

2019

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

Minutes

Wednesday, December 4, 2019-7 pm

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

Public Present: Gary Schlemme, Rocco Venezia of Venezia & Associates, Jeremy & Cathy Fields, Shawn Ritchie, representing Finger Lakes Tram, Dan & Kathleen Irby, Eric Rounds

Agenda: Draft Minutes – November 6, 2019

Site Plan Reviews –

1. App. #111919-SPR/Gary Schlemme of 692 East Lake Road requests Site Plan Review for certification of an existing septic system to service a proposed 18 x 24 ft. recreational outbuilding to be constructed, Tax ID #11.58-1-4.100, (LR))
2. App. #111819-SPR/Dan Irby & Bill Sanford of 5960, 5965 & 5970 Widmer Road/represented by Venezia & Associates requests Site Plan Review for a Lot Line Reconfiguration, Tax ID # 31.70-1-1, 2 and 3 (LR)

Old Business –

3. App. # 112219-SPR/Christine Cimino of 350 State Rte. #364 requests Site Plan Review for construction of a 36 x 24 ft. accessory pole barn, (A/R)
4. App. # 110119-SPR/Robert & Laurie Ann Bailey of 478 E. Lake Rd./represented by Venezia & Associates requests Site Plan Review for construction of a tram and boardwalk, Tax ID # 11.27-1-1, (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:02 p.m.

Draft Minutes from November were reviewed and approved as submitted by the Planning Board. Board Member Mincer offered a motion to accept as written with Board Member DeVinney offering a second. The motion so carried with all Board Members voting in favor.

Site Reviews:

1. App. #111919-SPR/Gary Schlemme of 692 East Lake Road

CEO Kane summarized the application for Board Members, stating the application had received conceptual review in October and was now back for Board review. Land owner Gary Schlemme was in attendance to present the application and answer any Board Member inquiries.

Mr. Schlemme stated Brendan Marks of Marks Engineering had completed septic certification in a letter dated November 10, to provide the Planning Board with assurance that the existing installed septic system had the reserve capacity to meet the design load of the proposed 18 x 24 ft. outbuilding to current design load standards up to a 4-bedroom design load capacity.

Mr. Schlemme stated the original design dimensions of the proposed outbuilding had increased by 2 ft. and stated the intent of the building was for seasonal recreational space with utilities and a bathroom, and not as a separate living space. Board Members' concern was for future owners using the certified septic capacity to create a 4-bedroom lake house as separate living quarters.

After a brief discussion, the Board gave conditional approval with the following contingencies to be resolved through the Office of Code Enforcement prior to permitting:

1. Install silt fence as required, in the steep slope area located between the septic field and the existing house along the steep slope embankment.
2. Revise Site Map to reflect the following note revisions:
  - a. Grade Note #2: Town of Middlesex
  - b. “ “ #4: All spoils shall be hauled offsite to an approved designated location.
  - c. Utility Note #1: Designate Utility providers.
  - d. “ “ #2: Water line depth is unclear. Revise to match site map. Planning Board recommends 5 feet for any buried water line.
  - e. “ “ #4: Clarify “safety back fill” and change to “insignificant stones”
  - f. Construction Sequence Note #8: Revise “as soon as possible” to refer to notes for Erosion and Sediment Control at bottom of site map to reflect the Town of Middlesex Zoning Requirements for seeding mix and stabilization time table.
3. Revise Engineer's letter to state: “Though the septic capacity could support a 4-bedroom lake house, there is no owner intent to do such. The owner will utilize the current septic design as certified to support the intended use as a “recreational outbuilding.”

Chairman DeVinney made the motion to approve with the above contingencies and Board Member Mincer offered a second. The motion so carried with all Board Members present voting in favor.

2. App. #111819-SPR/Dan Irby & Bill Sanford of 5960, 5965 & 5970 Widmer Road

CEO Kane summarized the application stating the Lot Line Reconfiguration met all Zoning Area Lot Requirements and annexed a piece of property purchased by the Irby's and the Sanford's that was located between their parcels, splitting a portion of this parcel to be added to each landowner's existing parcel, making each of the parcels more conforming. Tax Map ID # 31.70-1-1 owned by the Irby's would become 0.896 acres after annexation and Tax Map ID # 31.70-1-3 owned by the Sanford's would become 1.005 acres after annexing portions of Tax Map ID # 31.70-1-2.

Venezia & Associates answered Board questions pertaining to the submitted site map and stated the owners would continue to retain existing easements with rights to multiple access points to the properties for both parcel owners.

Without further discussion, Board Member Mincer made a motion to approve the Lot Line Reconfiguration as submitted. Board Member St. Lawrence offered a second. The motion so carried with all Board Members present voting in favor.

3. App. # 110119-SPR/Robert & Laurie Ann Bailey of 478 E. Lake Rd./represented by Venezia & Associates requests Site Plan Review for construction of a tram and boardwalk, Tax ID # 11.27-1-1, (LR)

CEO Kane summarized the applications stating the application had been reviewed by the Board in November as a conceptual review. Venezia & Associates and Finger Lakes Tram were representing the Bailey's application for a tram installation and 312 sq. ft. of boardwalk to connect with an existing timber break-wall and dock at shoreline. The Bailey's had over 400 linear feet of shoreline and all structures were allowed in the UDML.

After a brief discussion, the Planning Board gave a Preliminary Review making the following recommendation for site map revisions as noted below to be submitted through the Office of Code Enforcement prior to final PB determination:

1. Revise Site Map to indicate placement of Sediment Control Logs inland of shore line at base of tram as mentioned in Erosion Control Note #4.
2. Revise Site Map to add a new detail showing a more standard sized posts for ease of installation and eliminate the 4 in. stake when using silt fence, straw bales, and filter fence.
3. Town of Middlesex Note # 6 should state Engineer of Record, Marathon Engineering will be on site for all critical site inspections.
4. The applicant understands that this application uses the maximum UDML square footage allotment with no further structures to be allowed.

Board Member St. Lawrence made the motion to conditionally approve and Chairman DeVinney offering a second. The motion so carried with all Board Members present voting in favor.

CEO Kane updated the Planning Board on the current status of the Lavell project, stating new plans will be referred to Town Engineer Stantec for review prior to continuing of site work.

Board Members gave approval to Chairman DeVinney's statement of the Board's recommendation to the Town Board for appointment of selected applicants to serve on the Planning Board, filling two vacancies as of January 2020. It was noted that Don Sheive has resigned serving as Yates County Planning Board representative to the Town Planning Board. A new representative will be selected sometime in the future.

Without further discussion, Chairman DeVinney moved to adjourn the Planning Board meeting. Board Member Mincer provided a second. The motion so carried with all Board Members present voting in favor.

Meeting adjourned at 8:46 p.m.

Next Meeting January 8, 2020  
Draft Minutes submitted by L. Lersch  
Minutes approved on January 8, 2020

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

Minutes

Wednesday, November 6, 2019-7 pm

Board Members present: Chair – Marty DeVinney; Board Members: Bruce St. Lawrence, Robert Mincer; Dawn Kane – Code Enforcement Officer

Public Present: William Grove of Grove Engineering, Gordon Stringer, Todd & Suzanne Fess, Rocco & Pat Venezia of Venezia & Associates.

Agenda: Draft Minutes – November 6, 2019

Site Plan Reviews –

1. App. #103119-SPR/Richard & Lynn Lersch, representing the Gary Paul Hoffman Management Trust of 890 South Lake Road, represented by William Grove of Grove Engineering requests Site Plan Review for onsite installation of a Presby Wastewater Treatment System & Site Improvements, Tax ID #11.82-1-11 (LR)
2. App. #19-103019-SPR/Richard & Lynn Lersch of 867 South Lake Road, represented by Venezia & Associates requests Site Plan Review for a Lot Line Reconfiguration, Tax ID # 21.02-1-1 (LR)

Conceptual Review-

3. App. # 110119-SPR/Robert & Laurie Ann Bailey of 478 E. Lake Rd./represented by Venezia & Associates requests Site Plan Review for construction of a tram and boardwalk, Tax ID # 11.27-1-1, (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:00 p.m.

Draft Minutes from October were reviewed and approved by the Planning Board. Board Member Mincer offered a motion to accept the draft as written with Board Member DeVinney offering a second. The motion so carried with all Board Members voting in favor.

Site Reviews:

1. App. #103119-SPR/ Richard & Lynn Lersch, representing the Gary Paul Hoffman Management Trust of 890 South Lake Road, represented by William Grove of Grove Engineering requests Site Plan Review for onsite installation of a Presby Wastewater Treatment System & Site Improvements, Tax ID #11.82-1-11 (LR)

CEO Kane summarized the application for Board Members, stating the parcel was currently in the process of being sold by Gary Hoffman of 891 S. Lake Road to the Lersch family, and the Lersch's are in attendance to represent the landowner and their future interests. CEO Kane introduced Bill Grove, P.E., to present the application for the Lersch's and answer Board inquiries. He stated the parcel had an existing holding tank system which had been reviewed by the Canandaigua Watershed

Inspector last July and had recently approved the proposed Presby design. It was indicated that the parcel would benefit a Presby Wastewater Treatment System using the existing (3) holding tanks, adding a high flow alarm, and replacing a section of the force main. A 3-sided timber retaining wall at a maximum exposed height of 24" would contain added fill in the area between the existing garage and also protect the rear of the house foundation. The parcel was a non-conforming and pre-existing lot measuring 50 ft width and approximate 184 ft. depth from road to lakeside originally built with 10 ft. setbacks, whereas current code requires setbacks of 15 ft.

The application also proposed to enlarge the current entryway on the north side of the property line. Proposed was an enclosed entryway bump out of 15 ft. x 8.6 ft. and roof extension over a covered walkway leading to a stone walkway providing access to the road. Also proposed was a 4 ft. stone walkway at grade from the north side of the garage to the north entryway.

Bill Grove stated excavation would be minimal, with house modifications planned to start over the winter months and the septic scheduled for installation in the spring. The slope on the north side is a minimum graduating slope of 15 – 25 % slope with the greater percentage up to 25 % + on the south side road embankment, evident in the overlay slope site map, Sheet 2 of 6..

Board Member Mincer inquired if the septic system design measurements were typical for a 3- bedroom house. Engineer Bill Grove, stated the 16 x 32 ft. Presby System design was typical and was used with great benefit on tight lakeside properties, and a beneficial upgrade as well from the old holding tank systems now considered sub-standard.

Board Member St. Lawrence inquired if variances would be sought.

Code Enforcement Officer stated that the Lersch application was being heard by the Zoning Board of Appeals on Thursday night, Nov. 6<sup>th</sup> , for two setback variances from the northern property line. The proposed stone walkway at 2.3 ft from the property line would run parallel from the north side of the detached garage and another variance for the proposed modification to an existing entryway proposed to be located 1 ft. from the northern property line.

Board Member St. Lawrence stated the retaining walls on the north and south side property lines were also infringing on the side setbacks and requested they be added to the variance requests on Thursday if possible. Also noted, on the survey provided, was a corner of the existing pump house for the lake water lines was partly on the neighboring parcel to the south.

CEO Kane stated she would make a call to the Town Attorney if this could be reviewed at the Thursday night hearing. If not, another variance request could be applied for and rescheduled.

Applicants Richard and Lynn Lersch presented their reasons for application to Site Plan Review and the proposed site modifications stating the request was driven because of the future need to have safe wheelchair accessibility from the road to the house.

Comments from the contiguous neighbor to the north were acknowledged. The Fess's were concerned about accessibility for emergency vehicles to the property, the proposed modifications might lower their property values, and water run-off from the proposed roof extension onto their property with the substantial variance request applied for with the proposed modifications to the house entryway. The Planning Board referred to all concerns within the scope of Site Plan Review, stating that all concerns had been mitigated through the Engineer's submitted Site Plan to include

appropriate erosion control management for the proposed addition and the stone walkway, except for the variance requests and these would be determined by the Zoning Board of Appeals. After their determination, the Planning Board would proceed with their final determination on the submitted application.

After a short discussion, the Planning Board explained to those in attendance about the Site Plan Review process and the Zoning Board of Appeals process before tabling the application to be rescheduled until after all variances were determined by the Zoning Board of Appeals.

2. App. #103019-SPR/Richard & Lynn Lersch of 867 South Lake Road, represented by Venezia & Associates requests Site Plan Review for a Lot Line Reconfiguration, Tax ID # 21.02-1-1 (LR)

CEO Kane summarized the application stating the Lersch's are requesting a Lot Line Reconfiguration in the Lake Residential Zoning District to annex a portion of their property with road frontage on South Lake Road, (35 ft. strip or 0.657 acres) to a contiguous parcel to the south, making their parcel, Lot 1 to become 49.011 acres and the contiguous pre-existing and non-conforming parcel, Lot 2 to become 2.986 acres which made it more conforming after annexation. The application was presented by Rocco Venezia of Venezia & Associates.

After a short discussion on non-conforming road frontage, Chairman DeVinney made a motion to approve the Lot Line Reconfiguration as submitted. Board Member St. Lawrence provided a second and the motion so carried with all Board Members present voting in favor.

#### Conceptual Review-

3. App. # 110119-SPR/Robert & Laurie Ann Bailey of 478 E. Lake Rd./represented by Venezia & Associates requests Site Plan Review for construction of a tram and boardwalk, Tax ID # 11.27-1-1, (LR)

CEO Kane summarized the applications stating the Bailey's are replacing an existing set of stairs to access their shoreline, with a tram which would allow them easier access. The upper tram landing would start at 752' elevation and come to a landing at shoreline at 690' elevation and onto a proposed 312 sq. ft. break-wall to be constructed to connect with an existing timber break-wall and an existing 964 sq. ft. of cribbing/dock. The Bailey's had over 400 linear feet of shoreline and all structures were allowed in the UDML.

The Board advised that installation details and erosion control management methods used for the tram's installation would be an important part of the Board's determination. The application will be scheduled for a complete review in December.

Without further discussion, Chairman DeVinney moved to adjourn the Planning Board meeting. Board Member St. Lawrence provided a second. The motion so carried with all Board Members present voting in favor.

Meeting adjourned at 7:55 p.m.

Next Meeting December 4th  
Draft Minutes submitted by L. Lersch  
Minutes approved on December 4, 2019

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

Minutes

Wednesday, October 2, 2019-7 pm

Board Members present: Chair – Marty DeVinney; Board Members: Bruce St. Lawrence, and Lynn Lersch; Dawn Kane – Code Enforcement Officer

Public Present: Bill Brewer, Justin DeMistry, Brennan Marks of Marks Engineering, Jason Marks, Stephen Southard, Anthony Venezia of Venezia Associates, Donna Hafler, Richard Thompson, William Grove of Grove Engineering, Eugene Cardamone, Gary Schlemme, Marigrace and Anthony Piazza

Agenda: Draft Minutes – September 11, 2019

Site Plan Reviews –

1. App. #091919-SPR/Ferrell Gas LP/ represented by Marks Engineering requests Site Plan Review and Special Use Permit for installation of a Commercial propane storage tank and a 16 ft x 30 ft. Distribution Center at “364 Powersports” located at 877 State Route #364 to include onsite grading and driveway improvements, Tax ID # 12.04-1-3.2, (HB)
2. App. #092219-SPR/ Steve & Linda Southard, represented by Venezia & Associates requests Site Plan Review to resolve a “Notice of Violation” served by the Code Enforcement Office due to multiple site improvements constructed onsite without a permit or required inspections, at 1183 South Lake Road, Tax Map ID # 21.56-1-6 (LR)
3. App. # 092319-SPR/Terrance & Donna Hafler, represented by Marks Engineering requests Site Plan Review to resolve an “Order to Remedy” served by the Code Enforcement Office due to multiple structures and a generator constructed and installed onsite without a permit or required inspections, at 301 Bare Hill Rd, Tax Map ID # 2.03-1-8.1 (A/R)
4. App. #092119-SPR/Richard Thompson represented by Bill Grove of Grove Engineering, requests Site Plan Review to resolve a “Notice of Violation” served by the Code Enforcement Office due to the lack of a wastewater system on a residential property without an approved or recorded septic system on a steep slope parcel bordering Canandaigua Lake, Tax Map ID # 02.46-1-4 & 5, (LR)

Conditional Approval Apps on advisement from Code Office:

5. Eugene Cardamone of 1435 South Lake Road/Revisions, prepared by Venezia & Associates, for drainage site improvements on a steep slope parcel from a previous Conditional Approval,
6. Anthony Piazza of 6080 Widmer Rd./Revisions required by Town Engineer Stantec and prepared by Venezia & Associates for site improvements on a steep slope parcel.
7. Melinda Heaven of 736 East Lake Road/Revisions prepared by Marks Engineering for changes to a previously approved Site Plan Review.

Conceptual Review:

8. Christine Cimino requests review for construction of a new Pole Barn proposed to be located at 350 State Route #364.



Chairman Marty DeVinney called the Planning Board meeting to order at 7:02 p.m.

Draft Minutes from September were reviewed. Board Member St. Lawrence offered a motion to accept as submitted with Board Member DeVinney offering a second. The motion so carried with Lynn Lersch voting in favor and Bob Mincer abstaining.

#### Site Reviews:

1. App. #091919-SPR/Ferrell Gas LP/ represented by Marks Engineering:

CEO Kane summarized the application for Board Members, introducing Applicant Bill Brewer, District Manager for Ferrell Gas, Inc. who was seeking Site Plan Review and a Special Use Permit for a Commercial Propane Storage and Distribution Center proposed to be located at 877 State Route #364, home of “364 Powersports, Inc.” an existing Commercial Business in the Highway Business Zoning District. and owned by Justin DeMityr, also in attendance to answer any Board questions.

The application was represented by Brennan Marks of Marks Engineering who answered Board inquiries. He stated the Distribution Center would be located to the back of “364 Powersports, Inc.” a safe and acceptable distance away from the main road and neighboring residential properties. It will be secured with link fencing. The facility includes a 30,000-gallon propane storage tank and a 30 x 16 ft. Field Office that would service the incoming large tank trailers approximately 1 per week in non-peak season and 2 per day during peak season. Outgoing standard size bobtail trucks would be serviced approximately 1 per day during the non-peak season and 2 per day during the peak season. Deliveries are restricted between the hours of 9pm and 6 am. Dusk to dawn dark-sky lighting will illuminate access areas. Jersey barriers and a gated fence shall enclose that tank area and surveillance videos will service the area as well. Hours of operation during peak and non-peak season are Monday through Friday 8 am-5 pm. There will be one employee at this location during business hours year-round. Substantial buffers are planned to screen visibility from neighboring properties with landscaping to reduce the aesthetic impact of the improvements.

Bill Brewer stated Ferrell Gas managed several similar facilities throughout Upstate New York and is part of a larger corporate entity which has location across the United States.

After discussion, the Board made the following Conditions of Approval to be resolved prior to permitting through the Office of Code Enforcement:

- Final Inspection report after company sign-off of NYS Code Safety Checklist to be submitted to Code Office prior to permitting.
- Front entrance light to be in working order to illuminate main entrance egress/ingress from #364.
- Yates County Planning Board review on October 24<sup>th</sup> at 7 pm at the Yates County Office Bldg.
- Granting of a Special Use Permit by the Zoning Board of Appeals to be scheduled.
- Schedule an orientation meeting and safety systems review meeting prior to business start-up. Include the following in this meeting: Dawn Kane - Code Officer, Todd Conaway – Town Highway Supervisor, a representative from The Middlesex Hose Dept., Bill Brewer – Ferrell Gas District Manager, and property owner, Justin DeMityr.

Board Member Mincer offered a motion to approve the application as presented with the above contingencies and Board Member St. Lawrence provided a second. The motion so carried with all Board Members present voting in favor.

2. App. #092219-SPR/ Steve & Linda Southard, represented by Venezia & Associates:

CEO Kane summarized the application to the Board. This application was brought to Site Plan Review for resolve of a Stop Work Order placed on the parcel by the Code Enforcement Office after investigating a complaint and discovering multiple site improvements onsite constructed without a permit or the necessary inspections. Site improvements included removal of existing stairs accessing shoreline; removal of site surface to prepare for a fire pit; extension to the slope of the driveway; timber retaining wall in the Town's ROW running north to south the length of the house, and rip rap covering a roadside gully culvert drainage.

Anthony Venezia of Venezia Associates provided the Board with an engineer's report on the list of infractions, providing options for resolve. After careful review the Planning Board gave Conditional Approval with the following contingencies required to be resolved prior to permitting through the Office of Code Enforcement:

- Request a review by the Town's Highway Superintendent of the timber retaining wall built in the road's ROW.
- Move the timber retaining wall along South Lake Road at least 8 ft. back from edge of asphalt to allow for future road improvements.
- The design of all onsite retaining walls with an exposed face 3 ft. or over must be stamped by a certified professional engineer to confirm ability to withstand load capacity.
- Relabel site map to read "Gravel Walkway" instead of "Gravel Driveway" at west side of South Lake Road. NO vehicular driveway will be allowed to access the lake shoreline.
- Provide a collection system for siltation along South Lake Road if the embankment is to be further disturbed to reinstall the timber retaining wall.
- Note on site map that the new timber retaining wall at roadside has been allowed to connect to the wall system at the adjoining property to the north without side setback variance. This will be allowed only if a letter of consent is submitted from this neighboring property owner.
- Regrade the driveway to create a cross slope to minimize driveway surface run-off reaching South Lake Road.

A motion to approve the application with the above contingencies was offered by Bruce St. Lawrence, and Robert Mincer provided a second. The motion so carried with all Board Members present voting in favor.

3. App. # 092319-SPR/Terrance & Donna Hafler of 301 Bare Hill Road, represented by Brennan Marks of Marks Engineering

CEO Kane summarized the application for Board Members stating an "Order to Remedy" had been placed on the site by the Office of Code Enforcement due to the construction of four structures built without the necessary permits and inspections. The four structures included a 24ft. x 32 ft. Pole Barn, a structure housing a spa lap-pool, the lap pool itself, and the improper installation of a generator. These infractions constituted separate violations to local Zoning, NYS Uniform Residential Building Code, NYS Energy Code, the NYS Plumbing and NYS Mechanical Codes. Supporting documentation and photographs to include a full overview of each structure installation was required and was submitted by representing agent, Brennan Marks of Marks Engineering.

After review and discussion, the Board offered Conditional Approval of the application for all four

structures with the following conditions required to be resolved prior to permitting through the Office of Code Enforcement:

- Lap Pool access stairs shall be required to have a hand-rail installed to ensure safe access.
- Electrical Inspection required for Generator install, after moved to appropriate location.
- Engineer of Record to file a report at completion of all and each inspection verifying compliance with all codes.
- Critical Inspection to be created for Engineer of Record to be present onsite prior and during concrete pour around building perimeter of the Lap Pool Spa Floor for frost protection.

4. App. #092119-SPR/Richard Thompson represented by Bill Grove of Grove Engineering:

CEO Kane summarized the application for Board Members stating the applicant was seeking Site Plan Review to review a proposed Presby Wastewater System to be installed at 120 East Lake Road to resolve a “Notice of Violation” Stop Work Order placed on the parcel by the Office of Code Enforcement after fielding a complaint for an existing sub-standard septic holding tank without paper work on file showing approvals. The system had been configured to discharge effluent and grey water onto gravel and gully in a steep slope location in the Canandaigua Lake Watershed. William Grove, P.E. of Grove Engineer designed the proposed Septic System on a contiguous vacant parcel also owned by Mr. Thompson.

After careful review, the Planning Board granted Conditional Approval to the application, contingent on the owner, Richard Thompson combining both parcels, Tax ID # 2.46-1-4 and #2.46-1-5 to comply with local zoning. The Board also requested comments from Cheryl Robbins of NYSDOH to review the application as proposed and submitted. If driveway access is necessary for installation, application to the Planning Board is required with final permitting through the Office of Code Enforcement. A motion to approve with the above contingencies was offered by Lynn Lersch and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor.

Conditional Approval Apps on advisement from Code Office:

5. Eugene Cardamone of 1435 South Lake Road/Revisions prepared by Venezia & Associates for drainage site improvements on a steep slope parcel from a previous Conditional Approval:

Anthony Venezia presented revisions to the Site Plan and after Board discussion, the application received Conditional Approval with the following contingencies to be resolved prior to permitting:

The following contingencies are required prior to permitting by the Code Enforcement Office:

- Revise inlet configuration on east side of road to better collect storm surge and divert flow to new 36 “ cross-culvert.
- Create a section detail of headwall for inlet side of cross drain. Show dimensions and embedment for clarity of construction. Coordinate installation with Middlesex Highway Dept.
- Indicate placement of large stone in open channel to shoreline at discharge of new cross drain. Note required size of stone on plan.
- Schedule onsite meeting with Todd Conaway- Highway Supervisor, Dawn Kane – CEO, Anthony Venezia, member of Planning Board, and onsite contractor prior to project start.
- Final Revisions to Site Map to be stamped and dated.
- Create a digital pdf to be distributed to Planning Board Members, Code Enforcement Office.

A motion to approve the application with the above contingencies to be resolved prior to final determination was offered by Bruce St. Lawrence and Chairman DeVinney provided a second. The motion so carried with all Board Members present voting in favor.

6. Anthony Piazza of 6080 Widmer Rd./Revisions were prepared by Brennan Marks P.E. of Marks Engineering for site improvements on a steep slope parcel:

CEO Kane summarized the application stating Town Engineer Stantec had reviewed the application providing final comments to the proposed onsite improvements in a letter dated September 19<sup>th</sup>.

The Board had no further comments and acknowledged all comments from Stantec as resolved, giving Final approval to the application. Permitting through the Code Enforcement Office was the next step.

7. Melinda Heaven of 736 East Lake Road/Revisions prepared by Marks Engineering for changes to a previously approved Site Plan Review.

CEO Kane summarized the application stating the application had previously received Site Plan Review and was given Board approval; however due to additional proposed changes to the Site Plan, it was brought back to the Board for a conceptual review. Brennan Marks was in attendance to answer questions.

After discussion the Board gave final approval to amend the previous approval and approve of the submitted revisions as presented, with final permitting through the Office of Code Enforcement. A motion to amend the previous approval was offered by Bruce St. Lawrence and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor.

#### Conceptual Reviews:

8. Christine Cimino requested Site Plan Review for construction of a proposed new Pole Barn to be located at 350 State Route #364.

The Board reviewed the hand-drawn sketch stating the applicant could proceed to submit a full Site Plan Application for the proposed structure. A copy of Site Plan criteria for a complete Site Plan Review submission would be mailed to the applicant by Planning Board Clerk.

9. Applicant Gary Schlemme of 692 East Lake Road was represented by Marks Engineering requesting a Conceptual Review for a proposed 24 ft. x 60 ft. recreational outbuilding with decking, plumbing and electricity to be located 185 ft. from shoreline on a 7-acre parcel with an existing septic system. Board Members advised that he submit a complete application for Site Plan review to include all existing structures and proposed structures and a letter from the Canandaigua Watershed with approvals for proposed project's impact on the existing system. It was advised the gravel driveway access might need a turnaround for ease of access for emergency vehicles.

Code Enforcement Update: Ms. Kane, CEO updated the Board on current status of ongoing and future pending applications.

Without further discussion, a motion to adjourn the Planning Board meeting was offered by Board Member Mincer and seconded by Board Member Lersch. Motion so carried with all Board Members present voting in favor.

Meeting adjourned at 9:36 p.m.

Next Meeting November 6.

Draft Minutes submitted by L. Lersch

Minutes approved on November 6, 2019

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

Minutes

Wednesday, September 11, 2019-7 pm

Board Members present: Chair – Marty DeVinney; Board Members: Bruce St. Lawrence, and Lynn Lersch; Dawn Kane – Code Enforcement Officer

Public Present: Michael Cannova, Bill Dowell, Tate Reifsteck, Gordon Stringer

Agenda: Draft Minutes – August 7, 2019

Site Plan Reviews –

Conceptual:

Michael Cannova, representing the Alice Robeson Estate, requests Board advisement for a proposed Major Subdivision on parcels fronting Robeson Tract and East Lake Rd., Tax IDs # 11.66-1-5, #11.66-1-6, and #11.66-1-7 (LR)

New Business:

1. App. #082119-SPR/Bill Dowell requests Site Plan Review for site improvements to include replacement of an existing retaining wall & steps to shoreline property located at 614 E. Lake Rd., Tax ID # 11.42-1-3.11 (LR)
2. App. #091319-SPR/Tate Reifsteck of 4784 Middle Road requests Site Plan Review for a Minor Subdivision of 24.193 acres from a 70-acre parcel, Tax ID #13.03-1-15, (A/R)

Code Advisement Applications/Board Update:

App. # 031319-SPR/Piazza/Stantec review on site improvements at 6080 Widmer Rd.

App. # 071617-SPR/Charles Andrew Coots remediation

App. # 021119-SPR/Daniel Blondell, property owner of vacant land at 1113 South Lake Road Requests a change to dock design given Board Conditional Approval.

Chairman Marty DeVinney called the Planning Board meeting to order at 7:04 p.m. with a Pledge of Allegiance to the flag commemorating September 11<sup>th</sup>.

Draft Minutes from August were reviewed. Board Member St. Lawrence offered a motion to accept as submitted with Board Member DeVinney offering a second. The motion so carried with all Board Members present voting in favor. None opposed.

Code Enforcement Officer Kane, introduced Mr. Michael Cannova requesting Board advisement on a pending application for minor subdivision of 3 lots bordering East Lake Road and Robeson Road. Mr. Cannova was in attendance and inquired of the Board recommendation based on current code requirements for Minor Subdivisions. It was advised that Mr. Cannova would need to upgrade Robeson Tract from Robeson Road to the furthest boundary line in the 3-Lot Minor Subdivision or build a new road from East Lake Road to the furthest parcel's boundary line. This upgrade would entail a 15 ft. width, emergency vehicle turn-around and all requirements noted in Town Laws. These laws include the Town Standards for New Roads, Private Roads & Driveway Law and the Zoning Law. It was also noted that if any part of Robeson Tract had deeded Right of Ways that permission from the owners to sign off on the improvement must be obtained prior to Planning Board determination.

Based on a site visit in July, the Board had noted a cross culvert at the corner, north of Robeson's barn on Robeson Tract, which would need to be sized correctly by a licensed engineer with an appropriate drainage swale.

Without further discussion, the Board began review of New Business applications:

1. App. #082119-SPR/Bill Dowell requests Site Plan Review for site improvements to include replacement of an existing retaining wall & steps to shoreline property located at 614 E. Lake Rd., Tax ID # 11.42-1-3.11 (LR)

After a brief summary from the Code Enforcement Office, property owner Bill Dowell presented his application. Materials used will be dolomite dry-laid stone using a mini-excavator. Only the lower section of the new stone steps from the pump house to the shoreline will be considered new steep slope work, with the remainder being replacement of existing retaining walls and access stairs. The neighbor to the north has provided a letter of approval of the project as submitted for the file. The existing break wall along the shoreline will not be disturbed.

After a brief discussion, the following conditions were noted that must be resolved and resubmitted to the Office of Code Enforcement for the project to be placed on the next available Planning Board agenda:

- a. Application for a steep slope permit.
- b. Reposition the first leg (upper section) of the new steps on the south side of the project to fall within the footprint of the existing timber stairs being removed. Redesign the stone retaining wall along the south side of this same stair section accordingly. Show detail section of this wall, to include embedment, since it will be running perpendicular to the slope. Show new contour lines that address the removal of the existing timber retaining wall along the south of this same section.
- c. Eliminate the proposed landscape grade work along both the east and west side of the new stone retaining wall that will be replacing the lower section of the existing timber retaining wall that runs in a northerly direction.

- d. Tie-back the remaining section of the lower timber retaining wall that continues onto the neighboring parcel to the north. This tie-back will be on the adjoining parcel and must have neighbor approval.
  - e. Engineer to clean up the following General Notes:
    - Note #1 should be recalculated to provide new square footage of ground disturbance.
    - Note #4 to provide an appropriate date of project commencement.
    - Note #7 must show on site plan any tree removal commencing on property during project construction.
    - Note # 10 must show on site map the location of stockpiles. They must be stabilized in the required amount of time in compliance with the Town's Steep Slope Law.
    - Note #16, #16.1 and #16.2 must note stabilization methods and time frames to be in compliance with Section #707.7.14 of the Town's Steep Slope requirements.
2. App. #091319-SPR/Tate Reifsteck of 4784 Middle Road requests Site Plan Review for a Minor Subdivision of 24.193 acres from a 70-acre parcel, Tax ID #13.03-1-15, (A/R)

Dawn Kane, CEO summarized the application stating the Applicant was separating 24.193 acres from 70± acres. The parcel met all the lot area requirements and was in compliance with code.

After a short review, the Board approved the Minor Subdivision as submitted. Board Member Lersch made the motion which was seconded by Board Member St. Lawrence. The motion so carried with all Board Members present voting in favor. None opposed.

#### Code Advisement Applications for Board Update:

Ms. Kane, CEO stated she had a couple of applications to update the Board to current status.

App. # 031319-SPR/Piazza/Stantec review on site improvements at 6080 Widmer Rd. These site improvements consist of grading portions of the driveway, installation of new drainage features, retaining walls and a new septic system.

Town Engineers – Stantec had completed a draft review with comments of only the grading and drainage aspects of the proposed site improvements after a site visit on 9/04 to review the proposed modifications. Site map revisions included 3 plans, numbered C100, C500 and C501, prepared by Marks Engineering.

Ms. Kane stated she was bringing it to the Planning Board prior to Stantec submitting a final review in case the Board requested further review.

Board Member St. Lawrence noted that Stantec had confirmed the Board's revision notations and the Board agreed Stantec could continue to a Final Review with comments.



It was noted that two outstanding items from the Board's review on August 7<sup>th</sup> had yet to be submitted to the Code Office:

- A Steep Slope Overlay Map (Zone A) to be in compliance with the Town's Steep Slope Law, to be submitted as a Board requirement prior to final determination. This Overlay Map is available from Kevin Olvany, Canandaigua Lake Watershed Council Program Manager to be submitted to the Code Office.
- Wastewater Treatment System Approval Letter by the Canandaigua Watershed Inspector.

Application #071617-SPR/Charles Andrew Coots remediation of a driveway extension added after Board approvals was completed by property owner in a timely fashion. By request, an emergency vehicle turn-around was allowed to remain on the south side of the driveway, as it did not impact drainage on the existing driveway as approved.

Application. # 021119-SPR/Daniel Blondell, property owner of vacant land at 1113 South Lake Road requests a change to dock design at shoreline which had been given Board Conditional Approval in June.

Ms. Kane stated Mr. Blondell had submitted a request for Board review of a proposed catwalk to be installed around the previously approved Boat Hoist. The project with the added catwalk would still keep the project at the allowed 720 sq. ft. per the UDML. Mr. Blondell submitted a sketch with dimensions. After a short review, the Board determined the revision to be approved if the applicant submitted to the Code Enforcement Office an "As Built" designating all project work on a stamped engineered plan at project end.

A motion to adjourn the Planning Board meeting was offered by Board Member Lersch and seconded by Board Member St. Lawrence. Motion so carried with all Board Members present voting in favor.

Next Meeting October 2nd.  
Meeting adjourned at 8:30 p.m.

Draft Minutes submitted by L. Lersch  
Minutes approved on October 2, 2019

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

Minutes

Wednesday, August 7, 2019-7 pm

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

Public Present: Todd DeVinney, Donald Miller, Rick Kaczynski, Tom Drennen, Laurel Dallmeyer, Bill Grove, Shanna Williams, James Kelley, Jake McClung, Brennan Marks

Agenda: Draft Minutes – July 3, 2019

Site Plan Reviews –

Old Business:

1. App. #062619-SPR/Douglas Brush requests Site Plan Review for installation of a boat hoist to a permanent dock at 1473 S. Lake Rd., (UDML), Tax ID # 31.01-1-17
2. App. #031319-SPR/Anthony Piazza of 6080 Widmer Rd., represented by Marks Engineering, requests Site Plan Review for revisions to Site Plan Conditional Approval, Tax ID #31.54-1-3, (LR)
3. App. #031019-SPR/Mindy Heaven of 736 E. Lake Rd., represented by Marks Engineering, requests Site Plan Review for revisions to Site Plan Conditional Approval, Tax ID #11.58-1-7, (LR)
4. App. #031119-SPR/Noah Swartele of 00 Bare Hill Rd., represented by Marks Engineering, requests Site Plan Review for revisions to Site Plan Conditional Approval, Tax ID # 2.03-1-10 (LDR)

New Business:

5. App. #071819-SPR/ Tom Drennen of 1089 South Lake Road, represented by Grove Engineering, requests Site Plan Review for new construction of a two-story residence, Tax ID # 21.48-1-1, (LR)
6. App. #071919-SPR/Todd DeVinney of 00 North Vine Valley Rd., requests Site Plan Review for a Minor Subdivision of land, Tax ID #011.02-1-4 (LDR)
7. App. #071919-SPR/Donald Miller of 371 Bare Hill Rd., requests Site Plan Review for a Minor Subdivision of land, Tax ID #002.03-1-9 (LDR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:03pm.

Draft Minutes from July were reviewed. Board Member Mincer offered a motion to accept as submitted with Board Member St. Lawrence offering a second. The motion so carried with all Board Members present voting in favor. None opposed.

1. App. #062619-SPR/Douglas Brush requests Site Plan Review for installation of a boat hoist to a permanent dock at 1473 S. Lake Rd., (UDML), Tax ID # 31.01-1-17

CEO Kane summarized the application stating it was a continuation from last month. The Applicant requests to install a boat hoist to the existing permanent dock at his shoreline. Amber Docks was the installer and new information and maps were submitted today to be reviewed tonight. Installer Jake was in attendance to answer Board questions, if the Board wished to review the application.

Jake McClung stated dimensional information to the Board stating the covered hoist was 15 x 32 ft in total and would be positioned on the north side of the dock. The hoist would not have any platform added to it.

The Planning Board was in agreement that based a conceptual review last month and the current submittal of information with significant changes, the request was within the allowed square footage under the Canandaigua Uniform Docking and Mooring Law.

Board Member St. Lawrence requested the maps be revised and re-stamped to clarify that no additional dock was being proposed and to remove it from the map and resubmit to the Code Office. The submitted survey must be stamped by surveyor as well. St. Lawrence made a motion to approve with these contingencies. Board Member Mincer provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

2. App. #031319-SPR/Anthony Piazza of 6080 Widmer Rd., represented by Marks Engineering.

CEO Kane stated this application had previously been reviewed back in April, and Engineer Brennan Marks was in attendance for subsequent review of Board required Site Plan revisions.

Marks went through the requested revisions with the Board and after careful review, the Planning Board requested the following determination of conditional approval to be resolved prior to permitting:

- Submission of application with all requested revisions to Town Engineer Stantec for sign-off prior to permitting.
- Steep Slope Permit Overlay Map of "Zone A" which could be submitted by email from Kevin Olvany, Canandaigua Lake Watershed Council Program Manager to comply with Steep Slope Law regulations.
- Submission of Stormwater calculations
- Wastewater Treatment System Approval Letter by George Barden, Canandaigua Watershed Inspector.
- Engineer of Record must be present for all onsite critical inspections. Coordinate points and intervals with Code Office during Pre-Construction meeting.
- Revise Site Plan to show the following:
  - Provide inlet detail to Note #3 on C500 Drwg. to clarify dimensions for contractor during installation of culvert. Add rip rap where it daylight.

- Create a critical inspection by Engineer for execution of plan during installation of forced main trenching on a 60% slope, noting on Site Plan that trenching will be hand dug.
- Provide railing detail on retaining wall to clarify installation of rails for contractor.
- Show additional stair treads to clarify path to contractor where it continues over the retaining wall.

A motion to grant conditional approval with these contingencies was offered by Board Member St. Lawrence. Board Member Mincer provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

3. Application #031019-SPR/Mindy Heaven of 736 E. Lake Rd., represented by Marks Engineering.

CEO Kane summarized the application stating Brendan Marks from Marks Engineering was here to review revisions requested by the Board back when last reviewed in April. A new wastewater septic system had been recently approved.

Engineer Marks went through the requested revisions to the Board's satisfaction.

Board Member Lersch stated the application will be referred by the Town of Middlesex to the Yates County Planning Board for an August 22<sup>nd</sup> review due to the project's proximity to the County Road.

After a brief discussion with the Board, Board Member Mincer made a motion to approve the application pending Yates County Planning Board review. Board Member Lersch offered a second. The motion so carried with all Board Members voting in favor. None opposed.

4. App. #031119-SPR/Noah Swartele of 00 Bare Hill Rd., represented by Marks Engineering, requests Site Plan Review for revisions to Site Plan Conditional Approval, Tax ID # 2.03-1-10 (LDR)

CEO Kane summarized the application stating Brendan Marks from Marks Engineering was here to review revisions requested by the Board back when last reviewed in April.

Engineer Marks went through the requested revisions for the Board at which time, discussion developed which generated a conditional approval by the Board with the following requests to be resolved, prior to final determination prior to permitting:

- Submission of a Steep Slope Overlay for "Zone C" as required to comply with the Town's Steep Slope Law regulations.
- Revise Site Plan to delete the map detail of the timber retaining wall.
- Prior to the start of the project, permission from the Canandaigua Watershed Inspector in writing stating that the Engineer of Record, has demonstrated the septic design will be of minimal risk if installed at a 15% grade of slope, and pending NYS DOH waiver.

Without further discussion, Board Member Mincer offered a motion to conditionally approve the application with the above contingencies. Board Member Lersch offered a second. The motion so carried with all Board Members voting in favor. None opposed.

5. App. #071819-SPR/ Tom Drennen of 1089 South Lake Road, represented by Grove Engineering,

CEO Kane summarized the application stating the Drennen's had recently received Planning Board Approval and Canandaigua Watershed approval for a new Presby Wastewater Treatment System and were applying to the Zoning Board of Appeals for an Area Variance on August 8<sup>th</sup>. They plan to demolish the existing house while keeping the existing foundation, driveway, retaining wall and detached garage existing on the property. The proposed 3-bedroom residence would be built using the original foundation wherever possible. Part of the house design bumps out on the side setback which will create a new footprint, requiring it to obtain an area variance of 2.8 ft. on the south side setback.

After some discussion, Board Member St. Lawrence made the motion to approve the application with the following contingencies prior to permitting:

- Revise Site Map to note dimensions for area requirements for the south side setback not in compliance with the Lake Residential District which requires 15 ft.
- Revise Site Map to clean-up ambiguous notes #4, 12, and 19 to comply specifically with Town's Laws and regulations in effect.
- Revise Site Map notation clarifying there will be two separate lines leading to the footer drain's discharge point from the north side of the house.

Board Member Mincer provide a second. Motion so carried with all Board Members present voting in favor. None opposed.

6. App. #071919-SPR/Todd DeVinney of 00 North Vine Valley Rd., requests Site Plan Review for a Minor Subdivision of vacant land, Tax ID #011.02-1-4 (LDR)

CEO Kane summarized that the application consisted of a portion of Todd DeVinney's parcel D1 of 5.732 Acres, Tax ID # 011.02-1-4 to be conveyed to a contiguous parcel, owned by Duffy, Tax ID # 11.60-1-1.

The DeVinney parcel of 5.732 acres, being land-locked from access to N. Vine Valley Rd., would require notation of conveyance to Nathaniel J. Duffy to become a compliant building lot per local Zoning in the Town of Middlesex. All other lot requirements comply.

Mr. Kaczynski Land Surveying will submit with the required notation as soon as possible and reseal the revised survey map.

Without further discussion, the Planning Board made a conditional approval by resolution, pending submission of the revised survey to the Town's Code Enforcement Officer.

Board Member Lersch made the motion to approve with contingency and Board Member Mincer offered a second. The motion so carried with all Board Members present voting in favor except for one member abstained. None opposed.

7. App. # 071919-SPR/Donald Miller of 371 Bare Hill requests Site Plan Review for a Minor Subdivision of land, Tax ID # 002.03-1-9 (LDR)

CEO Kane summarized the application for Board Members stating Mr. Miller was conveying a portion of his property, 5.063 acres noted as Parcel M1 on the survey as being part of Lot #62 from a larger portion which after subdivision would remain 30 acres under the current Tax ID # 002.03-1-9 in the Low Density Residential District. Applicant and owner Miller would be providing a complete survey through an agricultural application soon, noted to display there was no intent of segmentation. All area requirements comply with the requested subdivision.

Without further discussion, Board Member St. Lawrence offered a motion to approve as submitted and Board Member Mincer provided a second.

A motion to adjourn was offered by Board Member Lersch and seconded by Board Member Mincer. Motion so carried with all Board Members voting in favor.

Next Meeting September 4<sup>th</sup>.  
Meeting adjourned at 9:30 p.m.

Draft Minutes submitted by L. Lersch  
Minutes approved on September 11, 2019

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

Minutes

Wednesday, July 3, 2019-7 pm  
PB Interviews 6:30 pm

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

Public Present: John Cake, Julie McCormick, Terry Mott, Robert & Eric Brenner, Michael Cannova

Agenda: Draft Minutes – June 5

Site Plan Reviews –

New Business:

1. App. #051919-SPR/John Cake requests Site Plan Review for installation of a driveway at 1113 So. Lake Road, Tax Map ID #21.48-1-5 (LR)
2. App. #062519-SPR/Terry Mott requests Site Plan Review for construction of a detached garage at 5885 South Vine Valley Rd., Tax Map ID #12.03-01-25 (LDR)
3. App. #062619-SPR/Douglas Brush requests Site Plan Review for installation of a permanent dock at 1473 S. Lake Rd. (UDML), Tax Map ID #31.01-1-17 (LR)
4. App. #062419-SPR/Robert Brenner requests Site Plan Review for installation of appendage to an existing permanent dock at 262 East Lake Rd., Tax ID # Tax Map ID # 2.61-1-2 (LR)

Conceptual Reviews:

- Michael Cannova representing the Alice Robeson Estate, requests review for a proposed Major Subdivision on parcels fronting Robeson Tract and East Lake Rd., Tax ID # 11.66-1-5, #11.66-1-6, and #11.66-1-7 (LR)
- Dr. Avice O’Connell & Dr. Timothy O’Conner of 1472 S. Lake Rd., request Site Plan Review for site improvements to access the existing residence, septic system, boathouse & seawall.

Chairman DeVinney called the meeting to order at 7:03pm.

Draft Minutes from June 5th were reviewed and approved. Board Member St. Lawrence offered the motion, seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor.

1. App. #051919-SPR/John Cake – installation of a driveway at 1113 S. Lake Rd (LR)

CEO Kane summarized the application stating an area variance had been granted by the Zoning Board of Appeals on June 6 for a side setback infringement on the abutting parcel. The property owner was in attendance to answer Board questions.

Mr. Cake requests permission to locate a private driveway abutting the parcel labeled Lot 2 for access to an existing 4-bay storage building behind the residence. A letter from Grove Engineering was distributed to the Board, referencing the site and proposed drainage swale to be installed to the south side of the driveway, also pitching the grade slightly to the south to control drainage into the existing So. Lake Road ditch. An underground spring tends to keep the area moist and drainage from this area will be redirected to the drainage swale.

After a brief discussion, the Board requested the following revisions to be noted on the final engineer-stamped site map. The map must be submitted to the Code Enforcement Office prior to permitting:

- Upgrade the size of the proposed culverts from 6" x 12" and 12" x 15" to ensure good drainage flow during heavy storm events.
- Lower portion of driveway from South Lake Road to the portion that loops around to service the rear entry to the house is required to be kept at 15% slope or less to ensure emergency vehicle accessibility.

Chairman DeVinney entertained a motion to approve the application, with the above contingencies to be resolved prior to permitting. Board Member St. Lawrence offered the motion and Lersch provided a second. The motion so carried with all Board Members present voting in favor.

2. App. #062519-SPR/Terry Mott - detached Garage at 5885 So. Vine Valley Road

CEO Kane summarized the application stating Mr. Mott had demolished an existing garage onsite and submitted plans to construct a larger structure on the same site. The site was flat with lots of room for expansion. Mr. Mott was in attendance to answer any Board questions.

Mr. Mott stated he would like to rebuild the structure on gravel pad, dimensioned at 36' x 60' of which 16 ft. would be a workshop and 32 ft. for the garage. A portion of the roof overhang would cover an open concrete patio area, indicated for future sitework. There would be no need for additional drainage due to slope of the land.

After a brief discussion, the Board requested the following revisions to be submitted to the Code Enforcement Office prior to permitting:

- A tax map, land deed or existing land survey map depicting the location of the garage on the parcel, referencing proximity to road, all onsite structures, utilities, the percentage of slope and all property setbacks for the parcel.

Without further discussion a motion to approve the application with the above contingencies was offered by St. Lawrence and seconded by DeVinney. The motion so carried with all Board Members present voting in favor.

3. App. #062619-SPR/Douglas Brush requests Site Plan Review for installation of a permanent dock at 1473 S. Lake Rd. (UDML). Since the applicant was unavailable to attend, the application was discussed as a conceptual review and rescheduled for next month for Site Plan Review.

4. App. #062419-SPR/Robert Brenner requests Site Plan Review for installation of an appendage to extend an existing permanent dock at 262 East Lake Rd., (UDML)

CEO Kane summarized the application for the Board, stating the property had an existing permanent dock, which Mr. Brenner wanted to install a permanent replacement to a seasonal appendage to the dock. Mr. Brenner was in attendance to answer Board questions.



Mr. Brenner stated he would like to add an 8 x 22 ft. permanent dock extension to an existing 16 x 16 ft. permanent dock creating a total 432 sq. ft. He was currently allowed 720 sq. ft. under the Canandaigua Lake UDML.

After a brief discussion, St. Lawrence offered to approve the application as submitted which was seconded by Mincer. The motion so carried with all Board Members present voting in favor.

