

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday September 6, 2017 - 7 pm

Board Members present: Chair – Martin DeVinney; Board Members: John Gilbert, Bruce St. Lawrence, Lynn Lersch, Robert Mincer; Dawn Kane – Code Enforcement Officer

Others Present: Bharath Srinivasan, Sarah and Patrick Lavell, Robert Olsen, Jan Daum, Chet Feldman, Bill Grove, Andy and Debbie Coots, Brent Long, Brian Sorochty, John Finnan

Agenda: Site Plan Reviews:

Old Business:

1. App # 010217-SPR / SUN8 PDC LLC requests a Lot Line Adjustment for installation of (2) Community Solar PV facilities on parcels located at 4450 Town Line Rd., Tax ID # 3.01-1-4 (AG)
2. App. # 071617-SPR/William Grove, P.E., representing owner Charles Andrew Coots, owner at 581 East Lake Rd., requests Site Plan Review for new construction of a single-family residence on vacant lot, new driveway and septic, Tax ID # 11.02-1-1.112 (LDR)

New Business:

3. App. # 081617-SPR/DDS Engineers, representing agent for owner Sean Donohoe of 370 East Lake Rd., requests Preliminary Review of removal and replacement of existing timber retaining walls, Tax ID # 1.76-1-7, (LR)
4. App. #081117-SPR/ McFarland Johnson, representing agent for applicant Pat & Sarah Lavell of 1320 South Lake Rd., requests a conceptual review for construction of a single-family residence, Tax ID #21.64-1-7 (LR)
5. App. #0991617A-SPR/John Finnan of 30 Gilbert St., requests Preliminary Site Plan Review to construct a 40-ft. x 64-ft. Pole Barn on a vacant property located at 179 Route #245, Tax ID # 3.03-1-7 (HB)

Other Business on Advisement:

6. Robert Olsen of 1485 South Lake Road, represented by Mark Porretta Excavating Inc.

Chairman DeVinney called the Planning Board meeting to order at 7:12 pm.

Draft Minutes from August 2nd were reviewed for approval. Mincer made a motion to approve as submitted and St. Lawrence provided a second. Motion carried with all Board Members present voting in favor.

Old Business:

1. App # 010217-SPR / SUN8 PDC LLC requests a Lot Line Adjustment for installation of (2) Community Solar PV facilities on parcels located at 4450 Town Line Rd., Tax ID # 3.01-1-4 (AG)

CEO, Ms. Kane summarized the application request, introducing Bharath Srinivasan presented application details for the Planning Board with an updated SWPPP for August.

Mr. Srinivasan, representing agent for SUN 8 PDC LLC/Distributed Sun and landowner, Jan Daum stated the request for a Lot Line Adjustment from the previously approved 2-Lot Minor Subdivision was due to a Wetland Delineation Report from LaBella that had received in mid-June. He wanted to clarify that this report showed that this wetland area discovered within the southern portion of Parcel B would need to be protected and this was the reason for the reconfiguration of solar arrays on the parcel. This report had been filed with the Army Corps of Engineers who had jurisdiction over this wetland, and because of the delay in processing from the Ontario County flooding incident this year, SUN 8/Distributed Sun was requesting from the Town to amend the previous approval for a Lot Line Adjustment rather than wait for the ACOE determination. The original Subdivision Plat approved by the County Planning Board in April and the Town of Middlesex in May had never been filed with the county. Submitted Drawing #C-02 showed the adjustment affecting both Parcels A, and B. Parcel A which had been subdivided into 25.783 acres, would now become 23.729 acres and Parcel B which had been 11.696 acres would now become 13.751 acres after the Lot Line Adjustment. An adjusted SWPPP had been prepared labeled May/August 2017: Revised Issued for Modification Request with a cover letter dated August 15, stating all proposed revisions for this requested modification. Silt fencing had been added to protect the wetland area on Parcel B.

Also added to the revised August SWPPP (Sect. IV-C) and reported by the NYSDEC found onsite were to be protected by fencing, were (2) endangered Twin Leaf plants considered rare by the NY Natural Heritage Program.

Mr. Srinivasan stated an agreement had been reached recently with neighbor Mr. Rossi to cut 165 trees (approximately 4.5 acres) from his contiguous parcel that would cast shade on arrays. He assured the Board that all cut keep the root ball intact, with ground stabilized immediately. He stated there were no concerns with the Geo Tech Field Test and all array pilings would receive a screw-in application rather than pounding them in during installation.

