



September 17, 2015

Mr. Martin DeVinney, Chairman
Middlesex Town Planning Board
1216 Route 245
PO Box 147
Middlesex, NY 14507

Re. CLWA POSITION ON KOMAREK SUBDIVISION, TOWN OF MIDDLESEX

The Komarek Subdivision of 9.046 acres on East Lake Road in the Town of Middlesex, Yates County has been under discussion since late 2006. Plans for the subdivision were submitted by the applicant in July, 2009. The applicant was required to submit a Full Environmental Assessment form.

In April, 2013, after several submitted assessments and plans were found to be incomplete, the Planning Board filed a positive declaration under SEQR that required the applicant to prepare an Environmental Impact Statement. Review of the E.I.S. document by the Planning Board for completeness was completed in July, 2015 and the document was declared complete and ready for public review on July 24, 2015.

This is CLWA's review of the Komarek Subdivision E. I. S. prepared by the M.R.B. Group, an engineering firm.

Of the possibilities under discussion, we believe that the single private road serving four lots is the least destructive option.

The applicant is to be commended for the selection of a superior engineering firm which has produced, within the limits and constraints of the law and the property, an excellent design for a four-lot subdivision.

That said, CLWA remains concerned about the impact of this subdivision as built on Canandaigua Lake.

When a municipality enacts zoning laws reflecting its Comprehensive Plan, it must do so with regard for the rights of its citizens and the capacity of its land to sustain certain types of development. Zoning laws are by necessity "general" and even "generic". That is, they apply to all areas of the Town without regard for specific physical conditions, unless stated otherwise. They are for the "normal" or "average" on-site conditions. The 9.046 acre parcel in question is anything but "average".

Seen from above on a zoning map or property survey, it would seem that 9.046 acres would sustain four to six houses. But in this case, significant physical and legal details diminish the area available for development, so simply meeting the zoning standards is insufficient. The limitations on the 9.046 acres include: More than half of the acreage is over 40% in slope; sixty-foot setbacks from houses and septic systems for roads must be factored in; four seasonal waterways crossing the property from east to west must be avoided; and because no municipal sewer or water exists in this area, four septic systems and at least one well must adhere to NYS DOH conditions and setbacks. In short, because of site conditions, town law and health code, less than half the site is developable for houses.

Our specific concerns with the submitted design are:

- It appears that the well location chosen may be susceptible to infiltration of road salt from normal maintenance practices for East Lake Road.
- More protection is required for the southern-most waterway across the property due to the increased surface runoff directed there by the development.
- The private road to serve the four lots has an average 13% grade over its last five hundred feet before arriving at East Lake Road. Under any adverse weather conditions, this is likely to be a problem for traffic as well as a source of erosion, if not properly treated. In addition, the turn in the road may not accommodate emergency vehicles. The only way to lessen the slope of the road and increase its turning radius is to either move, if possible, one of the houses or eliminate it from the plan.
- The design does not show the destination or treatment of runoff water from diversion swales and a curtain drain protecting the septic systems. Further protection of the slopes is needed where this water will be discharged. This is also true of any diversions and roof drains from the houses.

In CLWA's opinion, the following details in how the plan will be carried out are absolutely necessary to the protection of Canandaigua Lake:

- To the fullest extent possible, each phase of the infrastructural development should be carried out separately, including driveway work, septic system infiltration beds and well-drilling for drinking water, with appropriate erosion control deployed prior to commencement. Consider where alternative septic infiltration beds could be located in the event of failure of the first beds.
- Minimize disturbance to the fullest extent possible. Keep all machinery within set boundaries marked by fencing.

- Build one house/garage/driveway at a time within fencing; do not begin a house without totally "closing up" the disturbance caused by the previous phase.
- Mulch and re-seed all disturbances within one day of completion of the phase. Use equipment to hydro-seed or track-in seeding mixtures, water new seedings. Do not begin new work until old disturbances are showing "green."
- Find a way to decrease grade and increase turning radius of the private road.
- Stay off the steepest slopes.

In our opinion, all phases of this development proposal must work perfectly in order to protect the properties themselves and the lake. There is no room for error. Because few development projects are carried out without error and without adverse weather conditions, etc., we recommend that the intensity of the development be re-considered. With all the limitations acknowledged, it appears to us that a three-house subdivision would fit this property better than four and allow for the unexpected.

Sincerely,



Thomas Zimmerman
CLWA President



Edward H. Carman
CLWA Projects Chair