Conceptual Reviews:

- Dr. Avicé O’Connell & Dr. Timothy O’Conner of 1472 S. Lake Rd., request Site Plan Review for site improvements to access the existing residence, septic system, boathouse & seawall. This application will be rescheduled for conceptual review next month.
- Michael Cannova, representing the Alice Robeson Estate, requests review for subdividing parcels fronting Robeson Tract and East Lake Rd., Tax ID # 11.66-1-5, #11.66-1-6, and #11.66-1-7 (LR)-

CEO Kane summarized the application, stating Mr. Cannova was representing a proposed subdivision of land which was part of the Alice Robeson Estate. Mr. Cannova was here to provide answers to any Board inquiries and to request Board advisement.

Mr. Cannova stated the original proposal was to create a 5-lot Major Subdivision, but after rethinking the proposal, would like to request review for a 3-lot Minor Subdivision with boundary reconfigurations.

Board discussion offered options for road access to these three lots, which would involve upgrading the existing Robeson Tract off of Newago Road, which would include a Special Use Permit to do so or create a new road off of East Lake Road to access the parcels.

Board Members offered to visit the site to view what each proposal would do to impact the surrounding neighborhood. A date would be scheduled for the site visit in the near future.

Without further discussion, Board Member Mincer offered a motion to adjourn the meeting, which was seconded by Board Member St. Lawrence. The motion so carried with all Board Members present voting in favor.

Meeting adjourned at 8:32 pm

Next meeting on August 7th

Draft Minutes submitted by L. Lersch

Minutes approved on August 7, 2019

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

Minutes

Wednesday, June 5, 2019-7 pm

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

Public Present: Justin DeMity, William Brewer, Dave Moynihan, Nancy Evans, Tom Drennen, Brendan Gooding

Agenda: Draft Minutes – May 1

Site Plan Reviews –

New Business:

1. App. #052019-SPR/Richard Milham/Gary Polisseni & Gallagher, represented by Venezia & Associates request Site Plan Review for a Lot Line Reconfiguration to annex 27.272 vacant parcel acres onto Tax Map # 21.04-1-20 from Tax Map # 21.04-1-16 (LDR)
2. App. #051519-SPR/Daryl Dunton & Barbara Ames, represented by Venezia & Associates request Site Plan Review to annex a portion of Tax Map # 22.02-1-10.1 (Ames property) onto Tax Map ID # 22.60-1-2.1 (Dunton property) creating a Lot Line Reconfiguration on vacant land located on State Route #364, (HB)
3. App. #051619-SPR/Eugene Cardamone, represented by Venezia & Associates request Site Plan Review for installation of a drainage system at 1435 South Lake Road, Tax Map ID # 31.01-1-8, (LR)
4. App. #051719-SPR/Tom Drennan of 1089 South Lake Road, represented by William Grove, P.E. of Grove Engineering request Site Plan Review to install a wastewater replacement system, Tax Map # 21.48-1-1, (LR)
5. App. #051919-SPR/John Cake, represented by William Grove of Grove Engineering, request Site Plan Review for installation of a driveway at 1113 So. Lake Road, Tax Map ID #21.48-1-4.1&5 (LR)
6. App. #051819-SPR/David Moynihan, represented by Brennan Marks of Marks Engineering, request Site Plan Review for new construction of an addition to an existing Single-Family residence located at 6367 Vine Valley Rd., Tax Map #11.75-1-7 (LR)

Conceptual Review: Ferrell Gas storage facility proposal - location #364

Chairman Marty DeVinney called the Planning Board meeting to order at 7:03pm.

Draft Minutes from May were reviewed. Board Member St. Lawrence offered a motion to accept as submitted with Board Member Mincer offering a second. The motion so carried with all Board Members present voting in favor. None opposed.

App. #052019-SPR/Richard Milham/Gary Polisseni & Gallagher, represented by Venezia & Associates request Site Plan Review for a Lot Line Reconfiguration to annex 27.272 vacant parcel acres onto Tax Map # 21.04-1-20 from Tax Map # 21.04-1-16 (LDR)

Code Enforcement Officer summarized the application for the Board Members, stating the application was complete, compliant to all area zoning requirements. A portion of the 27.2 acres was being annexed to the contiguous parcel.

Board Members reviewed the submitted maps from Venezia & Associates. Chairman DeVinney entertained a motion to approve by resolution. Board Member St. Lawrence motioned to approve the application as submitted with Board Member Mincer offering a second. The motion so carried by all Board Members present voting in favor.

App. #051519-SPR/Daryl Dunton & Barbara Ames, represented by Venezia & Associates request Site Plan Review to annex a portion of Tax Map # 22.02-1-10.1 (Ames property) onto Tax Map ID # 22.60-1-2.1 (Dunton property) creating a Lot Line Reconfiguration on vacant land located on State Route #364, (HB)

Code Enforcement Officer summarized the application for the Board Members, stating the application was complete, compliant to all area zoning requirements. A portion of the acreage was being annexed to the contiguous parcel.

Board Members reviewed the submitted maps from Venezia & Associates. Chairman DeVinney entertained a motion to approve by resolution. Board Member Mincer motioned to approve the application as submitted with Board Member St. Lawrence offering a second. The motion so carried by all Board Members present voting in favor.

App. #051619-SPR/Eugene Cardamone, represented by Venezia & Associates request Site Plan Review for installation of a drainage system at 1435 South Lake Road, Tax Map ID # 31.01-1-8, (LR)

Ms. Kane, CEO gave a summary of the application, stating the parcel had a history of drainage issues due to storm water erosion washouts. The Code Office had received a complaint that on-site excavation work had been initiated to remove pipes onsite. Ms. Kane, in working in tandem with landowner and Venezia & Associates and the Town of Middlesex Highway Supervisor, have reviewed the Lu Engineer study referencing this parcel. Ms. Kane brought the project to the Planning Board for Site Plan Review, requiring engineered plans for appropriate sizing of culverts and drainage on the site to protect both landowner and the road from further damage. Venezia & Associates has worked with Lu Engineer on the site and has submitted plans for Board review. Brendan Gooding, representing Venezia & Associates to present and answer Board questions.

After discussion and careful review, the following requirements for site map revisions were requested to be submitted to the Office of Code Enforcement prior to receiving final determination on the application:

- a. Revise map to show what's existing onsite and what is proposed for a clear representation of sitework to be completed to include a time frame of scheduled work. Note, if catch basins are not currently on site, do not show them on the map.
- b. Show 24 " pipe currently there as existing and indicate the proposed open swale with a section detail showing swale foundation bed, correct slope on the sides, type and quantity of rip rap stone appropriate to service the appropriate year storm event, and detail of 30 " culvert at Highway ROW, so Town Highway Department has clear stamped engineered plan to follow what is to be repaired by the Town Highway Department using the Lu Engineering Study as a basis. Contact Lu Engineer to obtain a typical runoff section detail for what would be required per their Work Study on South Lake Road done in 2005.
- c. Show a 30" flared end section as receiver end piece that channels into the pipe under the road, and preparation plans to hold in place with concrete so it is not undermined during a gully washer.
- d. Schedule an onsite pre-construction meeting through the Office of Code Enforcement with the Town Highway Supervisor, contractor, and engineer prior to start of construction.

Chairman DeVinney entertained a motion to conditionally approve the application as submitted. Board Member Mincer motioned to approve the application as submitted contingent on the above requirements. Board Member St. Lawrence offered a second. The motion so carried by all Board Members present voting in favor.

App. #051719-SPR/Tom Drennan of 1089 South Lake Road. Plans submitted by William Grove, P.E. of Grove Engineering request Site Plan Review to install a wastewater replacement system, Tax Map # 21.48-1-1, (LR)

Code Enforcement Officer summarized the application for the Board Members, stating the application was complete, with plans for a Presby Wastewater Treatment System to be installed replacing what had been onsite. George Barden, Canandaigua Watershed Inspector had reviewed the plans on and was in approval of the system in a letter dated 4/26 on file. The installer will be Barry Zink who also holds the service contract. The system will be located behind the barn onsite and Mr. Drennan, property owner was in attendance to answer any questions.

Board Members reviewed the submitted maps from Grove Engineering, and after careful review and discussion with owner, the following requirements for site map revisions were requested to be submitted to the Office of Code Enforcement prior to final determination on the application:

- a. Revise map to take off the proposed water service line shown on map as landowner states this is the wrong information.
- b. Silt fence must be added to the area of disturbance to the west side of the new leach field bed, to area around the new pump tank, and around area to be stockpiled.
- c. Note on site map who the installer will be and whom shall hold the service contract.
- d. Note all scrub debris from disturbance will be disposed of onsite by landowner.
- e. Notation that all disturbed topsoil will be stockpiled onsite and give notation of its location on site map. This area must be seeded after 72 hours to protect until pile is regraded or used elsewhere onsite.
- f. Provide Town's Code Office with an "As Built" site map at project completion.
- g. Site map must show all site dimension lines that clearly show parcel setbacks as required.

- h. Clarify on Site Map where the run-off of clean water will be discharged into ground.
- i. General Note clean-up to be sure all notes that don't specifically apply to project and/or Town.

Chairman DeVinney entertained a motion to conditionally approve the application as submitted contingent on the above requirements. Board Member Mincer motioned to approve the application as submitted with Board Member St. Lawrence offering a second. The motion so carried by all Board Members present voting in favor.

App. #051919-SPR/John Cake. Plans submitted by William Grove of Grove Engineering, request Site Plan Review for installation of a driveway at 1113 So. Lake Road, Tax Map ID #21.48-1-4.1&5 (LR)

Application was tabled to be rescheduled at a later date convenient to landowner.

App. #051819-SPR/David Moynihan. Plans submitted by Brennan Marks of Marks Engineering, request Site Plan Review for new construction of an addition to an existing Single-Family residence located at 6367 Vine Valley Rd., Tax Map #11.75-1-7 (LR)

Code Enforcement Officer summarized the application for the Board Members, stating the application was complete, with a plan submitted by Marks Engineering. Ms. Kane mentioned that since the parcel was located in two zoning districts, and had previously been noted with physical location in Low Density Residential, Mr. Moynihan had submitted a letter, stating that pursuant to Section 600.0 of the Town of Middlesex Zoning Law, a "Lot in Two Districts" was relevant to his parcel being physically located in the Lake Residential Zoning District with frontage on Vine Valley Road. Ms. Kane acknowledged the correction and stated the parcel was in compliance with all lot area requirements and also had an approved septic installed onsite last year. Mr. Moynihan owned the contiguous property to the north and south as well. A new open swale had been constructed on the northern side of the driveway to reduce stormwater runoff and to direct water to the ditch at roadside and away from the contiguous parcel.

After careful review the Planning Board entered into discussion with the landowner. Chairman DeVinney entertained a motion to conditionally approve the application as submitted, contingent on the following requirements to be submitted to the Office of Code Enforcement prior to final determination on the application:

- a. Site Map mentions using a rolled erosion control fabric. Town recommends "North American Green" to be used as appropriate to slope of land.
- b. Site Plan General Note #5 states "according to NY Standards." Reference to the *Town of Middlesex Stormwater Management and Erosion Control Law* is recommended to protect its' residents from storm events typical to the region, when adhered to by the project's contractor.
- c. General Note #2 states a generic seed mix. The Town of Middlesex recommends a specific seed mix and application which is available on the Town's website: [www.middlesexny.org](http://www.middlesexny.org)
- d. Recalculate the dimension of the section view of the 2 limestone courses shown, as the calculation used at a maximum of 18" exposed would create a retaining wall over 3 ft. tall from top of wall to exposed bottom.
- e. Recommend noting on the site map, the size and quantity of stone to be used for stone protection of outlet.
- f. Clarify how the existing 8" culvert pipe will be removed and replaced with a 12" culvert at the inlet/outlet when doing grade work on the stone patio grade work.

Board Member Mincer made the motion which was seconded by Board Member St. Lawrence. The motion so carried with all Board Members present voting in favor.

Conceptual Review: Ferrell Gas storage facility proposal - location State Rd. #364 on property currently adjacent to DeMistry's #364 Powersports Business location.

CEO Ms. Kane stated that Mr. William Brewer, District Manager for Ferrell Gas, with business locations in Batavia, Ovid, Cantor and Prattsburgh New York, was present to provide information to the Town of Middlesex Planning Board to locate a 30,000-gallon Commercial Gas Storage Tank at 877 Rte. #364 which parcels the DeMistry #364 Powersports business. This storage tank would facilitate local deliveries of propane gas to the Middlesex and outlying municipalities. Ms. Kane informed the Planning Board that current zoning does not list this proposed use and offered the following options to aid in facilitating the business proposal if desired:

- a. Amend current zoning to define the proposed use as a listed use.
- b. Zoning Board of Appeals request to make an interpretation of the Zoning Law.

Board inquiries referenced peak time traffic flow for vehicular truck loading of this product. Mr. Brewer stated the maximum traffic generated from this installation would be two tractor trailer loads with two trucks, two drivers and a service truck once per week with 4,000-5,000 gallons coming out of the site at peak times - December through March. Each truck would take 30-45 minutes to load on and could be scheduled on Saturdays, Tuesdays and Thursdays. Traffic flow in and out of the existing driveway at DeMistry's would allow smooth transition onto the State Road with a good line of sight. Mr. Brewer informed the Board on routine safety inspections and perimeter fencing for the site. Mr. Justin DeMistry stated that he was in approval of the storage tank installation.

Ms. Kane stated the Town of Milo had recently installed such a facility and had proceeded through all of the NYS requirements which may provide the Board with resources needed to research the proposed use and its' benefits and/or impact on the community as an alternative energy source.

After a short discussion, the Board stated they would like to further research to gather further information. Mr. Brewer stated he was hoping to schedule installation for October/November with a build time of 3-6 weeks to completion. Ms. Kane stated she would be in contact with Mr. Brewer to schedule a formal application for Site Plan Review.

#### Other Business:

Individuals interested in serving on the Town of Middlesex Planning Board will be invited for interview with the Planning Board Members on Wednesday June 19, from 6 to 7:30 pm for the purpose of providing recommendation to the Town Board for appointment to the Planning Board. An invitation to attend will be posted on the Town of Middlesex website.

Without further discussion, a motion to adjourn the meeting was offered by Chairman DeVinney and seconded by Board Member St. Lawrence. The motion so carried with all Board Members present voting in favor.

Meeting adjourned at 9:02pm  
Next meeting on July 3<sup>rd</sup>.

Draft Minutes submitted by L. Lersch/ Minutes approved on July 3, 2019

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

Minutes

Wednesday, May 1, 2019-7 pm

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

Public Present: Chris Olney – FLLT, Allyson Adam-Anderson, Lisa & Bob Dreste, Terry Mott, Gordon Stringer, Ted Carman, Phil Greene, Brennan Marks

Agenda: Draft Minutes – March 6, April 3

Site Plan Reviews –

New Business:

1. App. #040119-SPR/Steve Ball, represented by Allyson Adam-Anderson of KW Gateway Realty requests Site Plan Review for reclassification of a single-family residence into two-family residence at 266 St. Rte. #245, Tax Map ID # 3.03-1-2 (A/R)
2. App. #033119-SPR/Daniel & Judi Fulz of 6100 Widmer Rd., represented by Phil Greene of Worden Hill Marine, request Site Plan Review to construct 852 sf. of shoreline improvements per the UDML to include Permanent Dock w/Single Boat Station, and Boat Accessory Structure, Tax Map # 31.54-1-1.1, (LR)
3. App. #032219-SPR/Finger Lakes Land Trust, represented by Chris Olney request Site Plan Review to construct two sets of timber-framed stairs and natural path pedestrian hiking trail called East Shore Preserve at Bare Hill from the shoreline east to East Lake Road between 480 & 520 East Lake Rd., Tax Map #11.27-1-5.1, (LR)

Old Business:

4. App. # 031419-SPR/Donald Tesch, represented by Ted Carman, request Site Plan Review to construct a 40 x 50 ft. Pole Barn on vacant land adjacent to 624 E. Lake Rd., Tax Map ID # 11.42-1-2, (LR)
5. App. # 020119-SPR/Robert Dreste of 1151 S. Lake Rd., represented by Brennan Marks of Marks Engineering, request Site Plan Review to construct shoreline improvements to include retaining walls, stairs, landing with railing, and landscaped stone patio, Tax Map # 21.56-1-2 (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:03pm.

1. App. #040119-SPR/Steve Ball, represented by Allyson Adam-Anderson of KW Gateway Realty requests Site Plan Review for reclassification of a single-family residence into two-family residence at 266 St. Rte. #245, Tax Map ID # 3.03-1-2 (A/R)

Code Enforcement Officer summarized the application for the Board Members, stating the request was a permitted use per Section #501.1 in the A/R Zoning District. George Barden, Canandaigua Watershed Inspector had approved the existing septic system as adequate, and in working order. There will be no interior or exterior changes. This

residence has been pre-existing to zoning for the past 30 years. The Balls are now selling the property and have submitted a parking sketch of the parcel to show parking is adequately planned. Ms. Kane introduced Allyson Adam-Anderson to answer any questions for the Board.

Board Member Lersch stated that Yates County Planning Board would need to review this application based on the parcel's proximity to State Rte. #245 and pursuant to NYS Municipal Town Law, Article 12b, Section 239-m, part c.

Allyson Adam-Anderson requested a waiver from the law due to financial hardships and the process in place for closing as soon as possible on the real estate sale for her client.

Board Member Lersch stated the Planning Board could extend a recommendation from the Planning Board to request the County to provide a waiver from the law, and Code Officer Kane confirmed that a call to the County Office Planner would be forthcoming and information relayed back as soon as possible.

A motion to grant conditional approval pending determination from Yates County Planning Board was offered by Board Member St. Lawrence and a second was provided by Board Member Mincer. Motion so carried, with all those members present voting in favor. None opposed.

## 2. App. #033119-SPR/Daniel & Judi Fulz of 6100 Widmer Rd., represented by Phil Greene of Worden Hill Marine,

Ms. Kane summarized the application, introducing Phil Greene to present the application for the Fulz family.

Mr. Greene stated the application was in line with all requirements from the UDML. The project on Widmer Rd, a steep slope parcel would entail shoreline improvements to include a new 732 ft. permanent docking system with a single-slip boat station, a 120 sq. ft. Boat Accessory Structure upland of the Mean High-Water Line and would have electric service to the building. The plan has included the 120 sq. ft. of this structure in the square footage allowed for the dock. The total is 852 sq. ft. where the maximum allowed would be 920 sq. ft. As part of the project would be the removal of an existing storage shed and retaining wall that was in disrepair which would not be replaced. An agreement from the neighbor to the north for transportation of materials over their property had been acquired. 8 yards of fill would be removed from this area and re-graded to provide a more native slope at approximately 75% slope. Total disturbance in this area would be approximately 450 sq. ft. An erosion control product called "Land Lok 450" will be used to stabilize the disturbed ground with the Town's recommended seed mix to establish a living erosion protection base. All spoils will be reused onsite where possible with debris from razing the storage shed and retaining wall to be hauled offsite in a dumpster.

After review, the Planning Board requested silt fence be installed running north and south on the parcel below the disturbed area and to deter debris and storm water runoff entering the lake during a possible storm event. The silt fence must be maintained until ground stabilized.

Without further discussion, the Board motioned to approve the application with the contingency of adding silt fence as discussed to be maintained until disturbed ground is stabilized. Board Member St. Lawrence offered the motion which was seconded by Board Member Mincer. The motion so carried with all Board Members in attendance voting in favor. None opposed.

## 3. App. # #032219-SPR/Finger Lakes Land Trust, represented by Chris Olney, Director of Stewardship.

Mr. Olney presented the application to Board Members stating the FLLT had acquired the parcel to create "East Shore Preserve at Bare Hill," a proposed water trail accessible from the shoreline up to East Lake Road and eventually in hopes of connecting to a trail across East Lake Road and eventually up to Bare Hill. Proposed onsite were two sets of boxed 6" x 6" timber-framed stairs 4 ft. wide and spanning 660 sq. ft. Installation would start sometime in September by a third-party crew – Adirondack Mountain Club (ADK). The stairs would be installed without machinery using hand tools completing 2-3 step sections at a time to be filled with natural shale. The stairs would be sectioned into two sets pinned into place by rebar. The upper section is ninety-five feet long with a rise of 28 ft. and would require 56 steps with an off-set of 16 in. The lower section is 75 ft. long with a rise of 24 ft. and



would require 48 steps with an off-set of 17 in. A drainage ditch on the north uphill side of the stairs would shunt water to the west traveling between the two stair sets.

Signage would be located at the entrance to the parcel and was atypical to other FLLT Nature Preserves (sized at 11.5" x 11.5" square). Parking off the shoulder of East Lake Road, within the parcel, would accommodate two or three cars. Mr. Olney stated this trail was not meant for access to the lake from the road, but rather from the lake and they would not be creating a parking area per se up there. It was stated FLLT would place a cable across the entrance to avoid vehicular pull-off.

Board Member Lersch stated the application would be referred to Yates County Planning Board on May 23 per NYS Municipal Town Law, Article 12b, Section 239-m, part c. due to the project's abutting a county road, (East Lake Road). The Town of Middlesex would complete the application to the County and Mr. Olney or a representative, familiar with the project, would need to be present to answer questions.

Board Member Gilbert inquired of a tree marked for removal. Mr. Olney responded it was an invasive species, called the "Tree of Heaven" and would be removed, leaving the stump and roots in ground.

Board Member St. Lawrence inquired if there was future intent for boat mooring or docking, to which Chris Olney stated there was not and no swimming would be allowed.

Lynn Lersch inquired if the stone cribbing at shoreline was existing or would be part of this project. Mr. Olney stated it was existing prior to Finger Lakes Land Trust purchase of the parcel.

Without further discussion, a motion to approve with contingencies was offered by Board Member Gilbert and seconded by Board Member St. Lawrence with the following contingencies to be resolved, prior to permitting through the Code Enforcement Office:

- Construction process to be monitored by FLLT while installation by 3<sup>rd</sup> party completes shale fill on timber-framed stairs.
- Installation of silt fence, west of construction site, to protect lake from debris and surface run-off.
- Onsite pre-construction meeting to be scheduled with the Code Enforcement Office to detail construction process and site access for materials.
- Pending Yates County Planning Board review of application, due to the project abutting a county road, pursuant to NYS Municipal Law, Art. 12b, Sect. 3239-m, part c, and intent of establishing signage and off-road parking for up to three vehicles off shoulder but within the FLLT parcel boundaries.

The motion so carried with all Board Members present voting in favor. None opposed.

#### Old Business:

4. App. # 031419-SPR/Donald Tesch, represented by Ted Carman, request Site Plan Review to construct a 40 x 50 ft. Pole Barn on vacant land adjacent to and south of 624 E. Lake Rd., Tax Map ID # 11.42-1-2, (LR).

Ted Carman, representative for property owner Donald Tesch, stated he was here to submit requested revisions as required by the Planning Board review in April, and the application had been reviewed on April 25<sup>th</sup> by the Yates County Planning Board receiving a recommendation of "no significant County-wide or Inter-Municipal impact."

Board Member St. Lawrence requested the following to be resolved prior to permitting through the Office of Code Enforcement:

- Recommendation to extend two western-facing posts of proposed Pole Barn into native ground to avoid proposed extra fill.
- Application of a rolled erosion control mat such as North American Green <https://nagreen.com/> on steep slope to protect from erosion during stabilization of disturbed ground.
- Application of recommended seed mix to be applied to all disturbed ground within 72 hours per Town's Local Steep Slope Law per handout distributed at meeting.
- Monitor areas of fill for appropriate compaction to avoid future settling.
- Recommended seed mix per handout at meeting

Without further discussion Board Member Lersch made a motion to approve the application with the above contingencies, and Bruce St. Lawrence seconded the motion. The motion so carried with all Board Members present voting in favor. None opposed.

5. App. # 020119-SPR/Robert Dreste of 1151 S. Lake Rd., request Site Plan Review to review requested map revisions to shoreline improvements to include retaining walls, stairs, landing with railing, and landscaped stone patio, Tax Map # 21.56-1-2 (LR)

Lisa & Robert Dreste, property owners were in attendance to answer Board inquiries of map revisions drafted by Gabrielle Harris of HDS, and stated they had chosen not to create a graveled parking area between the east side of the existing shed and So. Lake Road, deciding instead to backfill the retaining wall behind the shed with gravel, topsoil and then top seed with grass. It was stated that the shed would be completed to specifications offsite, completed by June, for onsite installation and resting on a concrete slab.

After a short discussion, the following contingencies were requested as final determination by the Planning Board prior to permitting through the Office of Code Enforcement:

- Provide a site map that has been stamped and signed by a NYS Certified engineer for all proposed structural retaining walls over 3 ft. in height.
- Recommend planting of shrubbery along proposed roadside 16 ft. grass area to deter vehicular pull-off.
- Require engineer presence onsite to monitor backfill process at timber retaining wall behind proposed shed.
- Notify Town Highway Supervisor Todd Conaway of proposed construction schedule to allow time for signage for possible road delays or closures.
- Obtain a release for permission from Mr. Tom Hansen off-site storage of construction vehicles during construction process.

A motion to approve with these contingencies was made by Bruce St. Lawrence and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Other Business:

Brennan Marks of Marks Engineering requested Site Plan Review for David Moynihan of 6367 Vine Valley Rd. for a proposed addition to an existing residence, new patio and regrade of driveway for erosion detail. The Board stated he was not on the agenda due to deadline issues, but they would give him a conceptual review. After a short discussion and review, Mr. Marks took back the maps stating he would come back for a full review in June after speaking with his client.

A motion to accept the draft minutes as submitted for March 6 and April 3 was offered by John Gilbert and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Code Officer Kane requested a recommendation from the Planning Board to add some Zoning Law amendments to current zoning and draft a letter of recommendation to the Town Board for their May meeting. Clerk Lersch will draft a recommendation to be presented at the May 9<sup>th</sup> meeting.

Lersch read an email from Mr. Michael Cannova requesting information from the Planning Board which was discussed. A reply will be drafted to Mr. Cannova.

It was noted that this was the last meeting attended by Board Member John Gilbert as he was resigning after many years on the Planning Board. Mr. Gilbert has retired and will be spending more time out of state. The Planning Board is fielding public interest for the position and reviewing letters of reference from interested parties. Recommendations from the Planning Board will be reviewed by the Town Board for appointment.

Without further discussion, a motion to adjourn was offered by Chairman DeVinney and seconded by Bruce St. Lawrence. All Board Members present voted in favor. None opposed.

Meeting adjourned at 9:38pm  
Next meeting on June 5<sup>th</sup>

Draft Minutes submitted by L. Lersch  
Minutes approved on June 5, 2019



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

Minutes

Wednesday, April 3, 2019-7 pm

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

Public Present: Peter Gorman P.C. of Marathon Engineering, Gordon Stringer, Noah Swartele, Ted Carman, Patrick & Ann McCormick

Agenda: Draft Minutes – March 6

Site Plan Reviews –

New Business:

1. App. #031219-SPR/Ann & Patrick McCormick represented by Peter Gorman of Marathon Engineering requests Site Plan Review for the construction of a replacement tram to an existing tram located at 356 E. Lake Rd., Tax Map ID # 1.76-1-3 (LR)
2. App. #031119-SPR/Noah Swartele, represented by Brennan Marks of Marks Engineering requests Site Plan Review for new construction of a Single-Family Residence, driveway and septic located on 5.2 acres of vacant land on Bare Hill Rd., Tax ID #2.03-1-10 (LDR)
3. App. #031019-SPR/ Melinda Heavens, represented by Brennan Marks of Marks Engineering, requests Site Plan Review for new construction of a Single-Family residence, driveway & septic located on a 3-acre vacant parcel bordering East Lake Rd. Tax Map ID #11.58-1-7(LR)
4. App. #031319-SPR/Anthony Piazza, represented by Brennan Marks of Marks Engineering Robert Road requests Site Plan Review for site improvements at 6080 Widmer Rd. to include installation of a new wastewater treatment system, timber retaining wall, driveway erosion control improvements and proposed set of stairs from driveway to house, Tax Map ID # 31.54-1-3 (LR)
5. App. # 031419-SPR/Donald Tesch, represented by Ted Carman, requests Site Plan Review to construct a 40 ft x 50 ft. Pole Barn on vacant land adjacent to contiguous parcel at 624 E. Lake Rd., owned also by applicant., Tax Map ID # 11.42-1-2 (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:03pm.

Site Plan Reviews for New Business:

1. App. #031219-SPR/ Ann & Patrick McCormick of 356 E. Lake Rd., represented by Engineer Peter Gorman:

Code Enforcement Officer summarized the application for the Board Members and introduced Peter Gorman, P.C. agent for the McCormicks who were in attendance to answer any Board questions.

Peter Gorman presented the application to the Board, stating the new tram would be installed by Finger Lakes Tram and would be approximately in the same location as the existing tram but since the proposed replacement was a bit wider, the location of the upper landing would be shifted approximately 5-6 feet slightly to the south.

A variance request for the side setback encroachment had been applied for. The landing at shoreline would connect to an existing waterfront landing, however the landing is situated approximately 1.7 feet further from the lake. The new tram will be located approximately 4.7 ft. closer to the neighboring parcel to the south which is also owned by the McCormicks. Installation of the tram will be installed manually by FL Tram with minimal impact to the hillside using hand driven pilings, so no heavy equipment will be used. The existing tram and pilings and footers will be cut level to ground and removed above ground. Three existing trees will be removed due to the shifting of the tram's proposed location.

Discussion developed with Board concern about removal of trees. Board requested that if any could be saved to honor this request as it helps stabilize the embankment on steep slope. Spoils would be hauled offsite to Finger Lakes Tram owned property. It was stated that safety rails "installed by others" would be designed and installed by Finger Lakes Tram. Existing stairs at shoreline would be removed as the new landing platform for the tram would exit onto an existing flat deck.

Without further discussion, a motion to conditionally approve the application was offered by Robert Mincer. Bruce St. Lawrence provided a second. All Board Members present voted in favor of the motion with the following conditions to be resolved prior to permitting:

- a. Variance for side setback encroachment must be granted through the Zoning Board of Appeals.
- b. Submission of an "As Built" Site Map to the Office of Code Enforcement noting:
  - All project spoils will be hauled offsite to Finger Lakes Tram property.
  - Final detail of tram landing and existing deck at shoreline.

2.App. #031119-SPR/Noah Swartele, represented by Brennan Marks of Marks Engineering requests Site Plan Review for proposed construction of a single-family residence on vacant land bordering Bare Hill Rd., and site improvements.

CEO Kane gave a brief summary of the application and referred the floor to Brennan Marks, representing agent for the applicant, also in attendance to answer any questions for the Board.

Brennan Marks stated the application was for the new construction of a 2-bedroom cabin on the corner of Bare Hill Road and Van Epps Rd. The application included a driveway, new well, and an onsite traditional septic system inground with a timber retaining wall on the downhill side allowing 25% of the top grade of the system to key into the embankment. Electrical power would connect to utilities at the street. Brennan stated septic approval was still pending and presented his erosion control plan.

After careful review, the following concerns were addressed by the Planning Board requesting revisions to be submitted for an additional Board review at the next available agenda to be scheduled through the Code Office:

- a. Resubmit site map to show a redesign of the driveway access to the cabin decreased from 20 to a maximum of 15% grade of slope to comply with Town requirements.
- b. All culverts should be a minimum of 15" diameter in Steep Slope areas per Town Highway Dept.
- c. Septic Design approval is required prior to final Planning Board determination.
- d. Drainage Redesign with installation of stone at all discharge points.
- e. Installation of silt fence, with separate detail, on east side of new home.
- f. Show map detail of 4 ft. Timber retaining wall as replacement for wall of block design.
- g. Note on site map the total square feet of ground disturbance.
- h. Clean up General, Erosion Control and Construction Sequence notes as discussed to comply with specific requirements as referenced in the Town's Steep Slope Law (pg. 7).
- i. Indicate rolled erosion control product. Dates for stabilizing disturbed areas must be consistent with calendar requirements.

- j. Need steep slope overlap map as required by steep slope regulation.
- k. Steep slope protection area permit needed.
- l. Revise swale positioning west of septic field.

3.App. #031019-SPR/ Melinda Heavens, represented by Brennan Marks of Marks Engineering, requests Site Plan Review for new construction of a Single-Family residence, driveway & septic located on a 3-acre vacant parcel bordering East Lake Rd. Tax Map ID #11.58-1-7(LR)

Ms. Kane, CEO summarized the application, stating Brennan Marks was in attendance to present the application and to answer any questions from the Board.

After careful review by the Planning Board, the following site map revisions were requested to be resubmitted prior to subsequent Planning Board review to be scheduled by the Office of Code Enforcement:

- a. Resubmit site map to show an updated drainage redesign to the parking area.
- b. Note on site map installation of stone at all discharge points.
- c. Note on site map the installation of silt fence further extended at north and south ends and maintained during construction.
- d. Septic Design approval is required prior to final Planning Board determination.
- e. Note on site map the total square feet of ground disturbance.
- f. Note use of rolled erosion control product due to steep slope development. Rework notes to address timeliness of stabilizing disturbed areas per steep slope regulations.
- g. Clean up General, Erosion Control and Construction Sequence notes as discussed to comply with specific requirements as referenced in the Town's Steep Slope Law (pg. 7).

4. App. #031319-SPR/Anthony Piazza, represented by Brennan Marks of Marks Engineering Robert Road requests Site Plan Review for site improvements at 6080 Widmer Rd. to include installation of a new wastewater treatment system, timber retaining wall, driveway erosion control improvements and proposed set of stairs from driveway to house, Tax Map ID # 31.54-1-3 (LR)

Brennan Marks of Marks Engineering presented the application stating it was in an extremely steep slope area on Widmer Road. He stated the plan was carefully engineered to reduce erosion and update the current wastewater treatment system.

After careful review, the following site map revisions were requested for resubmission prior to subsequent Planning Board review to be scheduled by the Office of Code Enforcement:

- a. Engineer must be present for critical inspections. Coordinate points and intervals with Code Office.
- b. Revise Erosion Control & General Notes #2 & #4 to state use of specific erosion control product, "North American Green" and revise wording to comply with specific time allotted for stabilization of disturbed ground as referenced in the Town's Steep Slope Law (pg. 7)
- a. Revise "Construction Sequence" Note #8 and Wastewater Treatment System Note #4, removing "as soon as possible" to comply with specific time allotted for stabilization of disturbed ground as referenced in the Town's Steep Slope Law (pg. 7).
- b. Obtain a land use agreement from contiguous neighbor to the south.
- c. Show on site map a location for spoils and construction staging of materials.
- d. Submit an Overlay Map referencing Zone A as required in Town's Steep Slope Law requirements.
- e. Submit Stormwater calculations to comply with Steep Slope Law (pg. 7) to accommodate a 25 yr./1-hour storm event.
- f. Steep Slope permit required.
- g. Provide total amount of disturbed area. SWPPP permit may be required.

- h. Drwg. C100, provide drainage detail for controlling surface drainage at bottom of driveway where steps are to be reworked and new retaining wall installed.
- i. Drwg. C500, provide rail anchoring details for both types of retaining walls.
- j. Schedule onsite Pre-Construction Meeting with Town's CEO, Engineer and Contractor through the Office of Code Enforcement.
- k. Septic Design approval is required prior to final Planning Board determination.
- l. Provide section detail of new retaining wall along last section of driveway.
- m. Provide more detail at all drainage transition points into culverts, to include area of stone required.
- n. Show erosion control requirements at all discharge points for open channel flow.
- o. Variance for southern side yard setback required prior to Planning Board approval.
- p. Provide more information on the removal / replacement of existing steps at bottom of driveway.

5.App. # 031419-SPR/Donald Tesch, represented by Ted Carman, requests Site Plan Review to construct a 40 ft x 50 ft. Pole Barn on vacant land adjacent to contiguous parcel at 624 E. Lake Rd., owned also by applicant., Tax Map ID # 11.42-1-2 (LR)

Ms. Kane, CEO summarized the application, stating the application was pending determination of a variance request from the Zoning Board of Appeals. This variance request would also be reviewed by the Yates County Planning Board as it abutted the county road, prior to final Planning Board determination. Mr. Ted Carman was in attendance to represent Mr. Tesch and to answer any inquiries from the Board.

After careful review, the following site map revisions were requested for resubmission prior to subsequent Planning Board review to be scheduled by the Office of Code Enforcement:

- a. Submit the driveway dimensions from setbacks on site map to show the egress/ingress to the proposed Pole Barn from Genundewah Drive.
- b. Submit dimensions to the existing ROW
- c. Submit dimensions from setbacks on the proposed back porch. Also provide all dimensions of porch.
- d. Topographical contours to be shown on site map, both new and existing.
- e. Submit Erosion Control Plan per Town's Stormwater Management Law.
- f. Pending Area Variance review by the Yates County Planning Board on April 25<sup>th</sup>.
- g. Show proposed utility locations.

Other Business:

App. # 020119-SPR/Robert & Lisa Dreste of 1151 South Lake Road requests Site Plan Review for shoreline improvements & new construction of an accessory structure, Tax ID #21.356-1-2(LR)

Dawn Kane, CEO requested the Planning Board review new maps from Brennan Marks of Marks Engineering for the Dreste application. This application was denied by the Board in March due to the Board's request for Town Engineer review for structural loading capacity of a proposed pull-off parking area and retaining wall to the embankment bordering South Lake Road. Stantec's review recommended 3<sup>rd</sup> party structural engineer design for both the proposed retaining walls and for the proposed parking area to handle the loading capacity for the possible vehicular pull-off and retain stability of the embankment. The applicant hired Brennan Marks of Marks Engineering. Mr. Marks, a licensed structural engineer, reviewed all shoreline improvement retaining walls proposed to be over 3 ft. in height, as required by New York State. Mr. Marks stated that the updated designed retaining wall with parking area currently would handle load from temporary parking of a golf cart, however structurally it would not be structurally sound to handle the possible commercial vehicular pull-off from South Lake Road traffic, which would be hard to control. After much discussion, Mr. Marks stated he would take the Board's comments to the applicant for their determination.



Without further discussion, the Board motioned to adjourn the meeting. Board Member Gilbert made the motion and Board Member Mincer provided a second. Motion so carried with all Board Members present voting in favor. None opposed.

Draft Minutes from March 6, and April 3 will be reviewed at the May 1<sup>st</sup> Planning Board Meeting.

Next meeting on May 1<sup>st</sup>

Meeting adjourned at 9:02 p.m.

Draft Minutes submitted by L. Lersch

Minutes approved on May 1, 2019

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

Minutes

Wednesday, March 6, 2019-7 pm

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

Public Present: Noah Seigel, Kevin Pilcher, Jan Daum, Anthony Venezia, Robert Multer, Daniel Walker, Gordon Stringer, Michelle Blondell, Dan Blondell, Nick Minekime, Phil Trautman, Gabrielle Harris

Agenda:

Draft Minutes – November 7, 2018

Site Plan Reviews –

Old Business:

1. App. #010217-SPR/Conti Solar LLC & True Green Capital representing land owner Jeanette L. Daum requests Site Plan Review to install a (3.7 MWac) Commercial Community Solar Photovoltaic Array Facility known as “Middlesex-Yates Solar LLC” at 4450 Town Line Road, Tax ID #3.01-1-4 (A/R)

New Business:

2. App. #020919-SPR/Phillip G. Trautman of 6363 Glenn Avenue requests Site Plan Review for proposed construction of a two-story home, Tax ID #11.74-1-38 (LR)
3. App. #020919-SPR/Robert Multer of 6004 N. Vine Valley Rd. requests Site Plan Review for a Minor Subdivision of 16.402 acres of vacant land, Tax ID #12.01-1-12 (LDR)
4. App. #021119-SPR/ Daniel Blondell of 1113 South Lake Road requests Site Plan Review for new construction of a driveway & shoreline improvements (UDML) on a vacant parcel, Tax Map ID #21.48-1-5.20 (LR)
5. App. #020119-SPR/Robert & Lisa Drester of 1151 South Lake Road requests Site Plan Review for proposed shoreline improvements & new construction of an accessory structure at shoreline, Tax ID # 21-56-1-2 (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:03pm.

Draft Minutes from November 7, 2018 were reviewed by the Board. A motion to approve was offered by Board Member John Gilbert and seconded by Board Member Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews/Old Business:

1. App. #010217-SPR/Conti-Solar LLC/Daum – Community Solar Facility-4450 Town Line Rd. Code Enforcement Officer summarized for the Board Members that Conti Solar and True Capitol had submitted on Monday, March 4th a revised Decommissioning Plan and Agreement in response to the Planning Board Letter referring them to comments by Town Engineer -Stantec and Town Attorney – Jeffrey Graff. Stantec had been willing to expedite reviews and responded back this afternoon with a letter which Ms. Kane distributed to everyone to read and review. In summary, Attorney Graff and Stantec found all recommendations and requests to have been addressed, cost estimate and bond agreement was valid. A meeting would be arranged between the Town Attorney, True Capitol’s Attorney and the landowner’s Attorney to then finalize the agreement and all parties represented would sign off on the agreement. Next step in the process would be a recommendation from the Planning Board by resolution for the Town Council to adopt it and then file it with the county. The next Town Board meeting would be March 14<sup>th</sup> and “Middlesex-Yates Solar LLC” and it’s Bond Agreement would be presented if all parties had signed off on it.

True Capitol’s Director of Deal Agreements, Nick Minekine introduced himself to the Board Members present and stated he was requesting Ilias Gardis from Conti Solar to conference in the discussion by cell phone. Mr. Minekine stated he was available to make comment or to answer any questions from the Board. He stated he was prepared to sign off on the submitted agreement tonight and would be able to get their Attorney on the phone to do so. Ms. Kane and Chairman DeVinney stated the goal of tonight’s meeting was to determine the Planning Board’s recommendation to the Town Attorney and Town Board, once all parties had had an opportunity to legally sign-off on the submitted agreement. Ms. Kane would release contact information for all parties to be able to set up a meeting that was reasonable, timely and convenient for all. She stated she would email the Town Attorney tonight to update him on the Planning Board’s recommendation. Chairman DeVinney assured all parties, once the Town Attorney signed off on the agreement, the Planning Board would submit an action resolution recommending their approval to the Town Board which would become part of the Town Board’s agenda on March 14<sup>th</sup>. All Board Planning Board Members present stated their approval of Mr. DeVinney’s statement with the aforementioned condition. Noah Siegel of True Capitol invited all Planning Board Members to attend a ground-breaking ceremony on March 15<sup>th</sup> from 2-5 pm at the site.

Site Plan Reviews/New Business:

2. App. #020919-SPR/Phillip G. Trautman of 6363 Glenn Avenue requests Site Plan Review for proposed construction of a two-story home, Tax ID #11.74-1-38 (LR)

CEO Kane summarized the application to the Board stating the application was complete and met all zoning area requirements. The site had an approved septic, and the parcel was vacant as Mr. Trautman had applied for a demolition permit and readied the parcel for the proposed installation- a two story 22 x 48 ft. single-family residence. The footprint of the 1056 sq. ft. dwelling was shifted to align with the eastern side setback. A variance for the 30 ft. front setback had been granted by the Zoning Board of Appeals on February 7<sup>th</sup>.

After careful review, Board Member St. Lawrence inquired of the 16 ft. western side setback referencing the roof's overhang and stated it to be 4 inches beyond the setback. Zoning measures from the outermost part of a structure to the property line. Mr. Trautman stated he would be glad to move it to 17 foot off the western property line to be in compliance with zoning. In addition, the survey map would need to be resubmitted to correct the setback dimensions for the new build.

Without further discussion, Board Member Gilbert moved to approve the application with this minor tweak and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor. None opposed.

3. App. #020919-SPR/Robert Multer of 6004 N. Vine Valley Rd. requests Site Plan Review for a Minor Subdivision of 16.402 acres of vacant land, Tax ID #12.01-1-12 (LDR)

CEO Kane summarized the application stating Mr. Multer was subdividing a portion, 111.010 acres of his rear parcel located in the Low-Density Residential District to be conveyed to the Finger Lakes Land Trust, who also owned a contiguous parcel to the east. Mr. Multer intended to retain 5 acres of the 16.402-acre parcel. Ms. Kane stated the proposed subdivision was in compliance with all lot area requirements as well.

A mylar and two large paper prints would be necessary for sign-off by the Planning Board Chairman prior to filing with the County.

Without further discussion, Chairman DeVinney entertained a motion to approve the application as submitted. Board Member St. Lawrence made the motion, and Board Member Gilbert provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

4. App. #021119-SPR/ Daniel Blondell of 1113 South Lake Road requests Site Plan Review for new construction of a driveway & shoreline improvements (UDML) on a vacant parcel, Tax Map ID #21.48-1-5.20 (LR)

Ms. Kane summarized the application's details for the Board. This vacant parcel was part of the original Lakeshore Ventures LLC application, and subdivided off as the last lot to the south with the District's required 100 ft. of lake frontage. The applicant is intending to build a residence sometime in the future was now requesting site plan review to install a private driveway upland and construct a permanent dock and boat house at the shoreline. Amber Docks was constructing the shoreline improvements, and Venezia & Associates was the representing the Blondell's with a stamped site plan. Anthony Venezia, was in attendance to answer any questions.

Board Member St. Lawrence commented that the Town would like to hold to 15% grade on all new driveway construction. The proposed driveway was 17% and could possibly be graded slightly to the north to create a gentler slope and be in compliance with that request. It was also requested to pull the driveway back some as shown on the map to be in compliance with side setbacks. Also, it would be to Mr. Blondell's advantage to coordinate the roadside curb cut with the Town's Highway Supervisor to make sure the culvert size was sized right for storm run-off. Current advisement was to go with a 15" minimum culvert size instead of 12" as shown on site map.

The Planning Board inquired if a stair design would be submitted to access shoreline and advised this would require certified NYS Engineer stamped plans to protect lake and landowner. Anthony Venezia and Mr. Blondell replied that Phase II of this project site would include steps, house design, septic and stormwater management plan for the property to be applied for at a later time. Anthony also stated a proposed tiered septic system, once approved, was to be located in the back of the property by the facility lines. Utility conduit at roadside would contain both electric and water, installed by directional bore system for the Boat Hoist at shoreline and eventually access to the residence.

Without further discussion, the Board gave Final Conditional approval to Phase I of site improvements with resolve to the following conditions and revised site map to be submitted back to Code Office prior to permitting:

- a. Installation at curbside of a 15" culvert rather than 12" as shown on map. Driveway access to be scheduled through the Town Highway Supervisor.
- b. Driveway to be redesigned to comply with a 15% slope grade and pulled back to comply with side setback to the south as required by Town Laws.
- c. Dock and Boat Hoist were advised to be designed flush with each other, within the requirements of the UDML for dimension measurement allowed per lineal feet of shoreline.
- d. Certified NYS Engineer stamped plans for all Dock and Hoist plans are required.
- e. Silt fence added at road topside of shoreline project site to protect lake from stormwater run-off and debris during storm events.

Board Member St. Lawrence made the motion to conditionally approve Phase I with requested revisions resolved prior to permitting. Board Member Mincer provided a second. Motion so carried with all Board Members present voting in favor.

5. App. #020119-SPR/Robert & Lisa Dreste of 1151 South Lake Road requests Site Plan Review for proposed shoreline improvements & new construction of an accessory structure at shoreline, Tax ID # 21-56-1-2 (LR).

Ms. Kane summarized the application stating there was a pre-existing and non-conforming storage shed located at shoreline. Since it was pre-existing, the applicant was allowed to repair and/or replace with new materials on the same footprint which included the height. If the applicant wished to remove, expand or change the height of the structure, they would need to apply for a variance from the law. The Drestes, are represented by landscape architect Gabrielle Harris, who is here to present the application and answer any questions.

Ms. Harris stated the Drestes decided to implement some shoreline improvements to include two retaining walls, a gravel off-street parking area for a golf-cart between the shed and road curb. Metal railings & stone dry-laid steps would lead to a landscaped fieldstone patio and grass area bordered by the existing seawall. Ms. Harris stated they would like to realign the existing storage shed a foot to the west, as shown in red on the maps, making it parallel to the seawall. They would like to increase the outside dimensions of the shed to become 7.1 ft. by 16.2 ft long or 115.02 sq. ft. They also would like to raise the shed roof three feet with a 4:12 roof pitch. The

foundation would be poured concrete. It was felt the increase in height would not impact neighboring parcel's lake view.

The Planning Board stated under the Uniform Docking and Moorings Law, this structure would not be allowed at the shoreline. Since it was pre-existing under law, the applicant could only repair it if the original footprint and height was maintained. The law was very clear about only allowing a Boat Accessory Structure at shoreline due to the site being within a Steep Slope Area. Since this was not the case, the Planning Board would have to deny the application due to the proposed shed plans as currently presented.

Ms. Harris was advised the applicant could seek a variance from the Zoning Law for the non-compliance to the setbacks from the proposed new structure.

The Planning Board provided the following advisement for the two proposed retaining walls:

- a. Site Plan Review by Stantec, Town Engineer for both the timber and stone retaining walls due to height and proximity to South Lake Road. Curbside parking along South Lake Road is discouraged by the Town Highway Department as the road is narrow and any space allocated for parking would create the potential of a vehicular pull-off from oncoming traffic by commercial and privately-owned vehicle use whether intentional or not.
- b. Retaining walls over 3 ft. in height need to be stamped by a licensed NYS Professional Engineer.

Ms. Kane stated the process for Town Engineer review and Ms. Harris stated she would speak to the applicant to see what they proposed to do, getting back to the Code Office with next steps.

Ms. Kane offered board advisement on a couple of submitted applications requesting permission to bring them to the Planning Board for future Site Plan Review. Also, in January 2019, the Town Council adopted the proposed new Fee Schedule.