After some discussion, the Board determined to amend the previously approved Subdivision Plat from May for Parcels A, B and give conditional approval for a Lot Line Adjustment. Conditions placed on this review from the Planning Board, prior to permitting, include the following:

- a. To provide further protection of the wetlands on this property, it is recommended to close the loop on the placement of the proposed silt fencing by wrapping silt fencing around the low areas of the wetlands located on the parcel.
- b. Due to the large amount of disturbance, show the location of the electrical trenching required within the array system. This was deleted from the previous plan submitted.
- c. Referencing Drwg. C-02, flag Note A and Note 2 on the plan similar to the other identification notations.
- d. Referencing "Land Coverage" notes, provide the revised total acreage of cover due to the new road layout and panel arrangement
- e. Referencing Drwg. C-04, reinstate the note used on the previous site plan located above the "Soil Stockpile Detail." This indicates when the detail is to be used.
- f. Granting of Zoning Board of Appeals variance request
- g. Yates County Planning Board recommendation of approval
- h. Revised submitted Subdivision Plat application and revised Drawings do not require further Planning Board review if submitted along with a hard copy of the revised June 2017 SWPPP is re-submitted.

Chairman DeVinney entertained a motion to accept the application as amended from the "previously approved 2-Lot Minor Subdivision" from May 3, 2017 and give conditional approval to the newly amended Lot Line Adjustment contingent on all above referenced conditions resolved prior to permitting. Board Member Mincer made the motion with Board Member St. Lawrence providing a second. Motion so carried with all Board Members present voting in favor.

2. App. # 071617-SPR/William Grove, P.E., representing owner Charles Andrew Coots, owner at 581 East Lake Rd., requests Site Plan Review for new construction of a single-family residence on vacant lot, new driveway and septic, Tax ID # 11.02-1-1.112 (LDR)

CEO, Ms. Kane stated this application had received preliminary review in August at which time the Board had requested revision of the site plan to reduce the driveway slope from 18% to keep in compliance with Town Laws, improving the line of sight and possible site drainage onto the county road. Mr. Coots representing agent Bill Grove from Grove Engineering was here to submit recommended plan revisions, requesting final determination from the Planning Board.

A SEQR submitted for review determined it to be a Type II action needing no further review. Board member St. Lawrence made a motion for negative declaration having no significant environmental impact, and Board Member Mincer provided a second. Motion so carried with all Board Members present voting in favor.

After some discussion, the Planning Board accepted the application with conditional approval that the following revisions to be resolved prior to permitting through the Office of Code Enforcement:

- a. County Planning Board review and recommendation for approval
- b. Place notation on site map for specific erosion control fabric product to be used for stabilization on 2:1 maximum slope.
- c. Include on Site Map a section view detail for the retaining wall by walkout deck and walkway.
- d. Include notation and plan detail for run-off control at driveway entrance to eliminate driveway washout onto East Lake Road. This must be reviewed and approved by County Highway Supervisor David Hartman
- e. Septic design pending NYSDOH Approval

A motion to accept the application as submitted with conditional approval as referenced prior to permitting was offered by Board Member Mincer and seconded by Board Member Gilbert. Motion so carried with all Board Members present voting in favor.

3. App. # 081617-SPR/DDS Engineers, representing agent for owner Sean Donohoe of 370 East Lake Rd., requests Preliminary Review of removal and replacement of existing timber retaining walls, Tax ID # 1.76-1-7, (LR)

CEO Kane summarized the application stating this application had received approval for Phase I of the project last year and the applicant was back seeking for approval to continue with Phase II which was to replace 475 feet of existing timber walls that were failing and replace them with 200 feet of a Redi-Rock block interlocking wall as before. The rest of the 275 feet would be replaced with H-pile and lagging system. Brian Sorochty of DDS Engineering was representing engineer for owner Sean Donohoe and was in attendance to answer Board inquiries about the project.

After some discussion, the Board recommended the following revisions, giving the application a conditional approval prior to final permitting through the Office of Code Enforcement:

- a. Show exposed face wall heights for new retaining walls.
- b. Notation on site plan at Segment #9 that storm water collected by underdrain will not discharge across the driveway and onto the neighbor's parcel.
- c. Notation on site plan of specific rolled Geo-tech fabric to be used for onsite gravity walls.
- d. Notation on site plan to verify location of existing drop box used to collect water runoff.
- e. Stone used for underdrain discharge to be increased from #1 crushed stone to a 4"- 6" gradation product and revised as required in notes.
- f. Permission from Years Boundary granting permission to use survey noted on site plan as last revised on 4/13/16 for the Davis Family Trust.
- g. Final Plans must be stamped, signed and dated by NYS Licensed Engineer.

A motion to give condition approval to the application was offered by Board Member St. Lawrence and seconded by Board Member Gilbert. The motion so carried with all Board Members present voting in favor.

4. App. #081117-SPR/ McFarland Johnson, representing agent for applicant Pat & Sarah Lavell of 1320 South Lake Rd., requests Conceptual Review for construction of a single-family residence, Tax ID #21.64-1-7 (LR)

Ms. Kane, CEO summarized the application for the Board stating the property was a vacant lot with an existing old foundation and stairs leading to shoreline property.

