of the Subdivision's Final Plat for filing purposes, and to complete the submitted foil request of the property. Mr. Moynihan as future owner would then be able to apply for a permit for his new business and any construction plans for the business.

Mr. Moynihan expressed gratitude and excitement with being part of the Middlesex business community and thanked the Planning Board for their help in expediting a complicated process to completion, and Code Enforcement Officer Kane for her diligent position, which guided the property upgrades to be made possible.

2. CEO Kane noted that an application on the agenda for Mr. & Mrs. Lee Muncy, owning property at 672 Fisher Rd., was to be rescheduled pending NYSDOH septic approval.

Other Business:

Code Enforcement Officer Dawn Kane brought an application for conceptual review to the Planning Board for owner Dean Arpag of 1187 South Lake Road. A Site Plan Review will be scheduled at some point in the future for the demolition of an existing cottage and rebuild with retaining walls.

This application was recently brought to the Zoning Board of Appeals and heard in September for area variances. The proposed retaining walls did not meet the front and side setbacks. The Zoning Board granted the variances contingent on the resolve of a southern boundary discrepancy that was challenged by the contiguous neighbor to the south. The discrepancy was based on a contested survey submitted in 1957 and this neighbor has hired a third surveyor to provide research. Rocco Venezia is the surveyor on record for this application and Bill Grove is the Engineer for the Arpag's.

CEO Kane received the following advisement from the Town Attorney: if there was not enough documented information submitted to resolve the problem of the property line setbacks between the two neighbors, the Planning Board had the right to rely on outside resources to determine setback resolve in order to determine Site Plan Review.. CEO Kane also noted that the problem was with the meandering gully, not with the specific application.

Agent Grove stated the owner was concerned with the seasonal window to be able to build this year. Chairman DeVinney stated that the Planning Board would expedite the determination once the setback measurement on the southern property line was resolved. CEO Kane stated the County would be reviewing this application as well and the next county review would be on the third Thursday in October, so we would reschedule this application accordingly..

Rocco Venezia stated the application's site plan had some legal infractions that would need to be addressed as well, explaining that Bill Grove as project engineer should acknowledge the source of survey documentation used, as required by the NYS Board of Licensing.

Bill Grove acknowledged this claim and required changes would be made prior to the next agenda placement.

Also for conceptual review , CEO Kane stated Engineer Tom Fromberger was here tonight to update the Planning Board on a project initiated by Andy Komarek and located at his single family residence on East Lake Road.

Mr. Komarek had recently prepared part of his property to install a clay tennis court without a permit. Engineer Tom Fromberger had alerted the Code Enforcement Office and submitted plans as required for Site Plan Review and further work on the project has been suspended as advised by legal counsel for the time being.

CEO Kane stated she had inspected the property and the site was stabilized with no erosion issues. This tennis court spans both of his properties, starting southwest of his dwelling and continuing to his contiguous parcel to the south. It does not meet setbacks and stated she was not sure how many trees had been removed to install the project.

Mr. Fromberger stated the clay tennis court was typical and measured at 16 ft. x 120 ft. The slope of the area was somewhere between 15 to 25%. When the residence was constructed, this area had fill placed to create a flat area for the project.

Ms. Kane stated to the Board a full application with maps would be distributed for Site Plan Review on the October agenda.

Without further business or discussion, Chairman DeVinney entertained a motion to adjourn. Board Member St. Lawrence moved to adjourn, with Board Member Gilbert providing a second. Motion so carried with all Board Members present voting in favor.

Meeting adjourned at 9:10pm

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

Minutes approved on October 5, 2016