Board Member Gilbert stated he had submitted his resignation as Planning Board Member to become effective at the end of May. Interested applicants to fill a 5-year term are to invited to apply with a letter of intent to the Town Supervisor, Wayne Dunton and copy to Martin DeVinney, Planning Board Chairman to be interviewed.

Without further discussion, the Board motioned to adjourn the meeting. Board Member Gilbert made the motion and Board Member Mincer provided a second. Motion so carried with all Board Members present voting in favor. None opposed.

Next meeting on April 3rd

Meeting adjourned at 8:45 p.m.

Draft Minutes submitted by L. Lersch

Minutes approved on May 1, 2019

2018

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

Minutes

Wednesday, November 7, 2018-7 pm

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

Public Present: Neil Seigel, Keith Gallagher, Daniel Bagley, Gerald Kernahan, Michael Cannova

Agenda:

1. App. #010217-SPR/Conti Solar LLC & True Green Capital representing land owner Jeanette L. Daum requests Site Plan Review to install a (3.7 MWac) Commercial Community Solar Photovoltaic Arrays at 4450 Town Line Road, Tax ID #3.01-1-4 (AR)
2. App. #091118-SPR/Daniel O. Bagley represented by Don Schneider request Site Plan Review for a Minor Subdivision at 574 Bagley Road, Tax ID #13.01-1-5 (AR)
3. App. #102418-SPR/Ron and Mary Beth Keller, represented by Gerald N. Kernahan, P.E. request Site Plan Review for a proposed 900 sq. ft. manufactured single-family residence to be located at 5231 Knapp Road, Tax ID #33.23-1-2 (AR)
4. Conceptual Review - Applicant Michael Cannova representing the Alice Robeson Estate requests a Conceptual Review for a proposed 5-Lot Major Subdivision of land off of Robeson Tract and East Lake Road, Tax ID #11.66-1-5, 6, and 7 (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:07pm.

Draft Minutes from October 3, 2018 were reviewed by the Board. A motion to approve was offered by Board Member John Gilbert and seconded by Board Member Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews:

1. App. #010217-SPR/Conti-Solar LLC/Daum – Community Solar Facility  
Code Enforcement Officer summarized the application stating a previous application with Applicant SUN 8/Distributed Sun LLC had been reviewed and approved in September of 2017. Ms. Kane, CEO brought the application back to the Planning Board in September as an informational short review because the new owners and project manager for the project had revised the method for the installation of the arrays, previously approved by the Planning Board. Ms. Kane perceived the change substantial enough for the board to review the revisions prior to permitting. Mr. Chet Feldman from SUN 8/Distributed Sun LLC, previous applicant for the project, attended the September meeting giving a brief summary at which time he introduced Keith Gallagher, of Conti Solar LLC as the new applicant and Project Manager responsible for the project and representing the landowner. A scheduled October PB Agenda change was rescheduled, due to missed deadlines. Maps from



Structural Engineer Firm, Game Change Solar are available for tonight's review. Maps submitted from LaBella Associates, dated 8/31/18, submitted for the September review were still current. She stated that she had learned that the Pilot, originally applied for by SUN 8/Distributed Sun LLC through the IDA had been funded, however there was a concern about who currently had responsibility over the project with the change in ownership, advising the new owners to submit official notification of such change in writing.

Noah Siegel, Project Manager for Distributed Asset Solutions, owned by True Green Capital gave a brief company overview stating the Daum Solar Facility was known as the "Middlesex-Yates Solar, LLC" a project originally created by SUN 8 and which True Green Capital now has ownership of. Mr. Siegel gave the Board a summary of their solar commitment in Upstate NY since 2015 and the many partnerships they were currently funded through. He stated the scope of the "Middlesex – Yates Solar" project still remained the same, however installation of the pilings used to set up the array tables onsite (an "H-eye beam" component driven into the ground) would be used instead of the screw-driven component that the Planning Board had previously approved. Conti-Solar LLC was the General Contractor for the project and Keith Gallagher and his team with 16 years' experience would set up physically to be onsite at 4450 Town Line Road every day, all day during the 3-4 mos. installation time. Keith Gallagher stated Game Change Solar was responsible for the solar components and the beam installation and would be onsite if there were delays or concerns with the installation procedure on an ongoing basis. LaBella Associates were the civil engineers on record to engineer the project from start to finish. Electrical Engineers were selected locally to do periodic inspections and to work closely with NYSEG.

Board discussion involved probable Board requirement of a guarantee of security in the form of a Decommissioning Bond set in place for the length of the lease. Discussed were many options on how this bond could be structured. Ms. Kane inquired if they could submit a detailed data sheet covering the cost estimate of the project, a copy of the lease with the landowner with various options provided the landowner at the end of the lease period and all options offered.

Mr. Siegel distributed more detailed information from NYSERDA citing a typical amount of a Decommissioning Bond, a typical length of time determining value of the installation at the end of the lease and typical project information regarding a project default within the lease period. The Board inquired who was responsible for removing the onsite solar components, including removal of concrete pads, if required and returning the land devoid of all project components if the project was suspended whatever the cause.

Further discussion established it prudent and reasonable for the Board to review the amount and requirements put forth on any bond with a third party at the applicant's cost prior to project determination of revisions, to protect both the landowner and the Town of Middlesex.

Also discussed, the Town Engineer's response would become part of this project's review, prior to final determination.

The following Planning Board comments shall be submitted to Conti-Solar LLC as Planning Board requests for the next scheduled review:

- a. Organizational Chart to show umbrella of responsibility for project ownership, to include all NYS Certified Engineers sharing project responsibility. This chart should clearly show all transitions of responsibility from original approved application to current ownership.
- b. Clarification Letter stating those Lessees currently responsible for project at proposed site.
- c. Construction Schedule showing all activities from building permit to project completion.
- d. Performance and/or Decommission Bond to be determined by attorneys, landowner and “Middlesex-Yates LLC.
- e. Correct number of rows of purlins on Gamechange Solar Plan 1 of 12. (70 shown on plan; 69 stated in Design Information block)
- f. Dwg. C201:
  - Revise site map to show actual dimensions from property line to any proposed structures as stated in Town of Middlesex Zoning Law to include front, rear and side setbacks. Correct General Note 5.
  - Indicate location of twin-leaf (*Jeffersonia diphylla*) and include note with instructions to protect.
  - Cloud areas of disturbance and removal of trees. State both total acres of disturbance and tree removal. Notes on C201 state considerably less tree removal than previous plans submitted. State area size of “additional tree removal” shown along west side of Parcel B.
- g. Dwg. C401:
  - Redraft to show an envelope of protective silt fence around all designated wetland areas.
  - Show proposed area for stockpiling excavated soil and performing tree chipping operations. Indicate appropriate silt fence protection. (See Note 15 on C503)
- h. Dwg. 502:
  - Optional Foundation Detail is inconsistent with Pile Refusal Options provided on Gamechange Solar plan 7 of 12.
- i. Dwg. C503:
  - Consolidate, organize and eliminate redundancy of Erosion and Sediment Pollution Control notes to provide clarity for contractor.
  - Include reference to Town of Middlesex Erosion Control Law in Note 10. Town Laws can be found at [www.middlesexny.org](http://www.middlesexny.org) .
  - State in Note 7 that copies of inspections are to be sent to the Middlesex Code Office.
  - Provide examples of “non-vegetative means” as stated in Note 22.
  - Under seeding requirements, state that the Town has an approved seed mix available through the Code Enforcement office.
  - Under the Construction sequencing, state that the Code Enforcement Officer shall be included in the Preconstruction Meeting. The meeting will clearly note what expectations are throughout project installation for inspections purposes.
- j. Public Notification of proposed project stating estimated construction start and completion dates to:
  - Middlesex Hose Company
  - NYSEG
  - Yates County Sheriff’s Office
  - Town of Middlesex Town Supervisor, Town Code Enforcement Officer, and Town Highway Supervisor
  - IDA Project Manager

PB requested Town Engineer, Stantec respond to, as part of their review, the submitted NYSEDA estimate for decommissioning costs at the applicant's expense.

2. App. #091118-SPR/Daniel O. Bagley requests Site Plan Review for a Minor Subdivision at 574 Bagley Road, Tax ID #13.01-1-5 (AR)

CEO Kane summarized the application to the Board stating the application was complete and met all zoning area requirements. Mr. Bagley wishes to convey 28.34 acres to a third party for resale from the existing 99-acre parcel.

After a short review and discussion, Board Member Gilbert moved to approve the Minor Subdivision as submitted and Board Member Mincer provided a second. The motion by resolution carried with all Board Members present voting in favor. None opposed.

3. App. #102418-SPR/Gerald N. Kernahan, P.E., representing agent for Mr. Ron and Mrs. Mary Beth Keller, request Site Plan Review for a proposed single-family residence to be constructed at 5231 Knapp Road, Tax ID #33.23-1-2 (AR)

CEO Kane summarized the application stating Mr. Gerry Kernahan, P.E. was in attendance to answer any Board questions. The parcel was compliant with all area zoning requirements, had an existing driveway, and a septic design had been approved by Canandaigua Watershed Inspector George Barden. A well report from Moravec Drillers and Life Science Laboratories had been submitted as standard and potable. An existing Barn was located on the parcel.

Discussion on foundation plans showed that Superior Walls would be conducting a 5-foot poured wall foundation with three windows, prior to setting the proposed 900 ft. manufactured home by Riverwood Cabins. Mr. Kernahan was requested to provide a stamped NYS certified engineered construction foundation detail plan prior to final permitting to be submitted to the Code Enforcement Office.

Without further discussion, Chairman DeVinney entertained a motion to approve the application with the contingency stated above. Board Member Lersch made the motion, and Board Member St. Lawrence provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

4. Conceptual Review of a submitted 5-lot Major Subdivision by Applicant Michael Cannova for the Alice Robeson Estate for 4 newly created parcels bordering East Lake Road, and Private Road Robeson Tract, and one existing parcel to be added onto.

CEO Kane summarized the application stating Mr. Cannova was proposing a 5- Lot Major Subdivision to expand an additional 103 ft. to the north of a pre-existing Parcel "A" to become 3.652 acres; Parcel "B" would become 1.194 acres; Parcel "C" would become 1.194 acres; Parcel "D" would become 1.214 acres; and Parcel "E" would become 1.249 acres after subdivision. Parcels A, D & E border the Private Road known as Robeson Tract and Parcel "B & C" border on East Lake Road. Robeson Tract is a Private Road that is accessed from Robeson Road. There are

pre-existing cottage structures and barns on some of the parcels. Current zoning requires any change to the land, which includes subdivision of it, would require Robeson Tract to be brought up to Town specifications to New Road Standards for allowance of Emergency Vehicle access and also attach to a Public Road.

Board Member St. Lawrence listed some required details that should be on the Subdivision Plat. They included the following: all access points and/or driveways to any pre-existing structures; dimensions to these structures from the property line and all parcel setbacks; indication of the High Mean Water Mark on all parcels having shoreline frontage; existing land contours; all legal easements and ROWs. Mr. Cannova was referred to the Land Use Subdivision Regulations and was given a copy to review. A summary of the Board's discussion is available upon request

After Board discussion giving advisement to the applicant, Ms. Kane requested Mr. Cannova to study the Town Laws pertinent to his project that were available online at the Town's website - [www.middlesexny.org](http://www.middlesexny.org) Ms. Kane invited the applicant to contact her for further review of his options in the Code Office. He was advised he could apply for relief from these laws through the Zoning Board of Appeals as one of these options.

Without further discussion, Chairman DeVinney entertained a motion to adjourn. Board Member Mincer offered the motion which was seconded by Board Member Gilbert. The motion so carried. None opposed.

Copies of the draft Town Fee Schedule was passed out to all Board Members. This draft may be reviewed at the January Town Board Meeting.

Next meeting on December 5, 2018

Meeting adjourned at 9:20p.m.  
Draft Minutes submitted by L. Lersch  
Minutes approved on March 6, 2019

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

Minutes

Wednesday, October 3, 2018-7 pm

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

Public Present: Robert Brenner, Julie McCormick, John Cake, Robert & Lisa Dreeste, Rocco Venezia, Richard Testa

Chairman Marty DeVinney called the Planning Board meeting to order at 7:03 pm.

Draft Minutes from September 5, 2018 were reviewed by the Board. A motion to approve was offered by Board Member Robert Mincer and seconded by Board Member John Gilbert. The motion so carried with all Board Members present voting in favor. None opposed.

Agenda:

Site Plan Reviews:

1. App. #073018-SPR/Lakeshore Ventures LLC – owning 4 contiguous parcels at 1103 & 1105a,b South Lake Road requests Site Plan Review for (two) 2-lot Minor Subdivisions of property, Tax Map ID # 21.48-1-4.1 & 5 (LR)
2. App. #091118-SPR/Daniel O. Bagley represented by Don Schneider request Site Plan Review for a Minor Subdivision at 574 Bagley Road, Tax ID #13.01-1-5 (AR)
3. App. #091218-SPR/Robert & Lisa Dreeste of 1151 S. Lake Rd. request Site Plan Review for a proposed deck, permanent dock & boat slip, refacing an existing break wall and proposed improvements to an existing shed on 123.71 linear feet of shoreline property per the UDML Regulations, (LR)

Code Enforcement Officer, Dawn Kane stated to the Board that the Bagley application would be rescheduled at a later date, due to lack of attendance of owner or representing agent.

Site Plan Reviews:

1. App. #073018-SPR/Lakeshore Ventures LLC – owning 4 contiguous parcels at 1103 & 1105a,b South Lake Road requests Site Plan Review for (two) 2-lot Minor Subdivisions of property

Code Enforcement Officer Dawn Kane gave an update to the history of the application to Board Members, stating after Planning Board denial of the proposed Subdivision back in August due to non-compliance with frontage requirements in Lake Residential Zoning District, the application was heard by the Zoning Board of Appeals and denied in September. John Cake and Julie McCormick represented by their Attorney Robert Brenner are now requesting Site Plan Review for two 2-lot

Minor Subdivisions. The four contiguous parcels had been reconfigured to be compliant with our Zoning Code's requirements of 100 ft. of lake frontage on each parcel. John Cake, owner of the parcels gave a brief overview of the request.

Board Member Gilbert inquired if any easements would become part of the review. Mr. Cake stated he did not at the present time, but this could become a future discussion with prospective buyers. Access or responsibility of perspective buyers to existing shoreline improvements had not been determined as yet.

Attorney Brenner stated a note had been drafted on the map that the lots must comply with the minimum requirement of zoning without any ground disturbance. Easements could still be granted post Board approval as the Town's Subdivision Law did not state to the contrary.

An Unlisted Action SEQR Part I submitted for each parcel to be subdivided by the Applicant was reviewed by the Planning Board. After review the Planning Board Chair entertained a motion to deem both parcel addresses 1103 and 1105 a, b South Lake Road consecutively with negative declarations. Board Member Mincer offered a motion to approve both entertained motions and Board Member St. Lawrence provided a second. The motions so carried with all Board Members present voting in favor. None opposed.

After some discussion the Planning Board gave conditional approval, contingent on the following map revisions to be resolved through the Code Enforcement Office prior to permitting:

Lot 1: Off-Road Setback scales show road centerline measurement should be 60 ft., the scale used on map, shows more than 60 feet. Also, the rear setback line shows 40 ft and should be 30 ft.

Lot 3: Map shows the existing metal barn is encroaching on the property's' boundary line.

A motion to approve by resolution, the application for subdivision of 1103 South Lake Road into two compliant parcels was offered by Board Member Gilbert and seconded by Board Member Mincer. A motion by resolution to approve the application for subdivision of 1105a, b South Lake Road into two compliant parcels with the Towns' Zoning Code was offered by Board Member Mincer and seconded by Board Member Lersch. Roll call vote for both motions were:

Martin DeVinney	aye	Robert Mincer	aye
John Gilbert	aye	Lynn Lersch	aye
Bruce St. Lawrence	aye		

The motions so carried with none opposed.

2. App. #091218-SPR/Robert & Lisa Drete of 1151 S. Lake Rd.. represented by Rocco Venezia of Venezia & Associates request Site Plan Review for a proposed deck, permanent dock & boat slip, refacing an existing break wall and proposed improvements to an existing shed on 123.71 linear feet of shoreline property per the UDML Regulations, (LR).

Code Enforcement Officer Kane summarized the application's history updating the Planning Board Members with pertinent revisions to details of the project. She stated the Drete had recently purchased the property. They wanted to improve the shoreline structures by creating a dock consolidation of a 674 sq. ft. proposed dock area to an existing 156 sq. ft. dock; repair to an existing

timber breakwall by refacing it with vinyl sheet pile; and proposed improvements to an existing shed to be rebuilt within the original footprint.

A Board inquiry about the dock's appendage drafted as coming off 156 sq. ft of existing dock, dimensioned at a width of 8.8 ft whereas the UDML requires appendages to have a minimum of 6 ft. Board Member St. Lawrence and Rocco Venezia confirmed that the measurement of the dimension width had been drafted on the diagonal and so did comply with the UDML requirements. Distance of 57.4 ft out into the water complied as well. A 15 ft. stepdown off the (4) boat slips had been figured into the total sq. footage allowed.

The refacing of the breakwall had received approval by the NYSDEC for a maximum of 12 inches. Code Enforcement Officer Kane requested a copy of the approval letter for the files.

Proposed improvements on the existing shed were discussed with owner/applicant and representing agent. Intent by owner was to rebuild the shed offsite with dimensions to remain within the existing footprint. They would like to use the rebuilt shed for storage of kayaks to be able to stand upright and for recreational purposes, allowing room for a maximum of 4 people to obtain cover from inclement weather when at shoreline. The height of the shed had not been established. Board members stated they would require the dimensional location of the building off existing property lines to be clearly established on the site map - prior to demolition of the shed.

After further discussion, the Planning Board stated they would give conditional approval of the proposed dock and boat slips as submitted per the UDML. The proposed shed improvements and refacing of the breakwall would need to be applied for separately.

A motion to approve the application as discussed was made by Board Member Mincer and seconded by Board Member Gilbert, contingent on the following, to be resolved prior to permitting through the Office of Code Enforcement:

- a. Provide on Site Map clear indication of the existing dimensions on the shed to include the height and distance from a fixed point such as existing property lines. This is required in order to establish the footprint of the pre-existing shed prior to demolition.
- b. Provide a construction execution plan to the Code Office with clear indication of how complete sitework will be executed onsite with contractors prior to permitting.

The motion carried to approve the application, contingent on the above restrictions, with all Board Members present voting in favor. None opposed.

Without further discussion, a motion to adjourn was offered by Board Member Gilbert and seconded by Board Member Mincer. Motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 8:15p.m.  
Draft Minutes submitted by L. Lersch  
Minutes approved on November 7, 2018

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

Minutes

Wednesday, September 5, 2018-7 pm

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

Public Present: Kenneth and Melody Delfs, Brendan Gooding, Chet Feldman, Dan Walker, Keith Gallagher, Jim Murphy, Noah Siegel, Jan Daum

Chairman Marty DeVinney called the Planning Board meeting to order at 7:00 pm.

Draft Minutes from August 1, 2018 were reviewed by the Board. A motion to approve was offered by Board Member Robert Mincer and seconded by Board Member John Gilbert. The motion so carried with all Board Members present voting in favor. None opposed.

Agenda:

Site Plan Reviews:

1. App. #071218-SPR/Case Smeenk - 5790 Widmer Rd. requests Preliminary Site Plan Review to install off shore ice breakers to protect a boat house from ice damage, Tax ID # 31.78-1-4 (LR)
2. App. #010217-SPR/Daum and Conti Solar LLC, represented by Labella Associates request Site Plan Review to locate a Commercial Community Solar Photovoltaic Facility at 4450 Townline Road, Tax ID #3.01-1-4, (AR)
3. App. #82918-SPR/Kenneth and Melody Delfs of 556 E. Lake Rd, represented by Venezia & Associates request Preliminary Site Plan Review to construct a single-story single-family residence and detached barn, Tax ID #11.35-1-3.1 (LR)

Code Enforcement Officer, Dawn Kane stated that the Smeenk application would be rescheduled at a later date, due to pending information.

CEO Kane also summarized an application from Conti Solar LLC & Labella Associates representing the Daum property on 4450 Town Line Rd. that were in attendance to explain design changes to a previously approved Commercial Community Solar Photovoltaic Facility. Chet Feldman from Distributed Sun/SUN 8 was also in attendance to state the project's current status. Chairman DeVinney stated that the Planning Board would entertain a short presentation for informational purposes only. A complete review of the Labella site map revisions, submitted to the Code Office this morning would be reviewed at the October meeting.

Chet Feldman from Distributed Sun-SUN 8 presented the informative discussion requesting the Board to move forward on the current status, stating the installation of the array table posts were to



have two driven single post “H-shaped” steel eye- beams instead of four screw-in steel posts per array table. Chet Feldman stated the final maps, previously approved by the Planning Board stated in the notes that both types of installation for the posts could be used.

The Planning Board inquired of Mr. Feldman if the screw-in type of post installation had been specified by their company as the preferable method, due to its’ ability to be driven through all ground surfaces with a shorter installation time than the other method. Discussion about Board concerns of additional ground disturbance when it might be necessary to remove these driven posts if they could not drive them to the desired depth due to bedrock refusal.

Ms. Kane stated that when Conti Solar LLC had inquired about acquiring the building permit to start the project, and having discussed the changes with the current engineer on record, she had denied the permit and sent the application back to the Planning Board as she felt the proposed revisions to be significant enough from what had been previously approved, for further Planning Board review prior to permitting.

Board Member Gilbert inquired about the possibility of a Decommission Bond placed on the project to guarantee both the landowner and/or the Town of Middlesex from having the responsibility of dismantling and recycling a failed system within a certain amount of time. Further discussion confirmed that this was sometimes typical to do.

Keith Gallagher of Conti Solar LLC inquired about obtaining a permit to do a full test of the entire site, which would entail clearing and grubbing of trees to test for 7-9 ft. embedment. After some discussion, the Board stated they would like to know the full scope of what their intent for clearing was and clear details of the plan delineating the square footage of ground to be cleared, the equipment used, management plans for erosion control and execution notes stating how this would be accomplished. Such a plan would need to be submitted to the Code Enforcement Office for execution of the permit, but only for the area within the test area boundaries, not the entire site.

Without further discussion, the Board stated they would need to review the submitted maps prior to committing to an approval and would offer their comments at the October meeting.

2. App. #82918-SPR/Kenneth and Melody Delfs of 556 E. Lake Rd, represented by Venezia & Associates request Preliminary Site Plan Review to construct a single-story single-family residence and barn, Tax ID #11.35-1-3.1 (LR)

Dawn Kane, CEO summarized the application to Board Members stating the parcel was to the south, Lot #1 of the Highland Group 3 – Lot Subdivision on East Lake Road. The Delfs had purchased the property and appeared before the Planning Board for a preliminary review in November 2015 providing an engineered site map from Venezia & Associates with intent to build a single-story residence. At that time a wastewater system was to be designed, so no determination was made by the Planning Board. Since then the system, designed by Grove Engineering, has received approval from the NYS DOH and is back for Board review. This parcel has a pre-existing driveway to access the proposed residence and a foot path pre-exists on the

southern property line leading towards the lake which the owners would like to abandon and revegetate. The Delfs were in attendance with Brendan Gooding of Venezia & Associates to answer all board inquiries.

In July 2018, the owners received approval and requested a permit to build a barn on the parcel, thinking he had received approval from the board to build, conditional on the waste water system being approved. A stop work order was placed on the building of the proposed barn until the Planning Board had the opportunity to review tonight.

Mr. Delfs explained that he wished to obtain approval tonight if possible to finish construction of the barn as an accessory structure to the residence as Phase I. The barn would house two water tanks with holding capacity of 700 gallons for the house. Water would be pumped uphill and when pump is off, water would drain downhill to keep pipes water free. The water then goes through a filtration system also in the barn prior to being drawn into the house. Mr. Delfs explained he had a contractor lined up for the barn build to start in October but would lose him until Spring 2019 without permission to build. It was his intent to be done building all phases by December.

The Board inquired about drainage around the barn. Dawn stated the plans to build a conventional pole barn with conventional foundation and metal roof which did not need the Board's approval as it was an accessory structure to the residence. Drainage from roof runoff would be managed onsite with typical downspouts, splash pad and rip rap around outside. Typical silt fence was planned for all areas of disturbance. Spoils from the disturbance would be kept onsite to be used for stabilization of the paved footpath and revegetated.

After further review of Phase II – a single-story 1400 sq. ft. year-round residence, the Planning Board gave their approval for both Phase I and Phase II of the proposed project with the following contingencies to be resolved prior to permitting through the Office of Code Enforcement:

Phase 1: BARN (conditions to be resolved through the Office of Code Enforcement)

Drainage for barn-

- Show roof and foundation drainage plan, to include discharge location(s) and type/extent of stone at discharge.
- Show all drainage to be contained on applicant's property.
- Indicate direction of discharge from noted diversion swale at east side of leach field. Show type and extent of rip rap added to water runoff. Similarly, add diversion and drainage control along east side of proposed barn.
- Add Typical Silt Fence Detail on Site Map to show ends curving uphill. Show all areas requiring silt fence. Note that current location of silt fencing must be revised to allow for installation of Norweco system and pump tank.
- Revise trench requirements for 2" forced main ss line to leach field to reduce ground disruption and possible future water runoff issues.
- Clearly indicate proposed permanent driveway access to property and new residence.

- State what treatment is being planned for “paved area” shown along southern property line. This is not an allowable driveway to access property.
- Indicate on septic design by Bill Grove how the concentrated water will be managed flowing from swale around septic field and where it will be directed.
- Revisions to General Notes:
  - ✓ Note #4: Revise to reference requirements of Steep Slope Regulations in Zoning Law, Section 707.14. “As soon as practical” is not acceptable.
  - ✓ Note #6: Add “Assure compliance with Town of Middlesex Stormwater Management and Erosion Control Law.”

Phase II: House (Pending review by the Yates County Planning Department, and the Yates County Soil & Water Conservation District on September 27, 2018:

- Indicate % of slope(s) on property as an overlay in reference to the Town’s Steep Slope Law.
- Indicate appropriate silt fence locations where ever ground is disturbed using typical silt fence detail practices.
- Indication of all trees to be cleared, leaving stumps wherever possible. Add note to conform to requirements of Steep Slope Regulations stated in Zoning Law Sect. 707.6.2.1.7.
- Indicate placement of all utilities to include routing / burial of proposed water service from lake. and type/extent of stone at discharge.

A motion to approve was offered by Robert Mincer for both Phase 1 (barn) and Phase II (house) with said contingencies, pending review of Phase 1 by the Yates County Planning Board and Yates County Soil & Water. Motion seconded by Martin DeVinney. All Board Members present voted in favor. Motion so carried. None opposed.

Without further discussion, a motion to adjourn was offered by Board Robert Mincer and seconded by Board Member John Gilbert. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 9:02pm.  
 Draft Minutes submitted by L. Lersch  
 Minutes approved on October 3, 2018

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

Minutes

Wednesday, August 1, 2018-7 pm

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

Public Present: John Cake, Julie McCormick, William & Wendy Bassage, Sarah Lavell, Marshall Hard of MacFarland Johnson Engineers, Ted Carman

Chairman Marty DeVinney called the Planning Board meeting to order at 7:02 pm.

Draft Minutes from June 6<sup>th</sup> and July 11<sup>th</sup> were reviewed by the Board. A motion to approve was offered by Board Member Robert Mincer and seconded by Board Member Bruce St. Lawrence. The motion so carried with all Board Members present voting in favor. None opposed.

Agenda:

Site Plan Reviews:

1. App. #081117-SPR/ Patrick and Sarah Lavell of 1320 South Lake Road, requests Site Plan Review for new construction of a single-family residence, Tax ID #21.64-1-7, (LR)
2. App.#073018-SPR/John Cake & Julie McCormick/Lakeshore Ventures, LLC owning 4 contiguous parcels at 1105 & 1103 South Lake Road requests a preliminary review for a 2-lot Minor Subdivision for property as 1105a & b, Tax Map ID # 21.48-1-4.1 & 5 (LR)

New Business:

3. App. # 071118-SPR - Bill Bassage – 5869 Williams St., requests Site Plan Review to locate a commercial retail business, “The Old Country Store” at 1215 Main St. Rte. #245, Middlesex, Tax ID # 22.68-1-29 (HB)
4. App. # 071218-SPR - Case Smeenk - 5790 Widmer Rd. requests Site Plan Review to install ice breakers for a boat house and dock protection from ice damage, Tax ID # 31.78-1-4 (LR)

Site Plan Review of Old Business:

1. App. #081117-SPR/ Patrick and Sarah Lavell of 1320 South Lake Road, requesting Final Site Plan Review for new construction of a single-family residence, Tax ID #21.64-1-7, (LR)

Marshall Hardy, P.E. of MacFarland Johnson Engineers presented the application, requesting Final Site Plan Review of their application for a two-story framed single-family residence on a vacant lot on South Lake Road. Mr. Hardy stated they had revised the Preliminary Site Map by:

- reducing the total ground disturbance to 480 sf to include the utility trenching, improvements to the driveway access, and reduction of the house patio footprint.

- Ground Disturbance from construction vehicle access while constructing the house, retaining walls and the new wastewater septic system would be reduced by the use of a “Lull Lift” which could extend it’s boom 40 feet from standing position.
- Widened the throat of the proposed access driveway in its narrowest point to accept the Lull Lift.
- Reduced the highest point to the retaining wall to the east of the driveway from 10 feet to 8 feet and pulled it away from the property line by four feet.
- Extension of the berm by the southern property line up by the proposed septic field.
- Proposed 15” pipe located under driveway parallel to roadside to provide more direct channeling of water to the north reducing the amount of storm water runoff prior to it reaching South Lake Road.

Discussion developed in Board Review which concluded with the following requirements requested by the Planning Board for the final step in the permitting process through the Code Office:

- Final approval pending the Yates County Planning Board Review on August 23, 2018, at 7 pm. A representative or property owner must be in attendance to present and/or answer any questions of the Board. The address for this review is Yates County Office Buildings, 417 Liberty St., Suite 1093, Penn Yan, NY 14527. Your application will be submitted by the Town of Middlesex Planning Board on Tuesday, August 14<sup>th</sup>. A final set of three new full-size maps must be submitted with the application to the Town of Middlesex Code Office by Monday, August 13th with all concerns noted on the final maps to be submitted with your application.
- Notification to NYSEG of location of construction for a new raised bed wastewater treatment system to be installed underneath an existing onsite electric utility line. Confirmation of acknowledgement from NYSEG to be transmitted to Dawn Kane, Code Enforcement Officer at [dawnmekane@aol.com](mailto:dawnmekane@aol.com).
- The following notations to be added on the final set of maps:

On Dwg. C-01

- Silt fence to be added along steep section west and south of the house to contain potential erosion during construction. All onsite silt fence noted on site map must be installed with the ends curving up hill to contain any stormwater siltation.
- Modify note in center of drawing to include access to septic field.
- add to Note #11: “and the Town of Middlesex Stormwater Management and Erosion Control Regulations which can be found at <http://townofmiddlesexny.org>.

On Dwg. C-02

- Stone to be placed at discharge points of all drainage piping. This shall include foundation and roof drainage not yet shown.
- Continue split rail fence to the north end of the driveway along the top of the east side retaining wall.
- Application to the Zoning Board of Appeals to list at bottom of drawing to include the following area variances: (2) Side setbacks – entrance driveway on the northern property line, and septic field retaining wall, (3) front setback from centerline of road.

On Dwg. C-03

- Section Detail needed for wall returns at the break in the wall for the steps once the retaining wall system is selected.

- As a comment, it was questioned as to the adequacy of the negative slope at the bottom of the driveway entrance in regard to runoff containment.

On Dwg. C-04

- Engineer of record is required to be onsite for all critical points in the installation of the structural stone walls.
- As a comment, a stamped set of drawings for the stone walls must be submitted to the Code Enforcement Office to Ms. Dawn Kane once the retaining wall system is selected.

On Dwg. C-06

- Provide stamped details for the septic field retaining wall system, to include all necessary dimensions for construction requirements.
  - Add note to pressure pipe trench detail to indicate the need to minimize trenching disruption of hillside. Contractor should be encouraged to submit alternate approaches to trenching.
  - Consider deleting Note 8 in Fill Material Construction Notes as this is in conflict with note 7 on C-05.
- Coordinate with Middlesex Highway Superintendent Todd Conaway (585) 554-3188 for all deliveries that will disrupt South Lake Road traffic. The Highway Department posts a custom-made road sign at least two weeks in advance for residents along South Lake Rd.
  - Schedule a pre-construction meeting with contractor, engineers and Code Enforcement Officer prior to start of construction.

A SEQRA was submitted and after careful review, the project was determined to be a Type II action requiring no further review. A negative declaration was given based on the information submitted and the analysis of the SEQR review, determining the proposed action would not result in any significant adverse environmental impacts in the surrounding neighborhood.

Final Determination was contingent with resolve of the above conditions through the Office of Code Enforcement, prior to permitting. A motion for conditional approval was offered by Board Member St. Lawrence and seconded by Board Member Gilbert. The motion so carried with all Board Members voting in favor. None opposed.

2. App.#073018-SPR/John Cake & Julie McCormick/Lakeshore Ventures, LLC owning 4 contiguous parcels at 1105 & 1103 South Lake Road requests a preliminary review for a 2-lot Minor Subdivision for property as 1105a & b, Tax Map ID # 21.48-1-4.1 & 5 (LR)

John Cake property owner of 1105 and 1103 South Lake Road presented the application by stating intent to subdivide the two northernmost parcels for the purpose of selling. He referred to the conceptual review in July at which time, he stated that the parcels 1103 & 1105 did not attract interested buyers in the real estate market, however if subdivided, there had been interest in purchasing each property. Lot #3 the northernmost of the 4 contiguous parcels had approximately 94 ft. of shoreline and Lot #2 to the south of Lot #3 had approximately 81 ft. of shoreline; whereas 100 ft. is required in the Lakeside Residential District. He stated he is asking for no physical changes to the property, the wastewater treatment systems are separate and each have been approved, and each property has its own driveway access. Subdivision would include the structures at the shoreline, which would be costly and difficult to remove.

Ms. Kane stated in order for the application to progress to the next step, the Planning Board as Lead Agency must deny the application on the basis of its non-conformance to code, referring to the shoreline frontage requirement in the Lake Residential Zoning District.

The Planning Board would make a written recommendation to the Zoning Board of Appeals based on this review and encouraged the Applicant to seek relief from the law if possible. Part 1 of the submitted SEQR for an Unlisted Action, completed by the Applicant, was reviewed by the Planning Board, at which time the Board disagreed with questions #2, #4, #5 and #16. Applicant, Mr. Cake, agreed with the revisions and initialed the changes. Part 2 and 3 of the SEQR was completed by the Board. A motion to give the proposed action a negative declaration was offered by Board Member Lynn Lersch and seconded by Board Member Bruce St. Lawrence. The motion so carried with all Board Members present voting in favor determining that the proposed action will not have any adverse environmental impact on the surrounding neighborhood. It was noted that the reason for denying the application was not an environmental issue but a procedural one because the request did not comply with current zoning code of the Town of Middlesex. To proceed, the applicant would have to be granted a variance by the Zoning Board of Appeals in order to be granted an approval by the Planning Board to allow the 2 – lot Minor Subdivision as requested.

Application to the Zoning Board of Appeals for variance from the law could now be scheduled through the Office of Code Enforcement. It was noted an informational meeting with the Zoning Board of Appeals and applicant had occurred on July 19 at which time no action was taken.

#### New Business:

3. App. # 071118-SPR - Bill Bassage – 5869 Williams St., requests Site Plan Review to locate a commercial retail business, “The Old Country Store” at 1215 Main St. Rte. #245, Middlesex, Tax ID # 22.68-1-29 (HB)

Mr. William Bassage and wife Wendy, presented their business narrative and application for preliminary site plan review for a proposed commercial business to become “The Old Country Store” stating they had purchased the building in 2015, had received approval through the NYS Department of Health resolving an issue with the wastewater treatment system and were looking forward to opening a general store in the same location where another had previously existed for years. The new business would serve the community from 8 am to 10 pm 7 days a week at 1215 Main Street, Route #245, in the Highway Business Zoning District in the Town.

Without further discussion, the Planning Board acknowledged that the application met all necessary zoning requirements for the Highway Business Zoning District in which it was located and Chairman DeVinney entertained a motion to approve as presented. Board Member Gilbert offered a motion which was seconded by Board Member Mincer. The motion so carried with all present voting in favor. None opposed.

4. App. # 071218-SPR - Case Smeenk - 5790 Widmer Rd. requests Site Plan Review to install ice breakers for a boat house and dock protection from ice damage, Tax ID # 31.78-1-4 (LR)

CEO Kane stated this application would be rescheduled at a later date.

Ms. Kane announced to the Board, correspondence had been received by the Code Enforcement Office in the form of an email from Mr. Jeremy Fields, in reference to the DeKouski application for a commercial business to repair boats and service them at the Elwell Road and Rte., #364 location. Dawn stated she had forwarded this correspondence via email to all Board Members on July 12<sup>th</sup> stating she would make it part of the record at the August meeting. After careful discussion, the Board acknowledged receipt of the correspondence stating they would provide Ms. Kane a letter of recommendation in acknowledgement.

Without further discussion, a motion to adjourn was offered by Board Member St. Lawrence and seconded by Board Member Lersch. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 9:09pm.  
Draft Minutes submitted by L. Lersch  
Minutes approved on September 5, 2018



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

Minutes

Wednesday July 11, 2018-7 pm

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

Public Present: Jay Saylor, Karl Neubauer, James Fonzi, Jason Dekouski, Dennis Roussell, Nancy Evans, Dave Moynihan

Acting Chairman Bruce St. Lawrence called the Planning Board meeting to order at 7:02 pm.

Draft Minutes from June 6th were reviewed by the Board. The review was tabled until August when all Board Members would be present.

Agenda:

Site Plan Reviews:

1. App. #032718-SPR/Agent James Saylor representing property owner James Fonzi of 5980 Widmer Rd requests Site Plan Review for a proposed detached garage and improvements to an existing retaining wall, Tax ID 31.03-1-3.1, (LR)
2. App. # 050218-SPR/Jason DeKouski requests Site Plan Review w/ Special Conditions to locate a Commercial Boat Servicing & Repair Business at the Sawmill location between #364 and Elwell Road, Tax ID # 012.04-1-10.11, (HB)
3. App. #051418-SPR/Dave Moynihan of 6367 Vine Valley Rd. requests Site Plan review for a 2-Lot Minor Subdivision, Tax ID # 11.75-1-7, (LDR)

Conceptual Review:

4. App. # 070518-SPR/Dennis Roussell of 99 St. Rt. #245 requests a review for the installation of a New Manufactured Home on an existing house site, Tax ID #003.42-1-6 (HR)

Site Plan Review of Old Business:

1. App. #032718-SPR/James Fonzi of 5980 Widmer Rd requests Site Plan Review for a proposed detached garage and improvements to an existing retaining wall.

CEO Kane summarized the application reminding the Board Members they had reviewed the preliminary plans in June, recommending site map revisions at that time. Engineer Jim Saylor has submitted new maps, C-1, C-2, A-1, S-0 and S-1 and the Code Office had requested Foundation Plans which Mr. Saylor brought with him for Board Review. Jim Saylor was there to present the following for discussion:

- a. Onsite area for site spoils was shown on Drwg. C-1 with designated silt fence shown surrounding the area.
- b. Grade elevations were adjusted and a typical section detail was added on Drwg. C-2 of the swale located in a two-foot strip between the soldier pile wall and the rear garage wall.
- c. Management of water drainage at downspouts was shown on Drwg. C-2 as well as a detail of the wattle drainage.

Board Member St. Lawrence voiced his opinion that a review of the foundation plans would not be necessary as they were engineer stamped plans and would be within that engineer's jurisdiction of

responsibility. All plans seemed to be congruent to the Board's previous recommendations with the following minor revisions that could be addressed through the Office of Code Enforcement prior to final permitting:

- Provide on Final Site Plan all existing site contours to be visible through the structural footprint of the proposed garage.
- Extend the 6" perforated pipe north to the existing flat area and provide stone at discharge where pipe daylight to reduce impact of storm-water runoff.
- Provide a typical section view through the 6" perforated drain pipe and 18" stone retaining wall for a clear understanding of installation requirements.
- Engineer of record to inspect the site for conformance to design prior to foundation concrete being poured. This inspection would be coordinated with the Code Enforcement Officer with a report of site sign-off report submitted to Code Office for files.

Without further discussion a motion to approve the application with these conditions was offered by Lersch and seconded by Mincer. All Board Members present voted in favor. Motion so carried with none opposed.

2. App. # 050218-SPR/Jason DeKouski requests a Preliminary Site Plan Review with Special Conditions to locate a Commercial Boat Servicing & Repair business at the Sawmill location between Elwell Road and #364 in the Highway Business Zoning District.

CEO Kane stated that since the conceptual review in June, Jason had reconfigured his property and had submitted a letter to the Code Office, confirming contract with local Pelican Point Marina stating the nature the contract and confirmation that there would be no mechanical repair work contracted. He had staked out onsite using a cone a point on his property that depicted the 100 ft. radius point from which all the business' land use must remain within and away from the neighboring property line on Elwell Road as part of Special Conditions placed on the application per zoning.

Applicant Jason DeKouski presented to the Board that he had decided to change his Marine Sales area as previously depicted on his submitted Site Map to the triangular apex of Elwell and Rte. #364. He planned to move the trailer now parked by the Barn off the property. All Business access would be from Rte. #364. He would not be open to the public, so traffic would remain minimal. The area marked as Boat Parking on the Site map, on the south side of the Barn would be considered the temporary overflow area for parking boats, hoists, docks housing them prior to their being worked on seasonally. This area was protected from #364 roadway by a guardrail and would be empty in the winter months. Possible future building expansion might include constructing a pole barn in this area for the purpose of inside storage. Jason stated it was not his intent to grow his business, nor to advertise for public interest, but to maintain steady work sub-contracting out to local marinas to detail boats.

Board discussion developed inquiring where the waste materials would be dispersed to. Jason stated he used approximately 250 gallons of water per season that would be hauled in and then eventually dispersed into the ground. Dawn soap would be added to clean boats.

Without further discussion, the following conditions per Sec. #402, Sched I, B #11 and Special Conditions per Sec. 501.0 and 501.14 became part of a conditional approval to be resolved prior to permitting through the Office of Code Enforcement:

- Provide Code Office with intent for disbursement of all waste materials used during boat servicing and would be monitored annually as part of permit renewal.
- Revise site map to show proposed "Marine Sales" relocated to far northern tip of parcel.

- Revise wording on Lot entitled “Boat Parking” to include “Temporary Parking for Boats, Hoist, & Docks” as the proposed Business Overflow Area. This area to be maintained in an organized and slightly fashion or visual buffering will be required.
- Remove RV parked at south end of existing barn.
- No such land use shall be located less than 100 ft. from the lot line of a residence existing prior to zoning or 50 feet from any lot line. This condition includes business access off of Elwell Rd. which shall provide a buffer and minimize impact to residential homes on Elwell Rd.
- The above conditions to be monitored as part of the Operating Permit to be issued annually through the Code Enforcement Office.
- Letter from property owner stating proposed business use is permitted.

A motion for conditional approval was offered by Board Member Mincer and seconded by Board Member Lersch. The motion so carried with all Board Members present voting in favor. None opposed.

New Business:

3. Application #051418-SPR for David Moynihan of 6367 Vine Valley Rd. requests Site Plan review for a 2-Lot Minor Subdivision, Tax ID # 11.75-1-7, (LDR)

Ms. Kane stated this application requested Lot #2, depicted on the survey as a vacant lot, to be separated from Lot 1 which currently included a two-story single-family residence, with the intent to build a new residence in the future.

Board discussion developed as the road frontage for Lot 2 was not in compliance being under the 300 feet lot requirement for Low Density Residential. It was recommended that Mr. Moynihan reconfigure the road frontage by combining Lot 2, Tax Map ID# 11.75-1-7 with a vacant contiguous lot, Tax ID # 11.83-1-1 to acquire the road frontage necessary to be in compliance, without need to apply for a variance. If resolved through survey reconfiguration and re-submitted to the Code Office prior to filing with the County, the Board agreed to conditionally approve the subdivision. Board Member Mincer offered the motion and Board Member St. Lawrence seconded the motion by an action resolution reflecting such revisions, submitted with survey map revisions to the Code Enforcement Office. The motion so carried with all Board Members present voting in favor. None opposed.

Conceptual Review:

4. App. # 070518-SPR/Dennis Roussell of 99 St. Rt. #245 requests Conceptual Review for installation of a new foundation to accept a newly purchased Manufactured Home on an existing house site, Tax ID #003.42-1-6 (HR)

CEO Kane stated Mr. Roussell had lived on this parcel for the past 5 years. The applicant wished to install a new 4-bedroom manufactured home onsite and demolish the existing residence. The existing septic had been reviewed and approved by George Barden. The estimated time for completion and move-in would be prior to winter setting in. All certifications and setbacks were in compliance with Town’s code requirements.

Without further review, a motion to approve the application as presented was offered by Lynn Lersch and seconded by Robert Mincer. Motion so carried with all Board Members present voting in favor. None opposed.

A motion to adjourn the meeting was offered by Lynn Lersch and seconded by Robert Mincer. Motion so carried with all Board Members voting in favor. None opposed.

Meeting adjourned at 8:45 pm

Next Meeting: August 1, 2018

Draft Minutes submitted by L. Lersch

Minutes approved on August 1, 2018

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

Minutes

Wednesday June 6, 2018-7 pm

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

Public Present: Chet Feldman, Jay Saylor, Karl Neubauer, James Fonzi, Sarah Lavell, Marshall Hardy & Brent Long, John Cake, Julie McCormick, Keith Holcomb, Jeremy and Cathy Fields, Tom & Bonnie Mahaney, David Samatulski, Phil Greene, Jason Dekouski

Chairman DeVinney called the Planning Board meeting to order at 7:02 pm.

Draft Minutes from May 2nd were reviewed by the Board. A motion to approve the draft minutes was made by John Gilbert and a second by Marty DeVinney. The motion so carried with all Board Members present voting in favor and none opposed.

Agenda:

Site Plan Reviews:

1. App. #081117-SPR/Marshall Hardy & Brent Long, engineers from McFarland Johnson, representing owners Patrick and Sarah Lavell request Preliminary Site Plan Review for new construction of a single-family residence at 1320 South Lake Rd., Tax ID #21.64-1-7, (LR)
2. App. #032718-SPR/James Fonzi of 5980 Widmer Rd requests Site Plan Review for a proposed detached garage and improvements to an existing retaining wall, Tax ID 31.03-1-3.1, (LR)
3. App. #051618-SPR/Phil Green for Worden Hill Marine, representing agent for owner James Fonzi of 5980 Widmer Rd., requests Site Plan Review to construct a 1080 sq. ft. dock and 34 x 36-ft. Boat House at shoreline, Tax ID # 31.03-1-3.1, (UDML) (LR)
4. App. #051418-SPR/Dave Moynihan of 6367 Vine Valley Rd., requests Site Plan review for a 2-Lot Minor Subdivision, Tax ID # 11.75-1-7, (LDR)
5. App. # 050218-SPR/Jason DeKouski requests a conceptual Site Plan Review w/ Special Conditions to locate a Commercial Boat Servicing & Repair Business at the Sawmill location between #364 and Elwell Road, Tax ID # 012.04-1-10.11, (HB)
6. App. #053118-SPR/Jeremy Fields owner of People’s Line LLC and property owner at 5613 Water Street with agent Keith Holcomb, requests a conceptual Site Plan review to locate a commercial business at the old Document Reprocessors Warehouse for storing and drying of milled timbers, Tax ID # 22.67-1 (HR)
7. Applicant John Cake property owner of 4 contiguous parcels on South Lake Road requests a conceptual review for a proposed 4-lot Major Subdivision, (LR)

Site Plan Review of Old Business:

1. App. #081117-SPR/Marshall Hardy & Brent Long, Engineers from McFarland Johnson, representing owners Patrick and Sarah Lavell

Engineers Marshall Hardy and Brent Long, from MacFarland & Johnson, and representing agents for owners Patrick and Sarah Lavell presented map revisions recommended by the Planning Board at their May meeting. Marshall stated they had revised the Steep Slope Ground Disturbance which now totaled 495 sq. ft. by shifting the exterior concrete patio and pad at the bottom of the stair system leading to the front of the

house. Also revised was an extension of the retaining wall on the east side of the driveway of 4-5 ft at a maximum height of 8 ft. for safe vehicular turn-off area before pulling onto South Lake Road.

Marshall Hardy stated ditching shown within the side setback was considered within the onsite grading perimeters.

Board Member St. Lawrence stated the steep slope ground disturbance threshold of 500 ft. would include a total calculation of all onsite ground disturbances to incorporate all onsite disruption from access/egress of construction equipment, trenching, house foundation excavation, patio pad and stair excavation, clearing for the installation of septic and distribution field, and boring site preparations to lay underground utility lines.

Engineer Hardy stated they could further modify the patio to gain additional square footage to stay within the steep slope threshold.