Representing agent, Brent Long, engineer from McFarland-Johnson presented the application to Board Members for owners Pat & Sarah Lavell, requesting a Conceptual Review to construct a single-family residence, proposed circular driveway, and septic on an upland vacant parcel. A pre-existing gravel path matched the parcel's steep slopes at just under 30% slope providing access from the road. The Lavelle's were in attendance, stating this 8-acre parcel had 175 feet of road frontage and had been subdivided off from the parcel to the north back in the 1960's.

Brent Long stated a perk test had been completed and a current septic design had been submitted to NYSDOH and George Barden; currently awaiting response after recent comments had been sent back to them. Water would be pumped from the lake to the house with an appropriate filtration system.

Board Members recommended that compliance with the Town Laws would be required. The Town's Steep Slope Laws gave all restrictions required for the 25-40% slope section. Driveway slope compliance with the Private Road and Private Driveway Law and the Standards for New Roads were also Members stated that it was the intent of these laws to place restrictions for safety and best management practices to contain surface water run-off and debris from displacing onto roads and into the lake. The Board recommended a possible site visit so that they might better visualize the parcel's lay of the land. A pdf of all recommended revisions showing topography contours with proposed onsite structures was advised for Brent Long to provide the Planning Board to help in advising where to site the house and septic. It was advised that access to the parcel might be retaining the embankment at roadside to include parallel roadside parking spaces with steps to the house. Current zoning requirements in Lakeside Residential require 60 feet from the center line of the road when locating any structure, so variance requests might be considered substantial. Variance requests would need application to the Town's Zoning Board of Appeals for review.

Ms. Kane requested that (5) revised big maps would be sufficient to aid in the process if sent to the Code Enforcement Office at Town Hall prior to scheduling a site visit. She also referred to a Steep Slope Visual Map available to residents in siting structures on steep slope parcels. This visual aid confirmed the parcel contained portions of the site that fell within both the 25-40% and 40% and greater slope delineation.

5. App. #0991617A-SPR/John Finnan of 30 Gilbert St., requests Preliminary Site Plan Review to construct a 40-ft. x 64-ft. Pole Barn on a vacant property located at 179 Route #245, Tax ID # 3.03-1-7 (HB)

Ms. Kane summarized the application stating the vacant property was in Highway Business and was a vacant land of approximately 11 acres. The applicant intends to locate a wood craft shop and storage of lumber by constructing a 40 ft. by 64 ft. pole barn on the property. This land use is allowed with Site Plan Approval and a Special Use Permit pursuant to Sect. #402, Schedule 1(b), #19,

Mr. Finnan stated to the Board his proposed business plan stating, half of the barn would store white cedar and the other half would be his work shop. The barn is to be placed on a 100 x 180 ft. gravel pad. The land is flat and the barn will have electric to service a small sized operation without employees. Intermittent traffic is expected. He will not be adding water or septic, but will install a wood stove to heat wood scraps, closing during the hard winter months.

Ms. Kane stated Mr. Finnan is requesting the Board to approve the Site Plan tonight to obtain approval for building permission. Mr. Finnan will be referred to the county for a September review and to the Town's ZBA for a Special Use Permit if Site Plan Approval has been granted.

Without further discussion, the Board gave conditional approval, pending county review and granting of the Special Use Permit by the Town's Zoning Board of Appeals.

Board Member Mincer made the motion for conditional approval contingent granting of the County's Planning Board review and the scheduled Zoning Board of Appeals hearing in October. Board Member Gilbert gave a second to the motion. The motion so carried with all Board Members present voting in favor.

Other Business on Advisement

Ms. Kane sought advisement from the Planning Board of a resident's request for permission to replace approximately 100 ft. of an existing underground culvert piping that had become clogged with storm event debris over the years. CEO Kane stated it was to the resident's and the environment's protection to have it sized, installed and engineered properly. The resident, Mr. Olsen would like to complete the project prior to winter in order to stabilize ground disturbance.

The possibility of creating an open channel vs. culvert replacement was discussed; however resident Olsen stated this option was not possible due to the proximity of the septic and distribution lines.

After some discussion, it was recommended to have a professional engineer review the site for the resident's protection, as well as providing Mr. Olsen with written detailed documentation of what was best management practices in sizing, trenching, and bedding the pipe properly so water run off did not undermine the replaced culvert. This documentation could be forwarded to the Code Office prior to further review by the Planning Board.

It was noted by the Board that the Lersch Subdivision approved as a 2-Lot Minor Subdivision in August, might be re-subdivided as a 3-lot Minor Subdivision if the two parcels marketed are sold as two parcels. Current marketing of the two parcels, states that both lots for sale are contingent on Town's approval of the new subdivision and assessed as such.

Without further discussion, Chairman DeVinney entertained a motion to adjourn. Board Member Lersch motioned to adjourn the meeting and Board Member Mincer provided a second. Motion so carried with all members present voting in favor.

Meeting adjourned at 9:48pm

Next meeting is on October 4th

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

Minutes approved on October 4, 2017