The following recommendations were discussed and deemed as required changes prior to the next review:

- a. Drwg. C01:
  - (1) Storm water runoff should not be allowed to hit the diversion berm east of the house, to allow erosion of the berm inviting future concerns when water runoff could possibly disperse onto the neighboring parcel to the south.
  - (2) Provide a section detail to map clarifying the intent of onsite drainage flow.
- b. Drwg. C02:
  - (1) Verification that the roof and footer drain discharges away from property lines. Stone added to the base would slow water runoff from these points.
  - (2) Change the directive on Drwg. C02 so that it matches the notation on Drwg. C03 to stating wall drain pipe outlet provision every 10 ft.
  - (3) Show contractors' plan for egress/ingress to the site and the ground stabilization methods planned to comply with stabilization requirements per our Steep Slope Law
  - (4) Clean up notations that are not necessarily compatible to what is onsite.
  - (5) Show complete plan for onsite boring to include where rig will set, the dimensions of the bore pit to house the bore conduit sleeves and the product which will be housed inside each sleeve.
  - (6) Provide total site disturbance within Site Table/Criteria for Design. It is noted that the area onsite designated as 'Parking Area' is waived from site disturbance calculation because it is considered "off road parking" and part of the parcel's existing safe access to residence.
- c. Drwg. C03:
  - (1) Provide a section detail of the worst scenario showing rear dimensions of the retaining wall and all material used to hold the wall once compacted. Manufactured stamped plans can be provided when wall material and style is chosen.
- d. Provide a section view of South Lake road showing collection system to control runoff on driveway and minimize water runoff flow across the road.
- e. Schedule on-site pre-construction meeting with the contractor and code office to review construction access plan and sequencing of construction development plans to minimize ground disturbance and review the erosion control plan.

Board Member St. Lawrence requested an early submittal for review of these changes and the contractor's Construction Execution Plan for setting a possible date for an onsite field review by the Board prior to the July meeting.

2. App. #032718-SPR/James Fonzi of 5980 Widmer Rd requests Preliminary Site Plan Review for a proposed detached garage and improvements to an existing retaining wall.

CEO Kane summarized the application reminding the Board Members they had reviewed the conceptual plans in April, recommending the engineers depict the ground elevation on the plans to be visible through the garage footprint. Also recommended was to revise the site map to add the orientation of the site location to include the driveway access in relation to the road.

Engineer Jay Saylor presented the following site map revisions as points for discussion:

- a. Ground Disturbance for installation of the detached garage totaled 498 sq. feet.
- b. Garage Entrance location was changed to the west side.
- c. Removal of block retaining wall to be only on Mr. Fonzi's property to be replaced by a loose laid retaining wall to control runoff washing across the road.
- d. The Garage wall will act as a retaining wall with a permanent sheet pile driven between the embankment a distance of 2 feet from rear garage wall. This swale will be filled with gravel.
- e. Roof water runoff would shed east and west and would be guttered with gravel splash at foundation.
- f. Onsite water runoff will be managed by silt fencing and a series of temporary check dams to be maintained during construction. The existing grades will catch runoff from the top corner of the property as well.
- g. Garage height will be 23 ft. at peak.
- h. Excavation spoils will be used onsite to further stabilize the driveway and road.

Discussion developed with the following recommendations to be addressed and submitted prior to a final determination review:

- a. Provide a section detail of the swale located between the rear garage wall and the permanent sheet pile to show load dimensions and gravel fill.
- b. Provide north/south orientation on Site Map.
- c. Clarify onsite stormwater runoff and erosion control plan on site map.
- d. If spoils are removed from site, indicate where the unused dirt will end up.

3. App. #051618-SPR/Phil Green for Worden Hill Marine, representing agent for owner James Fonzi of 5980 Widmer Rd.

Representing agent, Phil Greene of Worden Hill Marine presented the Uniform Docks and Mooring Law application for Mr. James Fonzi to construct a 1080 sq. foot dock and 34 x 36 ft. Boat House on 832 linear feet shoreline. Mr. Greene stated the High Mean Water Mark was measured from an existing break wall and the only restriction to the project was that it could not contain habitable space. The length of the dock would be 48 feet due to a steep drop-off from the HMWM.

After a brief discussion, Marty DeVinney entertained a motion to approve the application as presented with the following condition:

- a. Revise the site map to provide the dimension to the length of the dock
- Board Member Mincer provided the motion to approve with the above condition, and Board Member Lersch provided a second. The motion so carried with all Board Members present voting in favor.

4. App. # 050218-SPR/Jason DeKouski requests a conceptual Site Plan Review with Special Conditions to locate a Commercial Boat Servicing & Repair business at the Sawmill location between Elwell Road and #364 in the Highway Business Zoning District.

Applicant Jason DeKouski presented to the Board a conceptual review of his commercial business plan – as a Boat Servicing & Repair Business by contract with local marinas, to be located at the abandoned Sawmill location owned by Mr. Terry DeKouski between Elwell Rd. and State Rte. #364. Jason stated his business would provide the following boat services: shrink wrap, winterizing, gel coat repair, floor and carpet replacement on boats transported to his location that were sub-contracted with local marine businesses. The boat shop would not be open to the public and would not need signage. Seasonal business hours from March 1<sup>st</sup> through December 31<sup>st</sup> (closed January and February) and hours of operation Monday through Sunday, 8 am to 6 pm. Exterior lighting for safety purposes would exhibit downward glare. Located onsite for boat resale would be a small area that could house approximately 3-4 boats at any one time, with up to

10-12 maximum total per season. Jason's Boat Storage business located off of South Vine Valley Road was a separate business and would continue as allowed from that location.

Discussion developed with applicant referencing buffering the property adjacent to neighboring residences on Elwell Road as required by zoning. The Highway Business Zoning District requires a setback of 100 ft. from the lot line of any pre-existing residence prior to zoning or less than 50 feet from any lot line to reduce impact to neighboring properties. Mr. DeKouski stated he had discussed his business plans with the existing neighbor and felt he could meet this setback requirement. Business entrance would be with egress/ingress from #364; however, a secondary entrance off of Elwell exists which should be far enough away from the neighboring parcel's driveway as to minimize impact.

Prior to further review, the Planning Board recommended the following:

- a. Stake out on property how boats for sale will be located and displayed.
  - b. Provide location of the business entrance and exit accessing off of Route #364.
  - c. Provide aesthetic arrangement of boat hoists and boats so appearance looks well organized from road.
  - d. Provide detail of how and where the spoils from boat service detailing will be dispersed.
  - e. Designate on the site map, a 360-degree, 100 ft. setback buffer from road centerline to closest neighboring parcel on Elwell Rd.
  - f. Designate on site map the secondary ingress/egress from Elwell Road, but provide buffer from pre-existing residences prior to zoning.
  - g. Provide a business address and provide a copy of business contract with local marine businesses.
5. App. #053118-SPR/Jeremy Fields owner of People's Line LLC and property owner at 5613 Water Street requests conceptual review of a business plan for drying and warehousing milled wood to be contracted for use for a established business known as Grand Wood in Naples.

CEO Kane summarized the application, stating the pre-existing and non-conforming building and its use was permitted due to its' existence prior to zoning. The new use is the same and so is permitted. The property previously used by Document Reprocessors had been subdivided and filed with the county as a minor subdivision by previous owner. Mr. Moynihan purchased the building off of West Avenue and Jeremy Fields had purchased the 2<sup>nd</sup> building previously used as a warehouse, and damaged by a storm event. Jeremy repaired the building and would now like to use the warehouse for storing and drying milled wood as a finished product to be used for future commercial use by Grand Wood LLC in Naples which offers various wood products such as barn doors, timber framing, furniture, and reclaimed materials in custom pieces.

Owner Jeremy Fields, presented the application with Keith Holcomb stating after purchasing the storm-damaged warehouse and property, he had repaired the damaged building trusses and stabilized the warehouse and its' entrance. He then demolished a portion of the attached building with future plans to rebuild in the existing footprint. Milled timbers would be delivered by truckloads every two weeks to 5613 Water Street to be kiln-dried for commercial use. Commercial equipment to be installed for this purpose consists of: (1) DH Kiln for dehumidification and (1) RF Kiln and (1) Vacuum frequency kiln.

Jeremy further stated the buildings' business use would remain basically the same as in the past, except now it would be drying a wood product instead of paper. There would not be onsite manufacturing or habitable space. Milled indigenous hard wood, brought to this location, would be dried as finished product every 6 weeks and then picked up for future commercial use elsewhere. Noise levels coming from a vacuum pump kiln housed inside would be minimal and equivalent to that coming from an air conditioner. Delivery trucks, 24 ft. in length, owned by Mr. Fields would ingress/egress from Water Street. There was more than ample parking available for personnel and deliveries as a maximum of one to two employees would be at the facility at any one-time Monday – Friday 7:30 pm to 5 pm. and during daylight hours.

Lighting would be turned off at night. Outside storage of delivered timbers may occur for short periods of time but would be stored on the east side of the building not visible from neighboring properties.

Contiguous neighbors inquired about power surges from the business 'electrical usage and Jeremy stated the service was now at 1200 amps which was substantial and the business usage would be 2-300 amp draw and so undersized at maximum capacity usage.

Board Members inquired about the existing septic and Jeremy stated that there were two existing tanks, 1000 & 1250 gallon which would be pumped when necessary. CEO Kane stated she would request a flow alarm be connected to the tanks to minimize failure.

Without further discussion, Board Member Mincer moved to approve a conceptual review of the application with a condition placed to attach a flow alarm on the septic tank(s) as requested by Code Officer Kane, and to follow up any future building plans with the Code Enforcement Office for permitting. Board Member Gilbert provided a second. The motion so carried with all Board Members present in favor. None opposed.

6. Applicant John Cake property owner of 4 parcels from 1115 A & B to 1113 South Lake Road requested a conceptual review for a proposed 4-lot Major Subdivision, (LR)

Ms. Kane summarized the application to Board Members, stating landowner Mr. Cake, wished to separate the property into 4 contiguous parcels with intent to sell. In subdividing as proposed, some of property lacked the frontage to be conforming to zoning. The northernmost lot had an interested buyer and Mr. Cake, with joint partner Julie McCormick, having spent a considerable investment in updating the septic and properties would like the Planning Board to provide a conceptual review to establish options.

Mr. Cake stated all 4 - lots were situated on the east side of South Lake Road and together they had over 400 feet of frontage. Proposed Lot 3, the northernmost of these parcels, with an existing remodeled barn, new NYSDOH approved septic with frontage of 94.13 feet; whereas 100 feet was required. This parcel had an interested buyer however; in order to subdivide this parcel to complete the sale, Mr. Cake would like to subdivide this Parcel from Lot 2, having an existing frame house with septic and 81.15 ft. of frontage. The parcel to the south (1113 S. Lake Rd.) had 227.82 feet of frontage and if subdivided as proposed, Lot 1 had an existing frame residence, metal storage pole barn, upgraded septic with a 1200-gallon tank and 117.58 ft. of frontage. This frontage included stairs to a deck, a substantial permanent dock and boat hoist of value, that they would prefer to leave where it is located. If left as located, this negates the possibility of splitting off lake frontage to add the northernmost parcels to be compliance. Lot 4 is proposed to be subdivided off of Lot 1 to become a vacant lot with access to 109.91 ft. of frontage on the lake. Mr. Cake stated that the non-conformity amounted to a mere 22 ft and the non-conformance as pre-existing. The vacant lot though increasing the density had the required frontage and so was permitted and conforming. The usage of the other lots remained the same, though obviously non-conforming.

Discussion developed stating Board concerns to the applicants' request to seek approval to a proposed subdivision that increased both the density and the non-conformity based on local zoning. Also, to consider was the increased time required for full environmental review, county review the proposed subdivision would create. The remodeled barn on proposed Lot 3 sat approximately very close the lot line of the neighboring parcel, which created a side setback problem for the future owner. Recreating boundary lines to comply with zoning was recommended or discussing gaining frontage with neighbor to the north to gain the lacking 22 feet of frontage.

Recommendations by the Planning Board of options for the applicant to pursue were application for seeking variance from zoning and/or re-create the boundary lines to create a 2 or 3-Lot Minor Subdivision, rather than the four that was proposed.



Ms. Kane stated that Application #051418-SPR for David Moynihan of 6367 Vine Valley Rd. will be rescheduled at a later date.

Old Business: A ratification of a description in a previously approved resolution that had no effect on the approval action itself, for Applicant SUN 8/Daum Solar Facility on 4450 Townline Road, is being reviewed by the Town Attorney and will be offered for a vote by Planning Board in the near future. The Code Enforcement Office will facilitate the process.

Without further discussion, a motion to adjourn the meeting was offered by Marty DeVinney and seconded by Lynn Lersch. Motion so carried with all Board Members voting in favor. None opposed.

Meeting adjourned at 10:15 pm

Next Meeting: July 11, 2018

Draft Minutes submitted by L. Lersch

Minutes approved on August 8, 2018

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

Minutes

Wednesday May 2, 2018- 7 pm

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

Public Present: Anthony and Lorraine Affuso, Elaine and James Rayburn, Rocco Venezia, Sarah Lavell, Marshall Hardy of MacFarland Johnson Engineers,

Chairman DeVinney called the Planning Board meeting to order at 7:05 pm.

Draft Minutes from March 7<sup>th</sup> and April 4<sup>th</sup> were reviewed by the Board. A motion to approve the March draft minutes was made by Marty DeVinney and a second by John Gilbert. John Gilbert abstained from the April 4<sup>th</sup> minutes as he was not in attendance. Board Member Lersch provided a second for the April minutes. The motion carried with all Board Members present voting in favor and none opposed.

Agenda:

Site Plan Reviews:

1. App. #081117-SPR/Marshall Hardy, engineer from McFarland Johnson, representing owners Patrick and Sarah Lavell request Preliminary Site Plan Review for the new construction of a single-family residence at 1320 South Lake Rd., Tax ID #21.64-1-7, (LR)
2. App. #043018-SPR/Matt Gullace, applicant of the Vine Valley Mobile Home Park requests Preliminary Site Plan Review to construct a permanent dock at 800 North Vine Valley Road, Tax ID #11.74-1-5, UDML (LR)
3. App. #042018-SPR/James and Elaine Rayburn of 6030 Wolfanger Rd. requests Preliminary Site Plan Review for new construction of a single-family residence, Tax ID #32.01-1-11.0, (LDR)
4. App. #050118-SPR/Frontier Communication – Preliminary Site Plan Review for installation of Fiber Optic cable, poles and anchors on select roads in the Town of Middlesex per “Connect America” state program.

Conceptual Review:

Anthony and Lorraine Affuso requests review for a 2-Lot Minor Subdivision of property at 1503 South Lake Road, Tax ID #31.01-1-13, (LR)

Meeting Minutes:

1. App. #081117-SPR/Patrick and Sarah Lavell of 1320 South Lake Rd., (LR)

Dawn Kane, CEO provided the Planning Board with a summary of the application, stating that recommendations from the April Planning Board Meeting had been submitted for Preliminary Review tonight. Engineer Marshall Hardy will present all revisions on the Site Plan for board review.

Marshall Hardy, P.E. stated they had been able to reduce the total square footage of 25% steep slope area from approximately 1500 sq. ft. to 1200 sq. ft in a revised stub driveway design, providing 2 cars with parking and turnaround angled to discharge onto South Lake Road. The proposed retaining wall parallel to the road was reduced as well from 10 to 7 feet in height.

The proposed house would be buried uphill 14 ft. with a total disturbance of 530 sq. ft. of 47% steep slope area. The house was positioned on the hill with 21 steps from driveway to the house.

Board Member St. Lawrence inquired if the open front porch slab on grade could be reduced to gain the 30 sq. ft. needed to stay in compliance with steep slope requirements and to avoid an area variance.

Final Plans will be resubmitted for final determination in June. Pending approval on the septic had been received by NYSDOH. The Board recommended procuring a legal easement with the contiguous neighbor to the north for the properties side setback infringement and application for the variance to the Zoning Board of Appeals for the side setback violation.

2. App. #042018-SPR/James and Elaine Rayburn of 6030 Wolfanger Rd. (LDR)

CEO Kane summarized the application stating the lot was a pre-existing and non-conforming lot with driveway that spanned two 50 ft. of road frontage. The Rayburns having owned the lot as vacation getaway with an existing frame structure for many years and would now like to demolish the structure and place a 26 ft x 44 ft. OWL manufactured house HUD home by Colony/Commodore on the 60-acre lot. The land is without steep slopes and very flat.

It was noted that a Presby design septic system had been designed by Grove Engineering which had been approved by George Barden. The survey/site map submitted was prepared by Venezia & Associates and Rocco Venezia was in attendance to answer any questions.

Without further discussion, the Board moved to approve the application. John Gilbert provided the motion which was seconded by Bruce St. Lawrence. The motion so carried with all Board Members present voting in favor.

3. App. #043018-SPR/ Matt Gullace, applicant and owner of the Vine Valley Mobile Home Park

Owner Matt Gullace was represented by Surveyor Rocco Venezia of Venezia & Associates providing a site map and intent to construct an 80 ft. permanent dock (800 sq. ft.) to replace an existing dock in need of repair.

Board Members acknowledged the Uniform Docks and Mooring Law (UDML) with a 60 ft. maximum requirement for docks off the shoreline.

Rocco stated that there was an existing solid break wall which had been used for the HMWL and stated that the dock was 60 feet from the break wall and was probably requested to be able to access deeper waters. Rocco stated he would make some inquiries to provide board questions with pending information and resubmit application at a later date.

4. App. #050118-SPR/Frontier Communication – Preliminary Site Plan Review for installation of “Fiber Optic” cable, poles and anchors on select roads in the Town of Middlesex.

CEO Kane summarized the application, stating Frontier Communication requests permission to install Fiber Optic cable, additional 13 poles and anchors to the following municipal roads in the Town of Middlesex as part of a “Connect America”: Hagerty, Valley View, Bagley, Roach and Loomis Roads. Per local zoning Sched. #402, Schedule I, D-6 this was a permitted use and they would like to start installation next week. An easement was already in place to provide legal access.

Board Members inquired about a municipal franchise agreement with Frontier and CEO Kane explained she had inquired about it and was awaiting further information.

Without further discussion, the Board moved to approve the application, contingent on receiving proof of an existing municipal franchise agreement to place on file. Lynn Lersch made the motion and Marty DeVinney provided a second. Motion with contingency so carried with all Board Members present voting in favor. None opposed.

Conceptual Review:

Anthony and Lorraine Affuso requests review for a 2-Lot Minor Subdivision of property at 1503 South Lake Road, Tax ID #31.01-1-13, (LR)

CEO Kane, summarized the application stating she brought the application to the Planning Board for advisement because the 2-lot minor subdivision was in compliance with all lot area requirements except for the driveway accessing the upper lot (Lot 2) crossed over Lot 1 boundary lines and encroached on the neighbors’ property to the north. After subdivision, Lot 1 being 3.863 acres to the MHWL incl. Highway ROW, and Lot 2 being 3.273 acres to MHWL incl. Highway ROW.

The Planning Board advised the applicant to acquire a boundary line agreement with the neighbor to the north to allow use of the driveway portion that encroached over the northern boundary line. A driveway easement to be acquired stating the future landowner if Affuso’s sold the upper lot, had legal permission to access across Lot 1 to get to the existing upper dwelling on proposed Lot 2 because after subdivision the buyer could not make application for another driveway. Surveyor Rocco Venezia, representing agent for the Affusos, stated that the driveway easement could be added to the map and resubmitted to the Code Enforcement Office so that it would be deeded with the land.

Without further review and discussion, Board Member Lersch made a motion to approve the 2-lot subdivision with the following conditions:

- a. Acquisition of a boundary line agreement with the neighbor to the north allowing legal ROW of the driveway portion that encroached on the neighbor’s land.
- b. Resubmission of a survey map showing legal driveway easement allowing landowner’s deeded use of existing driveway across Lot 1 to access dwelling on upper Lot 2.

Board Member St. Lawrence provided a second to the motion with contingencies as stated. The motion carried with all Board Members present voting in favor. None opposed.

Without further discussion, a motion to adjourn was offered by Bruce St. Lawrence seconded by John Gilbert. Motion so carried with all Board Members in attendance voting in favor. None opposed.

Meeting adjourned at 8:29 pm  
Next meeting June 6<sup>th</sup>

Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)  
Minutes approved on June 6, 2018

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

Minutes

Wednesday April 4, 2018- 7 pm

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

Public Present: Daniel C. Hackett RLA, Mike Volpe, Pat and Sarah Lavell, Marshall Hardy and Brent Long of MacFarland Johnson Engineers, Karl Neubauer, Jay Saylor of Herrick-Saylor Engineers, James Fonzi, Ben Carpenter

Chairman DeVinney called the Planning Board meeting to order at 7:01 pm.

Draft Minutes from March 7<sup>th</sup> will be reviewed by the Board at the May 2<sup>nd</sup> regular Planning Board Meeting.

Agenda:

Site Plan Reviews:

1. App. #011718-SPR/Daniel C. Hackett, Architect and Mike Volpe of Ted Collins Associates, representing agents for owner Michael H. Messina of 344 East Lake Road, requests Final Site Plan review for the installation of an enclosed deck addition and porch roof to a pre-existing single-family residence, Tax ID #001.076-1-1.1, (LR)
2. App. #081117-SPR/Patrick and Sarah Lavell of 1320 South Lake Road requests a conceptual Site Plan Review for new construction of a single-family residence, Tax ID #21.64-1-7, (LR)
3. App. #032718-SPR/James Fonzi of 5960 Widmer Road, represented by agents, Karl Nuebauer and Jay Saylor request a conceptual Site Plan Review for new construction of a detached garage, Tax ID #31.03-1-3.1, (LR)
4. App. #032818-SPR/Ben Carpenter of 874 Newell Rd, requests a conceptual Site Plan review for a driveway for a business located at 868 Newell Rd., Tax ID #22.01-1-2.1, (LDR)

Meeting Minutes:

1. App. #011718-SPR/Hackett-Messina of 344 East Lake Road, (LR)

Dawn Kane, CEO provided the Planning Board with a summary of the application, stating that in March the Planning Board had offered recommendations to the project requesting revisions to the architectural and structural plans. These revisions were received today by email and forwarded to the Board Members by pdf file. Mr. Hackett brought hard copies of these revisions and would present these to the board for further discussion.

Mr. Hackett, Architect stated that it had been decided, rather than do field exploration to examine the footer in question for structural suitability, they would instead simply replace the footer as shown on the revised map. All Architectural Drawings had been updated to reflect all structural design revisions as well.

Board Member St. Lawrence inquired why the footer to be replaced flared at the bottom. Hackett responded that it was designed that way by engineer choice and would have a bearing capacity of 250 lbs. Mr. Hackett confirmed that all onsite work will be done by hand, requiring no construction equipment to access to the site during installation.

Without further discussion the Board moved to approve the application as revised. A motion to approve was offered by Mincer and seconded by St. Lawrence. Motion so carried with all Board Members present voting in favor. None opposed.

### Conceptual Reviews:

#### 2. App. #081117-SPR/Patrick and Sarah Lavell of 1320 South Lake Road, (LR)

A summary was provided by CEO Dawn Kane to the Board Members stating this application had considered by the Planning Board last year and after reviewing the parcel onsite last October 2017, the Board Members had recommended some revisions to the submitted two options for a site plan. Representing agents for the Lavell's from MacFarland and Johnson were in attendance along with the owners to discuss further options after reviewing the Board's recommendations.

Marshall Hardy and Brent Long of MacFarland Johnson Engineers, submitted three new driveway site plan options using the existing pathway adding access stairs from the proposed driveway to the house with varying amounts of ground disturbance.

After a lengthy discussion of multiple options and a review of all submitted plans, the Board offered the following recommendations for continuing to develop building options using the submitted Option #4 (C-01) as a guideline:

- Leaving 2 parking spaces at the top, flatten the proposed access driveway as close to 15% slope as possible to achieve more compliance with the current Steep Slope Laws and to reduce the quantity of variances required for approval.
- Review the Development Standard Sketches (ST-1 thru ST-ST2) that consist in the Steep Slope Law as Addendum B to the Steep Slope Law to provide possible other building options for Steep Slope parcels.
- When considering driveway options, safety of access off the main road was considered by the Board to be a priority.
- To improve a safer access off of South Lake Road, take down the proposed retaining wall closest to the road and extend and flatten the existing driveway out to the northern property line curving it back to the south parallel with the 175 ft. of road frontage on South Lake Road.
- Show all contour elevations throughout areas of construction for clearer review.

#### 3. Application # 032718-SPR/James Fonzi of 5960 Widmer Rd - (LR)

Agents Karl Nuebauer as General Contractor for owner James Fonzi and Jay Saylor of Herrick-Saylor Engineers presented submitted drawings A1, C1 and S1-3 for the proposed 25 ft x 30 ft. detached two-story garage for Planning Board reference.

Discussion developed with board recommendations in bringing the project to full site plan review. Board Member St. Lawrence stated the board liked to see the contour elevations through

the structure of the garage footprint, location to the road, and calculation of total square footage of ground disturbance as well as onsite drainage management for controlling storm water runoff and proposed stabilization methods after project completion. Though the parcel is located in a steep slope area, the area chosen to locate the garage is fairly flat.

Mr. Fonzi wanted to add a retaining wall to replace an existing 13 ft. temporary jersey wall. 23 additional feet of this existing wall is shared and angles down to the neighboring parcel. Mr. Fonzi would like to improve this wall to fortify stabilization to the embankment. The Board recommended acquiring a written easement for permission from the neighbor to provide improvements to the wall and for accessing the neighbor's property prior to final determination of the application. Other recommendations included placing gravel when backfilling wall to slow water run-off. Variance application for the wall crossing side property line setbacks. Scheduled deadlines for application to the Zoning Board of Appeals were provided.

4. Application #032818-SPR/Ben Carpenter of 868 Newell Road, Hungry Bear Farm

Ms. Kane, CEO gave a brief summary of the history of the parcel. Ben had purchased the property with an existing pole barn and driveway off of Newell Road. Ben's vision was to improve the property, clean up much of the buried debris placed there by a previous owner and create a business, governed under the NYS Ag & Mkt Law, Section #301, for Apiary and Maple Production. A site plan of this business was submitted to the Code Office in 2014. He wanted to build up and extend the driveway to the west in order to access the back of the pole barn by adding fill. This would allow space for delivery trucks to be able to turn around after unloading deliveries and exit by the same driveway. Over a two-year period, the scope of the site plan increased beyond the submitted site plan and additional fill created concern of impact to the roadside ditch on South Vine Valley Road and its close proximity to a nearby creek watershed to the lake. Visibly lacking was the required erosion control management such as silt fence and stabilization to the embankment, as well as provision of load-bearing details for the new driveway to safely accommodate delivery vehicles. After multiple attempts to notify Mr. Carpenter of these concerns without a response, and for the purpose of resolve, the NYS AG & MKT was contacted by the Code Office. An onsite visit at various times by Town Officials, Yates County Soil & Water Conservation District and the NYS Department of Ag & Mkts, with recommendations to develop a plan for bank stabilization, keep sediment out of the roadside ditch and nearby stream, submit a Site Plan for Planning Board review, reflecting all current changes and plans for appropriate erosion control methods required by the Town.

The Board was provided review materials which included the submitted 2014 site plan; an updated site plan showing current changes and future expansion plans to be developed at some later date; communication from Mr. Bob Somers, Ph.D. Manager of Farmland Protection Unit of the Department of Agriculture and Markets in Albany, dated 8/24/17 outlining preliminary findings from his field and internal Department review; a letter dated 11/20/17, from James Balyszak, District Manager of the Yates County Soil & Water Conservation District in Penn Yan confirmed a November 2017 site visit to review results from his previous recommendations for managing concentrated storm water flows leaving the property. This letter provided specific recommendations from the NYS Standards and Specifications for permanent planting and mulching to stabilize the steep slope embankment and protect the watershed.

Discussion developed on current status of these reviews from outside resources. Mr. Carpenter stated that although he had failed to provide the Code Office with an updated site plan such as the one now presented to the Planning Board, he would apply for site plan review as required for all



future expansions of his business. He stated he had worked with town, county and others to bring in fill and was working currently with Soil & Water on stabilizing the remaining bank, scraping the embankment with equipment to better shape the exposed embankment and adding a few more loads of clean topsoil fill prior to seeding. He will also work to create a safety berm, raise the grade in the southwest corner of the driveway to improve drainage flow of water run-off. He will locate silt fence on the back side of the site and once site work is complete, all surfaces will be planted with ground cover forage for stabilization and gravel will be applied in vehicular pathways.

Ben Carpenter stated his plans for future expansion included a 2-story building addition which will include some excavating to provide a loading dock/trailer parking. He assured the Planning Board that he will be providing engineered drawings and a full Site Plan for this addition prior to development.

Chairman DeVinney stated in response, that all outside resource recommendations are an important tool for owners to incorporate into their plans; however, Town Law requires the Planning Board to review all site development that not only impact the watershed but create any amount of ground disturbance to a parcel, and the installation or extension of a driveway requires a permit through the Office of Code Enforcement.

It was also advised for Ben to contact the Town's Highway Supervisor when clearing out the roadside ditch on South Vine Valley Road as it may impact So. Vine Valley Road during Spring storm events. Results will be assessed in thirty days by the Code Enforcement Office which may include a site visit by either the Planning Board and/or the Code Officer.

The following conditions to be resolved are:

- Stabilization of the embankment with seed and mulch as referenced in the NYS Standards and Specifications for permanent plantings and mulching. Mr. Balyszak, from the Yates County Soil & Water Conservation District recommended in a letter, applying up to 3,000 lbs. per acre to protect the steep sloped embankment after using equipment to scrape the exposed embankment to accept a layer of clean topsoil fill.
- Work with Town of Middlesex Highway Supervisor Todd Conaway to clean ditch of debris to allow storm water runoff to flow from embankment to ditch & keeping it away from the road.
- Silt fence application is required to protect the nearby stream bed to the west of the parcel and protect the roadside ditch to avoid sedimentation and offsite storm water erosion runoff.
- Adding additional fill in order to raise the grade of the driveway at the southwest corner due to ponding in that area and also create a safety berm on west and northern edges of the embankment to aid in dispersing storm water flow to the ditch bordering South Vine Valley Road. All new fill should not migrate further toward the nearby watershed stream or to the roadside ditch.
- Gravel to be added to the extended driveway at project completion.

- All future development plans to include but not limited to the following require application for site plan review through the Office of Code Enforcement: onsite excavating, additions of onsite structures or additions to onsite structures.

Without further discussion, DeVinney entertained a motion to conditionally approve the application as presented, and Mincer offered the motion which was seconded by St. Lawrence. The motion so carried with all Board Members present voting in favor. None opposed.

A project under Advisement from the Code Enforcement Office for Matt Glacey, owner of the Vine Valley Mobile Home Park for a permanent dock will be rescheduled at a later date.

Other Business:

The Town's fee schedule will be upgraded in the near future, and proposed increases were reviewed and discussed.

Without further discussion, a motion to adjourn was offered by Lynn Lersch and seconded by Bob Mincer. Motion so carried with all Board Members in attendance voting in favor. None opposed.

Meeting adjourned at 9:28pm  
Next meeting May 2

Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)  
Minutes approved on May 2, 2018

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

Minutes

Wednesday March 7, 2018- 7 pm

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

Public Present: Daniel C. Hackett RLA, Mike Volpe, Buod Kuenen, Tammy McDonough, Terry McDonough, Josh Fleig, Shawn Ashley, Charlie Peters, Don Sheive

Chairman DeVinney called the Planning Board meeting to order at 7:01 pm.

Draft Minutes from February 14<sup>th</sup> were reviewed by the Board. Board Member Gilbert made the motion to approve as written with Mincer providing a second. Motion carried with all Board Members present voting in favor. None opposed.

Agenda:

Site Plan Reviews:

App. # 011518-SPR/Boudewyn Kuenen of 1513 South Lake Road, requests Site Plan Review to install a residential wastewater system on property at Tax ID #31.01-1-12 (LR)

App. #011718-SPR/Daniel C. Hackett, Architect and representing agent for owner, Michael H. Messina of 344 East Lake Road, requests preliminary review for the installation of an enclosed deck addition and porch roof to a pre-existing single-family residence, Tax ID #001.076-1-1.1, (LR)

Meeting Minutes:

1. App. #011518-SPR/Buodewyn Kuenen:

Dawn Kane, CEO provided the Planning Board with a summary of the application, stating that the representing engineer, Brennan Marks could not attend, yet had responded with comments by email to concerns posed by Board Member St. Lawrence and owner Buod Kuenen was in attendance to answer any questions.

After review of the response comments from Marks Engineering, the Board entered into discussion with applicant and without needing further review, Board Member Gilbert offered a motion which was seconded by Board Member Mincer to approve the application contingent on revisions to be noted on the Final Site Plan and submitted to the Office of Code Enforcement prior to permitting. The motion so carried with all Board Members present voting in favor. None opposed. These revisions are:

- a. Coordinate an onsite pre-construction meeting with the Code Office to include Engineer and all contractors prior to start of construction. Points of discussion are to include: control of site access, erosion control plan and location of silt fencing, destination of any spoil removal offsite if

necessary, any onsite temporary stockpiling of excavated material, leach fill sand and construction materials for the project.

b. Dwg. C100:

- Site Plan must match Detail on Dwg. C503 in regard to force main line size. Owner states that 2" is preferred, pending any design issue.
- Also reconfigure the retaining wall so that skew of south wing wall complies with zoning requirements for a 15 ft. setback to avoid application for an area variance.

c. Dwg. C501:

- Delete Note 6 referencing the temporary diversion swale if not going to be designed. Contractor shall be responsible to control all surface run-off during and after construction.
- Note 2 – Provide design mix for seed that is suitable for slopes and soil type in the project area. Code Enforcement Office has a sample mix. Note that disturbed areas are not considered stabilized until 80% density vegetation coverage has been obtained. Any site work disturbance left dormant for more than (3) days must be stabilized using erosion controls standards required by the Town of Middlesex for the period of October 1<sup>st</sup> - April 1<sup>st</sup>.

d. Dwg. C502, Detail 2:

- Show the horizontal spacing of 4 ft. vertical rebar pins for bottom tiers as none were provided.
- Wall Design drafting needs to show deadmen at every other course vertically, not every third course, as specified in the note at the top to the detail. Provide clarity for the Contractor if that is not the design intent.
- There is a note within the top deadman that states "length to match wall height + 24". The word "minimum", or some other indication, should be added to assure that the Contractor knows that each deadman must extend horizontally into undisturbed soil as shown.

2. App. #011718-SPR/Daniel C. Hackett, agent for owner, Michael H. Messina:

A summary was provided by CEO Dawn Kane explaining some updates that based on town records, the parcel was previously thought to be pre-existing and non-conforming at the last Planning Board meeting on Feb. 14<sup>th</sup>. New information, based on a recently submitted survey, shows that this parcel is a conforming lot. In addition, this allows the proposed addition to the Messina's single-family residence to be in compliance with local code requirements in the Lake Residential Zoning District. The additional square footage of permeable structures for the proposed addition combined with what is pre-existing totals 25.13%, whereas local zoning allows 20% of permeable surface coverage on the lot. The applicant has been granted a variance from this zoning requirement and is now ready for Preliminary Site Plan review by the Planning Board.

Ms. Kane introduced agent Dan Hackett, Landscape Architect for the Messina project to provide the Board with current updates on the application, since the February conceptual review.

Mr. Hackett explained that since the last meeting, calculations for the following were revisited and the following findings were noted:

- a. The Town's Steep Slope Law requires a Steep Slope Permit if square footage of disturbed ground breaks the 500 sq. ft. threshold. The calculated square footage for the new support posts for the new living space is approximately 72 sq. feet.
- b. Calculation of % of slope onsite in the area of disturbance for the three pylons is 36.1% on the south side, 35.33% in the mid area, and 27.6 % on the northernmost side of the project boundaries thereby coming in under the 40% Steep Slope threshold for building.
- c. Erosion management of water run-off from the retaining wall would suggest the installation of a timber cribbing at ground level to be filled with clean stone to contain the downspout and better manage water run-off from the corrugated gutter pipe off the roof.

Mr. Hackett stated that all soil used onsite would be hand carried in and out for minimal disturbance. A silt fence would be installed appropriately and fragrant sumac shrubs would be planted after the ground disturbance was complete.

After entering into discussion, the following revisions were requested by the Planning Board prior to Final Determination:

- a. After field exploration, if the existing retaining wall at the open porch addition is determined to be unsuitable to support the new porch roof post, Final Plans must include documentation as a stamped Section Detail certified by a Structural Engineer providing load calculations for the new supporting footer design. Final documentation of this open issue is to be noted on plans prior to Final Determination by the Planning Board.
- b. Leave existing slate path of onsite shale pavers undisturbed, as removal could allow the possibility of onsite erodible conditions if removed.
- c. Revise architectural drawings to reflect structural design revisions made on site plan.

Other Business:

1. CEO Kane stated that Charles Peters, Application #101217-SPR reviewed by the Planning Board in November for the subdivision of vacant land into 2 lots on Sunflower Drive was advised by the board at that time to reconfigure the subdivision boundaries to allow both parcels to be in compliance with local road frontage requirements in the AR Zoning District. Mr. Peters proceeded to apply for a variance for road frontage on Parcel A which was granted by the Zoning Board of Appeals on February 15, 2018.

Ms. Kane requested the Planning Board to now approve the 2-lot Subdivision request with Parcel A to remain non-conforming at 156.22 ft. of road frontage, and Parcel B, as compliant with well over the 200 ft. of road frontage, required in the AG District, allowing it to proceed to be filed now as a legal subdivision.

Board Member Lersch moved to approve the subdivision as submitted with the variance granted by the ZBA on Feb. 15, 2018. Board Member Mincer provided a second and the motion so carried with all Board Members present voting in favor. None opposed.

2. Residents Tammi and Michael McDonough of 803 Tuscany Lane requested Planning Board time to review a personal residential concern of flooding on their property perceived to be impacted by the installation of a pole barn in the open field south of their parcel. Stormwater run-off from a snow storm event along with the natural slope of the land, exasperated by ground disturbance from the installation of the building construction, was said to have

impacted their property, septic and compromised their well. Mr. McDonough stated he had contacted the NYS DEC, Canandaigua Watershed Project Manager, Mr. Olvany, Canandaigua Watershed Inspector Mr. Barden and Town Supervisor Wayne Dunton requesting relief.

Chairman DeVinney acknowledged their complaint, requesting they contact CEO Dawn Kane in the Code Enforcement Office as this was the appropriate process in enforcing action from resident complaints within the boundaries of the Town of Middlesex. Mr. McDonough stated he had not but would.

Ms. Kane summarized to those in attendance, the Site Plan for this pole barn had been brought to the Planning Board on advisement at the December meeting. Since the application had met all required area lot requirements in the LR Zoning District and was a permitted use, the Planning Board had reviewed the submitted information and approved the application to be permitted as submitted through the Office of Code Enforcement. Ms. Kane summarized the appropriate erosion control management practices planned for this project that were still in process since the installation was not currently complete. She stated she would review the complaint, make a site visit the next day to begin an immediate, fair and just resolve of their concerns.

Without further discussion or concerns, Chairman DeVinney entertained a motion to adjourn the Planning Board meeting. Board Member Lersch offered the motion to adjourn and Gilbert provided a second. Motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 8:15 p.m.

Next Meeting on April 4<sup>th</sup>

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

Minutes approved on May 2, 2018

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

Minutes

Wednesday February 14, 2018- 7 pm

Board Members present: Chair – Martin DeVinney; Board Members: John Gilbert, Lynn Lersch; and Dawn Kane – Code Enforcement Officer

Public Present: Daniel C. Hackett RLA, John Bopp, Ryan & Kristi Mitchell, Ed Bronson, Mike Volpe

Chairman DeVinney called the Planning Board meeting to order at 7:00 pm. It was noted that the regular February 7<sup>th</sup> Planning Board Meeting had been rescheduled for tonight due to bad weather.

Draft Minutes from December 6<sup>th</sup> will be reviewed for possible approval in March when the Planning Board’s full board is present.

Agenda:

Site Plan Reviews:

New Business:

1. App. # 10418-SPR/SED Sun Common with John Bopp as representing agent for owners Michael & Margaret Angelo of 1106 Lincoln Avenue, requests Site Plan Review for the installation of a roof-mounted solar system, Tax ID # 22.02-1-13, (HR)
2. App. # 011518-SPR/Boudewyn Kuenan of 1513 South Lake Road, represented by Marks Engineering requests Site Plan Review to install a residential wastewater system, Tax ID #31.01-1-12 (LR)
3. App. #011718-SPR/Daniel C. Hackett, Architect and representing agent for owner, Michael H. Messina of 344 East Lake Road, requests a conceptual review for the installation of a deck addition with a porch roof, Tax ID #001.076-1-1.1, (LR)

1. App. # 10418-SPR/SED Sun Common with John Bopp as representing agent for owners - Michael & Margaret Angelo requests Site Plan Review for the installation of a residential roof-mounted solar system at 1106 Lincoln Avenue, Tax ID # 22.02-1-13, (HR)

Dawn Kane, CEO provided the Planning Board Members in attendance with a summary of the Sun Common application, stating that the representing agent, John Bopp was in attendance to present and answer any Board questions. The solar application was to be mounted on the barn metal roof and would provide the owner with service to the residence.

John Bopp, representing Sun Common, presented the application, representing the Angelo’s stating the company provided design system load support information from two third party engineering firms with certified reviews submitted with the application. Also provided was a letter of Project Summary details and an aerial map of the property showing site location. The 10.37kW-DC Residential Roof-mounted Solar PV Array would connect to a single Phase Inverter

within the barn which would provide a 200-amp service to the residence without the need to bury cable underground. This project was funded by NYSERDA.

After entering into discussion, and without needing further review, Board Member Gilbert offered a motion to approve the application as presented. Board Member Lersch provided a second. The motion carried with all Board Members present voting in favor of the motion.

2. App.#011518-SPR/ Boudewyn Kuenan, represented by Marks Engineering for the installation of a residential wastewater system at 1513 South Lake Road will be rescheduled at a later date to be announced.

3. App. #011718-SPR/Daniel C. Hackett, Architect and representing agent for owner, Michael H. Messina of 344 East Lake Road, requests a conceptual review for the installation of a deck addition with a porch roof, Tax ID #001.076-1-1.1, (LR)

CEO, Dawn Kane provided a summary of the application stating Dan Hackett, Landscape Architect, would be representing the owners and was requesting a conceptual review by the Board.

The parcel, pre-existing to the adoption of local code and being a non-conforming lot with lot coverage exceeding the maximum of 20,000 sq. ft. allowed in the Lake Residential District, the owner Michael H. Messina was proposing a reduction in the lot coverage from 25.50% to 25.13% with the proposed 3 feet extension to an existing 9 ft. deck with plans to enclose the porch for year-round habitable space. The extension would be cantilevered over a 25-30% steep slope area by adding three 2 x 2 piers consisting of a total of 72 sq. ft. of ground disturbance. All soil disturbed would be carried in and out by hand. Estimated time of beginning construction would be in the spring.

Board Member Gilbert inquired about the restrictive code components of a grandfathered-in structure due to the proposed change of use from a pre-existing outside patio to a proposed enclosed heated habitable space commenting that other than this concern, it was a well-managed site and erosion control plan for the proposed design.

Marty DeVinney advised that the application should go to the Zoning Board of Appeals to request a variance from the non-conforming lot coverage, while the Planning Board would request advisement on the concerns raised from the Planning Board prior to further site plan review and determination.

Ms. Kane stated to Mr. Hackett, she would check with the Town Attorney to advise on an interpretation of the law and would convey back all findings; meanwhile the application's variance request would be heard by the Zoning Board of Appeals tomorrow night.

Projects under Advisement from the Code Enforcement Office:

Ms. Kane requested advisement from the Planning Board on the following projects:

1. Mitchell Cottage, 6335 Glenn Ave., Tax ID# 11.74-1-30, (LR). Ms. Kane provided the Planning Board with a history of the property, stating it had come to the board under advisement last year when the property was purchased by the Mitchell's. The structure on



the pre-existing and non-conforming lot which borders Vine Valley Creek and Vine Valley Rd., had suffered a fire, declared abandoned as a residence, was repaired and used by the Boyce family for storage only. The Mitchell's have since purchased the property with plans to bring the structure back to its' original use as a single-family residence to stay within the structure's footprint and apply for a well, which had been installed, and septic system which was designed by the Canandaigua Watershed. This wastewater Presby System was granted approval by the NYS DOH last December awaiting the go-ahead to install. Construction of two inside walls are planned to create an interior living space for the Mitchell's.

Ms. Kane was requesting advisement from the Planning Board to allow the existing structure to return back to a single-family residence. The Board stated once the approved septic system was installed, they would advise the Code Enforcement Office to allow permitting if all necessary code requirements had been met.

2. The Bronson Family would like to purchase three acres from the western edge of Lot 1 of the existing Button parcel located on North Vine Valley Road. The parcel met all necessary area requirements in the Agricultural Residential Zoning District, having 300 feet of road frontage. With the Planning Board's overview, it was decided this application for a Lot Line Adjustment would be handled through the Office of Code Enforcement without a full Site Plan Review.

Without further discussion or review, Chairman DeVinney entertained a motion to adjourn the meeting. Board Member Lersch so moved, and John Gilbert provided a second. The motion carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 7:45 pm.

Next Meeting on March 7<sup>th</sup>

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

Minutes approved on March 7, 2018

2017

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

Minutes

Wednesday December 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

Public Present: Bryan Bray, Kathy & Vincent Pigula, Bill Grove, Bob Gunderman, Richard Testa

Chairman DeVinney called the Planning Board meeting to order at 7:00 pm.

Draft Minutes from November 1<sup>st</sup> were reviewed. Mincer made a motion to approve the draft minutes as submitted and John Gilbert provided a second. Motion carried with all Board Members present voting in favor of the motion. None were opposed.

Site Plan Reviews:

New Business:

1. App. # 111517-SPR/Vincent Pigula of 198 East Lake Road, represented by agent Bill Grove, P.E. requests Site Plan Review for the replacement of an existing waste water treatment system, Tax ID # 2.46-1-7.1 (LR)

Dawn Kane, CEO provided the Planning Board Members with a summary of the application, stating that the owner, Vincent Pigula was in attendance with Bill Grove from Grove Engineering and Richard Testa, Realty Broker from Hunt Realty as representing agents. Also in attendance was contiguous neighbor, Bob Gunderman. The Pigula's East Lake Rd. residence recently underwent inspections referencing sale of the property to new owners. The inspection revealed that the pre-existing septic system had failed and a new replacement Presby septic system, designed by Grove Engineering has been approved by the Canandaigua Watershed Inspector, George Barden. This replacement makes the property more conforming; however, the pre-existing plastic tanks for the old system appear to be on the neighbor, Mr. Robert Gunderman's property to the north.

Board Member Bruce St. Lawrence inquired if the septic's distribution system could be moved from 10 feet to the property line to better comply with the required 15-foot side setback for the Lake Residential Zoning District and avoid the need to apply for a zoning area variance.

Engineer Bill Grove stated that the requirements for setbacks from septic systems called for 10 feet for new construction. This new Presby 450 gallon system was designed as adequate for the three-bedroom house. He added that the system as designed would not need retaining walls or anything visible above ground.

Neighbor, Mr. Gunderman requested components to the pre-existing system be removed as they were located underground on his property. It was discussed that these septic components had been in place prior to the Pigulas purchasing the property. Bill Grove stated that it was customary

practice to abandon old septic onsite. He stated that the distribution box could be removed easily with adequate permission to cross over property lines to dig it up, however he was concerned about leaving the amount of site disturbance required to dig up the PVC pipes, during the winter months as nothing would grow to stabilize the impact of disturbance if erosion on the steep banks occurred in the coming season's storm events.

Owner Vincent Pigula stated if it was reasonable financially and environmentally he would concede to the request.

Board Member Mincer expressed concern for the amount of ground disturbance necessary for removal of the old system and its environmental impact on the properties steep slopes left unstabilized for the winter months.

Chairman DeVinney, acknowledged Mr. Gunderman's request and concern, then reminded those in attendance that current Zoning provided certain criteria for Board Members to consider in their Site Plan Review. The Board though sympathetic with neighboring concerns could only give consideration to what had been applied for, which was the proposed septic system to be installed on the Pigula's property.

Board Member St. Lawrence requested capping the existing pipe connections at the system's source. The pre-existing tank could be filled but should be left up to the Canandaigua Lake Watershed Inspector George Barden to determine appropriate procedures.

Neighbor Mr. Gunderman stated for the record that he would like to see the pipe that existed on his property be removed.

Chairman DeVinney after concurring with Board Members, acknowledged Mr. Gunderman's request but restated that it was out of the Planning Board's jurisdiction and would have to be settled between property owners as discussed.

Board Member Gilbert moved to approve the application as presented for the proposed replacement Presby System at the Pigula location on East Lake Road. Board Member Mincer provided a second. Motions so carried with all Board Members voting in favor of the motion. None were opposed.

Board Member St. Lawrence noted that permission to use data from the surveyor on the Engineer's site map must be obtained by the application's Engineer as a requirement by NYS. This permission must be relayed by the surveyor through correspondence to the Code Office prior to permitting. This should be noted as a condition on the application's approval just voted on.

Chairman DeVinney entertained a motion to amend the previous vote from approval to approval with conditions as follows to be resolved prior to permitting the proposed action:

- Approval pending NYSDOH approval of proposed septic system design.
- Survey information developed by Larson & Simolo Surveyors was subsequently used by Grove Engineering in preparing the proposed replacement septic system layout. The new site plan must indicate that Larson & Simolo has authorized Grove Engineering to use their survey data, or Larson & Simolo can submit a letter stating this.

- Pipe connections should be capped at the system’s source. Appropriate procedures of the existing tank. would be left for determination by the Canandaigua Watershed Inspector, George Barden

Board Member Gilbert so moved to approve the amended approval and Mincer provided a second. Motion to approve with conditions, carried with all Board Members present voting in favor. None were opposed.

Other Business on Advise ment:

1. CEO Kane stated that Jason DeKouski had submitted to the Code Office, a conceptual site plan for relocating his Boat Storage business currently on South Vine Valley Road, moving it to the parcel of land owned by Terry DeKouski which has a pre-existing red barn and vacant lands bordering State Route #364, known as the “Saw Mill.” Jason’s plans are an allowable use on this parcel which is in the Highway Business Zoning District, with a business entry on Elwell Road which bordered the AG/Residential District. The business known as “The Sawmill” has been abandoned. This site map was distributed to Board Members pending more details to complete the application process.
2. Discussion on development of a primary residence on lakefront property on East Lake Rd. which has a pre-existing small 600 ft. residence/boathouse structure at the shoreline. Current zoning requires one primary residence per parcel. Applicant is currently requesting to keep the boathouse structure and use it for resident overflow.
3. Discussion on the construction of a 64-ft. x 110 ft. pole barn in the Lakeside Residential District located on a pre-existing private road, Tuscany Lane. This structure meets all area requirements and is a permitted use.
4. Discussion on installation of a camping unit to be located on lakefront property on East Lake Rd. in the Lake Residential District. Per current zoning, this is a permitted use and meets all area requirements and does not require Site Plan Review.

Brian Bray representing resident Michael Fitzgerald, requested information from the Board on the Town’s current zoning requirements on rental properties in the Lake Residential District. Chairman DeVinney acknowledged the need to address owner’s, neighbor’s and renter’s rights in the Lake resort zoning districts during seasonal times of the year.

Board Members advised him where he could find the current allowed uses in the Town’s various Zoning Districts.

A Planning Board Work Session was discussed to setting dates for Board Members and the Town Attorney to better address changing community needs, protection of parcel owner’s, neighbors’ and renter’s rights in reference to current zoning requirements during dense peak seasonal resort times of the year in the Town.

Without further discussion, a motion to adjourn was made by Board Member Mincer and seconded by Board Member Gilbert. Motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 8:30 p.m.  
Next meeting January 3, 2018  
Draft Minutes submitted by Lynn Lersch  
Minutes approved on \_\_\_\_\_

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

Minutes

Wednesday November 1, 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

Public Present: Charles Peters, Jim Hilton, James Barbour, Robert Coffey, Tim Lafler,

Chairman DeVinney called the Planning Board meeting to order at 7:08 pm.

Draft Minutes from October 4th were reviewed. Mincer made a motion to approve as submitted and John Gilbert provided a second. Motion carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews:

New Business:

1. App. # 101117-SPR/ Robert Coffey for the Ellen S. Coffey Trust at 1529 South Lake Road requests Preliminary Site Plan Review for the replacement of an existing waste water treatment system and a driveway retaining wall, Tax ID # 31.01-1-10, (LR)

Dawn Kane, CEO provided the Planning Board Members with a summary of the application, stating that the owner, Robert Coffey was in attendance with contractor, Tim Lafler of Lafler Construction to answer Board inquiries. Submitted with the application was the owner's Letter of Intent, a review by the Canandaigua Lake Watershed Commission with conditional approval from George Barden - dated May 20<sup>th</sup>, Wastewater Treatment Design and Detail Drawings C1 and C2, and Landscape Wall Design and Detail Drawings S1, S2, S3.

Mr. Coffey provided the Board with project details and site information. The aerobic system, designed by Bernie Pulver and reviewed by George Barden, was still pending NYSDOH review. A 60-foot retaining wall with varying heights up to 4 feet will also be installed using soldier pile construction to reduce ground disturbance.

Slope grade details of approximately 15-33% near the septic's distribution field was provided by Tim Lafler. The project will utilize the cut and fill onsite. Estimated time to immediately commence project construction after permitting approvals were obtained and completing work as weather allowed before the new year. An existing laneway would provide construction access to the distribution field. Two existing tanks will be removed prior to installation of the new system.

Without further review, Marty DeVinney, Chair entertained a motion to approve the application contingent on the submission of following map revisions to the Code Enforcement Office as listed below:

- a. Silt fence locations must be called out and noted on site map to include the southwest end of laneway towards lake, around distribution field and at the ends of both retaining walls on property.
- b. Clarify the use of excavated material to be deposited along the exposed face of the existing retaining wall adjacent to the abandoned garden area. Do this by adding a section view with related notes to call out any requirements of the engineer in regard to this.
- c. Add a perforated drainage pipe behind the new retaining wall along the driveway and make notation on the site map that medium size stone will be added at discharge points to mitigate erosion.
- d. Use Drwg. S-1 to show the location of the new 60 ft. retaining wall adjacent the driveway and remove this new wall as shown on Drwg. C-1 to eliminate confusion.
- e. Septic design pending NYSDOH review and approval.
- f. Upon completion of construction, the licensed professional responsible for the plans will furnish the Town of Middlesex Code Office with a signed “As-Built” plan and certification of construction compliance in accordance with the approved plans

A motion was offered by John Gilbert and seconded by Robert Mincer. Motion so carried with all Board Members present voting in favor. None opposed.

2. App. #101217-SPR/Charles & Michele Peters of 1205 Upper Hill Rd., requests Preliminary Site Plan Review of a 2-Lot Minor Subdivision of vacant land at 0Sunflower Drive, Tax ID #23.73-1-10, (AG)

CEO Dawn Kane summarized the application for Board review, stating the property owner had owned the property since May of 2016. The vacant land was heavily wooded. Mr. Peters would like to subdivide this property to sell off Parcel B and to retain Parcel A as a buffer. An existing 50 ft. lot owned by the Clark family interrupted the road frontage of both parcels on Sunflower Drive.

After a close review of the Area Lot Requirements specified in Sect. #403, Sect. II of the Zoning Code, it was established that subdividing the parcels as shown on the survey, would make Parcel A noncompliant with the required 200 ft. of road frontage as specified for the Agricultural Zoning District in which it was located.

Board advisement was for applicant to have Years Boundary reposition the boundaries of both Parcels to be in compliance with the required road frontage and resubmit for approval.

Other Business on Advisement:

Dawn Kane, CEO brought to the Planning Board on advisement conceptual details for an addition to an existing residence located on East Lake Road which had been submitted to the Code Office by owner, Mr. David Allen. Ms. Kane noted the project would remain within the residence’s existing footprint, and would not need any excavation or foundation revisions. Ms. Kane inquired if the

building plans could be submitted and reviewed for approval through the Code Enforcement Office rather than come to the Planning Board for review. She noted that she had received a letter from a neighbor stating they had no objections or concerns with the home improvement project for Mr. Allen.

After a short review and discussion, a motion to allow the application to be reviewed and permitted through the Code Enforcement Office without Site Plan Review by the Planning Board was offered by Bruce St. Lawrence and seconded by Robert Mincer. Motion so carried with all members present voting in favor. None opposed.

Yates County Planning Board Referral deadlines were noted to be changing in the near future to allow additional time to process an increase in reviews and to allow more review time on referrals through the Yates County Soil & Water Conservation District.

The Town of Middlesex Fee Schedule would also reflect changes for 2018. Board review for these changes are pending, prior to the Town Board's final review.

Without further discussion, a motion to adjourn was made by John Gilbert and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 8:10 p.m.

Next Meeting will be December 6<sup>th</sup>.

Draft Minutes submitted by L. Lersch/Minutes approved on December 6, 2017



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

Minutes

Wednesday October 4, 2017 - 7 pm

Board Members present: Chair – Martin DeVinney; Board Members: Bruce St. Lawrence, Lynn Lersch, Robert Mincer

Public Present: Peter Gorman, P.E. of Marathon Engineering, Michael H. Messina, Shawn Ritchie, Edward & Barbara Tidd, Robert Olsen, Brennan Marks, P.E. of Marks Engineering

Agenda: Site Plan Reviews:

Old Business:

1. App. # 071217-SPR/ Peter Gorman, P.E. of Marathon Engineering, representing agent for owner Michael Messina of 344 East Lake Road requesting Final Site Plan Review for the demolition of an existing tram and installation of a new tram system to shoreline, Tax ID #001.076-1-1.1 (LR)

Other Business on Advisement:

2. App. # 092117-SPR/Edward & Barbara Tidd of 5135 Loomis Road, requesting a portion (4.064 acres) of Parcel ID # 3.03-1-11 in the Agricultural Zoning District to be subdivided from a parent parcel of 16.26 acres leaving 12. 2 acres to be retained by the Tidd's. Subdivision by Larsen & Simolo surveyors.
3. Brennan Marks, P.E. of Marks Engineering representing owner Robert Olsen of 1485 South Lake Rd., requesting replacement of septic system and upland culvert drainage system to road frontage culvert.

Chairman DeVinney called the Planning Board meeting to order at 7:08 pm.

Draft Minutes from September 6<sup>th</sup> 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. # 071217-SPR/ Peter Gorman, P.E. of Marathon Engineering, representing agent for owner Michael Messina of 344 East Lake Road requesting Final Site Plan Review for the demolition of an existing tram and installation of a new tram system to shoreline, Tax ID #001.076-1-1.1 (LR)

Board Member Lersch summarized the application request, stating the application had been reviewed in September by both the Town Planning Board and by Stantec, Town Engineers with responses from Marathon. Peter Gorman, engineer from Marathon Engineers and agent for the Messina's was in attendance to answer any questions from the Board. Final review from Stantec had not been received to-date.

Board discussion followed a concise review of responses from Marathon Engineers to Town Planning Board and Stantec's comments from September, coming to final determination of approval contingent on the following conditions prior to permitting:

- a. County Planning Board review on October 26<sup>th</sup>.
- b. Final review by Stantec to response comments by Marathon Engineers

Without further discussion, Board Member St. Lawrence motioned to approve the application referencing the above contingencies. Board Member Mincer provided a second. Motion so carried with all Board Members present voting in favor.

Other Business on Advisement:

2. App. #092117-SPR/Edward & Barbara Tidd of 5135 Loomis Road, requesting approval of a subdivision of a portion (4.064 acres) of Parcel ID # 3.03-1-11 in the Agricultural Zoning District to be subdivided from a parent parcel of 16.26 acres leaving 12.2 acres to be retained by the Tidd's

Board Member Lersch summarized the subdivision requirements for the Agricultural District and invited the Tidd's who were in attendance to comment on any possible Board inquiries.

After a brief discussion the Planning Board determined the Subdivision of a portion (being 4.064 acres) from the parent parcel, (approximately 16.26 acres), leaving 12.2 acres to be retained by the Tidd's, complied with all area lot requirements for the district in which it was in, and approved it as presented by a survey provided by Larsen & Simolo Surveyors.

A motion to approve as submitted was offered by Board Member Mincer and seconded by Board Member St. Lawrence. Motion so carried with all Board Members present voted in favor.

3. Brennan Marks, P.E. of Marks Engineering representing owner Robert Olsen of 1485 South Lake Rd., requesting replacement of a septic system and upland culvert drainage system to road frontage culvert.

Board Member Lersch reminded the Board that Mr. Olsen had brought a conceptual sketch and estimate from Mark Parotta excavators to the Planning Board for review last month. The Board at that time had advised Mr. Olsen to seek engineering review of the project to document all necessary components of the project and bring this back for a more thorough review. Engineer, Brennan Marks of Marks Engineering, representing agent for land owner Mr. Olsen are both in attendance to answer Board inquiries. It was noted that Mr. Marks had relayed to the Code Office a pdf of the engineered plans past the normal deadline, and hard copies of the engineered design for a replacement septic as well as the existing clogged culvert were being offered for Board review tonight at the Board's discretion or the project could be placed on the November agenda. The Board chose to review the project after careful review of the submitted Drawings.

Mr. Marks stated in presenting the plans, that an existing DEC SPDES permit had been removed for the existing culvert's discharge to the lake due to the project plans. Approval through the Canandaigua Watershed was still pending after a conceptual onsite review by George Barden.

The old failing septic system, built in 1984, was to be replaced by a new Presby Advanced Enviro-septic system by Gould. Deep hole and perc test data were gathered, showing existing installed sand filter system, providing a well-drained soil. The slope varied from 2:1 to 1:1. Cross-section Details on Drawing C501 showed how this design used the old sand as base material with new Ontario County Leach Sand added and a #1 stone bedding surrounding each of the pipes. A new 1 ft. wide curtain drain system of stone or alternate option of plastic material would surround the septic system shown on Drawing C100 and detailed on C504 and water would then flow into a proposed 30 in. diameter culvert, replacing the existing culvert with a precast catch basin at the bend where it then crosses the driveway to flow towards an existing 24 in. culvert under the road.

After a brief discussion and careful review, the Planning Board determined the project approved contingent on the following to be resolved prior to permitting by the Code Office:

- a. Coordinate an onsite pre-construction meeting with the Code Office to include Engineer and all contractors prior to start of construction. Points of discussion are to include: control of site access, erosion control plan and location of silt fencing, spoil removal and disposal destination (if required), any onsite temporary

stockpiling of both excavated material and construction materials, and sequencing of benching and curtain drain installation.

- b. Open drainage ditch between discharge of new culvert and entry into existing road cross culvert is to be shaped and rip rap lined.
- c. Approval from the Canandaigua Watershed Inspector, George Barden, of replacement septic system.
- d. Any site disturbance left dormant for more than (3) days must be stabilized using erosion controls standards required by the Town of Middlesex for the period of October 1st through April 1st.
- e. All of the above contingencies must be so noted on the final site plan and resubmitted.

A motion to approve with contingencies was offered by Board Member St. Lawrence and seconded by Chairman DeVinney. The motion so carried with all Board Members present voting in favor.

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 8:45p.m.

Next meeting is on November 1st

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

Minutes approved on November 1, 2015

**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 4<sup>th</sup>

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

Minutes approved on October 4, 2017



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

Minutes

Wednesday August 2, 2017 - 7 pm

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

Others Present: Bill Grove, Peter Gorman, Burnell Rieff, Rocco & Pat Venezia, Jon Bagley, Ryan Mitchell, Alice and Michael Messina, Shawn Ritchie, Brian Mosch, Andy and Debbie Coots

Agenda: Site Plan Reviews:

New Business:

1. App # 071217-SPR /Marathon Engineering for owner Michael Messina, requests Preliminary Site Plan Review for demolition and new tram installation to shoreline at 344 East Lake Rd., Tax ID #001.076-1-1.1 (LR)
2. App. # 071617-SPR/William Grove, P.E., representing owner Andrew Coots request Preliminary Site Plan Review for new construction of a single-family residence on vacant lot, new driveway and septic, at 581 East Lake Road, Tax ID # 11.02-1-1.112 (LDR)
3. App. # 071717-SPR/Jay Ladue LLC, representing Jon Bagley requests Site Plan Review for a 3-Lot Minor Subdivision and Site Plan Review at 1233 Kaltenback Rd., Tax Map ID #22.03-1-10.1 (LDR & AG)
4. App. # 072117-SPR/Qwiksolar LLC, representing Peter Gerbic requests Site Plan Review to install a ground-mounted residential solar system on property at 5945 Wolfanger Rd., Tax ID # 32.03-1-24 (LDR & AG)

Old Business:

5. App. # 040117-SPR/Lersch/Minor Subdivision and Site Plan Review for new construction of a single-family residence, driveway and septic to be located on property at 867 S. Lake Rd., Tax Map ID #21.02-1-1 (LR)

Other Business on Advisement:

6. Ben Campbell, represented by Edward Campbell, for construction of a 900-ft. driveway to access a proposed Storage Pole Barn at 3055 Hagerty Rd., Tax ID # 23.03-1-10.
7. Mark Lindner, represented by Burnell Rieff, for construction of deck and steps at 1315 S. Lake Rd., Tax id # 21.79-1-3 (LR)

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

Draft Minutes from July 5<sup>th</sup> 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.

#### New Business:

Code Enforcement Officer Dawn Kane summarized the first application for the Planning Board Members in attendance. The application for Mr. and Mrs. Messina for the demolition of an existing tram system and the installation of a new one to the shoreline at 344 East Lake Road, in the LR Zoning District. Town Engineer, Stantec will be reviewing the application for site erosion control and will be scheduling a site visit to the tram installation site next week to inspect culvert discharge in a waterway to the shoreline. A geo-technical report by Foundation Design, P.C. was submitted as part of the application, showing no significant impact to the overall slope formation.

After a preliminary review, the Planning Board recommended the following items be addressed prior to final determination:

- Sediment Control Log might be undersized & overwhelmed with disturbed material during substantial rain events.
- Compliance with the UDML (Canandaigua Uniform Docks and Mooring Law), requires square footage of all structures beyond the HMWM to be calculated to part of the 1040 square footage allowance. Note that part of the new 65 sf wood walkway should be added to what is existing.
- Protect all trees 6" diameter or over outside of the existing construction area.
- Referenced 4" PVC Pipe at 776.82 contour should be identified prior to start of construction. Its underground location should be staked to avoid damage during support leg installation.
- Referencing 30-year storm culvert at shoreline, tram pipe stations should be carefully adjusted so as not to impact the drainage flow or build-up of storm debris.
- All setbacks are required to be shown on the site map. Compliance with a 60-ft. front setback from the road centerline will need a variance to be applied for.
- Demolished material should be carefully contained to avoid DEC violations because of lake contamination.
- Clear up Tram Installation notation as "1A" to reflect hand-driven pilings, not installation with a "324 mini-excavator" as listed as "1A" of the Tram Installation notes.
- Provide more notation of the demolition process as most site disruption occurs during construction.
- Remove notation #10/Erosion Control Notes if there are no fill areas.
- Revise notation # 2/Geotechnical Report to be spot checked every two days and coordinate schedule with the Code Enforcement Office to coordinate possible inspections.

Ms. Kane, CEO summarized the next application for Preliminary Review of new construction of a single-family residence, driveway and septic at 581 East Lake Road. Owners, Andrew and Debbie Coots are represented by Bill Grove of Grove Engineering. Ms. Kane gave a history of the parcel, which had been purchased and sold by Finger Lakes Land Trust. The parcel had received an area variance as it lacked the five-acre lot area requirement in LDR Zoning District.

Bill Grove, P.E. stated the pre-existing house and shed on the lot had been demolished and the owners proposed building a 3-bedroom, two story single family residence with a detached 3 car garage. The

driveway would slope up at an 18% grade for most of its' access to the garage, with the aerobic raised bed septic system was positioned in front of the house and by the road.

After some discussion and various recommendations for revisions to the site, the Planning Board recommended the following options in their review the following revisions:

- Revise location of structural components on the site plan to get the driveway slope in compliance with Town Law by reducing the driveway grade and improving its line of sight for safety concerns.
- Application for a variance either to the law for required driveway slope or to the lots required front setbacks to the road.

Next on the agenda, was Jon Bagley of Jay Ladue LLC, requesting Site Plan Review for a 3-Lot Minor Subdivision and Site Plan Review at 1233 Kaltenback Rd. in the LDR & AG Zoning Districts.

CEO Kane summarized the application stating it met all frontage and lot size zoning requirements and was currently listed for sale separately as three parcels.

After Board discussion, a motion to approve the subdivision by resolution was made by Board Member St. Lawrence and seconded by Board Member Mincer. Motion so carried with all Board Members present voting in favor.

Fourth on the agenda was application by Qwiksolar LLC representing owner Peter Gerbic to install a ground-mounted residential solar system at 5945 Wolfanger Rd., in the LDR & AG Zoning Districts. CEO Kane summarized the application, stating that the owner of Qwiksolar of Geneva NY, Brian Mosch was in attendance and would present to the Board further details on the application.

Mr. Mosch stated that 60 ground-mounted arrays, 30 ft. long -2 ft. high would be installed and would provide 16.8 KW which would produce 17,000 KW hrs. per year for Mr. Gerbic's residence. Qwiksolar provided the landowner with a 5-year warranty return prior to the landowner being responsible for sole ownership and maintenance on the system. The arrays would not produce glare on #245 and Mr. Gerbic owned the surrounding property.

Without further discussion, the Board moved to approve the application as submitted, with Mincer making such motion and St. Lawrence providing a second. Motion so carried with all Board Members present voting in favor.

#### Old Business:

Application for a Minor 2-lot Subdivision and Final Determination for Site Plan Review by Venezia & Associates, representing agent for owners, Richard and Lynn Lersch for new construction of a single-family residence, driveway and septic to be located on vacant land shown as Parcel #2 of the Subdivision Map, at 867 South Lake Rd., in the LR Zoning District.

CEO Kane summarized the 2-lot subdivision as meeting all area requirements for LR Zoning District, dividing some 49.5 ± acres with an existing homestead and three-story barn into two parcels, keeping approximately 3 acres to build on.

Without further discussion, Board Member St. Lawrence made a motion by resolution to approve the subdivision as submitted with Board Member Mincer offering a second. Motion so carried with all Board Members present voting in favor.

Final Review for the Lersch Site Plan Application, was represented by Rocco Venezia of Venezia and Associates stating the conventional septic design by Grove Engineering had been reviewed by George Barden and was pending approvals through the NYSDOH. Mr. Venezia pointed out the revised plan for the driveway and drainage, keeping the % of slope to 15% and under. House and garage footprint would be repositioned within the setback and area of ground disturbance.

After some discussion, the Board moved to give the Site Plan Final Determination approval with the following revisions to be made prior to permitting:

- Yates County Planning Board review.
- Modification of house, and garage footprint as specified by applicant.
- Per applicant request, remove level turn parking pad at roadside, decreasing culvert length. Move parking pad to be located behind 28 x 32 ft. detached garage as part of required turnaround and parking area.
- Increase all onsite driveway culverts from 12-inch to 15-inch to reduce risk of clogging during storm events.
- Show front and rear setback measurements.
- Remove all grading notes pertaining to site specifications not applicable to the Town of Middlesex.
- Calculate ground disturbance for possible SWPPP application.
- Septic design by Grove Engineering pending NYSDOH and Watershed Inspector approval.

Board Member Mincer motioned to give Final Determination approval to the application, with Board Member St. Lawrence providing a second. Marty DeVinney voted in favor, Board Member Lersch recused herself from voting, and Board Member Gilbert was absent. The motion so carried as presented.

Other Business on Advisement from the Code Enforcement Office:

Mark Lindner, represented by Burnell Rieff, for construction of deck and steps at 1315 S. Lake Rd., Tax id # 21.79-1-3 (LR)

CEO Kane summarized to the Board her request for advisement for an application for owner Mark Lindner of 1315 South Lake Road, wanting to construct a substantial stair system and deck. Because the property was in the LR District, she wanted the Board to review the project to verify Code Enforcement Office review during permitting and installation without Site Plan Review and approval by the Planning Board.

After board review, the Board unanimously motioned to approve the project to be reviewed through the Office of Code Enforcement during the permitting process to project completion.

The Ryan's, having recently purchased the brick structure with a two-car garage, located at the corner of Glenn Avenue and County Rd. #10, would like to revert the structure, previously used for storage into a single-family residence. George Barden and Cheryl Robbins of NYSDOH have been working with the owners to recently locate a well onsite, and septic which are pending approval. The pre-existing structure had withstood a fire back in the 90's and after had been converted to storage. CEO Kane inquired of the Planning Board for their recommendation in allowing this structure, after pending approvals by the NYS Department of Health, to revert to a single-family residence if the footprint of the structure did not change. After some discussion, the Planning Board recommended filing of a stamped site map to be prepared by a NYS certified engineer showing the location and design of the proposed septic system, and the sited well location in reference to the structure's footprint to be filed with the Office of Code Enforcement for future reference.

Also on advisement was an application for owner Ben Campbell, represented by Edward Campbell, for construction of a 900-ft. driveway to access a proposed Storage Pole Barn at 3055 Hagerty Rd. Ms. Kane summarized for the Board Members that the proposed driveway was to be 20 feet wide with a 10-inch base. Electric was proposed to be brought in from the road and the proposed use was for a hunting cabin. After some discussion, Board recommendations included plans for fire and emergency vehicle access turnarounds, with two pull-offs, and a survey map with structures sited to be filed in the Code Office prior to permitting.

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

Meeting adjourned at 9:02pm

Next Meeting: September 6<sup>th</sup>

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

Minutes approved on September 6, 2017

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

Minutes

Wednesday July 5, 2017 - 7 pm

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

Others Present: Jan Daum, Chet Feldman of Distributed Sun; Case Smeenk, Phil Greene of Worden Hill Marine., Randy Cooley of FL Hardscapes, Inc.

Agenda: Site Plan Reviews:

1. App # 061617-SPR /Worden Hill Marine/Dan & Joann O'Brien request Site Plan Review for shoreline improvements at 1163 South Lake Road (UDML), Tax ID #21.56-1-10 (LR)
2. App. # 061817-SPR/FL Hardscapes Inc./Bill & Jan Scott request Site Plan Review for the installation of multiple stone retaining walls and patio stone to replace existing structures at 845 So. Lake Rd., Tax ID # 11.83-1-31.1, (LR)
3. App. # 040117-SPR/Lersch/Minor Subdivision and Site Plan Review for new construction of a single-family residence, driveway and septic to be located on property at 867 S. Lake Rd., Tax Map ID #21.02-1-1 (LR)

On advisement:

App.# 010217-SPR/J. Daum, represented by DSUN/SUN8 PDC LLC - Community Solar PV Installation at 4450 Town Line Rd.- Lot Line Reconfiguration, Tax ID # 3.01-1-4 (AG/Res)

Chair DeVinney opened the meeting at 7:00 pm

Draft Minutes from June 7 were approved with a slight revision. Board Member St. Lawrence provided the motion which was seconded by Board Member Mincer. Motion so carried with all Board Members present voting in favor.

1. App # 061617-SPR /Worden Hill Marine/Dan & Joann O'Brien request Site Plan Review for shoreline improvements at 1163 South Lake Road (UDML), Tax ID #21.56-1-10 (LR)

Code Enforcement Officer Kane summarized the application for the Planning Board in attendance stating the property was a pre-existing and non-conforming 50 ft. parcel. The O'Brien's would like to remove the existing dock and set a new dock and boat hoist on 52.2 linear feet of shoreline. Representing agent Phil Greene was here to present the application to the board.

Mr. Greene of Worden Hill Marine stated the maps in front of the Planning Board had been revised to bring a small corner of the dock design back into compliance that would have needed a variance. The existing break wall intersects in this small corner and goes under the existing dock at the HMWL.

Without further discussion, Chairman DeVinney entertained a motion to approve the application as presented. Board Member Mincer made the motion which was seconded by Board Member St. Lawrence. The motion so carried with all board members present voting in favor.

2. App. # 061817-SPR/FL Hardscapes Inc./Bill & Jan Scott request Site Plan Review for the installation of multiple stone retaining walls and hardscape patio design to replace what is existing at 845 So. Lake Rd., Tax ID # 11.83-1-31.1, (LR)

Ms. Kane, CEO provided the Board Members with the following summary of the application. The existing wall system at the property was deteriorating and to replace the maximum height of the varying dimensions of the wall structures, this application required NYS certified engineered stamped plans which were provided by Scott Miller, P.E. Contractor, Randy Cooley of FL Hardscapes will present the application and is available to answer any board questions.

Mr. Cooley stated the existing retaining walls were of 6 x 6 timber and the wood patio as well would be replaced by hardscape stone. The existing walls were of varying heights starting from 1.5 ft. up to 7 ft. tall. The walls were Versa – Lok Mosaic Block reinforced walls and due to the existing slope, part of the wall system would be buried. One of the walls would secure a hot tub which would be moved to the east and current landscaping of 3-4 bushes would remain around the tub for safety purposes.

Board discussion centered around deviation from the engineer's plan to provide an additional grid of blocks and other small site plan revisions.

After some discussion, the Board Members determined that the application was approved with the following conditions prior to permitting:

- Site Map showing all onsite existing and proposed work, indicating height, length and width of proposed walls and possible changes to plan as discussed; all measured distances from existing onsite structures; degree of slope within proposed work site; indication of total sq. ft. of ground disturbance.
- Since only a single wall section detail is being provided, it needs to be revised to show spacing and depth requirements for the geo grid that includes the maximum exposed face height of the new retaining wall that will be built. The detail needs a scale reference. This revision needs approval from the licensed engineer who is stamping the plan. This can occur via a new stamped detail drawing, or a letter / email from this engineer that

clearly defines the construction requirements for this height of wall, and includes his signature. Send this revised information directly to the Code Enforcement Office.

- Addition of stone at perforated pipe where it discharges towards the driveway.
3. App. # 040117-SPR/Lersch/Minor Subdivision and Site Plan Review for new construction of a single-family residence, driveway and septic to be located on property at 867 S. Lake Rd., Tax Map ID #21.02-1-1 (LR)

This application was withdrawn from the agenda and was rescheduled for the August 2 meeting pending map revision submittal and septic design perk testing.

Code Enforcement Officer Ms. Kane stated that Distributed Sun/Division of SUN 8 PDC LLC would like to address the Planning Board to request a proposed Lot Line Reconfiguration in order to locate the installation of additional solar array panels due to soils analysis data. Representing agent, Chet Feldman was in attendance to present his request and answer any questions.

Mr. Feldman stated that they had received geotechnical reporting back in June that indicated the soils analysis throughout the project. The onsite contractor had recently noticed some installation difficulties in the southernmost point of the project on Parcel B was problematic for installation due to silty unstable soils. They would like to obtain a lot line reconfiguration to reduce Parcel B and enlarge Parcel A to be able to install 30 more array panels in the southern portion of Parcel A. They would also apply for a variance as this would create structures within the rear lot setback of Parcel A. They would be relocating the lot line 170 feet total and 22 feet to the east and 54 feet to the west.

Board discussion noted additional changes would require a new application and not a lot line adjustment as requested by the applicant. Process also dictated a possible need for another Public Hearing, possible changes to the submitted SWPPP, Pilot Program, additional site work involving tree cutting, reconfiguration of access road, and area variances to be scheduled through the Zoning Board of Appeals. If the original Minor Subdivision approved in June was filed with the county, a lot line adjustment would not be available for application.

Without further discussion, the Board provided the applicant with the following advisement:

- Call the Yates County Clerk's office to inquire filing of the original Minor Subdivision previously approved in June by the Middlesex Planning Board.
- Scheduling of deadlines for Town and County review after required documentation discussed



Without further discussion, Chair DeVinney entertained a motion to adjourn. Board Member St. Lawrence offered the motion with Board Member Mincer providing a second. The motion so carried with all Board Members present voting in favor.

The meeting adjourned at 8:32 p.m.

Next Planning Board meeting is on August 2<sup>nd</sup>.

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

Minutes approved on August 2, 2017

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

Wednesday May 3, 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: Josh Rossi, Jan Daum, Cliff Scher of Distributed Sun; Marc Maser of Maser Engineering; Donald Sheive

Agenda:

1. Application #010217-SPR/J. Daum, represented by DSUN/SUN8 PDC LLC for Preliminary Site Plan and Minor Subdivision Review for a proposed Solar PV Installation at 4450 Townline Rd. (AG)

Chair DeVinney opened the meeting at 7:08pm

Draft Minutes from April 5<sup>th</sup> were approved with a slight revision. Draft Minutes from April 11<sup>th</sup> were approved as submitted. Board Member Mincer provided the motion which was seconded by Board Member Gilbert. Motion so carried with all Board Members voting in favor.

Chairman DeVinney stated Yates County had submitted their April 27<sup>th</sup> reviews from the Planning Board and the Soil & Water Conservation District. The County Planning Board had recommended approval for Site Plan and Subdivision Review. The Soil and Water Conservation District had reviewed the submitted application and had made recommendations on April 20<sup>th</sup>, based on the submitted Site Plan Drawings and SWPPP document. Maser Engineering had provided revisions on 4/21/17 to the SWPPP and to the submitted Erosion and Sediment Control Plan Referencing Sheet C-03 for tonight's review.

Chairman DeVinney reviewed the submitted Minor Subdivision of 2 lots from Tax Parcel # 3.01-1-4 owned by Jeanette L. Daum, and read the Action Resolution for Final Subdivision Plat referencing the Type I SEQRA FEAF that was given a Negative Declaration without significant environmental impact, recommending approval without conditions at a Special Meeting on April 11, 2017.

Without further discussion, the Planning Board moved to approve by resolution, the subdivision as submitted. Board Member Mincer made the motion to approve and Board Member St. Lawrence provided a second. The motion so carried with all Board Members present voting in favor.

It was stated that the ZBA Public Hearing for May 4<sup>th</sup> had been rescheduled for a later date of Thursday, May 18<sup>th</sup> at 7pm. The Public Hearing would include an Area Variance and Special Use Permit. The Planning Board would provide the Zoning Board of Appeals a recommendation for the Special Use Permit as specified in the local zoning code.

After careful review of all revised SWPPP and Site Plans, the Planning Board made the following comments:

1. Silt fence revisions to be made on the site plan as recommended by Yates County Soil & Water and New York State.
2. Stockpiling of stump removal to be deposited on the parcel's perimeter boundary lines would not be acceptable. Stumps may be hauled offsite, or ground down below grade and the stump could be chipped above grade. Burning is not allowed. Straw rather than chipping from tree and stump removal is the desired mulch for establishing grass cover as referenced by NYS Standard and Specification for Mulching.
3. Contractor must provide the Code Office with a Construction Execution Plan stating the onsite sequence of events to manage erosion and storm water control, provide a description of the process used for tree removal, regrade of land and the re-seeding plan for all disturbed ground. Also, to include under Section VII of the SWPP: the construction entrance, driveway construction and the installation of the u/g electrical.
4. A pre-construction onsite meeting between the project's contractor and the Code Enforcement Officer is required prior to commencement of project construction.
5. A completed copy of the revised SWPPP with all comments, required signatures and notice of intent must be on file with the application in the Code Enforcement and Planning Offices.
6. Weekly inspection reports from a NYS Erosion Control Inspector must be copied to the Office of Code Enforcement throughout the project's implementation.
7. Clarify the type of equipment used and the plan for installation of an underground electrical trench. Drwg. C-02, Site Plan Note 2 states that the electrical trench will be 2 ft. wide x 2ft. deep. This will create a substantial disturbance.
8. Clarification in SWPPP and to be noted on submitted plan that "impervious" maintenance road is not intended to be "boxed out" and will be installed above grade with a #2 stone. It is designed to let surface run-off pass through and not be a barrier to surface run-off in the area.
9. Clear indication of what the terminology for "bankruptcy remote" means for the protection of the landowner and for the Town of Middlesex as it pertains to the contracted lease term agreement between landowner and Distributed Sun.
10. Section II a) in the SWPP needs to be reworded to delete mention of a future gravel driveway. Only one driveway per the plans will be installed.

Resident Josh Rossi commented on the proposed project, located on contiguous parcel to his and requested tax information on land value. The Board referred him to Pat Grimaldi, the Town's Assessor for appropriate information.

It was noted that the Planning Board would submit a recommendation to the Zoning Board of Appeals Public Hearing for Area Variance and Special Use Permit which would be scheduled sometime mid-May

Without further discussion, Chairman DeVinney entertained a motion to approve the Preliminary Plat Application for Site Plan Review as submitted with revisions as noted. Board Member Lersch offered the motion and Board Member St. Lawrence provided a second. The motion so carried with all Board Members present voting in favor. Final Determination to be scheduled for June 7<sup>th</sup>.

Board Member Lersch entertained a motion to renew Martin DeVinney's term at the next Town Board Meeting for another 5-year term. Board Member Gilbert provided a second. The motion carried with all members present voting in favor.

Code Enforcement Officer Kane requested advisement from the Planning Board on a project on South Lake Road with structural 7-8 ft. walls that were being constructed out of a unit block wall system. After a brief discussion, it was decided to bring the project to Site Plan Review as the walls would need an engineer's stamp and plans.

Without further discussion, a motion to adjourn the Planning Board meeting was offered by Board Member Gilbert and seconded by Board Member St. Lawrence. The motion so carried with all Board Members present voting in favor.

Meeting adjourned at 9:02 pm

Next meeting on June 7, 2017

Draft Minutes submitted by L. Lersch / Minutes approved on June 7, 2017

**TOWN OF MIDDLESEX**  
**PLANNING BOARD SPECIAL MEETING – FIRE HALL**  
Minutes

Wednesday April 11, 2017 - 7 pm

Board Members present: Chair – Martin DeVinney; Board Members: Lynn Lersch, Robert Mincer; John Gilbert

Others Present: Jan Daum, Bharath Srinivasan of Distributed Sun; Marc Maser of Maser Engineering

Agenda:

1. Application #010217-SPR/J. Daum, represented by DSUN/SUN8 PDC LLC for SEQR FEAF Review for a proposed Solar PV Installation at 4450 Townline Rd. (AG)

Chair DeVinney called the meeting to order at 7:10 p.m.

DeVinney stated the Planning Board being Lead Agency for this application would be reviewing the SEQR FEAF that was submitted with the application. Part I, completed and signed by the applicant was submitted for each of the parcel tracks, Daum Track 1 and 2 for review. The applicant was in attendance to answer all questions. Part 2 and 3 of the FEAF SEQR document would be completed tonight by the Planning Board only once for both Track 1 and Track 2 as the sites were contiguous and similar environmentally as it pertained to the SEQR review.

The Full Environmental Assessment Form (FEAF) Part I – Project and Setting submitted by the applicant was reviewed and accepted as revised.

The board completed Part 2 of the FEAF – Identification of Potential Project Impacts, and after entering discussion completed Part 3 of the FEAF – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance. The Board determined the application to be Type 1 SEQR Status and after considering each identified potential impact, concluded as Lead Agency to issue a negative declaration for the project, without significant adverse impact on the environment and therefore, an environmental impact statement need not be prepared.

Without further discussion, a motion to support the determination was given by Board Member Lersch and seconded by Board Member Gilbert.

Roll call vote:

Chairman Marty DeVinney:	aye
Board Members:	
Lynn Lersch	aye
Robert Mincer	aye
John Gilbert	aye
Bruce St. Lawrence	absent

Chairman DeVinney entertained a motion to adjourn. Board Member Lersch made the motion and Board Member Mincer provided a second.

Next meeting: May 3<sup>rd</sup>

Meeting adjourned at 8:15pm

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

Minutes approved on May 3, 2017

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

Minutes

Wednesday April 5, 2017 - 7 pm

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

Others Present: Don Marks, Jan Daum, Bharath Srinivasan of Distributed Sun; Marc Maser of Maser Engineering; Donald Sheive

Agenda:

1. Application #010217-SPR/J. Daum, represented by DSUN/SUN8 PDC LLC for Preliminary Site Plan Review for a proposed Solar PV Installation at 4450 Townline Rd. (AG)

Chair DeVinney opened the meeting at 7:02pm with a flag salute.

Board Members reviewed February 1<sup>st</sup> Draft Minutes and entertained a motion to approve as written. Board Member Lersch motioned to approve as written and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

1. Dawn Kane, Code Enforcement Officer, provided a summary of the application to Board Members, stating this was a Preliminary Review for a proposed installation of a Community Solar PV array system by DSUN, a division of SUN 8 to be located at 4450 Town Line Road in the AG District. Parcel Owner - Jan Daum, and Distributed Sun, LLC personnel Bharath Srinivasan as Senior Vice President; along with Marc Maser of Maser Engineering were in attendance to answer Board inquiries.

The Planning Board had met with DSUN/SUN 8 PDC LLC for a conceptual review in January and a Preliminary Review in February. The Planning Board had diligently gathered data research on commercial solar installations through contact with outside. Other municipalities, having successfully completed their project installations, provided information from which the board had compiled a handful of questions for those in attendance from DSUN/SUN8 PDC LLC. The Board's comments and questions follow with Mr. Bharath Srinivasan's answers:

1. Geo-Technical Soil Report will be required from borings taken onsite.

Distributed Sun will be using a screw- in piling, designed by a company in Canada, for use on all arrays on this 19-acre project. The pilings will be embedded 6-8 feet down and since they go through any composition, they will not need to do onsite soil borings.

2. How many arrays will be located on the proposed 19-acre installation?

On the location's 12-15% sloped parcel, there will be 3,000 arrays consisting of 35-40 panels.

3. Due to the installations' proximity to Rte.#245/Bagley Road corridor, what amount of natural buffer screen is planned in this location? Would it be feasible to reduce the number of arrays to allow more of a buffer?

Five feet of tree buffer will remain uncut on the eastern boundary of the property parallel to Rte. #245. It would not be economically feasible to reduce the number of arrays the capacity dictated as necessary from NYSEG.

4. What would be the saturation point of solar installations in this area of solar installations?

This would be a decision to be made by NYSEG as it depends on how much power will need to flow back to the grid. We currently are considering one more however, there has been nothing contracted with us yet.

5. Visual mock-ups may be required by any of the reviewing boards to provide visual impact studies. Referencing the protection of scenic vistas in our Master Plan, the Bagley Road Corridor spans approximately 2.5 miles from which this installation will be seen. What will this look like from a distance?

Mr. Srinivasan showed the Board multiple photographs of a bigger installation near Aurora NY which portrayed a similar slope of land and scenic vista from a distance for a visual comparison.

6. Whom will be benefiting from this solar PV installation? How large is the zone?

Anyone within a two-hour distance from the substations would be allowed to contract with Distributed Sun to receive the benefits of reducing their electric bill through NYSEG. The NYISO divides New York State into zones. Buffalo - Zone A, Rochester - Zone B, the Middlesex area - Zone C, Adirondacks - Zone D and Oneida and Cayuga County - Zone E.

This PV Solar installation unit, when completed could provide 850 households with the benefit of a guaranteed fixed 10% savings off their current electric bill, depending on the individual contracted length of term of lease up to 35 years. If farm exempt, it could reflect a deeper discount.

7. In a power outage from either a transient or permanent default, how soon would resolve be initiated? Who is responsible for local maintenance?

In a transient default to include a brown-out, resolve would be initiated within 10 cycles each amounting to 1/6 of a second. In a permanent default, resolve would be complete 5 minutes after the situation is deemed as stable. The system has a manual onsite shut-off as well as a recloser which provides remote control. Ongoing maintenance is provided by Schuler Haas of Rochester, an electric company which partners with our installations and addresses nearby maintenance service both inside and outside of the gate in the event of a power outage.

8. Final inspections with the Code Enforcement Office will be required for commissioning. Referencing the decommissioning cost and agreement with the property owner, who is responsible at the end of the term lease?

At the end of the 35-yr. lease, the property owner has the following options:

- a. Renew the lease and repower the system.
- b. Buy the system with certain deduction in devaluation costs with 85% of the system generation still available.
- c. We would remove the system within a 3-week span.

9. What protections are in place for decommissioning costs in the event of insolvency or failure, either business or material?

A Decommissioning Bond provides little protection at the end of the lease, since it is only as good as the quality of payments made. If bankruptcy occurs these payments would stop and the Bond would be worthless. Distributed Sun functions with a 'Board of Trustees' who in the event of insolvency would be responsible for providing access to this escrow amount for the act of decommissioning. This amount would be reviewed periodically and adjusted to reflect project devaluation over time. This procedure is legally identified as "bankruptcy remote," and protects the project and the landowner.

10. Who is responsible for Property Taxes based on the new assessment of the improved parcel? Landowner or Solar Company? Or both? What if the landowner sells the property during the term of lease?

The parcel's taxes would be assessed to the landowner, reflecting the same amount as if the parcel remained vacant land. Distributed Sun would pick-up the difference between the new assessment and the old assessment of the proposed site with new Tax ID's to reflect requirements by the Public Service Commission. The legal landowner would transfer all ownership and assessment to the new owner who would then be legally responsible to pay the parcel's taxes in the same way. Distributed Sun initiates a Pilot Program involving certain tax entities - the Town, School and County which reflects the integrated tax amounts paid over 15 years that the Solar Company is responsible for within that municipality.

11. What is the protocol for site access of Fire & Emergency vehicles responding to a 911 call?

There is emergency signage onsite at the entrance from Townline Road with all contact numbers. The landowner would also have access to the site. Inside the gate, there is a gravel maintenance drive surrounding the boundary of each array wide enough to accommodate a fire truck with vehicle turnouts every 500 ft. Some municipalities have required an additional local lockbox for Fire Department access.

The Planning Board advised those in attendance that after contacting the county, this application would require County review and would be reviewed once the application was deemed complete. Also noted, the Planning Board would provide both landowner, Ms. Daum and the agents from Distributed Sun with the date and time of the application once it was placed on the County agenda. The Board recapped the proposed Town schedule for required approvals, stating they would expedite all deadlines as soon as possible. The Board hoped to be able to write a recommendation to the Zoning Board of Appeals within the next week, if all legal and board inquiries were complete. Copies of the Town's Master Plan and Trancik Study were given to Mr. Srinivasan to review recommending they address the criteria listed on page 27 referencing the seven visual resources.

Without further discussion, the Board moved to adjourn. Board Member Mincer moved to close the Planning Board meeting and Board Member Lersch provided a second. All Board Members present voted in favor. Motion so carried.

Meeting adjourned at 9:05pm  
Draft Minutes submitted by L. Lersch

Minutes approved on May 3, 2017



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

Minutes

Wednesday March 1, 2017 - 7 pm

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

Others Present: Don Marks, Jan Daum, Bharath Srinivasan of Distributed Sun; Marc Maser of Maser Engineering; Donald Sheive

Agenda:

1. Application #010217-SPR/J. Daum, represented by DSUN/SUN8 PDC LLC for Preliminary Site Plan Review for a proposed Solar PV Installation at 4450 Townline Rd. (AG)

Chair DeVinney opened the meeting at 7:02pm with a flag salute.

Board Members reviewed February 1<sup>st</sup> Draft Minutes and entertained a motion to approve as written. Board Member Gilbert motioned to approve as written and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

1. Dawn Kane, Code Enforcement Officer, provided a summary of the application to Board Members, stating this was a Preliminary Review for a proposed installation of a Community Solar PV array system by DSUN, a division of SUN 8 to be located at 4450 Town Line Road in the AG District. Parcel Owner - Jan Daum, and Distributed Sun, LLC personnel Bharath Srinivasan as Senior Vice President; along with Marc Maser of Maser Engineering were in attendance to answer Board inquiries.

The Planning Board had met with DSUN/SUN 8 PDC LLC for a conceptual review in January and a Preliminary Review in February. The Planning Board had diligently gathered data research on commercial solar installations through contact with outside. Other municipalities, having successfully completed their project installations, provided information from which the board had compiled a handful of questions for those in attendance from DSUN/SUN8 PDC LLC. The Board's comments and questions follow with Mr. Bharath Srinivasan's answers:

1. Geo-Technical Soil Report will be required from borings taken onsite.

Distributed Sun will be using a screw- in piling, designed by a company in Canada, for use on all arrays on this 19-acre project. The pilings will be embedded 6-8 feet down and since they go through any composition, they will not need to do onsite soil borings.

2. How many arrays will be located on the proposed 19-acre installation?

On the location's 12-15% sloped parcel, there will be 3,000 arrays consisting of 35-40 panels.

3. Due to the installations' proximity to Rte.#245/Bagley Road corridor, what amount of natural buffer screen is planned in this location? Would it be feasible to reduce the number of arrays to allow more of a buffer?

Five feet of tree buffer will remain uncut on the eastern boundary of the property parallel to Rte. #245. It would not be economically feasible to reduce the number of arrays the capacity dictated as necessary from NYSEG.

4. What would be the saturation point of solar installations in this area of solar installations?

This would be a decision to be made by NYSEG as it depends on how much power will need to flow back to the grid. We currently are considering one more however, there has been nothing contracted with us yet.

5. Visual mock-ups may be required by any of the reviewing boards to provide visual impact studies. Referencing the protection of scenic vistas in our Master Plan, the Bagley Road Corridor spans approximately 2.5 miles from which this installation will be seen. What will this look like from a distance?

Mr. Srinivasan showed the Board multiple photographs of a bigger installation near Aurora NY which portrayed a similar slope of land and scenic vista from a distance for a visual comparison.

6. Whom will be benefiting from this solar PV installation? How large is the zone?

Anyone within a two-hour distance from the substations would be allowed to contract with Distributed Sun to receive the benefits of reducing their electric bill through NYSEG. The NYISO divides New York State into zones. Buffalo - Zone A, Rochester - Zone B, the Middlesex area - Zone C, Adirondacks - Zone D and Oneida and Cayuga County - Zone E.

This PV Solar installation unit, when completed could provide 850 households with the benefit of a guaranteed fixed 10% savings off their current electric bill, depending on the individual contracted length of term of lease up to 35 years. If farm exempt, it could reflect a deeper discount.

7. In a power outage from either a transient or permanent default, how soon would resolve be initiated? Who is responsible for local maintenance?

In a transient default to include a brown-out, resolve would be initiated within 10 cycles each amounting to 1/6 of a second. In a permanent default, resolve would be complete 5 minutes after the situation is deemed as stable. The system has a manual onsite shut-off as well as a recloser which provides remote control. Ongoing maintenance is provided by Schuler Haas of Rochester, an electric company which partners with our installations and addresses nearby maintenance service both inside and outside of the gate in the event of a power outage.

8. Final inspections with the Code Enforcement Office will be required for commissioning. Referencing the decommissioning cost and agreement with the property owner, who is responsible at the end of the term lease?

At the end of the 35-yr. lease, the property owner has the following options:

- a. Renew the lease and repower the system.
- b. Buy the system with certain deduction in devaluation costs with 85% of the system generation still available.
- c. We would remove the system within a 3-week span.

9. What protections are in place for decommissioning costs in the event of insolvency or failure, either business or material?

A Decommissioning Bond provides little protection at the end of the lease, since it is only as good as the quality of payments made. If bankruptcy occurs these payments would stop and the Bond would be worthless. Distributed Sun functions with a 'Board of Trustees' who in the event of insolvency would be responsible for providing access to this escrow amount for the act of decommissioning. This amount would be reviewed periodically and adjusted to reflect project devaluation over time. This procedure is legally identified as "bankruptcy remote," and protects the project and the landowner.

10. Who is responsible for Property Taxes based on the new assessment of the improved parcel? Landowner or Solar Company? Or both? What if the landowner sells the property during the term of lease?

The parcel's taxes would be assessed to the landowner, reflecting the same amount as if the parcel remained vacant land. Distributed Sun would pick-up the difference between the new assessment and the old assessment of the proposed site with new Tax ID's to reflect requirements by the Public Service Commission. The legal landowner would transfer all ownership and assessment to the new owner who would then be legally responsible to pay the parcel's taxes in the same way. Distributed Sun initiates a Pilot Program involving certain tax entities - the Town, School and County which reflects the integrated tax amounts paid over 15 years that the Solar Company is responsible for within that municipality.

11. What is the protocol for site access of Fire & Emergency vehicles responding to a 911 call?

There is emergency signage onsite at the entrance from Townline Road with all contact numbers. The landowner would also have access to the site. Inside the gate, there is a gravel maintenance drive surrounding the boundary of each array wide enough to accommodate a fire truck with vehicle turnouts every 500 ft. Some municipalities have required an additional local lockbox for Fire Department access.

The Planning Board advised those in attendance that after contacting the county, this application would require County review and would be reviewed once the application was deemed complete. Also noted, the Planning Board would provide both landowner, Ms. Daum and the agents from Distributed Sun with the date and time of the application once it was placed on the County agenda. The Board recapped the proposed Town schedule for required approvals, stating they would expedite all deadlines as soon as possible. The Board hoped to be able to write a recommendation to the Zoning Board of Appeals within the next week, if all legal and board inquiries were complete. Copies of the Town's Master Plan and Trancik Study were given to Mr. Srinivasan to review recommending they address the criteria listed on page 27 referencing the seven visual resources.

Without further discussion, the Board moved to adjourn. Board Member Mincer moved to close the Planning Board meeting and Board Member Gilbert provided a second. All Board Members present voted in favor. Motion so carried.

Meeting adjourned at 9:05pm  
Draft Minutes submitted by L. Lersch

Minutes approved on April 5, 2017



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

Wednesday February 1, 2017 - 7 pm

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

Others Present: Don Marks, Jan Daum, Cliff Scher and Bharath Srinivasan of Distributed Sun; Marc Maser of Maser Engineering

Agenda:

1. Marks Engineering, represented by Don Marks submitting application for the Mary J. Quinn Revocable Trust for a lot line reconfiguration and a proposed septic at 358 E. Lake Road, (LDR)
2. Application #010217-SPR/J. Daum, represented by DSUN/SUN8 PDC LLC for Preliminary Site Plan Review for a proposed Solar PV Installation at 4450 Townline Rd. (AG)

Chair DeVinney opened the meeting at 7:00pm

Board Members reviewed Draft Minutes from January 4th and entertained a motion to approve as written. Board Member Mincer motioned to approve as written and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

1. Dawn Kane, Code Enforcement Officer, summarized to Board Members, an application for the Mary J. Quinn Revocable Trust as a lot line reconfiguration and a proposed septic to be located at 358 E. Lake Road. This application was brought to the Planning Board on advisement only. She stated the proposed update to the septic design had been reviewed by George Barden, Canandaigua Watershed Inspector and Kocher Surveyors had reviewed and submitted a survey confirming the parcel met all setback requirements. Board discussion came to a consensus that the application as submitted met all zoning requirements albeit a NYSDOH review still pending.
2. Preliminary Review for Application #010217-SPR for a proposed installation of a Community Solar PV array system by DSUN, a division of SUN 8 to be located at 4450 Town Line Road in the AG District. Parcel Owner - Jan Daum, and Distributed Sun, LLC personnel Cliff Scher as Senior Development Manager and Bharath Srinivasan as Senior Vice President ; along with Marc Maser of Maser Engineering were in attendance to answer Board inquiries. In summary, DSUN is interested in developing, constructing and operating 2 x 2 MWac solar photovoltaic (PV) community solar facilities at the 4450 Town line Road location totaling approximately 19 acres on a private parcel that slopes from Townline Road to just short of the West River bordering Rte. #245. DSUN plans to invest capital, construct and operate the proposed solar project, supplying the electricity generated to residential customers. The proposed system will interconnect with the NYSEG local distribution grid. NYSEG has completed full engineering studies for the systems. Evaluation of its potential environmental impacts pursuant to NYSEQR Act will be reviewed by the Town of Middlesex Planning Board as Lead Agency requiring Site Plan Review. Also planned by DSUN, is to subdivide two parcels from the original parcel; two of which will be used for interconnection to the NYSEG distribution grid. This subdivision will separate Tax Parcel ID#s as required by the NYS Public Service Commission. A survey will be necessary to show compliance with the Town's area requirements and setbacks from boundary lines. DSUN submitted a Draft SWPP application which is currently pending review.

After careful review and Board discussion it was determined that a Site Visit would be beneficial to determine visual and environmental impacts prior to SEQR review. The Board requested the project boundaries to be staked for onsite visual review.

Zoning Area Requirements for this district were discussed, as well as zoning definitions to gather appropriate information prior to applicant's survey plan submittal. An overlay was requested to be able to better view the project visually.

After a lengthy discussion, the Planning Board provided the applicant with a projected schedule of subdivision survey deadlines, SEQR review, pending SWPP review and Planning Board recommendation to the Zoning Board of Appeals once application for Area Variances and a Special Use Permit are submitted. A Public Hearing will be posted on the town's website and notices sent to residents in surrounding area to gather public input.

The Board agreed to provide the applicant with a letter stating the application was submitted to the Planning Board and is currently in the review process.

A site visit to the project site was set for Thursday, February 9<sup>th</sup> at 4pm for Planning Board Members.

#### Other Business

Chairman DeVinney inquired of the Board to aid in compilation of a 5-year projected plan for the Vine Valley Beach Improvement Project to assist the Town in application to the NYS Parks & Recreation Historic Preservation for a Heritage Area Grant helping qualified municipalities.

Without further discussion, Chairman DeVinney entertained a motion to adjourn. Board Member Gilbert so moved. Board Member Mincer provided a second. The motion so carried with all Board Member's present voting in favor.

The meeting adjourned at 7:48pm  
Next Planning Board meeting – March 1<sup>st</sup>

Draft Minutes submitted by L. Lersch

Minutes approved on March 1, 2017

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

Wednesday January 4, 2017 - 7 pm

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

Others Present: Wendy Meagher, Steve Copeland, Bharath Srinivasan of Distributed Sun; Marc Maser of Maser Engineering; Ted Carman

Agenda:

Old Business

1. Application #101316-SPR/ Wendy Meagher of Meagher Engineering representing agent for Mr. Steven Copeland of 703 East Lake Rd., requests Final Site Plan review for the new construction of a Single-Family Residence and extension of an existing driveway, Tax ID #11.51-1-2 & 11.59-1-4, (LDR)
2. Application #091416-SPR/Andrew Komarek, owner requests Final Site Plan Review for the construction of a tennis court on vacant land contiguous to his residence on East Lake Rd., Tax ID # 2.03-1-23 (LDR)

New Business:

Conceptual Review for a proposed Solar Farm to be constructed on Townline Road by Distributed Sun, Bharath Srinivasan – Senior VP of Operations presenting. (AG)

Chair DeVinney opened the meeting at 7:01pm

Board Members reviewed Draft Minutes from October 5 and November 2, 2016 and entertained a motion to approve as written. Board Member Mincer motioned to approved both sets of minutes and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor; Chairman DeVinney abstained as he was absent.

CEO Kane summarized the first application for Mr. Steven Copeland for new construction at 703 East Lake Rd., represented by agent Wendy Meagher, stating the Planning Board had last reviewed the application at the November meeting and had requested a list of revisions prior to final determination. The revisions had been received by the Code Enforcement Office and Ms. Wendy Meagher was in attendance to present them to the Board.

Engineer Meagher summarized the application and stated a revised site map had been submitted in December, with response comments to the Planning Board letter of November 9, 2016; a response letter to Sheryl C. Robbins, P.E referencing resolve to her comments and noting the system will be changed to a Raised Bed gravity fed system. Also included in the submittal was a letter from the State Historic Preservation Office stating the project would not impact any onsite cultural resources. Estimated time of construction was to begin in early Spring 2017.

Following a discussion of the submitted material, the Board requested the following items still to be resolved prior to determining final approval:

1. Confirmation of approval by George Barden, Canandaigua Watershed Inspector that his review of the project's septic design is complete, to be sent to the Code Enforcement Office.

2. Confirmation that the survey boundaries used in the submitted site plan by Meagher Engineering are accurate. This confirmation must include the Land Surveyors' certified stamp, date and signature.

Without further discussion, a conditional approval was motioned by Board Member Gilbert and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

The second application for the installation of a proposed tennis court on vacant property in the LDR Zoning District was owned by Mr. Komarek and was contiguous to his existing single-family residence. CEO Kane stated the application had been heard by the Zoning Board of Appeals in December for a side setback variance requesting 3.6 feet in lieu of the 20 feet as required for compliance with code, at which time they denied the variance request. The Planning Board had requested revisions detailed in a letter dated November 9, 2016 after initial review on November 2, 2016.

After a short review and discussion, the application was determined complete and approved for permitting through the Office of Code Enforcement.

A letter of final determination will be sent to owner, copied to Mr. Tom Fromberger of MRB Group Engineering.

#### New Business:

A conceptual review was brought to the Planning Board by the Office of Code Enforcement to initially review a proposed 19-acre solar farm to be constructed in the AG District on Townline Road, just east of Green Road. CEO Kane stated a full application will be submitted for the February meeting and owner and project director Bharath Srinivasan of Distributed Sun was in attendance with his engineer to make a presentation for the proposed solar farm and to answer any questions.

After an extensive presentation, the Board requested further data from Mr. Srinivasan to be submitted for Site Plan Review. Chairman DeVinney referenced the town's Master Plan which delineated protection of specific view sheds within the town, as well as the review of local laws that would pertain to the project.

CEO Kane stated once the submitted application was complete, she would distribute it to the Board for review with the intent of it being placed on the February 1<sup>st</sup> agenda.

Chairman DeVinney entertained a motion to adjourn. Without further discussion, Board Member Gilbert moved to adjourn the meeting and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor. Meeting adjourned at 8:45pm

Minutes submitted by L. Lersch/ Minutes approved on February 1<sup>st</sup>.



2016

**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 5<sup>th</sup> 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 17<sup>th</sup>

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 daylights 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 5<sup>th</sup> 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 7<sup>th</sup>

Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)  
Minutes approved on January 4, 2017

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

Wednesday October 5, 2016, 7 pm

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

Others Present: Sue Sage, John Savage, Tom Mahaney, Mike Greene, Doug Doebler, Donald Sheive, David Moynihan, Nancy Evans, Tom Fromberger, Rocco Venezia, Jason Marks, Don Marks, Brennan Marks, Sam & Gina Imburgia, Robert Brenner, Richard Bolton

Chairman DeVinney opened the meeting at 7:03pm giving the floor to CEO Kane who wanted to preface the meeting's agenda with some old business that would affect some of the applications on the agenda.

Old Business:

CEO Kane distributed correspondence to the Planning Board Members that she had received from the NYS Board for Engineering, Land Surveying and Geology referencing the legal process of requirements for NYS Licensed Land Surveyors and Engineers when submitting applications to municipalities. This correspondence answered a request she made of the NYS Education Department to give clarification to the process, after learning of a concern expressed at a Planning Board meeting by a local Land Surveyor who complained of his licensed survey work being used in Engineered Site Plans without his certification. The email distributed stated the following response to her inquiry: "the determination of boundaries and subdivision of real property can only be performed by a NYS licensed land surveyor (LS). Any proposed work such as location of buildings, utilities must be performed by a NYS licensed professional engineer (PE). No bearings and distances may be shown on the site plan prepared by the PE unless it is also sealed by a LS. If the site plan does not have the seal of a LS, then the PE may reference an attached survey sealed by a LS. If the PE believes the site has changed and needs to be updated for the design, then an updated survey performed by the LS must be done." Also stated, "It would be up to the municipality if they required an updated survey or believed the site had changed."

Ms. Kane stated she received legal confirmation from the Town Attorney and would be requiring this directive of all future applications submitted to the office.

Chairman DeVinney offered to review any applications as conceptual reviews to expedite the review process for anyone on the agenda who might be impacted by this news.

Agenda: Site Plan Reviews:

1. Application # 072016-SPR / Mr. Doug Doebler and Mike Greene, representing agents for property owner, Mr. and Mrs. Lee Muncy of 672 Fisher Rd., requesting Final Site Plan Review for demolition of an existing house and a rebuild with new septic system, Tax ID #11.50-1-7 & 8, (LR)



Ms. Kane stated the application had received pending County approval, comments from Yates County Soil & Water had been resolved with the Code office, and the application was currently awaiting NYSDOH approval for some revisions to the new septic system. She had received notification from George Barden that a letter of approval from NYSDOH was expected by the end of the week. The septic revisions included adjusting the pump location and reconfiguration of some leach lines. A recommended lot line reconfiguration of both parcels was in process and was being handled through the Code Office. Representing agent, Mike Greene stated he had revised the Site Map, as requested by the Planning Board, showing management of drainage off the roof, notation of additional silt fencing and height of house peak had been noted on the architectural plans. Referencing the discussion on Site Map licensing requirements, Mr. Greene noted he would include the required stamps on the Site Map, certifying his work, as he was the licensed surveyor.

Without further discussion, a motion to conditionally approve the application, prior to permitting, was offered by Board Member St. Lawrence and seconded by Board Member Gilbert with the following contingencies:

- a. Applications' revised Site Map must display both the licensed Surveyors' and the Civil Engineers' Professional Seal.
  - b. Submitted copies of the revised Site Map for filing purposes.
  - c. NYSDOH Letter of approval for revisions to the septic system.
2. Application # 091416-SPR /Mr. Tom Fromberger, representing agent for property owner, Mr. Andrew Komarek of East Lake Road, requesting Site Plan Review to construct a tennis court on vacant land, Tax ID #2.03-1-23, (LDR)

Representing agent Engineer Tom Fromberger, stated the application was a voluntary submission when owner realized he needed a permit for installation of a tennis court on his property. Mr. Fromberger's vacant parcel contiguous to his single-family residence is in Low Density Residential, which allows a tennis court to be installed with a permit if under 15% slope, which is regulated by the Town's Steep Slope Law. To prepare the land for the project it was graded from its' native slope, trees were removed, and stone was placed. The proposed clay tennis court would measure 120 ft. x 46 ft. with a chain link fence around the perimeter, a retaining wall would follow the length of the tennis court providing a seating area, and a storage shed would be located onsite.

Board Members inquired if a complaint had initiated the discovery of this action by the Code Enforcement Office.

Ms. Kane noted that Engineer Fromberger came to the Code Office, informing her that owner Mr. Komarek was unaware he needed a permit for the project.

Board Members inquired about the gradient natural slope that existed prior to site grading and when the intent to install a tennis court was proposed. Agent Fromberger stated that the vacant land had been the location of spoils from the construction of the single-family residence. This area had been graded at that time. Contractor Sam Iburgia was in attendance and stated that this specific area was where he, as contractor had balanced the dry soils on this location from wet upland soils to manage the septic field location for the residence. Mr. Fromberger learned of the intent to install a tennis court in August and alerted Dawn, filing the application. At this point stone, already been placed onsite.

Board Members inquired if a permit was necessary for ground disturbance created by this action and Ms. Kane stated that she had not been given the total amount of soil disturbed.

Resident Rick Bolton offered comments on slope and ground disturbance.

Discussion continued to designate the site's original slope and the setback from the proposed chain link fence proposed to surround the tennis court. The Planning Board requested a site visit to better review the parcel, its grade and original topography for this parcel to determine if the site would need variances from both the Steep Slope Law as well as side setback area requirements for Low Density Residential. A date would be scheduled that would be convenient for all.

After a pause in the evening's agenda, Mr. Tom Fromberger-P.E. for Mr. Komarek, requested to be placed back on the night's agenda for further discussion on an alternate option for the proposed tennis court discussed for Site Plan Review. His plan was to move the tennis court to the south and away from the property line and remove the chain link fence in order to comply with area setback requirements. Hoping to confirm original gradient slope, he also stated he had located a topography map from February 2015, produced by Passero Associates, representing Civil Engineers for Mr. Komarek in the design for construction of his single-family residence on the contiguous parcel.

After more Board discussion, it was determined that the Board would convene in November after review of information gleaned from the site visit, as well as the Passero Associates topo map for the contiguous parcel and a LIDAR map showing the slope on the parcel. Meanwhile, the applicant had the option to file an application for an area variance by the ZBA through the Code Office for the proposed dimensions of the tennis court.

Mr. Fromberger thanked the Board and stated he would complete the filing for the Zoning Board of Appeals in order to be placed on the November agenda.

3. Application # 021716-SPR/Venezia & Assoc., representing agent for property owner Mr. David Seconi of 989 South Lake Rd., requesting Final Determination for structural improvements to shoreline property, Tax ID #21.33-1-10, (LR)

Dawn Kane stated pending revisions had been obtained. A revised wall detail by Engineer Price of Fisher Associates had been provided with the requested stamped seal. A letter stating the revision date of the detail would be provided to the Code Office. The project would commence by Fladd Stone in October with an estimated completion within 30 days.

Without further discussion, Chairman DeVinney entertained a motion to approve the application with the condition that all had been resolved. Board Member Mincer made the motion, which was seconded by Board Member Lersch. The motion carried with all Board Members present voting in favor.

4. Application # 091714-SPR/Venezia & Assoc., representing agent for property owned by the Milton Johnson Estate with parcel located at 6070 South Hill Rd., requesting review of a 2-Lot Minor Subdivision of Parcel Tax ID #22.03-1-13.1 (LDR)

CEO Kane summarized the application for Board Members stating the application was a 2-lot subdivision that had been reviewed by the Board some time ago and had been withdrawn pending a reconfiguration of frontage requirements.

The Board inquired of the reason for the two access entrances shown on the map before the split and how the parcels would be accessed after the split. Rocco Venezia explained that the parcel contained an existing 50 ft. flag lot which was allowed and would remain as a pre-existing access easement for an

existing home on Lot 2. Lot 1 would be accessed by the driveway shown. It was the only way to keep both parcels in compliance with area frontage requirements. The total acreage is approximately 119 acres with Lot 1 to become 65.233 acres and Lot 2 to become 53.777 acres after subdivision.

Without further discussion, Chairman DeVinney asked the Board to review the submitted short form SEQR. After careful review, the Planning Board deemed the action to be a Type II action needing no further review. Chairman DeVinney entertained a motion to declare the SEQR. Board Member Mincer offered the motion to declare it a Negative Declaration with no significant impact to the environment and Board Member Gilbert provided a second. The motion so carried with all Board Members present voting in favor.

A motion to approve by resolution the two lot Minor Subdivision was offered by Board Member Mincer and seconded by Board Member Gilbert. Motion so carried with all Board Members present voting in favor.

5. A proposed local business plan brought before the Board conceptually in June by owner Mr. David Moynihan was now before the Planning Board for Final Review. Mr. Moynihan stated his desire to purchase the building known as Document Reprocessors for locating a business entitled "Astrapouch" within the building shown as Lot 2 on the Subdivision Plat. This building has access off West Avenue in the Hamlet Residential Zoning District.

CEO Kane summarized for the Board, the following details for final review. She stated the property had been reviewed and approved as part of a 3 lot Minor Subdivision in August and readied for county filing purposes. It had received approvals for area variance requests from the Zoning Board of Appeals in September, and a new approved septic system had been installed. The property was ready for final purchase, pending a ROW easement from the client's attorney. It was the intent of the Code Office to issue a 90-day temporary building permit for Mr. Moynihan's business to begin installation procedures if the business received Planning Board final approval. Ms. Kane would inspect the building next week and the Fire Company and security company had already done so, deeming it safe. Ms. Kane would write up her report to prepare the operating permit, which would then receive annual renewal criteria.

Without discussion, Chairman DeVinney entertained a motion to approve the business application as presented. Board Member Mincer provided the motion, which was seconded by Board Member Gilbert. Motion so carried with all Board Members present voting in favor.

#### Conceptual Reviews:

1. Mr. Brennan Marks of Marks Engineering, representing agent for property owner, Mr. Jack Motz, at 714 East Lake Road, (LR) requests conceptual review for a Site Plan application for a new driveway installed without a permit. Ms. Kane, CEO summarized the application stating the Code Office had received as-built plans from Mr. Marks, following a directive from the Code Office that this driveway be brought to Site Plan Review for determination as required by the town's local zoning code and variances granted through the Zoning Board of Appeals.

Agent Mr. Marks stated the driveway was installed in April 2016 for serving property owned by Mr. Motz by an existing right of way starting at East Lake Road. This existing right of way allows access across several lots. Mr. Motz is in the process of filing a new 20 ft. right of way line for access to lot designated as Tax Map #10.13-1-3.12 which is owned by Mr. Motz and will

be filed under the deed of Lot 4-G. This driveway replaces an existing access driveway that crosses the lot to the north without a filed right of way. Mr. Marks submitted a 1992 Survey from surveyor Freeland-Parinello with the application.

Mr. Marks was hired by the owner in response to a letter from the Code Office, dated April 2016, requiring the owner to resolve the matter and show proof that the driveway was built to town's standards for new driveways as required. Mr. Marks stated it was and the driveway includes an existing right of way across lot 4-D and therefore a letter from the neighboring property owner at 710 East Lake Road is not required. All pending paperwork would be filed with the Code Office upon Planning Board approval

The Planning Board discussed the submitted survey showing two parcels deeded with the same Tax Map ID # and was concerned what would become of the deeded ROW if one of the two parcels were sold. Also of concern, was the liability issue with the Site Plan referencing a 1992 survey without the Land Surveyor's required certification seal as required by NYS Education Dept. Also discussed was that a 15 ft. setback from property line for the installed private road must comply with Town Laws boundary setback requirements for Lakeside Residential Zoning District under Local Law #3 of 2008, Section 4/4.7 which is are the regulations for any Private Driveway/Private Road within the Town.

Mr. Marks requested as agent for owner, Mr. Motz, a letter from the Planning Board referencing their concerns and all regulations cited, in order to clearly communicate the Board's decision to the property owner.

The Planning Board stated the following concerns would be referenced and must be resolved, prior to any determination of approval for the driveway:

- a. Area Variance is required, for the driveway's setback requirements, by Towns' Local Zoning Laws and Private Driveway/Private Road Law, Section 4/4.7.
  - b. A professional seal from the surveyor Freeland/Parrinello used to determine the Site Maps' boundary dimensions, certifying permission to use copyrighted work referenced in the Site Plan Map stamped by Marks Engineering.
2. A Conceptual Review for revisions to a retaining wall at 1217 South Lake Rd., (LR) Tax ID #21.64-1-3 was tabled for rescheduling due to neither the owner Mr. Nate Bidner, nor the agent was in attendance to present the submitted application.
  3. A Conceptual Review for owner Mr. Donald Burkard of 697 East Lake Road, Tax Map ID # 11.59-1-2 (LDR), represented by Mr. Brennan Marks of Marks Engineering requests Site Plan Review to install a new septic for an existing residence at 697 East Lake Road. This application had been reviewed in July conceptually by the Planning Board. At that time, the Board suggested slight revisions to the design due to an existing ROW shared with an upland neighbor and possible setback concerns.

Mr. Marks stated the new septic had been reconfigured to meet the ROW setback requirements of the Town so it would not need application for a variance. Both parcels including Lot 1 & Lot 2 are both owned by Mr. Burkard. Lot 1 includes the existing residence and Lot 2 is a vacant contiguous lot. The lot line reconfiguration will be handled through the Office of Code Enforcement by Ms. Kane.

After some discussion, Chairman DeVinney entertained a motion to approve the lot line reconfiguration contingent on the submittal of the Land Surveyor's seal certifying the use of the boundary dimensions used on the Site Plan produced by Marks Engineering, as required by the NYS Education Dept.

A SEQR was not required for the septic application, and Board Member St. Lawrence made the motion to give a conditional approval and Board Member Lersch seconded the motion. The motion so carried with all Board Members present voting in favor. The next step in the permitting process would be through the Office of Code Enforcement.

4. Mr. Robert Brenner, owner at 262 East Lake Road, Tax Map ID # 2.61-1-2 (LR), requests conceptual review to install a new set of stairs to provide access to an existing cottage at the shoreline of property he recently purchased. The property has a pre-existing two story residence at the shoreline and currently has a winding driveway providing access to a mid-way point off of East Lake Road, but without access to the shoreline. Existing wood trams in disrepair, used for access in the past will be demolished and his intent was to install a proposed stair system with two platform landings to provide shoreline access to his residence.

Mr. Brenner provided the Board with a conceptual drawing of the proposed stair system, which was designed to follow two outcroppings of the cliff embankment. A retaining wall at shoreline would be added to follow the toe of the existing cliff to shield the natural sloughing off of falling shale debris from the area.

After some discussion referencing current plan details, Mr. Brenner provided the following:

- a. The existing driveway will be maintained as it is.
- b. The property will be used on a seasonal basis whenever possible.
- c. Materials for the stair system and retaining wall will be brought in by barge during site construction.
- d. Tree removal will be at a minimum and only those in the location of the stairs.
- e. Septic system would be the type of system designed by George Barden for his neighbor with a pit at the house and a grinder pumping uphill.

The Board stated he would need a variance for property line setbacks for two of the stair platforms shown. They advised Mr. Brenner that the Board would carefully review the shoreline retaining wall and recommended a low impact aesthetic design for protecting views of neighboring parcels. All tree removal within the construction area should be noted on the submitted Site Plan. Mr. Brenner was advised that tree removal on the cliff will be carefully reviewed as trees and vegetation experience slow growth and ground disturbed is not easily re-stabilized.

5. Martin DeVinney, owner of the Indian Village RV Park in Vine Valley requested a Planning Board conceptual review of an application he has submitted to the US Army Corps of Engineers for approval which is still pending. The intent of this application was to stabilize a 99-ft. section of the stream bank on the north side of Vine Valley Creek which was severely eroded when the creek flooded in the spring of 2014. The eroded streambank ran vertically approximately 70 inches high at the site of the damage. Stabilization would prevent further erosion damage to the streambank and protect nearby RV homes for seasonal clients.

Mr. DeVinney also sought outside local resources for project consultation. They included Kevin Olvany - Watershed Manager for the Canandaigua Lake Watershed Council; Rick Ayers – Yates

County Soil and Water Conservation District; and Steve Lewandowski – consultant to the Canandaigua Lake Watershed Association and former 20-year employee with the Ontario County Soil and Water District. Advisement from these outside resources recommended a comprehensive method of reconstruction for the streambank to include 2.5 to 3-foot riprap boulders to be placed on the stream embankment, embedding the larger toe stones below grade and on the up-stream edge. The riprap would be positioned in place by Field’s construction equipment from the top of the bank without entering the streambed. Silt fence would be placed in the empty streambed at the most downstream point of construction to prevent any disturbed soil from entering any flow that may develop during possible rain events. DeVinney had submitted all documentation and mapping suggested by the NYS DEC and USACE from which permits would be required.

The Board inquired of funding resources to which DeVinney replied he had received a grant for the funding due to its’ proximity to the lake and the need for stabilization to help protect the watershed.

After a short discussion by the Planning Board Members, permission was granted to all Board Members to visit the site to view the damage. The Board stated they would consider a determination upon receipt of pending approval by the NYS DEC and USACE.

#### Other Business:

Resident John Savage in attendance inquired of the Planning Board if he would need Site Plan Approval to construct an addition to his existing residence. CEO Kane, replied that based on the zoning district his residence was located in, he would not need Site Plan Approval from the Planning Board; however, he would need to meet building code requirements and obtain a building permit which could be applied for through the Office of Code Enforcement. The Board thanked him for his inquiry. Ms. Kane stated his application for a variance request would be on next month’s agenda to be heard by the Zoning Board of Appeals if everything was in order with the application submitted.

Chairman DeVinney entertained a motion to approve Draft Minutes from August 3 and September 7, 2016. Board Member Gilbert offered the motion which was seconded by Board Member Mincer. Motion so carried with all Board Members present voting in favor.

Discussion developed over the need for a mid-month meeting to accommodate applications pending late fall work prior to seasonal cold, and it was determined that this would not be productive as many Planning Board Members would be away. No mid-month meeting will be scheduled for October.

A motion to adjourn the meeting was offered by Board Member Lersch and seconded by Board Member St. Lawrence. The motion carried with all Board Members voting in favor.

Meeting adjourned at 9:40pm  
Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)

Minutes approved on January 4, 2017

**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

**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

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

Wednesday July 06, 2016, 7 pm

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

Others Present: Brennan Marks, Nancy Robinson

Agenda: Site Plan Reviews:

1. App. #040216-SPR/ Mr. Brennan Marks of Marks Engineering, representing agent for Ms. Nancy Robinson of 1431 South Lake Rd. requests site plan review for the stabilization of a gully, Tax ID #31.01-1-7 (LR)
2. Conceptual Review for owner Don Burkard of 697 East Lake Road, represented by Marks Engineering for a septic installation and a new home (LDR)

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

1. CEO Ms. Kane summarized the first application for Planning Board Members stating since last we reviewed this application in May, Stantec Consultants had submitted a review and Kevin Olvany of the Canandaigua Lake Watershed Association had made comments for board review. Mr. Brennan Marks had submitted a response in June to Stantec's review dated May 17<sup>th</sup> and was present to answer Board questions, requesting Final Determination. Property owner, Nancy Robinson was in attendance.

Mr. Marks responded to each of Kevin Olvany's and Stantec's comments. Board discussion developed referencing the following points, leading to a conditional determination for approval:

- Note on Site Map that temporary silt fence may be required onsite and will be installed as needed during site disturbance.
- All critical site installation inspections will be required to be performed by the Engineer on Record, Mr. Brennan Marks who will submit reports to the Code Office periodically.
- Engineer Ray Teeter will be involved during the time of onsite installation of his design work (Reference : Stantec's 5/17 review – General Comments, 3a,3 b and 3c)
- An onsite pre-construction meeting will take place between Engineers, Contractor and Code Officer, date to be determined by above parties.
- An "As-built" showing all inspections were completed as required. This plan shall be submitted to the Code Office upon project completion, and signed by the Engineer on Record, Mr. Brennan Marks.



Noted by Board Member St. Lawrence to both owner and engineer Marks was the importance of routine maintenance of all onsite catch basins for optimal drainage response to keep from clogging with seasonal debris throughout the year. Also noted, rip rap size stated as the average for a 100 year storm in the NYS Standards (Blue Book) is actually the minimum recommended locally due to the velocity of water experienced in most recent storm events.

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

Board Member Gilbert entertained a motion to approve the application as presented. Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

2. Conceptual Review for owner Don Burkard of 697 East Lake Road, represented by Marks Engineering for a septic installation and a new home (LDR)

CEO, Ms. Kane summarized the proposed conceptual application stating the owners owned the contiguous property to the south and will be eventually building a new house. They were currently seeking a lot line reconfiguration to annex both lots to be able to install a new septic system which included retaining walls. The Code Office wishes to expedite the application as soon as a pending surveyor's plan is submitted because their present system has failed. The application seems to meet all current area requirements. The Lot Line Reconfiguration meets all area requirements pending a surveyor's stamped plan. The septic retaining wall borders a 50 foot Right of Way that is shared as a functional road as access from East Lake Road with parcels up on the hill behind the Burkard's.

After a short discussion, it was recommended that the following be revised on the submitted site map prior to the pending survey and commencement of site work:

- Move the retaining wall structure so it is clear of the ROW to keep it free from all easements and any possible setback variances that may be required.

Other Business:

The Code Office has required a proposed driveway on East Lake Road, installed without a permit, to submit within 30 days, a full Site Plan Review Application with stamped Site Plan, current survey and all required components in order to determine if the installed driveway is compliant with Town Laws, and a copy of the written agreement stating the contiguous neighbor had knowledge and agreed to the proposed driveway crossing their property.

Following submittal of Resolution and Statement of Findings -FEIS SEQR Process & Preliminary Plat Determination for Subdivision of 4 lots on East Lake Road, Mr. Komarek, owner has filed with the Supreme Court of Yates County. Attorney Wendy Marsh is currently reviewing all files referencing noted alternate steep slope properties referencing a response.

The Board reviewed draft minutes from June 1, 2016 and Board Member Gilbert motioned to approve as submitted. Board Member St. Lawrence provided a second. All Board Members in attendance voted in favor. Motion so carried.

The next Planning Board Meeting is scheduled for August 3<sup>rd</sup>.

A motion to adjourn was made by Board Member Lersch and seconded by Board Member Mincer. The motion so carried with all Board Members present voting in favor.

Meeting adjourned at 7:45Pm

Draft Minutes submitted by L. Lersch/revisions to [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)

Minutes Approved on August 3, 2016

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

Wednesday June 1, 2016, 7 pm

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

Others Present: Bill Dowell, Coty Brawdy, Duncan Rioch, David Moynihan, Nancy Evans, Rocco & Pat Venezia, Eric Lundquist

Agenda: Site Plan Reviews:

1. App. #040216-SPR/ Mr. Brennan Marks of Marks Engineering, representing agent for Ms. Nancy Robinson of 1431 South Lake Rd. requests site plan review for the stabilization of a gully, Tax ID #31.01-1-7 (LR)
2. Conceptual Site Plan Review/Mr. Dave Moynihan of 6367 Vine Valley Rd., submits a proposed business Plan for 5613 Water Street (HR)
3. Review – advisement request from Code Office for a proposed remodel of an existing dwelling owned by Bill Dowell at 614 East Lake Rd., (LR)
4. Review – advisement request from Code Office for a previously approved retaining wall for new property owner Nate Bidner located at 1217 South Lake Rd., represented by Brawdy Construction (LR)
5. App. #052516-SPR/ Venezia & Assoc., representing agent for property owner Mr. and Mrs. Terry Hafler at 1468 West Avenue for a 3 lot Minor Subdivision, (AG)
6. Review – conceptual advisement from Code Office for a streambank restoration at Indian Village Campgrounds

Draft Minutes – 5/04 pending attorney release.

Chairman DeVinney opened the meeting at 7:05pm to begin scheduled Site Plan Reviews:

1. Ms. Kane summarized the agenda stating App. #040216-SPR for Nancy Robinson would be rescheduled.
2. Ms. Kane introduced Mr. David Moynihan who requested a conceptual review for a proposed business plan to purchase property at 5613 Water Street. Mr. Moynihan presented his plan to Board Members stating the Vine Valley Ventures, LLC dba Astrapouch North America wished to purchase 5613 Water Street, previously housing Document Reprocessors, from The Eric Lundquist Trust with the intended use for a light manufacturing & distribution warehouse and

office space for its packaging business. Astrapouch manufactures, markets, and distributes flexible packaging for wine, spirits and coffee consumables. Growth in the business is requiring that Astrapouch consolidate office and warehousing operations into one location in 2016. Astrapouch is looking for approval for the proposed use. Office space and/or warehouse space may be optional as rental space and the red barn would be restored and made available as rental storage space or as a possible antique shop. Normal Hours of operation are proposed to be Mon.-Fri. 7am – 8pm and some Sat. office hours, closed on Sundays and all Holidays. The business will maintain 1-3 employees onsite during normal operating times. Employee parking and entrance will be on West side of the building off of West Avenue. Shipping and receiving of shipments from FedEx, UPS will be handled daily from the southwest loading dock with truck traffic using West Avenue, with larger truck delivery on a frequency of 3-6 trucks per month. Output material from business activity would be recyclable plastic and cardboard. Physical plant modifications shall require a building permit approval and the construction of a 12 in. wide covered drainage trench to be installed on south side of building to collect rain water flowing off West Avenue.

Ms. Kane noted that neighbors, the Mahaneys, who live directly in front of these buildings have met with Mr. Moynihan and are in support of the business plan. She also stated that this property was reviewed by the Board for a Minor Subdivision with the intent to split the buildings, however the subdivision application had never been filed with the county. At this time, the use of the land is grandfathered in. Also noted was extensive damage due to roof collapse from heavy snow on the lower building and this building required stabilization prior to any new use. The existing 3,000 gallon septic tank and electric were currently shared by both buildings. Ms. Kane stated the Watershed Inspector has advised that possibly 2 septic systems would be needed to upgrade the property. Deed concerns with ROW encroachment still remain to be resolved prior to any Planning Board determination. Current use is grandfathered unless the property is subdivided.

After a short discussion, the Planning Board advised quick expedition of the application as soon outstanding concerns were resolved and a decision on the septic design was approved. It was noted that a review by the Yates County Planning Board was required and would take an additional month to complete their process. The Board assured Mr. Moynihan that his proposed business plan would be a good fit for the town and the utilization of unused building space and proposed upgrades would be beneficial to all.

Duncan Roich, representative for Eric Lundquist, stated that they were actively working with Engineer Bill Grove and the Canandaigua Watershed Inspector on proposed plans for the septic design and location of the absorption field.

3. A proposed remodel to an existing dwelling owned by Bill Dowell of 614 E. Lake Rd. in the Lake Residential Zoning District was brought to the Planning Board on advisement from the Code Office. Mr. Dowell's property had been reviewed by the Board last month for site improvements to hardscapes and landscaping which included engineered site plans for drainage and erosion control. Mr. Dowell proposes to demolish the existing first floor of the structure and rebuild on the same foundation, keeping the same footprint. Mr. Dowell is a licensed contractor and would be doing the projected work. He has submitted a full set of engineered plans and this

project complies with all septic and code requirements. The current driveway entrance is paved and will be used for a temporary construction entrance. There will not be need to stockpile any materials on property. The Planning Board advised the applicant to contact the Code Office, documenting in written format any drainage changes during construction.

The Board completed a SEQR for Application #040116-SPR and determined it a Type II action without significant environmental impact and needing no further review. A Negative Declaration was given and Board Member Mincer made a motion to approve with Board Member Lersch providing a second. Motion so carried with all Board Members present voting in favor.

4. The Code Office brought an application to the Planning Board requesting advisement, for a previously approved replacement retaining wall with additional parking space for a property located at 1217 South Lake Road.

CEO Kane explained to the Board that this approval dated back to February 6, 2013 when the property was owned by Mr. David and Lori Farr-Rusin, now currently owned by Mr. Nate Bidner. Ms. Kane was bringing the application back for Board review with a new contractor, and new site map prepared by Wendy Meagher, P.E. who was still the project's engineer on record. Ms. Kane introduced contractor, Mr. Coty Brawdy of Brawdy Construction as representing agent for owner Mr. Bidner.

Mr. Brawdy stated the retaining wall was in still in need of replacement and the proposed new wall would cut back through the existing wall extending 50 feet from the dwelling to the road on steep slopes. He would be removing 12-15 small saplings to complete the project. The surface next to the new retaining wall would be filled in with clean stone backfill. All spoils from construction would be hauled offsite.

After a review of submitted documents, the Planning Board made the following recommendations to be resolved prior to the Code Office permitting construction to commence:

- Letter to Engineer Wendy Meagher requesting written confirmation to the Code Office, that as the engineer on record she will provide daily onsite inspections during the installation of the steel soldier piles as noted on the site map.

Board Member made a motion to approve with the above condition as noted. Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

5. App. # 052516-SPR/Venezia & Associates representing owner Mr. Terry Hafler for a Minor Subdivision of property located at 1468 West Avenue (AG)

Ms. Kane stated the application was in compliance with all area requirements involving 3 lots to be subdivided from a total acreage of 36.678 acres in the Agricultural Zoning District. After subdivision, Lot 1 would become 17.445 acres, Lot 2 would become 8.117 acres, and Lot 3 would become 11.116 acres.

A review of the submitted SEQR by the Planning Board determined the project to be a Type II action needing no further review. Board Member Lersch entertained a motion to give 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.

6.CEO, Ms. Kane brought a conceptual review on advisement to the Planning Board for a streambank restoration at Indian Village Campgrounds.

Owner Martin DeVinney explained the project which was being reviewed for erosion management and stabilization techniques by the Canandaigua Watershed Association and Council which once completed would greatly benefit Canandaigua Lake. The project involved a repair to the north side of a 3-4 foot section of the streambank and involved a joint application with the US Army Corps of Engineers, NYSDC. More information was pending and would be submitted upon receipt.

Other Business:

A SEQR short form assessment was reviewed by the Planning Board for the Town Board as Lead Agency for the proposed Vine Valley Beach Improvement Project to be submitted with an application for state funding from DASNY.

2016 Training Applications for the NYS Planning Federation Planning and Zoning Summer Schools were distributed to Board Members.

Next PB Meeting will be on July 6<sup>th</sup>

Without further discussion, a motion to adjourn was offered by Board Member Gilbert and seconded by Board Member Mincer. 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 July 6, 2016



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

Wednesday, May 4, 2016, 7 pm

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

Others Present: David Seconi, Gordon Stringer, William Dowell, Vivek Thiagarajan, Brennan Marks, Robert Gunderman, Rick Bolton, Arthur Radin, Nancy Robinson, Rocco & Pat Venezia, Jeremy & Cathy Fields, Ted Carman, Nancy Robinson, Tim Murphy

Agenda: SEQR Findings & Preliminary Plat Determination – Komarek Major Subdivision

Site Plan Reviews:

1. Preliminary - App. #040216-SPR/ Mr. Brennan Marks of Marks Engineering, representing agent for Ms. Nancy Robinson of 1431 South Lake Rd. requests site plan review for stabilization of a gully, Tax ID #31.01-1-7 (LR)
2. App. # 021716-SPR, Venezia & Assoc. representing agent for property owner, Mr. David Seconi of 989 South Lake Rd., requesting site plan review for construction of improvements to shoreline property, Tax ID #21.33-1-10, (LR)
3. Preliminary App. #040116-SPR/ Venezia & Assoc., representing agent for property owner Mr. William Dowell at 614 East Lake Rd., for replacement of hardscapes and landscaping improvements, (LR)

Old Business: Murphy Machine Shop/Automotive Repair - Murphy

Draft Minutes – 3/02, 4/06

Chairman DeVinney opened the meeting at 7:02pm.

CEO Dawn Kane introduced Attorney Wendy Marsh who inquired if the Board had read through the submitted Resolutions, and Statement of Findings and Decision for the Komarek Major Subdivision Project (Exhibit A) pursuant to the State Environmental Quality Review Act” (SEQRA). The Board so noted they had.

Board Member St. Lawrence motioned to accept the resolution as read and Board Member Gilbert provided a second.



Roll Call Vote:

Martin DeVinney, Chairperson	<u>aye</u>
Bruce St. Lawrence	<u>aye</u>
Lynn Lersch	<u>aye</u>
John Gilbert	<u>aye</u>
Robert Mincer	<u>aye</u>

Attorney W. Marsh then read “Resolution of the Town of Middlesex Planning Board Issuing its Decision for the Komarek Major Subdivision Preliminary Plat”, based on findings noted as (a-g) and (4-9) giving reason to deny the Preliminary Plat for the project. Therefore; the Planning Board will not provide the Zoning Board of Appeals with a recommendation for the applicant’s request for a Special Use Permit to construct a Private Road for the proposed Major Subdivision.

Board Member Gilbert motioned to accept the resolution as read and Board Member Mincer provided a second.

Roll Call Vote:

Martin DeVinney, Chairperson	<u>aye</u>
Bruce St. Lawrence	<u>aye</u>
Lynn Lersch	<u>aye</u>
John Gilbert	<u>aye</u>
Robert Mincer	<u>aye</u>

Resident comments:

Rick Bolton inquired about the SEQRA process for the application. Attorney W. Marsh gave an explanation of the SEQRA process and next steps in the applicant’s review.

Robert Gunderman inquired about the cumulative time and cost to the Town allotted to this projects’ review. Chairman DeVinney stated all fees are absorbed by the applicant.

Site Plan Reviews:

1. Application # 040216-SPR-SSR / Preliminary Site Plan Review - Mr. Brennan Marks of Marks Engineering, representing agent for Ms. Nancy Robinson of 1431 South Lake Rd., Tax ID #31.01-1-7, requests Site Plan Review for stabilization of a gully. (LR)

CEO Dawn Kane provided a summary for Board review stating this was a preliminary site plan review as it was a new application with Mr. Brennan Marks of Marks Engineering as the new Engineer on Record representing Ms. Nancy Robinson with new engineered stamped plans utilizing a retaining wall design by Engineer Mr. Ray Teeter to support onsite erosion management. A request for reviews by the Code Office for this application have been sent to Stantec Consultants and to Kevin Olvany, Program Manager of the Canandaigua Watershed Council. Comments from Kevin were distributed to both Mr. Brennan and the Board for review and Stantecs’ review remains pending.

Brennan Marks presented his submitted design stating he would be realigning 89 feet of the streambank and would be constructing 55 feet in length of timber retaining wall with I-beam supports, varying in height with a maximum of 6 feet. This plan was designed to withstand a 100-year storm. Work would commence once the intermittent stream dries up.

After discussion and a review, the Board advised Mr. Marks to contact Kevin Olvany to address the specifics of Mr. Olvany's response comment letter and determined that the Board would make a decision after receiving Stantecs' review. The following notations were requested by the Board:

- a. Adjust plans to raise the south side of the gully embankment 1 - 2 feet and regrade the north side to redirect the stream flow to the north and away from the house foundation.
  - b. Note on Site map where the offsite spoils will go.
  - c. During time of construction, coordinate with the Highway Department Supervisor for consideration of traffic flow and safety.
  - d. Existing construction access area to retain a clear line of sight for traffic safety.
  - e. Keep South Lake Road clean of construction debris daily while work crew is onsite.
2. Application #021716-SPR/Venezia & Associates, representing agent for property owner, Mr. David Seconi of 989 South Lake Road, requesting Site Plan Review to construct shoreline improvements, Tax ID #21.33-1-10, (LR)

CEO Dawn Kane provided a summary for Board review, stating this application had been reviewed in March with plans submitted by Robert Fladd and engineered stamped plans prepared by Venezia & Associates. The project scope included proposed improvement of existing site drainage, reconstruction of several existing retaining walls that were failing, revised beach access and additional roadside parking. Wall details SK1.0 had been submitted by Wm. Price Design LLC.

The Board had requested revisions to the submitted site plan and Mr. Venezia of Venezia & Associates was present along with owner David Seconi to answer any Board inquiries. It was noted that some of the requested revisions had been noted on the site map, however the following revisions would still be required prior to final determination:

- a. Clarify on Site map what exists and what is new work to be replaced or added.
- b. Add engineered stamped wall details for any wall 3 feet or higher per NYS requirement.
- c. Retaining Wall to the south between properties will need to apply for a variance as it is within property setbacks.
- d. Letter of agreement for shared gully work between properties to be filed prior to commencement of work. The Code Enforcement Office would assist in attaining resolve.
- e. Add missing setbacks from road ROW and dimensions of new retaining walls.
- f. Southern culverts' stream discharge to shoreline must be reviewed to improve site conditions on both properties. Include wall detail to show how vertical reinforcements tie in with wall foundation. Include spacing on the verticals to show how the water force on the wall will be managed.
- g. Coordinate with Town Highway Supervisor regarding plans for future paving of South Lake Road in conjunction with Lu Engineering Study.

3. Application # 040116-SPR/ Preliminary Site Plan Review by Venezia & Associates for property owner Mr. William Dowell of 614 East Lake Rd., for replacement of hardscapes and landscaping improvements, (LR)

CEO Ms. Kane summarized the application stating the proposed work would be completed by Bristol Gardens Landscaping and approval of the septic design was pending from the Canandaigua Watershed.

After review, the Planning Board determined the application approved with the following conditions noted to be forwarded by pdf to the Office of Code Enforcement prior to commencement of work on the project:

- a. Engineered stamped wall details are required on any wall over 3 feet.
- b. Property Line dimensions missing on propane tank setbacks.
- c. Side Property Line setbacks to be noted on site map.
- d. All existing structures to be noted as such.
- e. Approval of septic design by Canandaigua Watershed Inspector.

4. Tim Murphy - Business Plan for a Machine Shop & Automotive Repair at 208 Bagley Rd., (HR) Mr. Murphy's Business Plan was reviewed by the Planning Board for a recommendation to the Town Board to approve rezoning to allow for a proposed business. Mr. Murphy states that there will be no expansion to the original business plan submitted previously as part of the 2.88-acre parcel.

After a lengthy review, the Planning Board determined they would submit a letter of recommendation to the Town Board to allow Mr. Murphy's parcel to be rezoned from Hamlet Residential back to Highway Business as originally zoned, which would allow a machine shop and automotive repair on Mr. Murphy's parcel. Board Member Lersch made a motion to approve the recommendation and Board Member Gilbert provided a second. The motion carried with all Board Members in attendance voting in favor. The letter of recommendation will be submitted for review at the May 12<sup>th</sup> Town Board meeting.

5. Vine Valley Farms, LLC owned by Mr. Wray of 5667 Townline Rd., requests a lot line reconfiguration to add 25 ± acres from adjacent Stenzel property to the Wray property in order to gain acreage to locate a "u-pick" hydroponic strawberry farm which is proposed to operate from June to late September 2017. Venezia & Associates submitted site maps for the lot line reconfiguration and the application was noted by Code Officer Ms. Kane to be in compliance with all zoning district area requirements.

The Planning Board motioned to recommend approval of the application. Board Member Lersch motioned to approve the application as presented and Board Member Mincer provided a second. The motion carried with all Board Members in attendance voting in favor.

6. App. # 102115-SPR/ Mr. Jeremy Fields, representing agent for Mr. Mullaly of 1265 South Lake Rd., requested a conceptual review for new construction of a retaining wall to allow two parking spaces at roadside, Tax ID # 21.71-1-2, (LR)

After a short review, the Planning Board reminded Mr. Fields that though this application was not on the agenda, before a formal review for this project could take place, the Board would need stamped engineered plans to be submitted to include dimensions for both the soldier pile retaining wall and from the centerline of the road ROW. It was also noted that an Area Variance for side setback would need to be applied for through the Code Enforcement Office prior to being placed on a Planning Board Agenda for Site Plan Review.

Board Member St. Lawrence advised Mr. Fields to check with the Town's Highway Superintendent prior to planning any site work on South Lake Road to coordinate with the Town's future plans to repave South Lake Road.

A motion to approve March 2 and April 6 draft minutes as submitted was made by Board Member St. Lawrence and seconded by Board Member Lersch. The motion carried with all Board Members present voting in favor.

CEO Ms. Kane reported that the Code Office had recently been informed that the proposed windmill application pending FAA review had currently been withdrawn and the applicant would be resubmitting a new application at a later date.

Also, a proposed small business venture was submitted to purchase one or both of the buildings which used to house "Document Reprocessors" at 613 Water Street. A possible rental of the other building once repaired was discussed and a Business Plan will be submitted for a conceptual review at the June Planning Board Meeting. Ms. Kane reminded the Board that although there was much work to be completed prior to a formal application being submitted, it was exciting to see interest at this location.

Work is progressing on the Vine Valley Beach Improvement Project by a dedicated committee including residents and town officials. Notification was received by the Town of available State funding that has been awarded to the Town of Middlesex for this project. This funding was applied for and procured and through our State Senator O'Mara's office. Since notification of funding, an engineering firm has been selected through a bidding process and is currently working on stamped plans for a proposed Bath House design.

Chairman DeVinney entertained a Motion to adjourn which was offered by Board Member Gilbert and seconded by Board Member Mincer. Motion so carried with all Board Members present voting in favor.

Next scheduled meeting is on June 1<sup>st</sup>.

The meeting adjourned at 9:45pm.

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

Minutes approved on June 1, 2016

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Public Hearing

Minutes  
Wednesday, April 6, 2016, 7 pm

Board Members present: Board Members: Lynn Lersch, Robert Mincer, Bruce St. Lawrence  
CEO: Dawn Kane

Public Present: Mr. and Mrs. John & Cheryl Post

Agenda:

Draft Minutes – 3/02

Site Plan Reviews – Public Hearing

1. Application #020216-SPR for a Kennel/John & Cheryl Post request Site Plan Review for a proposed kennel to be located at 515 Bagley Rd., Tax ID #13.02-1-3.000 (AG)

Board Member Lersch - Acting Planning Board Chair opened the Public Hearing at 7:03 pm

Draft Minutes from March 2<sup>nd</sup> will be held for approval until May 4<sup>th</sup> meeting

Members present were acknowledged and a quorum was confirmed.

It was noted that a legal notice of Public Hearing had been published in the Daily Messenger, and posted on the town's website as well. Also noted were legal notices mailed to neighboring parcels within the designated time and letters of support from neighbors received and made part of the original application. There were no individuals in attendance of the Public Hearing either in support or against the proposed action.

SEQR Findings and Preliminary Plat Review for the Komarek Major Subdivision have been withdrawn from tonight's agenda at applicant's request and will be rescheduled.

Board member Lersch summarized for the Board the March 2<sup>nd</sup> preliminary review by the Board and that tonight's hearing would review any new details of the application, declaration of submitted SEQR and final determination of the application.

No changes or additions to the application under review was noted since the preliminary review on March 2<sup>nd</sup>.

The applicant inquired of the procedure for property signage. CEO Ms. Kane stated there were specific requirements listed in the zoning code for their compliance and she would be glad to discuss options with them at a later time in her office.

A review of the submitted SEQR and completion by the Planning Board of Part 2 determined the project to be a Type II action needing no further review. Board Member Lersch 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.

Board Member Lersch entertained a motion to approve the application as presented. Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

The Board advised the applicant to see Ms. Kane for the next step in the permitting process.

Board Member Lersch closed the Public Hearing at 7:22pm and opened the Planning Board meeting at 7:23pm.

#### Other Business:

- Letter drafted by the Planning Board to the Middlesex Hose Company. Board Members reviewed the draft and agreed it was ready for sending.
- Letter of recommendation drafted by the Planning Board to the Town Council for a parcel rezoning. Board Members agreed to hold the draft until pending review of new information recently submitted by the applicant to the Office of Code Enforcement.

#### Code Enforcement Report:

Ms. Kane brought a project to the Planning Board for advisement. The Planning Board gave the following preliminary advisement on a proposed driveway project for Mr. John Motz for providing additional access to his shoreline dwelling located on a deeded gravel drive ROW which culminates at East Lake Road. The proposed driveway seems to span a contiguous parcel shown on the provided survey as Lot 4D which is not owned by Mr. Motz.

Documentation provided to the Planning Board:

- 1992 Field Survey map with proposed driveway penciled in
- Detail sheet given : Length – 330 feet, Width – 12 feet, Setbacks – 15 ft. from property lines, turnaround inclusive of driveway width (30 feet X 30 feet), material base 2-3” of fine crusher run on top of an 8-10” layer of regular crusher run on top of marify paper.

Planning Board Preliminary advisement:

1. Drainage off the proposed driveway may convey water to neighboring parcels and site plan review to determine erosion impacts is advised.
2. Identification of proposed driveway dimensions needs clarification – pulloff every 150 feet, radius of turns etc.
3. Letter from contiguous neighbor stating knowledge and agreement to proposed project

4. Updated survey map with proposed project identified on it.
5. Site Plan Review with an updated survey is recommended to avoid possible future discrepancies.

Also noted by Ms. Kane was a FAA letter received referencing a pending application that was read and discussed with the Planning Board.

Next Meeting – May 04, 2016

A motion to adjourn the Planning Board meeting was entertained by Board Member Lersch, made by Board Member St. Lawrence and seconded by Board Member Mincer. Motion carried with all present Board Members voting in favor.

Meeting adjourned at 7:48pm

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

Minutes approved on May 04, 2016

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

Wednesday, March 2, 2016, 7 pm

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

Others Present: Mr. and Mrs. John & Cheryl Post, Mr. Robert Fladd

Agenda:

Draft Minutes – 9/21/15, 11/04/15, 1/06/16, 2/24/16

Site Plan Reviews -

1. Preliminary App. #021716-SPR/ Mr. Robert Fladd, representing agent for property owner, Mr. David Seconi of 989 So. Lake Rd., requesting site Plan Review to construct improvements to shoreline property, Tax ID #21.33-1-10, (LR)
2. Preliminary App. #020216-SPR for a Kennel/John & Cheryl Post request Site Plan Review for a proposed kennel to be located at 515 Bagley Rd., Tax ID #13.02-1-3.000 (AG)

Chairman DeVinney opened the Planning Board Meeting at 7:03pm.

1. CEO Dawn Kane provided a summary for Board review, stating this was a preliminary site plan review and that Robert Fladd was present as contractor and owner representative. The project scope included proposed improvement of existing site drainage, reconstruction of several existing retaining walls, revised beach access and additional roadside parking. Possible variances may be necessary for both a new retaining wall near the southern property line and for wall replacement for additional roadside parking as presented because of set-back requirements.

Mr. Fladd presented the project scope via photographs, a hand sketch landscaping plan, a construction execution plan, and an engineer-stamped site map prepared by Venezia & Associates. He stated that the work plan is to use a mini-excavator and a skid steer to perform most of the earthwork. Larger equipment may be brought to the site to load and unload materials as needed. Access to the beach front would be via the existing pathways. The proposed project would start sometime after Labor Day this year and take about 6-8 weeks to complete.

After further scope review, the Planning Board advised as follows:

- a. Revise the stamped plan to show all existing features, to include retaining walls, as an underlayment on the Site Plan. This would serve to highlight and clarify the extent of the new work. Transfer any additional project scope work shown on the hand sketch that is not already on the stamped plan. This will eliminate the hand sketch as part of the submission.



- b. The retaining wall purposed for additional parking needs to be redrafted to show alignment directly over the existing timber retaining wall at that location, since that appears to be the intent. This would negate the need for a variance at that location. Also, provide plan view dimensions for verification.
- c. Locate and size all existing trees within the work site. Indicate which will need to be removed.
- d. Provide plan detail to indicate all drain tile to be installed behind walls. Show all points of discharge and plan of erosion control at those locations.
- e. Any new underground electric service to be installed must be shown on site map, to include source information.
- f. Notify and coordinate with the Middlesex Town Highway Supervisor for required temporary traffic signage and possible scheduled Town road work.
- g. Site Map should show the type and extent of all surface treatments being proposed, to include permeable brick pavers and processed stone.
- h. Coordinate and assure that Venezia & Associates are completely knowledgeable of, and in agreement with, all new retaining wall design detail and other project scope. It was noted that concrete reinforcement size and spacing is missing for the stone and mortar wall detail, and the SK1.1 detail is not shown on plan to indicate extent and transition along the roadside. Any Final Site Plan submitted must be stamped by one licensed NYS PE for all work shown on that Site Plan.

2. Application for a Dog Kennel at 515 Bagley Road, (AG )

CEO Kane provided a brief summary of the application prior to introducing the owners. Stated was the owners of Phil-Mar Kennels have sold the Maxwell Road property and duly licensed kennel and family members, John & Cheryl Post would like to continue the 30 year old business at the new Bagley Rd. location using the same name and contact information. All neighboring parcels have been notified and have signed a letter of support. This kennel is a permitted use and the site plan is compliant with all Zoning requirements and Town Laws. Entrance will be off Bagley Road with a 150 ft. driveway with a pull off and appropriate turnaround to handle emergency vehicles. The septic system was designed by B. Pulver and approved by the Canandaigua Watershed Inspector, George Barden.

Mr. John Post stated that Mr. and Mrs. Phil and Marlene Guarino started the Phil-Mar Kennel on Maxwell Road in 1986. Due to retirement, John's wife Cheryl took over the business, with Mr. Guarino retiring to southern climates with the sale of the Maxwell Road house. The Post would like to move the Kennel to Bagley Road to be at their current primary residence. The business will remain open at the old location on a leased contract until the new kennel is built.

John provided the Board with (3) engineered stamped maps to review that were prepared by Bernie Pulver and submitted with the application. Drawing C-1 showed the overall site plan of

the proposed kennel, Drawing C-2 detailed the individual Wastewater Treatment System for the business; and Drawing C-3 detailed silt fence to be used, 1500 gallon septic tank/effluent dosing pump and distribution box with 8 leach lines, absorption trenching, and system layout. Sewage from the kennel is hosed through an indoor/outdoor drain system with gutters that flush and filter it to the septic system. John stated business hours for the Kennel would be Monday-Friday 8:30am to Noon. Closed on Wednesdays, Sundays and Holidays. Morning chores are 7-8am when the dogs are fed and led out to play for approximately 20 minutes and then again at noon. Animals are fed dinner at 4pm and have another playtime thereafter. All chutes and runs in the kennel face towards the woods and will be closed up between 7-8pm. Maximum capacity of dogs on property at any given time would be 32 dogs if both boarding and grooming facilities were filled. On an average, 5-7 dogs would be accommodated. Music is piped in to reduce anxiety and geriatric dogs are provided nightly warmed blankets before retiring for the night. The kennel building is fully insulated, built on concrete pads and is 32 ft. x 50 ft. with a concrete apron extension around the building which encompasses 48 ft. x 63 ft. Parking will accommodate 12 cars maximum on a gravel base. There will be a 6 ft. chain link fence surrounding the kennel and wire embedded protection underground to discourage animal digging. During power outages, a generator with a 30 second delay kicks in, all kennel animals and employees are subject to fire drills with an evacuation plan that is filed with the Middlesex Fire Department. Electric will be pulled from the house, and the kennel will be heated by a propane tank. There is a fire alarm system that is currently in the decision process, but smoke alarms will be connected to the house. Signage for the business will be low-key, set back from the road and landscaped by the trees which will be tastefully highlighted at night. Trees will be planted as shown on the site map to create a buffer visually from the road. Estimated time of construction would be May or June and the project should take approximately a month and a half to complete.

After a short discussion, Chairman DeVinney entertained a motion to the Board to hold a Public Hearing for the purpose of inviting public comment prior to determination. Board Member Lynn Lersch moved to set a Public Hearing on April 6<sup>th</sup> at 7pm. and Board Member John Gilbert provided a second. The motion carried with all Board Members present voting in favor. Legal notice will be published in the Daily Messenger.

Board Member Lersch entertained a message to approve outstanding draft minutes with noted revisions from September 21, 2015 and a resolution of the same date; November 4, 2015; January 6, 2016 and a resolution of the same date; and February 24, 2016 and a resolution of the same date. Board Member Mincer made a motion to approve with revisions noted and Board Member Gilbert provided a second. Motion carried with all Board Members present voting in favor.

A motion to adjourn the Planning Board meeting was offered by Board Member Gilbert and seconded by Board Member Mincer. Motion so carried with all Board Members voting in favor.

Meeting adjourned at 8:50pm Draft minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)

Minutes approved on 5/04/16

At a meeting of the Planning Board of the Town of Middlesex, held at the Town Hall in said Town, County of Yates, State of New York on the 24<sup>th</sup> day of February, 2016, at 7:00 p.m., there were

PRESENT: Martin DeVinney, Chairperson  
Bruce St. Lawrence  
Lynn Lersch  
John Gilbert  
Robert Mincer

ABSENT:

Bruce St. Lawrence presented the following "Resolution" which was seconded by Robert Mincer

**RESOLUTION OF THE TOWN OF MIDDLESEX PLANNING BOARD REGARDING THE ISSUANCE OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT PREPARED FOR THE KOMAREK MAJOR SUBDIVISION PROJECT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**WHEREAS**, the Town of Middlesex Planning Board ("Planning Board") has received an application from Andrew Komarek ("Applicant") for a 4-lot major subdivision of Tax I.D. No. 2.03-1-2.1, a property with steep slopes located within the Lake Residential ("LR") District ("Project"). The Project involves the creation of four (4) lots for single family residences, along with the construction of a private road to access each of the residences. The Project requires major subdivision approval, as well as site plan review, and a special use permit from the Zoning Board of Appeals ("ZBA") for the construction of the private road in the LR District;

**WHEREAS**, pursuant to the State Environmental Quality Review Act ("SEQRA"), the Applicant submitted to the Planning Board Part 1 of a Short Environmental Assessment Form dated August 10, 2009. Subsequently, the Applicant submitted Part 1 of a Full Environmental Assessment Form ("FEAF") dated August 1, 2012, which was deemed incomplete. The Applicant then submitted Part 1 of a FEAF dated October 17, 2012, which relates to the Project details in the drawings dated August 1, 2012;

**WHEREAS**, the Part 1 of the October 17, 2012 FEAF, having been reviewed by the Planning Board, was deemed adequate and accurate relative to the Project, although the Planning Board questions the accuracy of the answer to question A.3., with regard to soil types;

**WHEREAS**, the Planning Board established itself as the Lead Agency and caused Part 2 and 3 of the FEAF to be completed;

**WHEREAS**, the Planning Board issued a Positive Declaration for the Project on April 3, 2013, and declared its intent to conduct scoping pursuant to SEQRA;

**WHEREAS**, the Planning Board has coordinated its SEQRA review with the Zoning Board of Appeals, the New York State Department of Environmental Conservation, New York

State Department of Health, the Yates County Soil and Water, Canandaigua Watershed Association, Canandaigua Watershed Council, and the Yates County Planning Board as involved and interested agencies;

**WHEREAS**, the Applicant submitted a draft Scope for the Project on March 12, 2014;

**WHEREAS**, the Planning Board distributed a copy of the draft Scope to the Involved and Interested Agencies, as well as individuals requesting a copy of same;

**WHEREAS**, the Planning Board held a public hearing on the draft Scope for persons wishing to be heard on April 23, 2014;

**WHEREAS**, the Planning Board issued the Final Scope on May 7, 2014;

**WHEREAS**, the Applicant submitted a Draft Environmental Impact Statement (“DEIS”) on December 13, 2014;

**WHEREAS**, the Planning Board received and reviewed the DEIS, and identified the deficiencies in a letter dated January 22, 2015 (“Deficiency Letter”), in accordance with 6 NYCRR 617.9;

**WHEREAS**, on June 4, 2015, the Applicant submitted a revised DEIS dated May 7, 2015 (“Revised DEIS”), along with a cover letter dated May 7, 2015;

**WHEREAS**, the Planning Board determined the revised DEIS dated July 9, 2015 adequate with respect to its scope and content for purpose of commencing public review pursuant to 6 NYCRR 617.9 and issued the Notice of Completion of the DEIS on July 24, 2015;

**WHEREAS**, the Planning Board accepted comments to the DEIS through October 1, 2015;

**WHEREAS**, the Planning Board held a public hearing on the DEIS on September 21, 2015;

**WHEREAS**, the Planning Board now desires to issue its “Determination of Completion of the FEIS” in accordance with the SEQRA regulations at 6 NYCRR 617.9(a) and to give notice of said determination and filing; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD:**

1. The Planning Board, based on a thorough examination and analysis of the DEIS, the public comments received concerning the DEIS, the Applicant’s responses thereto, the Planning Board hereby finds and determines that the FEIS prepared by Stantec and dated February 23, 2016 shall be deemed complete; and
2. The Clerk to the Planning Board is hereby directed to file a copy of the FEIS and “Notice of Completion” as set forth below:

- a. Copies of the FEIS and “Notice of Completion” shall be mailed simultaneously to the involved and interested agencies, persons requesting a copy of the FEIS, the NYSDEC, as well as the Applicant, as contained in the list attached as Exhibit A;
  - b. A copy of the “Notice of Completion” shall be sent to the New York State Department of Environmental Conservation’s Environmental Notice Bulletin for publication;
  - c. A copy of the FEIS shall be placed on the Middlesex website; and
  - d. Copies of said FEIS and “Notice of Completion” shall be filed in the office of the Town Clerk for the Town of Middlesex and made available for public inspection and review.
3. This Resolution shall take effect immediately.

**THE FOREGOING RESOLUTION**, was put to vote as follows:

<u>Name</u>	<u>Vote</u>
Martin DeVinney, Chairperson	<u>aye</u>
Bruce St. Lawrence	<u>aye</u>
Lynn Lersch	<u>aye</u>
John Gilbert	<u>aye</u>
Robert Mincer	<u>aye</u>

I, the undersigned Clerk of the Town of Middlesex Planning Board **DOES HEREBY CERTIFY:**

That I have compared the foregoing copy of minutes of the meeting of the members of the Town of Middlesex Planning Board (the "Planning Board"), including the "Resolution" contained therein, held on February 24, 2016 with the original hereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that (i) all members of the Planning Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Planning Board present throughout said meeting.

**I FURTHER CERTIFY** that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

**IN WITNESS WHEREOF**, I have hereunto set my hand as Planning Board Clerk of the Town of Middlesex Planning Board this 24 day of February, 2016.

**TOWN OF MIDDLESEX  
PLANNING BOARD**

Lynn Lersch

Lynn Lersch, Planning Board Clerk

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

Wednesday, February 24, 2016, 7 pm

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

Others Present: Tom Fromberger, Vivek Thiagarajan, Gordon Stringer, Donald Sheive, Wayne Dunton

Agenda:

Old Business: FEIS - Komarek Major Subdivision

Resolution regarding the Issuance of the FEIS prepared for the Komarek Subdivision Project pursuant to SEQRA

Site Plan Reviews: none

Chairman DeVinney brought the Planning Board meeting to order at 7:02 pm.

Attorney Wendy Marsh of Hancock Estabrook opened with an explanation of where we currently were in the SEQRA process culminating in determining as complete the Final Environmental Impact Statement (FEIS), dated February 23, 2016, which was prepared for the Town of Middlesex by Stantec Consulting in coordination with the Planning Board as Lead Agency, in response to the applicant's Draft Environmental Impact Statement (DEIS).

Next steps in the process would be to approve and distribute copies of the FEIS and a "Notice of Completion" to all involved and interested agencies and persons requesting a copy of the FEIS, the NYSDEC, as well as the applicant, as contained in the list established as Exhibit A. A copy will be sent to the NYSDEC's Environmental Notice Bulletin for publication as well.

The Planning Board must wait at least 10 days after the date of mailing before it can issue its SEQR findings based on this FEIS.

At the regularly scheduled Planning Board April meeting, it is assumed that the Planning Board will issue its' SEQR findings and render a decision on the applicant's Preliminary Plat for the 4 Lot Major Subdivision.

Chairman DeVinney stated that the Resolution had been reviewed by the Planning Board Members and entertained a motion to accept the Resolution as written, and that it would take effect immediately.

Roll Call Vote:

Martin DeVinney, Chair	<u>aye</u>
Bruce St. Lawrence	<u>aye</u>
Lynn Lersch	<u>aye</u>
John Gilbert	<u>aye</u>
Robert Mincer	<u>aye</u>

Other Business:

Code Enforcement Officer Dawn Kane summarized the two applications on the Planning Board agenda for March 2<sup>nd</sup> and stated the Board might be reviewing pending information from Mr. Tim Murphy for a proposed Mechanic Shop Business on Bagley Road.

Progress has been made on a conceptual plan for a Bath House and Water/Septic as well as possible plans for a dock at shoreline. Letters of support from various agencies are pending.

The Code Office received a response from the Federal Aviation Administration on an application and is requesting an extension for the purpose of a complete review.

Chairman DeVinney commended the Planning Board Members and all parties involved in completing the FEIS for the Komarek application with the help of many residents and outside agencies.

CEO Dawn Kane mentioned that the Town of Canandaigua was in the process of reviewing the Town of Middlesex's Steep Slope Law for their use and have asked permission to use some of the law's typical drawings as building options available for development on Steep Slopes.

Chairman DeVinney entertained a motion to adjourn. Board Member Gilbert made the motion and Board Member Mincer so moved. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:15p

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

Minutes approved on March 2, 2016



At a meeting of the Planning Board of the Town of Middlesex, held at the Town Hall in said Town, County of Yates, State of New York on the 6<sup>th</sup> day of January, 2016, at 7:00 p.m., there were

PRESENT: Martin DeVinney, Chairperson  
Bruce St. Lawrence  
Lynn Lersch  
Robert Mincer

ABSENT: John Gilbert

Robert Mincer presented the following “Resolution” which was seconded by Bruce St. Lawrence:

**RESOLUTION OF THE TOWN OF MIDDLESEX  
PLANNING BOARD REGARDING ESTABLISHING THE SCHEDULE  
FOR ISSUING THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

**WHEREAS**, the Town of Middlesex Planning Board (“Planning Board”) has received an application from Andrew Komarek (“Applicant”) for a 4-lot major subdivision of Tax I.D. No. 2.03-1-2.1, a property with steep slopes located within the Lake Residential (“LR”) District (“Project”), as more fully discussed in the Resolution passed by the Planning Board on November 4, 2015;

**WHEREAS**, since the November 4, 2015 meeting, the Planning Board has worked diligently with its consultant, Stantec, to prepare the Final Environmental Impact Statement (“FEIS”) for the project pursuant to the State Environmental Quality Review Act (“SEQRA”);

**WHEREAS**, notwithstanding the Planning Board’s best efforts, it is not in a position to issue the FEIS tonight, as contemplated during its November 4, 2015 meeting, as it requires additional time to properly complete and issue the FEIS for the Project;

**WHEREAS**, the Planning Board cannot issue SEQRA Findings until at least 10 days after the issuance of the FEIS;

**WHEREAS**, the Planning Board cannot make any decision on the application for preliminary plat until it issues its SEQRA Findings;

**WHEREAS**, the Town Law requires decision on a preliminary plat within specified deadlines or the application is deemed to have been granted approval;

**WHEREAS**, the Planning Board seeks to clarify that to the extent a decision is due on the preliminary plat within said specified timeframes, the Planning Board wants to clarify that the preliminary plat continues to be deemed denied until it has an opportunity to properly issue the FEIS and its SEQRA Findings; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE  
PLANNING BOARD:**

1. The Planning Board requires additional time to adequately prepare the FEIS.
2. The Planning Board anticipates issuing said FEIS in February 2016.
3. To the extent necessary, the Planning Board deems the preliminary plat denied to ensure there is no argument of any default approval as contemplated under Town Law.
4. A decision on the preliminary plat will be made by the Planning Board within thirty (30) days after the issuance of the SEQRA Findings.
5. This Resolution shall take effect immediately.

**THE FOREGOING RESOLUTION**, was put to vote as follows:

<u>Name</u>	<u>Vote</u>
Martin DeVinney, Chairperson	<u>aye</u>
Bruce St. Lawrence	<u>aye</u>
Lynn Lersch	<u>aye</u>
John Gilbert	<u>absent</u>
Robert Mincer	<u>aye</u>

I, the undersigned Clerk of the Town of Middlesex Planning Board **DOES HEREBY CERTIFY:**

That I have compared the foregoing copy of minutes of the meeting of the members of the Town of Middlesex Planning Board (the "Planning Board"), including the "Resolution" contained therein, held on January 6, 2016 with the original hereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that (i) all members of the Planning Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Planning Board present throughout said meeting.

**I FURTHER CERTIFY** that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Middlesex Planning Board this 6th day of January, 2016.

**TOWN OF MIDDLESEX  
PLANNING BOARD**

Lynn Lersch  
Lynn Lersch, Clerk

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

Wednesday, January 6, 2016, 7 pm

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

Others Present: none

Agenda: Old Business: Komarek Major Subdivision - establishment of schedule for issuing FEIS

Site Plan Reviews: none

Chairman DeVinney brought the Planning Board meeting to order at 7:02 pm.

The Planning Board reviewed the resolution entitled: "Resolution of the Town of Middlesex Planning Board Regarding Establishing the Schedule for Issuing the Final Environmental Impact Statement (FEIS)"

Board Member Lersch read the Resolution to the assembled Board.

Chairman DeVinney entertained a motion. Board Member Robert Mincer made a motion to approve as read. Board Member St. Lawrence seconded the motion. Roll call Vote:

Martin DeVinney, Chair:	aye
John Gilbert, Board Member	absent
Lynn Lersch, Board Member	aye
Robert Mincer, Board Member	aye
Bruce St. Lawrence, Board Member	aye

The motion so carried.

There were no other items on the agenda. A motion to adjourn was offered by Board Member St. Lawrence and seconded by Board Member Mincer. All Board Members present voted in favor. The motion carried. Meeting adjourned at 7:15pm

Draft Minutes submitted by L. Lersch/revisions to: [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)  
Minutes approved on March 2, 2016

2015

At a meeting of the Planning Board of the Town of Middlesex, held at the Town Hall in said Town, County of Yates, State of New York on the 4<sup>th</sup> day of November, 2015, at 7:00 p.m., there were

PRESENT: Martin DeVinney, Chairperson  
Bruce St. Lawrence  
Lynn Lersch  
John Gilbert  
Robert Mincer

ABSENT:

John Gilbert presented the following “Resolution” which was seconded by Bruce St. Lawrence:

**RESOLUTION OF THE TOWN OF MIDDLESEX  
PLANNING BOARD REGARDING ESTABLISHING THE SCHEDULE  
FOR ISSUING THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

**WHEREAS**, the Town of Middlesex Planning Board (“Planning Board”) has received an application from Andrew Komarek (“Applicant”) for a 4-lot major subdivision of Tax I.D. No. 2.03-1-2.1, a property with steep slopes located within the Lake Residential (“LR”) District (“Project”). The Project involves the creation of four (4) lots for single family residences, along with the construction of a private road to access each of the residences. The Project requires, among other approvals, major subdivision approval, as well as site plan review, and a special use permit from the Zoning Board of Appeals (“ZBA”) for the construction of the private road in the LR District;

**WHEREAS**, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Applicant submitted to the Planning Board Part 1 of a Short Environmental Assessment Form dated August 10, 2009. Subsequently, the Applicant submitted Part 1 of a Full Environmental Assessment Form (“FEAF”) dated August 1, 2012, which was deemed incomplete. The Applicant then submitted Part 1 of a FEAF dated October 17, 2012, which relates to the Project details in the drawings dated August 1, 2012;

**WHEREAS**, the Part 1 of the October 17, 2012 FEAF, having been reviewed by the Planning Board, was deemed adequate and accurate relative to the Project, although the Planning Board questions the accuracy of the answer to question A.3., with regard to soil types;

**WHEREAS**, the Planning Board established itself as the Lead Agency and caused Part 2 and 3 of the FEAF to be completed;

**WHEREAS**, the Planning Board issued a Positive Declaration for the Project on April 3, 2013, and declared its intent to conduct scoping pursuant to SEQRA;

**WHEREAS**, the Planning Board has coordinated its SEQRA review with the Zoning Board of Appeals, the New York State Department of Environmental Conservation, New York

State Department of Health, the Yates County Soil and Water, Canandaigua Watershed Association, Canandaigua Watershed Council, and the Yates County Planning Board as involved and interested agencies;

**WHEREAS**, the Applicant submitted a draft Scope for the Project, nearly one year later, on March 12, 2014;

**WHEREAS**, the Planning Board distributed a copy of the draft Scope to the Involved and Interested Agencies, as well as individuals requesting a copy of same;

**WHEREAS**, the Planning Board held a public hearing on the draft Scope for persons wishing to be heard on April 23, 2014;

**WHEREAS**, the Planning Board issued the Final Scope on May 7, 2014;

**WHEREAS**, the Applicant submitted a Draft Environmental Impact Statement (“DEIS”) on December 13, 2014;

**WHEREAS**, the Planning Board received and reviewed the DEIS, and identified the deficiencies in a letter dated January 22, 2015 (“Deficiency Letter”), in accordance with 6 NYCRR 617.9;

**WHEREAS**, on June 4, 2015, the Applicant submitted a revised DEIS dated May 7, 2015 (“Revised DEIS”), along with a cover letter dated May 7, 2015;

**WHEREAS**, on June 1, 2015, the Planning Board reviewed the Revised DEIS in comparison to the Deficiency Letter to determine if the Revised DEIS was adequate with respect to its scope and content for the purpose of commencing public review pursuant to 6 NYCRR 617.9 and identified two (2) items that needed further information;

**WHEREAS**, on July 1, 2015 the DEIS was deemed adequate for public comment;

**WHEREAS**, the DEIS was distributed to the Involved and Interested Agencies and a public comment period commenced, which ended on October 1, 2015;

**WHEREAS**, the Planning Board held a public hearing on September 21, 2015 to receive comments on DEIS;

**WHEREAS**, the Planning Board received numerous oral comments during the public hearing, as well as six (6) written comments during the public comment period;

**WHEREAS**, the Planning Board as Lead Agency, is obligated to prepare the Final Environmental Impact Statement (“FEIS”) pursuant to 6 NYCRR 617.9(a)(5) within forty five (45) calendar days after the close of the public hearing;

**WHEREAS**, the Planning Board’s consultant, Stantec, attempted to coordinate the initial preparation of the responses to the comments received to the DEIS with the applicant’s consultant, MRB, which is the customary practice;

**WHEREAS**, although it is the obligation of the Lead Agency to prepare the FEIS, it is the customary practice for the Applicant's proposed responses to comments to be the draft FEIS that is finalized for the Lead Agency;

**WHEREAS**, the Planning Board received no responses to the comments from the applicant's consultant until October 30, 2015, which was thirty (30) days after the close of the public comment period;

**WHEREAS**, pursuant to 6 NYCRR 617.9(a)(5)(ii) the Lead Agency is obligated to prepare the final FEIS within forty-five (45) calendar days unless additional time is necessary to prepare the statement adequately;

**WHEREAS**, prior to providing the draft FEIS on October 30, 2015, the Applicant discussed with the Lead Agency an extension of the deadlines in order to have adequate time for the Lead Agency to prepare the FEIS;

**WHEREAS**, before providing the draft FEIS, the Applicant refused to consent to an extension for the deadline to issue the FEIS until the Planning Board's December 2, 2015 meeting, to allow sufficient time to review the draft prepared by the Applicant and make any necessary changes before issuing said FEIS;

**WHEREAS**, since the draft FEIS was received five (5) days ago, which included three (3) business days, the Lead Agency's consultant has had an opportunity to preliminarily review the draft and has confirmed that additional time will be necessary to prepare the FEIS adequately;

**WHEREAS**, the Planning Board cannot issue SEQRA Findings until at least 10 days after the issuance of the FEIS;

**WHEREAS**, the Planning Board cannot make any decision on the application for preliminary plat until it issues its SEQRA Findings;

**WHEREAS**, the Town Law requires decision on a preliminary plat within specified deadlines or the application is deemed to have been granted approval;

**WHEREAS**, because the Applicant would not consent to an extension of the regulatory timeframes, the Planning Board seeks to clarify that to the extent a decision is due on the preliminary plat within said specified timeframes, the Planning Board wants to clarify that the preliminary plat be deemed denied until it has an opportunity to properly issue the FEIS and its SEQRA Findings;

**WHEREAS**, pursuant to 6 NYCRR 617.13(a), the Lead Agency may charge a fee to recover the actual costs of preparing the FEIS;

**WHEREAS**, the estimated fee for Stantec to prepare the FEIS based upon its review of the draft submitted by the Applicant five (5) days ago is \$12,000, as set forth in its proposal dated November 4, 2015; and



**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD:**

1. The Planning Board requires additional time to adequately prepare the FEIS.
2. The Planning Board requires agreement from the Applicant to reimburse it for Stantec's cost to prepare the FEIS;
3. Assuming the Applicant accepts Stantec's costs this week, the Planning Board anticipates issuing said FEIS at its January 2016 meeting.
4. To the extent necessary, the Planning Board deems the preliminary plat denied to ensure there is no argument of any default approval as contemplated under Town Law.
5. A decision on the preliminary plat will be made by the Planning Board within thirty (30) days after the issuance of the SEQRA Findings.
6. This Resolution shall take effect immediately.

**THE FOREGOING RESOLUTION**, was put to vote as follows:

<u>Name</u>	<u>Vote</u>
Martin DeVinney, Chairperson	<u>X</u>
Bruce St. Lawrence	<u>X</u>
Lynn Lersch	<u>X</u>
John Gilbert	<u>X</u>
Robert Mincer	<u>X</u>

I, the undersigned Clerk of the Town of Middlesex Planning Board **DOES HEREBY CERTIFY:**

That I have compared the foregoing copy of minutes of the meeting of the members of the Town of Middlesex Planning Board (the "Planning Board"), including the "Resolution" contained therein, held on November 4, 2015 with the original hereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that (i) all members of the Planning Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Planning Board present throughout said meeting.

**I FURTHER CERTIFY** that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Middlesex Planning Board this   6   day of November, 2015.

**TOWN OF MIDDLESEX  
PLANNING BOARD**

  Lynn Lersch    
Lynn Lersch, Clerk

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

Wednesday, November 4, 2015, 7 pm

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

Others Present: W. Marsh, Attny; Mike Flannigan & Barbara Wagner of Stantec Consulting, Ted Carman, Melody Delfs, Tim Murphy, Tim Lafler, Donald Sheive, David Moon of Marathon Engineers, Rocco Venezia, Pat Venezia

Agenda:

Old Business: Komarek Major Subdivision - establishment of schedule for issuing FEIS

Site Plan Reviews:

1. Application #072915-SPR/SSR: Mr. David Moon of Marathon Engineers, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd. requests Final Site Plan Review for the construction of an addition to an existing residence and improvements to a garage and driveway in a Steep Slope location, Tax Map ID # 11.50-1-2.1, (LR)
2. Application #101515-SPR/Mr. and Mrs. Kenneth and Melody Delfs, represented by Venezia & Associates requests Preliminary Site Plan Review for new construction of a single family residence and garage on vacant land located at 556 East Lake Road of the Highland Group Minor Subdivision, Tax ID # 22.03-1-11.4 (LR)
3. Application #102115-SPR/ Mr. Jeremy Fields, representing agent for Mr. Mullaly of 1265 South Lake Road requests Site Plan Review for new construction of a retaining wall, Tax ID # 21.71-1-2, (LR)
4. Application #103015-SPR/ Mr. Tim Lafler of 5785 South Vine Valley Rd. requests Site Plan Review for the construction of a pole barn and a 400 foot driveway, Tax ID #12.04-1-8 (AG/RES)

Draft Minutes for 9/16, and 10/07

Chairman DeVinney brought the Planning Board meeting to order at 7 pm.

Draft Minutes from September 16<sup>th</sup> and October 7<sup>th</sup> were reviewed by the Board. Board Member Mincer made a motion to approve both with revisions as presented. Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

Chairman DeVinney introduced Ms. Wendy Marsh – Attorney at Law for Hancock Estabrook, representing the Town of Middlesex, for the purposes of reviewing a Resolution of the Town of Middlesex Planning Board regarding the establishing of the schedule for issuing the Final Environmental Impact Statement (FEIS) for the Komarek Major Subdivision project pursuant to SEQRA. Ms. W. Marsh reviewed the resolution and Stantec Consulting,

representing the Town as Town Engineers, provided the Board with a letter dated 11/04/15 requesting additional services for FEIS Preparation.

Planning Board Member John Gilbert presented the attached resolution which was seconded by Board Member Bruce St. Lawrence. The motion carried with the following roll call vote:

Martin DeVinney, Chair	<i>aye</i>
John Gilbert	<i>aye</i>
Lynn Lersch	<i>aye</i>
Robert Mincer	<i>aye</i>
Bruce St. Lawrence	<i>aye</i>

Site Plan Reviews:

1. Application #072915-SPR/SSR: Mr. David Moon of Marathon Engineers, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd. requests Final Site Plan Review for the construction of an addition to an existing residence and improvements to a garage and driveway in a Steep Slope location, Tax Map ID # 11.50-1-2.1, (LR)

CEO, Ms. Kane updated the Board stating that the application had received county recommendation for approval with some comments from the County Soil & Water to be resolved. She stated Mr. David Moon submitted a letter of response, dated Oct. 14<sup>th</sup> and map revisions for Board review. Mr. Moon was seeking Final Determination tonight.

After reviewing the submitted revisions, the Board advised Mr. Moon to add the proposed bluestone stone at shoreline after the site had been stabilized and all silt fencing removed. The Board forewarned Mr. Moon to make sure the construction traffic did not damage septic field by driving over it. Holes bored prior to excavation and then staking it out may help protect it during active construction.

After reviewing revisions, the Board gave conditional approval, requesting the following to be emailed to the Code office for the original file prior to permitting:

- a. Submit stamped plans for the proposed retaining walls which were to be reviewed by Stantec Consulting.
- b. Note that stone work at discharge of yard drain system was to be installed after erosion control measures were completed so that the silt fence would remain in place throughout all other disturbance activities.

Board Member St.Lawrence made a motion to conditionally approve and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

2. Application #101515-SPR/Mr. and Mrs. Kenneth and Melody Delfs is requesting Preliminary Site Plan Review for new construction of a single family residence and a garage on vacant land located at 556 East Lake Road of the Highland Group Minor Subdivision, Tax ID # 22.03-1-11.4 (LR)

CEO, Ms. Kane summarized the application to the Board and introduced Mr. Rocco Venezia, stating Lot #1 of the Minor Subdivision was 2.227 acres. They would be utilizing the existing driveway and extending it to locate the house on the flat area of the lot which is in compliance with the Town's Steep Slope Law. The owners would like to bring the abandoned driveway back to a natural state at some point in the future. Plans to set the house up off the ground to provide less excavation, shall also include a water filtration system to collect rainfall from the roof to be collected into a holding tank within the house. There are no current plans to upgrade the gravel path to the lake.

The Board had no further discussion or review at this time.

3. Application #102115-SPR/ Mr. Jeremy Fields, representing agent for Mr. Mullaly of 1265 South Lake Road requests Site Plan Review for new construction of a retaining wall, Tax ID # 21.71-1-2, (LR)

Since neither applicant nor owner were present, this application will be rescheduled for Site Plan Review at a later date.

4. Application #103015-SPR/ Mr. Tim Lafler of 5785 South Vine Valley Rd., requests Site plan review for the construction of a pole barn and a 400 foot driveway, Tax ID #12.04-1-8 (AG/RES)

Ms. Kane summarized the application by stating that the application was brought to the Planning Board due to a proposed 400 ft. driveway to be constructed to access a pole barn which would be used for Agriculture purposes. Noted as well, Mr. Lafler owns the 1 acre parcel contiguous to the west of this 5 acre parcel. The driveway will have a crusher run base and a turnaround at the barn. The driveway has a pre-existing public road access constructed by the Middlesex Highway Department.

Mr. Lafler stated the size of the barn would be 94' x 96' x 48' and would include electricity, but no running water and a 60 ft. setback for the side and rear lot lines was requested by the Board to be added to the submitted drawing. It was also stated that the use would remain agricultural and not be for Mr. Lafler's construction business. Mr. Lafler plans on growing fruit trees.

Without further discussion, the Board completed a SEQR application, declaring it a Type II action needing no further review and without any significant environmental impact. A negative declaration was determined with a motion offered by Board Member Mincer and Board Member Gilbert providing a second. The motion carried with all Board Members present voting in favor.

A motion to approve the application as presented as an Agricultural Use, and not for Business Use, was made by Board Member Gilbert and seconded by Board Member Mincer. A roll call vote was taken and all Board Members present voted in favor. The motion carried.

#### Other Business:

The Planning Board completed a revised SEQR review of Application #011415-SPR for Applicant Mr. and Mrs. Sarah and John Gibson of 452 East Lake Road to clarify a negative declaration of significant environmental impact on June 17, 2015 for 1 of 3 Steep Slope waivers applied for by applicant and granted by the Planning Board.

Resident Mr. Tim Murphy, of 208 Bagley Rd., made a request to the Planning Board to recommend to the Zoning Board of Appeals rezoning his property from Hamlet Residential, as it is now zoned, to Highway

Business, which would allow him to apply for a small machine repair shop from his home. He met with the Planning Board last month, presenting his business plan and is now submitting new requested information. The Board requested Mr. Murphy to provide a plan for appropriate disposal of all hazardous material that may be used in such businesses as the one proposed. Mr. Murphy provided the board with information from a professional service, "Safety Clean" that would accommodate this request.

Ms. Kane states that this parcel had once been zoned Highway Business, and over time there was a discrepancy in the zoning of this parcel due to a similar color choice on the official zoning map that had faded over time and was then thought to be Hamlet Residential as documented in the code office. Mr. Murphy's parcel is 50 feet from the Highway Business zone now and 2 other home businesses are presently in the general neighborhood. When previously brought to the Zoning Board of Appeals for review, the ZBA requested the Planning Board research the history of the parcel and provide recommendation. Mr. Murphy would like to move forward with this request.

Ms. Kane stated that Mr. Murphy's parcel complies with all zoning requirements for Highway Business and he has received letters of approval from contiguous property owners for the proposed business plan.

The Planning Board was in agreement that a letter of recommendation should be written to the Town Board for consideration. Chairman DeVinney stated that such a letter would be presented to the Town Board for review in December. Code Officer Kane and Planning Board Chairman DeVinney will enter into initial discussion at the November Town Board meeting on this subject.

Mr. Tim Lafler of Lafler Construction wished to request a discussion of the Steep Slope Law in reference to a proposed retaining wall for gully stabilization at 1431 So. Lake Rd. that is currently in the review process. After a lengthy discussion, the board was in agreement that all plans, submitted by Lafler Construction ( Grove, P.E., the TSI Engineers and the Ray Teeter, P.E. plans) indicated the proposed retaining wall was under 36 in. which will be verified during construction. If, during construction, any exposed section of the retaining wall on the opposite side of the embankment being retained is equal to, or exceeds, 36" in height, work will be stopped until the wall has been reviewed and stamped by a licensed P.E.. However, a Site Plan must still be submitted that shows the entire scope of the project, to include retaining wall detail, length of wall, extent and size of rip rap to be added, and any trees to be removed.

Mr. Lafler agreed to supply this document to expedite the application prior to permitting of construction to commence.

Without further discussion, the Planning Board Chair, Marty DeVinney entertained a motion to adjourn. Board Member Gilbert so moved and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor. The meeting adjourned at 8:40pm.

Next Meeting: December 2<sup>nd</sup>

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

Minutes approved on March 2, 2016



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

Wednesday, October 7, 2015, 7 pm

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

Others Present: Nancy Robinson, Tim Murphy, Tim Lafler

Agenda: Old Business:

1. Tim Murphy/Business Plan – 208 Bagley Road
2. Application #060915-SPR/Robinson – 1431 South Lake Road

Other Business: Draft Minutes from September 21<sup>st</sup> Public Hearing are pending review from W. Marsch, Attorney

Chairman DeVinney brought the Planning Board Meeting to order at 7:02pm

1. Tim Murphy Business Plan – Bagley Road

CEO, Ms. Kane summarized the history of Mr. Murphy's project plan. In 2006, the Town rezoned a portion of Bagley Rd. from Hamlet Residential to Highway Business. Mr. Murphy's parcel borders this zoning district. Mr. Bagley is submitting his business plan to the Planning Board for review. Mr. Murphy has requested of the Planning Board a written letter of recommendation to the Town Board for possibly rezoning his 2.8 acre parcel on Bagley Road from Hamlet Residential to Highway Business. This rezoning would allow him to apply for a small home operated machine shop and automotive repair at 208 Bagley Road.

Mr. Murphy presented his business plan stating he may apply for a NYS Vehicle Inspection license possibly in the future. He expected there would not be any employees hired nor did he intend to expand the business in the future. He stated the business would provide a service to the community and would also add to the town's tax base. He had attached letters of approval from owners of neighboring parcels.

After review of the business plan, the Board requested Mr. Murphy to supply a list of any materials of environmental concern that he may use in the business and to include his plan for disposal of these materials. Also to be submitted for Board review, would be a plan for parking vehicles and a traffic flow pattern onto Bagley Rd. The Board stated their first consideration in providing a recommendation for rezoning a parcel of land would be to research the projects' impact on the integral character of the neighborhood as this land use would stay with the property.

2. Application #060915-SPR/Robinson – 1431 South Lake Road

Ms. Kane stated to the Planning Board that Mr. Tim Lafler, representing agent for Ms. Nancy Robinson was requesting of the Planning Board time to discuss the possibility of a waiver from the Town's Site Plan Review process. She stated that the Code Office had not received any new submissions from Mr. Lafler to date.



Mr. Lafler requested clarification on requested allowances and restrictions that the Planning Board had sent to Mr. Lafler. He also submitted for Board review, a letter from Mr. Rick Ayers of Yates County Soil & Water with site visit comments. After a lengthy Board review and discussion, Mr. Lafler requested a waiver from the Site Plan Review process.

Chairman DeVinney concluded from the Board review, that based on the fact that three different plan details had been submitted for this site, and that no additional information had been received by the Board since it's September 17<sup>th</sup>'s request for a complete site plan showing all site plan requirements per current Town Laws, that the Board could not grant any waivers from Site Plan Review. Once a site plan was submitted, the Board could then address determination of the site application request. A September 28<sup>th</sup> review by Town Engineer, Stantec Consulting had been sent to Mr. Lafler in confirmation of the board's request and what they considered was still pending.

Mr. Lafler requested if, while awaiting a set of complete engineering site plans to be drafted and submitted for Board Review, could the Board make allowance for him to add stone rip rap to the gully at the base of the current deteriorating retaining wall to support the wall during future storm events. This proposal had been approved by the Planning Board on Engineer Grove's July 2015 submitted site plan.

Board Member Lersch requested if Mr. Lafler had completed all Phase I work requested in a letter dated August 5<sup>th</sup> providing Mr. Lafler with a phased construction sequence schedule. Phase I would be to prepare the gully for further proposed stabilization work. Mr. Lafler stated he had completed all of Phase I.

Upon request, CEO Kane stated she would supply Mr. Lafler with an electronic copy in pdf of GIS Topography map showing the parcels' slope.

After further discussion, Board Member St. Lawrence made a motion to allow Mr. Lafler to apply appropriate sized rip rap for the slope, as stated in the Grove plan, in the gully at the base of the current deteriorating retaining wall until the time when a complete engineered site plan could be submitted, also stating that no digging would be allowed and that all disturbed areas needed to be stabilized within 5 days by straw mulch. Board Member Lersch seconded the motion. All Board Members present voted in favor. The motion carried.

Next meeting agenda – November 4<sup>th</sup>

Motion to adjourn was made by Board Member St. Lawrence and seconded by Board Member Lersch. All Board Members present voted in favor. Motion carried.

Meeting adjourned at 8:15pm.

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

Minutes approved on November 4, 2015



**TOWN OF MIDDLESEX**  
**PLANNING BOARD WORK SESSION**  
**Minutes**

Wednesday, September 16, 2015, 7 pm

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

Others Present: Robert Brenner, Esq., David Moon – Marathon Engineering; Mark Bodensteiner – Smith Associates Architect; Nancy Robinson, Tim Lafler – Lafler Construction

Agenda: Old Business/Site Plan Reviews

1. Application #060915- SPR/SSR: Tim Lafler, representing agent for Ms. Nancy Robinson of 1431 South Lake Road, requesting Site Plan Review for the stabilization of a gully, Tax ID #31.01-1-7 (LR)
2. Application #072915-SPR/David Moon, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd. requests Site Plan Review for the construction of an addition to an existing residence and improvements to a garage and driveway in Steep Slopes, Tax Map ID # 11.50-1-2.1, (LR)

Chairman DeVinney brought the meeting to order at 7:01pm

Draft Minutes were reviewed and approved with a minor revision. Board Member Mincer made the motion and Board Member St. Lawrence offered a second. The motion carried with all Board Members present voting in favor.

Old Business:

1. Application #060915- SPR/SSR: Tim Lafler, representing Ms. Nancy Robinson

Ms. Kane summarized the application for the Board Members stating that Mr. Tim Lafler of Lafler Construction, representing agent to owner Ms. Nancy Robinson, had recently submitted a letter and new design plans prepared by Mr. Ray Teeter, P.E. dated 9/14/15 to the Code Office and would like to discuss the new wall design with the Board.

Mr. Lafler stated that on advisement from Mr. Teeter, a Geo-technical engineer, he was submitting a new wall design plan proposing two opposing walls with strut supports between the walls and 30” rip rap in the stream bottom.

After a lengthy review, the Board requested the submission of a stamped Site Plan Map with Mr. Teeter’s new design, along with the other site plan requirements to be in compliance with Town’s Zoning Law, Steep Slope Law and the Stormwater Management and Erosion Control Law. This site map should also include a material staging and construction execution plan which would sequence action taken on the site.

Mr. Lafler stated he would like the Board to allow him to work from Engineer Grove’s drainage and erosion control plan that was previously approved in July and to then make a separate determination on this new submitted wall design, stamped by Mr. Teeter.

Resident Mrs. Robinson stated her concern with what she considered had become a lengthy process for an “emergency situation” as the next “storm event” may cause flooding that would threaten the foundation of her house.

The Board stated the history of the application as it had been submitted for review: Mr. William Grove, P.E submitted his initial site map last January. The Town's Engineer- Stantec after making a site visit and written review, requested revisions in June. Mr. Grove submitted revisions to his Site Map in July and the Board approved the revisions on June 17<sup>th</sup>. In August, Mr. Tim Lafler submitted a new wall design detail prepared by TSE Engineer and asked for Board review on Aug. 5<sup>th</sup>. The Board requested that the new wall detail be placed on a Site Plan and gave Mr. Lafler advisement on what was expected. Mr. Lafler requested that he be allowed to start to prepare the site for the new wall design while a site plan was drafted and the Planning Board granted the work be phased, allowing Mr. Lafler to complete Phase I. Phase I and Phase II were discussed with Mr. Lafler and owner and a copy of that discussion was written in a letter dated August 5<sup>th</sup>. On September 14<sup>th</sup>, Mr. Lafler submitted another wall design prepared by Mr. Teeter, P.E. which is being reviewed tonight to accommodate the applicant's concerns.

The Planning Board again requested that prior to any determination being made on the application; a Site Map must be submitted to the Code Enforcement Office showing the specifications of the new design detail prepared by Mr. Teeter, along with all the Site Plan Requirements per Section 700.20 of the local Town Zoning Ordinance. Mr. Lafler was advised that if Mr. Teeter was the "new engineer on record" rather than Mr. William Grove, than Mr. Teeter would be taking responsibility for the entire proposed project to include his presence at the site during the wall installation.

Chairman DeVinney explained to Mr. Lafler, the Planning Board's usual 21 day allowance for scheduling Site Plan Review from the first preliminary application submittal to the Code Office ending with the application receiving agenda review by the Planning Board. Mr. DeVinney stated the Board had consistently placed this application on the agenda, with only a few days' notice, in order to accommodate Mrs. Robinson and offer resolve to her situation; however to date, the Board had seen (3) three different design options for this property. Chairman DeVinney offered an option for resolve by stating the Planning Board would incur the cost of a current review by our Town Engineer of the proposed wall design by Teeter and to provide advisement and confirmation of outstanding concerns.

Two options were offered to Mr. Lafler which included:

- a. Applicant to hire a NYS licensed engineer that would certify all necessary Site Plan Requirements to include Mr. Teeter's new wall design and become the "engineer on record."
- b. Request Mr. Teeter, P.E to include all necessary Site Plan Requirements per our Zoning Ordinance with his new design plan and submit it to the Code Office to be placed on the next scheduled Planning Board agenda to expedite the application to determination.

A letter of confirmation would be sent to Mr. Lafler by the Planning Board to confirm what had been discussed and the Board would await further confirmation from the Code Enforcement Office of when the new Site Plan could be reviewed on the next available agenda.

1. Application #072915-SPR/David Moon, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd.

CEO, Ms. Kane summarized the application, stating Mr. Moon of Marathon Engineering had submitted map revisions on September 15<sup>th</sup> for Board review.

After review of the submitted map revisions, Board Member St. Lawrence, referred to Stantec's review letter of September 14<sup>th</sup>, and requested the following advisement: Clear notice be given to the owner that the "drop inlet protection" would be acceptable, only if kept clean and maintained; silt fence may be necessary at the site's two construction access' if the gravel becomes rutted during construction; continued maintenance of keeping Fisher Road and East Lake Road clear of debris until project completion.

New architectural plans were provided by Marathon Engineering to review the various roof height pitches and were determined to be within compliance with Town code.

Mr. Moon stated one of the contractors was Mr. Jeremy Fields and possibly another is still being considered. They are hoping to complete the project before winter sets in. There will not be any shoreline structures to be constructed during this part of the plan as dock work was approved in another application. He inquired if the Board would allow the site to be prepared for start of the project by allowing all demolition to commence without building. Board Members stated that this would be fine with the Planning Board but must be reviewed and organized through the Code Office.

Board Member Lersch stated the application must be referred to the County for review, that it was past deadline for September but that she would inquire if the application could be placed on the September rather than the October agenda for review.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Lersch offered a motion to determine the proposed action would not have any significant environmental impact. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

A motion to conditionally approve the application, pending County review, and final review by Stantec was made by Board Member St. Lawrence and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Next meeting agenda – October 7<sup>th</sup>

Motion to adjourn was made by Board Member Gilbert and seconded by Board Member Mincer.

Meeting adjourned at 9:15p

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

Minutes approved on November 4, 2015



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

**PUBLIC HEARING**

Minutes - Monday, September 21, 2015, 7 pm

Board Members present: Marty DeVinney, Chair; Board Members: John Gilbert, Lynn Lersch, Robert Mincer, Dawn Kane – Code Enforcement Officer

Others Present: Wendy Marsh, Attorney; Stantec Consultant - Michael Flannigan;

Public Present: Stephen Lewandowski, Bob Gunderman, Richard Bolton, Jerry Hiller, Richard DeMallie, Robert Place, Viven Thiagarajan, Tom Fromberger, Win Harper, Gordon Stringer, Gina and Sam Imburgia, Brenda and Andy Komarek

Agenda: Public review and comment on SEQRA: Draft Environmental Impact Statement (DEIS) for the Komarek 4 lot Major Subdivision; construction of a private access road; major subdivision preliminary plat; site plan and special use permit.

Chairman DeVinney brought the meeting to order at 7:02pm.

Stantec Consultant Michael Flannigan gave a summary of the SEQRA Process to provide a history of past and present actions taken by the Town Planning Board and submitted DEIS report (dated 7/09/15) by MRB Group, Engineers and agent for Mr. Andrew Komarek, owner of property under review which is located on the west side of East Lake Road, Tax Map ID # 2.03-1-22 in the Lake Residential Zoning District. Mr. Flannigan stated that written comments will continue to be accepted another (10) ten calendar days after the public hearing is closed, which will end at 5pm on October 1, 2015. All written comments should be addressed to Martin DeVinney, Chairman of the Town of Middlesex Planning Board at the town office. Anyone wishing to review any of the submitted documents, may do so either on the town website ([www.middlesexny.org](http://www.middlesexny.org)) or in person at Town Hall.

After tonight's hearing, all written and verbal comments will be reviewed and answered in the Town's response document, the Final Environmental Impact Statement (FEIS) which will be completed within 45 days after the close of the Public Comment period.

Mr. Fromberger, agent from the MRB Group introduced Attorney Mr. Robert Place who summarized the past history of the application, as presented in the DEIS document, prepared at the request of the Town of Middlesex Planning Board and based on SEQRA's Positive Declaration of Environmental Significance issued April 3, 2013 by the Planning Board. Comments from Mr. Place are paraphrased and summarized as follows: 'The parcel under review is approximately 8.5 acres and includes (4) four lots that range in size from 1.9 acres to 2.6 acres in the Lake Residential Zoning District with a combined shoreline of 870 feet. All lots are larger than what is required and will be developed to include much more green space than that required by town code. All utilities can be safely built on soils tested and reviewed by a Geo-technical Engineer who reported the soil analysis to be similar to other developments in the area, with no potential harm to the environment. The subdivision is proposed to be serviced by a private road shared by the proposed (4) new lots. One shared access to these lots has been reviewed by the county and is preferred to a total of four access driveways. A Special Use Permit has been applied for to allow this shared access, since private roads are not allowed in the LR District due to a density concern. The grade for the private

road is designed to follow the lay of the land and is in close proximity to the % of grade to other developments in the area. Mr. Komarek acquired the property in 2007.’

Chairman DeVinney opened the floor up to public comment at 7:15pm.

Attorney W. Marsh stated that all public comments heard should be prefaced by clear identification by name, address and if verbal with written versions, these should be stated as such to be submitted into the record in order to assure all public questions would be answered in the future FEIS document.

1. Mr. Stephen Lewandowski - 7 Bassett Street, Rushville, NY:

Mr. Lewandowski submitted to the Town of Middlesex Planning Board a letter representing the Canandaigua Lake Watershed Association of which he currently is a member. Prior to this, his past working credentials encompassed 25 years’ experience as a technician and an environmental educator for Ontario County Soil & Water. His life work has been involved with serving erosion control and soil analysis for the area. He complimented MRB Group for a good subdivision design for an extremely difficult site very similar to a development on the other side of the lake. Mr. Lewandowski drew a parallel between the general zoning requirements for the Town, based on the Town’s Comprehensive Master Plan, which reflects the citizen’s wishes for town, for all properties in a generic way; stating Mr. Komarek’s approximate 9 acre parcel was unique from most properties in the town, as it was greatly restricted by many natural conditions such as (3) water courses, setbacks from the road would entail multiple variances. The town is recommending that all disruption be on the flattest areas, however even those are very steep with high cliffs at the shoreline. He emphasized strongly that phasing the development on this site was crucial and that each lot should be stabilized and vegetated immediately and continuously until well established before developing another lot. Unless immediately seeded, vegetation would have an extremely hard time taking hold in the soils in this area. Mr. Lewandowski concluded with the following statement that was not included in the submitted letter: he stressed that extreme oversight would be necessary when installing the proposed septic system design as it was very tight with no room for future expansion or replacement. Based on his experience, most systems have a life span of 20-30 years if properly maintained.

2. Mr. Robert D. Gunderman, P.C resident at 200 East Lake Road:

Mr. Gunderman referred to a letter (dated 9/21/15) submitted to the Town of Middlesex Planning Board. He stated he is a licensed professional engineer and patent lawyer. He gave the following summary of more detailed discussion of concerns he had for the Komarek Major Subdivision. He has lived contiguously to the north of the Komarek property since 1988 and has had 27 years’ experience dealing with a multitude of property maintenance difficulties that occur when living on steep slope cliff side property.

He provided historical background from 2009, documenting a cliff that collapsed during the installation of a tram at the neighboring parcel to the north of his property by Mr. Komarek’s FL Tram business team. During this event, an excavator was tied off by a cable to his trees and shale material that sloughed off from the cliff, created yards of debris that was then dumped into the lake from the shoreline, creating a muddy silt plume that still exists when the lake is rough, promoting the growth of weeds that were never there before. This engineering failure documented by the NYSDEC and Mr. Gunderman of the cliff failure should be included in the Komarek DEIS as it gives valuable information to learn from and represents significant impacts to land, water, public healthy and aesthetic resources. Mr. Gunderman states this is particularly important because the proposed plan indicates the opportunity for property owners to install a tram on each of the 4 lots to provide shoreline access.



Mr. Gunderman also stated he was also able to document property improvements to this property by the previous owner since 2006, to include an unpermitted installation of a culvert approximately 100 feet from his property line and other possible unpermitted site work to extend the driveway.

He stated that also missing from the DEIS was the proposed plan for shoreline access for the future lot owners. Trams, stairway systems, docks, boathouses and lakeside storage buildings all should be included in the DEIS to avoid segmentation of the waterfront development of this project. Another concern was the implication on page 4 that future lot owners will be given an opportunity to install a tram if desired. He stated this directly indicates granting property rights where none yet exist. The town must approve such an installation prior to property rights being offered. He stated that it is not clear in the DEIS how the easement owners will be accessing the right to access the shoreline. The existing stair case is not operable to the shoreline currently, and the easement owners would not be able, under compliance with existing laws, the use of the trams that may be installed to the future lot owners if desired.

Mr. Gunderman questioned how the three easement parcels on the other side of East Lake Rd. were deeded “perpetual easement” through the proposed Major Subdivision to include Mr. Komarek’s single family residence, and how this was to be handled, as this was not included in the DEIS and stated he considered it to be segmentation if it not included.

He stated that a lack of referencing resource data referencing soil mapping and photographs used in the DEIS should have been consistently provided by MRB Group.

He inquired if Lot #4 could legally be a buildable lot with an easement to 3 parcels across East Lake Road going through it.

He made reference to the submitted septic design in the DEIS which included manufacturer data and spread sheets rather than detail on the implementation of the design with appropriate engineer stamps to authenticate what was there.

He felt a bond or surety guarantee, rather than a maintenance agreement, should be in place to protect the town, community and the lake for future subdivision owners for funds available when needed for erosion management for the road and property maintenance in the event of a storm event wash-out.

Mr. Gunderman objected to multiple references in the DEIS that should be deleted from the DEIS as immaterial to include the following:

- a. Photo reference on pg. 78 show an aerial view of his property in photo 1.2, labeling it “visual pollution.” He also inquired of source documentation which was missing for this photo on pg. 78.
- b. Photo reference to a staircase at 198 East Lake Road was noted as “abandoned”, and stated if truly abandoned, than this should be looked into as a code issue and not a DEIS focus.
- c. Mr. Gunderman objected to the lack of depth in reporting in Appendix K by Foundation Design, P.C. (report dated 7-2015) of how “significant bedrock” would be removed and what those methods might be other than by excavator. He felt that the DEIS should address how methods used to remove bedrock would impact the surrounding environment, particularly buildings and foundations on neighboring parcels.

3. Mr. Richard H. Bolton, resident at 258 East Lake Road:

Mr. Bolton referenced a letter (dated 9/21/15) submitted to the Town of Middlesex Planning Board and summarized it as follows:

Part 1/Comments for the DEIS:

- a. A summary of DEIS comment submitted by the MRB Group which he deemed inappropriate, stating examples, stating sections and page references and his concluding reasons for his comment.
- b. His concern of how noise would significantly impact the character of the neighborhood stating the number of vehicular traffic and lake boat traffic flow generated by this 4 lot subdivision and the addition of the easement granting perpetual access from 3 lots across East Lake Road to the subdivision's shoreline increased the potential of disturbance of the now tranquil neighborhood. He stated his objection to the proposed plan for shared access as the switchback on the driveway is located 200 ft. south from his property line and he can clearly hear any traffic traversing this property.
- c. A request for a "Supplemental DEIS" as a necessary requirement, based on the scoping directive in the Final Scope for the DEIS as "to be included" information in sect. 2.2.8 Visual Resources requesting a more comprehensive visual appearance of the site after development from Canandaigua Lake and from East Lake Road through various graphic techniques. He stated only "existing views" were submitted. Docks, Trams and stair systems should also be included in detail as well.
- d. Historical background referencing a former vineyard existed on this parcel is stated by Mr. Bolton to be untrue and he referenced his submitted photo (Appendix 1) and its narrative as reference to believe this is untrue.
- e. Botanical identification and inventory he stated was deficient as it was reviewed in October with references to substantiate his reasons.
- f. Docks and other permitted docking structures at shoreline need to have a Uniform Docking and Moorings Law Permit, were not included in the DEIS. Such inclusion was requested in the Scoping Document: 2.1.4 as anticipated "required permits from Federal, State, and local authorities to construct and operate the project." He referred to shoreline structures allowed due to steep slope hardship that would be allowed, but referenced that the placement of such was yet to be offered in the proposed Subdivision Preliminary Plat.
- g. He concluded his summary for a request for a Supplemental DEIS and subsequent Public Hearing per SEQRA Part 617 (7) to be required by the Town of Middlesex for the following reasons:
  - Aesthetic renderings as requested in Scoping
  - Deficient plant study reported due to seasonal time of the year it was reviewed.
  - Tree Inventory deficient and inaccurate.
  - Court cases have held that poorly DEIS items that do not allow a "hard look" to be made must have a supplemental DEIS to address the deficiencies.

Part 2/Comments on the Preliminary Plat:

- a. He states the DEIS claim for "vested rights" do not exist, stating his reasons.

- b. Tree Inventory of the entire proposed subdivision and adjacent property is missing from submitted preliminary plat as required by the Town's Subdivision Regulations-Sect. 5.1.
- c. Mr. Bolton quoted from the Town's Zoning Law, "one driveway to serve a residence" and referred to submitted alternatives plans, submitted in Appendix Q, show a shared driveway access. He stated what was shown in the DEIS is not alternative because of the deeded easement requirements for Lots A, B and C on the east side of E. Lake Rd., which existed prior to Komarek purchasing the property in 2007.
- d. Proposed shared access driveway is not in compliance with Town Laws referencing the following: Local Law #1 of 2011 - Sec. #703.1.1 Private Roads; Sec. #703.2 Private Roads permitted in Lake Residential District by Special Use Permit; Sec. #703.3 Additional criteria for private roads regulated by Local Law #3 of 2008 Private Driveways and Private Roads Law; Land Subdivision Regulations: Definition section definition for private roads and/or driveways; Article 4.1 General Requirements and Design Standards of all other existing documents to include Zoning Law of 1999, Master Plan of 1992, and Standards for New Roads. He stated reasons how this law has impacted his property, stating his request that the Town not grant a waiver based on hardship where there was none, for permitting any shared access for the proposed subdivision in this case quoting non-compliance concerns with the Town's Zoning and Subdivision Laws.
- e. Lot #4 of the proposed Major Subdivision is burdened by the shared access Easement (Sheet G-1) and is not to be considered a buildable lot per Sec. #4.6. Lots under the Town's Subdivision Regulations. If easement is redefined it would still significantly impair the land use for the existing easement holders – referencing Chapter 4 – Interpretation of Servitudes: Restatement (third) of Property (servitudes) American Law Institute 2010 - Sec. #4.8 Location, Relocation and Dimensions of Servitude.
- f. The Town's Subdivision Law, Article 6.1 Variances and Waivers grants the Planning Board power to grant waivers to Subdivision Regulations based on extraordinary or unnecessary hardship variances. Mr. Bolton gives his reasons for not allowing these.
- g. The proposed shared access to the Major Subdivision must be in compliance without exception the regulations set forth in the Regulations of Private Driveways and Private Roads Law Sec. 4 Standards for Approval which references the Town's Standards for New Roads Sec. 3.1 Cul-de-sacs giving regulations for dead ends. Mr. Komarek's proposed shared access to the Major Subdivision dead ends without any plan for the turn-around requirements referenced in these Town Laws. There is no provision in the laws for a ZBA variance or a Planning Board waiver other than through Article §78.
- h. The Steep Slope Law references Sect. 707.3.3.1(B) which states it will allow "one driveway to serve the residence." The "shared driveway," as referenced in the Komarek drawings, by definition does not apply, as there is not a driveway shown between houses. It is an easement, not a shared driveway and so does not apply, nor does it fit typical width, grade or maximum length or 'dead end' area requirements delineated in the Town's Subdivision Law which identify it as a "minor street."
- i. Trams, as shown on sheet P-2/JP-2 in the DEIS are not in compliance with the front yard setback required in the LR District as referenced in Sec. #403, Schedule H for Area and Coverage Requirements for Lots and Structures. As a listed "structure" trams are not allowed to meet the lakeshore within 40 feet of the High Mean Water Mark. The Steep Slope Law lists them as a permitted Use in Sect. #707.3.5.1 but states they need to be in "compliance with the regulations of the underlying district.

Mr. Bolton's concluding remarks are summarized as follows:

- The DEIS depicts a shared access on all plans and alternatives due to the existing deeded easement and cannot consider any other alternative. The property was purchased with the existing easement and without compliance with the Town's Zoning Regulations to propose a Private Road for this subdivision as shown in submitted plans without the Planning Board granting waiver under extreme hardship which doesn't exist and/or the Zoning Board of Appeals granting a Special Use Permit.
- The submitted DEIS is deficient and a Supplemental DEIS should be required.
- The submitted Preliminary Plat depicts in error that Trams are allowed to terminate at the lake as referenced in current Town Law. Variances to the law would be denied because of their commonality.

4. Mr. Gordon Stringer, resident at 731 East Lake Road

Mr. Stringer prefaced his statement by saying he had not written a letter, and lived a good distance from the project to be negatively impacted by the construction of it, however his concern was how such a big project site would be carefully monitored by the Town's Code Enforcement Office once construction got under way, referencing the long period of time it would take to bring the project to completion if approved as proposed in phases.

5. Mr. and Mrs. Jerry and Mary Ann Hiller, residents at 233 East Lake Road, submitted written comments to the Planning Board in support of Komarek's DEIS and proposed Major Subdivision.
6. Mr. Tom Fromberger of MRB Group, representing agent for Mr. Komerak, inquired if he could answer some of the public's questions/concerns. With approval, Mr. Fromberger listed his answers as follows:

a. *How will the project be phased?*

Each individual home lot shall be stabilized as required by the SPDDS Permit. 80% of the coverage of each lot is dedicated to green space. This green space shall be complete and stabilized as "green" prior to the construction of another home lot.

b. *When was the existing 'site access extension' created?*

Shown on the 2003 Hey Easement deeded survey, the driveway was shown as extended. This extension is also confirmed by the 2007 survey when Mr. Komarek purchased the property and is included in the DEIS "Appendix E" obtained and documented by the Ontario County Soil & Water.

c. *Why aren't the geological mistakes of tram installation included in the DEIS?* The DEIS has included all past, present and future plans for this project currently under review.

d. *Was a drone used in gathering aerial photographs of property at 200 E. Lake Road?* No drones were used to gather published DEIS data. The source used was "Pictometry" as referenced in all photos used in the DEIS.

e. *Is the septic system an approved design?* Each of the four proposed septic designs were fully reviewed and approved by the NYS Department of Health.

f. *Why aren't the Uniform Docking and Mooring Law (UDML) details and permit information listed in the DEIS?* The DEIS makes reference to docks and other shoreline berthing facilities as additional possible permits referencing these in detail on page 35.

- g. *Where is the subdivision's tree inventory list required by the scoping document?* The DEIS subdivision plans has trees listed where the construction will be occurring; however not outside the areas of disturbance. An inventory is included as well.
- h. *Could you point out where the 'site access' extension is documented in the DEIS?* The existing 'site access' is documented in the DEIS in a couple of places. First, in 2003 with the Hey parcel deed located in Appendix E and again in the survey completed in 2007 located in Appendix Q.

Chairman DeVinney explained that the DEIS submitted by the MRB Group in review for public comment, was the applicant's statement in response to the SEQRA process; hence agreement with presented facts was not a necessity. He also stated the Town only changes Town Laws when there is a specific need and it is never influenced by any one application or property owner such as Mr. Komarek.

Wendy M. Marsh offered the following explanation of the SEQRA process:

- The submitted Draft Environmental Statement (DEIS) on July 9<sup>th</sup> is the applicant's document.
- The Planning Board determined in July that it was adequate to start the public comment period on environmental impact.
- FEIS (Final Environmental Impact Statement) is completed 45 Days after the Public Comment period ends. The purpose of the FEIS is to state the Lead Agency's position on the Environmental Impact Study. The Planning Board as Lead Agency, prepares the FEIS to answer all public comments received referencing the Environmental Impact.
- The Planning Board will issue the FEIS and it will be circulated to all interested and involved agencies. The Planning Board will wait (10) days before the Planning Board's issuance of SEQR Findings on what the determination of environmental impact that the project has as proposed.
- Review of the preliminary plat will be the first action determined after the SEQR process is complete.

Resident, Mr. Bolton requested clarification on how the Final Plat correlates with the DEIS and the project?

Wendy M. Marsh, Attorney clarified that the purpose of SEQR is to look at the environmental impact relatively early in review of the project. The DEIS, and the FEIS are prepared with the SEQRA findings based on the Preliminary Plat. Once a preliminary plat is given approval, the detail for the houses and their locations, including lot lines were based on this information. If there are significant changes made to the preliminary plat as proposed, the environmental impact will again need to be reviewed.

Without further discussion, Chairman DeVinney made a motion to close the Public Hearing at 8:05pm.

A motion to close the Public Hearing and to adjourn the Planning Board meeting was made by Chairman DeVinney and seconded by Board Member Robert Mincer. All Board Members present voted in favor and the Public Hearing closed and Planning Board meeting adjourned at 8:15p.

Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)  
Minutes approved on March 2, 2016

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

Wednesday, September 2, 2015, 7 pm

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

Others Present: David Moon of Marathon Engineering, Diane and Terry Elliott, Thomas Masaschi, Jared Lusk, Mark Bodensteiner, Tim Murphy, Richard Bolton, Ted Carman

Agenda: Site Plan Reviews and Draft Planning Board Minutes – August 5th

Site Plan Reviews:

1. Application # 061515-SPR-SSR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram in Steep Slopes.
2. Application # 092915-SPR-SSR/ Mr. David Moon of Marathon Engineering, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd., requests Site Plan Review for the construction of an addition to an existing residence, improvements to a garage and a driveway in Steep Slopes, Tax ID #11.50-1-2.1, (LR)
3. Application #071515-SPR-SSR/ Mr. Terry E. Elliott, owner of property at 266 East Lake Rd. requests Site Plan Review for a lot line reconfiguration and a conceptual review for improvements to a single family residence, Tax ID # 2.61-1-4 and 2.61-1-5, (LR)

Acting Chairman Lersch brought the meeting to order at 7:01pm

Prior to the start of Site Plan Reviews, it was announced to those in attendance, a previously scheduled Public Hearing for tonight of the Komarek Major Subdivision DEIS, determined adequate for Public Comment, has been rescheduled for Monday, September 21<sup>st</sup> at 7pm. A Public Notice of the change will appear in the Daily Messenger and letters to all interested and involved agencies were mailed out with new deadlines. This announcement will be posted on our Town website as well.

Site Plan Reviews:

1. Application # 061515-SPR-SSR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Road, (LR):

Code Enforcement Officer summarized the application for the Board prior to presentation by agent, Mr. David Moon of Marathon Engineering stating that a concerned citizen had posed a question that pertained to one of our Town Laws referencing front yard (lakeside) setbacks for “tram systems” in Local Law #5 of 2008 which provided definition of a “tram system” as a structure and stipulated local and NYS Standards for the installation of trams in the Town. The point in question was that the Tram Law did not clearly define exemption of a front yard setback at shoreline from the High Mean Water Mark. Since the

intent of the law was to provide residents in steep slopes ability to access their shoreline by tram or stair systems, it had been an assumed exemption in the past. It was the Chairman's position on this particular application that since amending a Town Law was a lengthy process, the Planning Board would consider the Stewart application as a replacement tram and "grandfathered -in" until legal advisement was procured and prior to Final Determination from the Planning Board. Ms. Kane noted that any law that requires a variance needs to be changed and the Town will proceed as quickly as possible.

Ms. Kane stated that another pertinent change occurred involving the Stewart application during the time of the County reviews, and proceeded to state the Yates County Soil & Water Conservation District had made a policy change to discontinue reviews on "tram systems," the Town is pursuing the possibility of including trams as an exemption from County Planning Board review and considering them as an accessory structure to a dwelling.

Resident Richard Bolton stated his position on the Tram Law was one of agreement with the Town Law and felt it was intended to protect both property owners and neighboring properties hence the setback requirements. He stated in our zoning code, trams usually used as an access to shoreline on steep slopes, were defined as a structure and the front yard setback to be enforced.

Board Member Lersch stated that trams and stair systems to the shoreline were allowed in the Steep Slope Law and could be repaired, replaced and maintained, because it was the intent of that law that residents in steep slopes should be able to access their shoreline.

A lengthy discussion took place which involved the process of the application proceeding to the Zoning Board of Appeals and it was agreed that seeking legal advisement would resolve whether the application needed to be resubmitted as a new application with both variance requests or could proceed as scheduled with only the side setback variance request. Since a conditional approval was given on August 5<sup>th</sup> by the Planning Board decided, pending County and ZBA reviews, that a clarification of only a few minor revisions to general notes on the site map, and a letter to the Middlesex Hose Co. stating the location of the tram and the proposed Fire & Emergency Plan as required by code, would be required by the Planning Board to conclude the process prior to permitting by the Code Enforcement Office.

Mr. David Moon acknowledged he would expedite all current revisions to include a letter to Jason Bassett, Fire Chief at the Middlesex Hose Company with the proposed Fire & Emergency Plan for both the past Gibson and the Stewart tram sites. New Site Map revisions for the Stewart application would then be forwarded to the Code Office & Planning Board and the Zoning Board of Appeals to be placed on the next available agenda.

A motion to proceed as discussed was made by Board Member Lersch and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

2. Application # 072915-SPR-SSR/Mr. David Moon of Marathon engineering, representing agent for Mr. Thomas Masaschi of 640 Fisher Road, (LR).

Ms. Kane, CEO summarized the application to the Board giving a brief history of the application. The applicant proposes to construct an addition to the existing residence, garage improvements and a connection from the garage to the existing house and improvements to the driveway which includes retaining walls. This property was first reviewed last January for Site Plan and pending map revisions, was resubmitted with a redesign by Marathon Engineers in July. Town Engineer, Static Consulting, conducted an onsite visit in July to review the proposed modifications as they related to the property

located in a Steep Slope Protection Area. Stantec's letter (dated August 7<sup>th</sup> ) noted revisions resubmitted this afternoon by Marathon Engineers in a response letter (dated September 2<sup>nd</sup> .) Ms. Kane stated the applicant was seeking Preliminary and Final Site Plan Review and the application was in compliance with Town Code. She then introduced agent David Moon to present the application in further detail.

Mr. David Moon introduced owner Mr. Thomas Masaschi, attorney Jared Lusk from Nixon Peabody and Architect Mark Bodensteiner. Mr. Moon stated the proposed project added an extension to the north of approximately 964 sq.ft, demolition of the north and southwest wing of the existing structure and existing garage which will be rebuilt into a two story structure with a basement and connection feature to the new residence (attached garage). The middle section of the existing structure is the only part that will remain as the original single family residence.

Mr. Moon submitted proposed plans to replace an existing retaining wall with a new gravity wall detail for Board review and provided pictures to assist with project understanding. A slope map was submitted depicting a retaining wall permitted in 25-40% moderate range. Also in this range was the southwest corner of the house addition. A construction access would utilize an existing shared grass drive down to a gravel drive to the west section of the property.

The Board reviewed Marathon's response comments with David Moon and called out the following requests, stating Stantec would need to see all requested revisions on Site Map prior to Final Determination:

- a. Identify the various pipe sizes and types in the "Underdrain Trench # 2" detail
  - b. Finish the sentence and provide a detail in note #7 for "proposed inlets"
  - c. Add a detail on site map for the proposed retaining wall, showing construction requirements and height.
  - d. Note #16 would be resolved by adding a permanent rip rap swale to the bottom of the embankment and a temporary double row of reinforced silt fence along the shoreline for erosion control during construction.
  - e. Show average ridge heights at all roof changes on Architectural Plans.
  - f. Note on plans how the roof run-off will be collected and discharged.
3. Application #071515-SPR-SSR/ Mr. Terry E. Elliott, owner of property at 266 East Lake Road, (LR).

Code Enforcement Officer Kane summarized the application for the Board Members, stating the Board had seen a conceptual plan for new construction of a single family residence in August when the applicant applied for a lot line reconfiguration to extend his boundary line for the purpose of rebuilding the existing seasonal cottage. This new project included demolishing the entire existing cottage and rebuilding it to a larger residence, losing grandfathered status. The southern end of the addition would be located in an area of the property with an approximate 26% slope and would include a garage to be used for storage without a permanent driveway access. Temporary construction access to the property would be from the south through a neighboring parcel. The applicant stated he had submitted a letter of permission from the neighbor granting this construction access. It was proposed that all disturbance created for this construction access would be remediated back to a natural state after construction was finished. The applicant intended to begin the rebuild at the same pre-existing and non-conforming northerly building line of the cottage which violated side setback requirements. A variance request would be heard by the Zoning Board of Appeals on 9/3.



It came to the attention of the Code Enforcement Office, through a neighbors' complaint, that a number of trees had recently been cut down by the applicant, to prepare the site for construction access, prior to Site Plan Review. The CEO stopped the activity and required the area to be stabilized until the site could be reviewed by the Planning Board. Also included in the complaint was a statement that a number of structures on the property and shoreline were not in compliance with setbacks or permitted. Some of these structures are movable and could possibly be reset, and some are in the process of being inspected for compliance of Town Code.

CEO, Ms. Kane introduced applicant, Mr. Terry Elliott, requesting Preliminary Site Plan Approval to provide the Board with more detail. A hand drawn sketch was provided, as well as engineered site plans by Venezia & Associates.

After a lengthy review, the Board stated that since the proposed new construction would require demolition of 50% or more of the existing structure, hence losing the grandfathered status and the new design must be in compliance with the code's required setbacks.

Resident Mr. Richard Bolton asked the Board if he could read, a letter of complaint, as designated agent, submitted by Mr. Daly who owned property to the south. Mr. Daly could not be in attendance but wished to state his opinions. This letter was read into the minutes and will become part of the permanent record. Mr. Bolton stated he was also concerned that the construction access could be granted, become permanent and inquired how Town Law addressed remedial requirements.

The Board stated they could not give a recommendation to the ZBA to grant a variance without demonstrating hardship, nor could they approve a site plan that needed a variance when a redesign that complied with the Steep Slope Law was possible to include the Towns' required setbacks.

Mr. Elliott suggested purchasing an additional 11 feet of property to the south. He could then provide the board with a redesign of the house location, moving it to the south for setback compliance. The Board provided Mr. Elliott with additional site plan requirements for compliance with the Steep Slope Law, setbacks and additional detail necessary for possible final determination by the Planning Board:

- a. Locate steep slope categories on the site plan.
- b. Provide more detail of the temporary construction access, to include proposed and existing retaining walls and how the site will be remediated to its original state.
- c. Final Site Plan Approval can only be granted once concerns have been reviewed and deemed resolved.
- d. County Planning Board review will be required for this application unless exemptions are granted.

#### Other Business:

A draft letter from the Planning Board to the Middlesex Hose Company requesting service requirements to properties in steep slopes referencing current Town and State Codes, was reviewed and a motion made by Board Member Lersch to approve and mail. Board Member Gilbert provided a second and the motion carried with all Board Members present voting in favor.

Draft Minutes from August 5<sup>th</sup> were reviewed. A motion to approve was made by Board Member Gilbert and Board Member Mincer provided a second. The motion carried with all Board Members providing a second.

Resident Mr. Tim Murphy addressed the Board with a conceptual proposed Business Plan for a Mechanical Repair Shop at his property on Bagley Road. Code Enforcement Officer, Ms. Kane provided

a summary of this application stating it was originally considered back in 2012 and heard by the ZBA in December as a Special Use Permit. Since Mr. Murphy's property was within Hamlet Residential, Mr. Murphy was advised this activity was not permitted, however since it was quite close to the Highway Business District wherein this use was permitted that possible rezoning might be considered. Mr. Murphy provided the Board with a conceptual sketch showing boundary lines.

After a short discussion, it was advised by the Planning Board that Mr. Murphy work with the Code Enforcement Office to prepare an application, submit letters from the neighbors for Planning Board review.

A motion to adjourn was offered by Board Member Lersch and seconded by Board Member St. Lawrence. The motion carried with all board members present voting in favor.

The meeting adjourned at 10:15pm.  
Next meeting agenda: September 16

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

Minutes approved on September 17, 2015

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

Wednesday, August 5, 2015, 7 pm

Board Members present: Marty DeVinney, Chair; Board Members: John Gilbert, Lynn Lersch, Bruce St. Lawrence; Dawn Kane - CEO

Others Present: David Moon of Marathon Engineering, Timothy Lafler, Diane and Terry Elliott, Janet and Rob Stewart

Agenda: Site Plan Reviews and Draft Planning Board Minutes – June 17<sup>th</sup>, July 1<sup>st</sup>

Site Plan Reviews:

1. Application # 061515-SPR-SSR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.
2. Application #071515-SPR/ Mr. Terry E. Elliott, owner of property at 266 East Lake Rd. requests Site Plan Review for a lot line reconfiguration and a conceptual review for improvements to a single family residence, Tax ID # 2.61-1-4 and 2.61-1-5, (LR)
3. Application # 060915-SPR/Lafler Construction representing Ms. Nancy Robinson of 1431 South Lake Rd., Tax ID #31.01-1-7 (LR) requests Site Plan Review for an addition to approved plans to stabilize a gully.

Chairman DeVinney brought the meeting to order at 7:08pm

Draft minutes for June 17 and July 1<sup>st</sup> were approved with slight revisions. It was noted that the addition of an addendum was added to the minutes for June 17<sup>th</sup> and a resolution will be added to the July 1<sup>st</sup> minutes Board Member Gilbert offered a motion to approve with Board Member St. Lawrence providing a second. The motion carried with all Board Members present voting in favor.

Site Plan Reviews:

1. Application # 061515-SPR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.

Ms. Kane, CEO summarized the application for the Board's review, stating the original site plan reviewed by the Planning Board on July 1<sup>st</sup>, had been resubmitted with revisions which the Stewarts have agreed to in order to reduce the variance request for a side setback encroachment.

Mr. David Moon from Marathon Engineering presented the site plan revisions, representing owners Janet and Rob Stewart.

A SEQR for the application was reviewed by the Board. The application was determined to be a Type II action needing no further review and to would not create any significant environmental impact that could

not be mitigated. A negative declaration was determined with a motion offered by Board Member Lersch and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

After review, the Board granted a conditional approval, pending county reviews and a side setback area variance request still to be heard by the Zoning Board of Appeals, after requested revisions are resolved for the proposed project. The following conditions are to be resolved prior to further reviews.

- a. Drwg. C1.0/, add to "Zoning Regulations Notes" - the section of our current zoning that applies to the statement noted that a "tram is considered a unique type of accessory structure as qualifying for a Front Yard setback exemption.
- b. Drwg. C1.0/ Referencing Stantec's 6/30 letter, note #7 - "Restoration and Landscaping" Note #3 - shall indicate the addition of "all disturbed areas are to be seeded"
- c. Drwg. C1.0/ Referencing Stantec's 6/30 letter, note #8 - "The note should indicate that sediment control logs may be installed in non-steep slope areas and must be embedded per the detail."
- d. Drwg. C1.0/ Referencing Stantec's 6/30 letter, note #9 - Add the "approximate amount of steep slope disturbance to Project Statistics Chart."
- e. Referencing Stantec's 6/30 letter, note # 5, 6 - Add a tree protection detail on adjoining owner's 12" oak tree to be protected, and include as part of your construction sequence in Note #2, the removal of the 10" Hickory Tree.
- f. Letter to accompany the application and to be filed with the Fire Chief of the Town of Middlesex Fire Dept. documenting the location of the tram system and the site's accessibility for emergency services per Sect. #609.1d of Local law #5 of 2008 Tram Law.
- g. Final review and response sign-off from Stantec prior to Planning Board Final Determination might be necessary if additional revisions are pending.

Board Member St. Lawrence moved for conditional approval as presented and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

Deadlines for the County Reviews and next Zoning Board of Appeals Agenda placement were discussed.

2. Application #071515-SPR/ Mr. Terry E. Elliott, owner of property at 266 East Lake Rd. requests Site Plan Review for a lot line reconfiguration and a conceptual review for improvements to a single family residence, Tax ID # 2.61-1-4 and 2.61-1-5, (LR)

Ms. Kane, CEO summarized the application for the Board's review, stating that this application was a simple lot line reconfiguration to better serve both parcel owners, and complied with all zoning area requirement concerns from the Code Office. Ms. Kane also stated the application was in front of the Board for the purpose of Board advisement due to the Elliott's request for a conceptual discussion of proposed plans to rebuild an existing and non-conforming dwelling in a steep slope location. Plans included adding an addition which will remain 4.9 ft. off the setback to the north but will also create an extension beyond the original footprint. It will be located in an area on the parcel that is approximately 26% slope. Access to the property is by a set of stairs. A garage is also proposed to be used for storage only. The Board gave the Elliott's some general advisement of what would be requested for Preliminary Site Plan Review, advising that application for an area variance request to the Zoning Board of Appeals would probably be needed if what was proposed went outside the original grandfathered-in footprint unless they could configure the new footprint to comply with current setback requirements.

The Lot Line Reconfiguration included 2.421 acres of land bordering, East Lake Rd. involving Parcel ID #'s 2.61-1-4 owned by the Elliott's, and #2.61-1-5 owned by the Allen's. It was determined that Parcel ID #2.61-1-4 of 0.514 acre would become 0.714 acre after Annex. Parcel ID # 2.61-1-5 of 1.909 acres would become 1.707 after Annex.

3. Application # 060915-SPR/Lafler Construction representing Ms. Nancy Robinson of 1431 South Lake Rd., Tax ID #31.01-1-7 (LR) requests Site Plan Review for an addition to approved plans to stabilize a gully.

Ms. Kane, CEO requests the Planning Board to review an expedited addition to a previously approved site plan for Ms. Nancy Robinson. Application # 060915-SPR was given conditional approval and a Steep Slope Waiver for stabilization of a gully on June 17<sup>th</sup>. Ms. Kane stated Mr. Tim Lafler of Lafler Construction was representing Ms. Robinson and had requested the Planning Board to review a new retaining wall section detail which was prepared and stamped by TSE Design Firm. This detail (S-1) was being proposed to rebuild the existing retaining wall at the Robinson's property. The rebuild would be almost entirely along the same alignment and length as the existing wall except for a short extension to the west, then skew at the southwest at the west end, to preserve an existing fire pit. Replacement of the existing stone retaining wall would be additional work beyond the gully stabilization work originally submitted via drawings by Grove Engineering on June 17, 2015 and subsequently approved with conditions. After considerable discussion, the Planning Board agreed to allow a Phase I of the overall project (gully stabilization and new retaining wall) to be permitted prior to a final review on August 19<sup>th</sup> to expedite and accommodate the applicant due to the severity of the situation. The intent of Phase I was to provide some temporary relief from further undermining of the existing retaining wall in the event of future storm events and prior to scheduling a final review.

Limits of Phase I are defined as follows:

- a. Remove fencing as necessary.
- b. Install a keyed check dam upstream of the inlet to the cross culvert on South Lake Rd. Install check dam per state detail.
- c. Install silt fencing between any disturbed lawn area and South Lake Rd.
- d. Perform minimal excavation and benching along the north side of the gully to help redirect runoff in the gully away from the base of the existing retaining wall.
- e. Any embankment along the north side of the gully that has been disturbed during Phase I must be temporarily stabilized using straw mulch and jute mesh at minimum until the permanent rolled erosion control product is applied after all embankment work has been completed. In general, any disturbed surface must be stabilized for erosion control purposes if left unworked for more than (5) days.
- f. Clean up any debris tracked onto South Lake Road on a daily basis.
- g. No work pertaining to the new retaining wall shall be allowed during Phase I until a final permit has been issued.

At the next PB Meeting on 8/19, Mr. Lafler shall provide the Planning Board with an original stamped detail drawing for the new retaining wall. This revised detail plan must provide additional information / clarification as follows, prior to the issue of the Phase II permit:

Limits of Phase II – Remainder of the project work:

- a. Show rip rap along new retaining wall detail as required by Grove Engineering Plan.
- b. Describe where the discharge from the perforated drain behind the new wall will be located, to include additional rip rap for erosion control.
- c. The Engineer must provide a note to clarify at what interval in masonry wall height construction that bond beams are necessary. This may become necessary if the exposed masonry wall exceeds a certain height.
- d. The Engineer must clarify the meaning of the vertical dimension of 2' – 8" max. as shown on the detail plan.
- e. Note on plan how the excavated material will be handled and disposed of.
- f. Notation of rolled erosion control product name that will be used that is appropriate for a 1:1 slope.

Ms. Kane said she would permit Phase I with a letter from the Planning Board detailing the required actions to be taken and would apply the letter to the permit in order to expedite the pending work for Ms. Robinson.

Planning Board Clerk, Lynn Lersch said she would ready a letter stating the conditions of both Phase I and II of the proposed work and provide a copy to Ms. Kane, CEO by Thursday evening.

Board Member Gilbert made a motion to allow Phase I of the pending work until the Planning Board could review the Site Plan with revisions on their scheduled August 19<sup>th</sup> meeting. Board Member St. Lawrence provided a second . The motion carried with all Board Members present voting in favor.

A motion to adjourn was made by Chairman DeVinney and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

The 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 September 2, 2015

At a meeting of the Planning Board of the Town of Middlesex, held at the Town Hall in said Town, County of Yates, State of New York on the 1<sup>st</sup> day of July, 2015, at 7:00 p.m., there were

PRESENT: Martin DeVinney, Chairperson  
Bruce St. Lawrence  
Lynn Lersch  
John Gilbert  
Robert Mincer

ABSENT:

John Gilbert presented the following "Resolution" which was seconded by  
Robert Mincer

**RESOLUTION OF THE TOWN OF MIDDLESEX PLANNING BOARD REGARDING  
THE DETERMINATION OF ADEQUACY OF THE REVISED DRAFT  
ENVIRONMENTAL IMPACT STATEMENT PREPARED FOR THE KOMAREK  
MAJOR SUBDIVISION PROJECT PURSUANT TO THE STATE ENVIRONMENTAL  
QUALITY REVIEW ACT**

**WHEREAS**, the Town of Middlesex Planning Board ("Planning Board") has received an application from Andrew Komarek ("Applicant") for a 4-lot major subdivision of Tax I.D. No. 2.03-1-2.1, a property with steep slopes located within the Lake Residential ("LR") District ("Project"). The Project involves the creation of four (4) lots for single family residences, along with the construction of a private road to access each of the residences. The Project requires major subdivision approval, as well as site plan review, and a special use permit from the Zoning Board of Appeals ("ZBA") for the construction of the private road in the LR District;

**WHEREAS**, pursuant to the State Environmental Quality Review Act ("SEQRA"), the Applicant submitted to the Planning Board Part 1 of a Short Environmental Assessment Form dated August 10, 2009. Subsequently, the Applicant submitted Part 1 of a Full Environmental Assessment Form ("FEAF") dated August 1, 2012, which was deemed incomplete. The Applicant then submitted Part 1 of a FEAF dated October 17, 2012, which relates to the Project details in the drawings dated August 1, 2012;

**WHEREAS**, the Part 1 of the October 17, 2012 FEAF, having been reviewed by the Planning Board, was deemed adequate and accurate relative to the Project, although the Planning Board questions the accuracy of the answer to question A.3., with regard to soil types;

**WHEREAS**, the Planning Board established itself as the Lead Agency and caused Part 2 and 3 of the FEAF to be completed;

**WHEREAS**, the Planning Board issued a Positive Declaration for the Project on April 3, 2013, and declared its intent to conduct scoping pursuant to SEQRA;

**WHEREAS**, the Planning Board has coordinated its SEQRA review with the Zoning Board of Appeals, the New York State Department of Environmental Conservation, New York State Department of Health, the Yates County Soil and Water, Canandaigua Watershed Association, Canandaigua Watershed Council, and the Yates County Planning Board as involved and interested agencies;

**WHEREAS**, the Applicant submitted a draft Scope for the Project on March 12, 2014;

**WHEREAS**, the Planning Board distributed a copy of the draft Scope to the Involved and Interested Agencies, as well as individuals requesting a copy of same;

**WHEREAS**, the Planning Board held a public hearing on the draft Scope for persons wishing to be heard on April 23, 2014;

**WHEREAS**, the Planning Board issued the Final Scope on May 7, 2014;

**WHEREAS**, the Applicant submitted a Draft Environmental Impact Statement (“DEIS”) on December 13, 2014;

**WHEREAS**, the Planning Board received and reviewed the DEIS, and identified the deficiencies in a letter dated January 22, 2015 (“Deficiency Letter”), in accordance with 6 NYCRR 617.9;

**WHEREAS**, on June 4, 2015, the Applicant submitted a revised DEIS dated May 7, 2015 (“Revised DEIS”), along with a cover letter dated May 7, 2015;

**WHEREAS**, the Planning Board reviewed the Revised DEIS in comparison to the Deficiency Letter to determine if the Revised DEIS is now adequate with respect to its scope and content for purpose of commencing public review pursuant to 6 NYCRR 617.9; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD:**

1. The Planning Board has reviewed and accepted the conclusions regarding adequacy set forth in the Adequacy Chart attached hereto as Exhibit 1. Of particular note and as confirmed on the attached Adequacy Chart, the Planning Board continues to disagree with many of the legal assertions set forth in the DEIS, as well as the recitation of the history of the Town’s review of the Project. The DEIS is a prepared by the Applicant, and the Planning Board does not need to agree with all statements in order to determine that the DEIS can be made available for the public to review and comment.
2. As documented in the attached Adequacy Chart, the Planning Board has determined that two items are not adequate with respect to the Final Scope and the purpose of commencing public review.
  - a. The Final Scope stated:



- i. “Slope stability analysis shall be conducted for structures, retaining walls, roadway cuts and absorption fields. The stability analysis shall take into account the soils and bedrock conditions, as well as groundwater levels.” See item 10 on page 7 of the Final Scope.
    - ii. “Structural and global slope stability analysis for the downhill retaining wall” See item 11 on page 7 of the Final Scope.
  - b. The Deficiency letter dated January 22, 2015, stated:
    - i. Comment 21: “Slope stability analysis should be conducted for structures, retaining walls, roadway cuts and absorption fields. The stability analysis shall take into account the soil and bedrock conditions, as well as groundwater levels.”
    - ii. Comment 22: A “structural and global slope stability analysis for the downhill retaining wall” is required.
  - c. The Revised DEIS does not contain the required slope stability analysis required in the Final Scope and identified in the Deficiency Letter for the construction areas. Stantec has prepared a letter to the Applicant dated June 30, 2015, documenting this deficiency, a copy of which is attached hereto as Exhibit 2.
3. Once the Applicant provides the information requested in the June 30, 2015 letter to Stantec’s satisfaction, the updated DEIS shall be deemed adequate with respect to its scope and content for the purpose of commencing public review. If Stantec is not satisfied with the adequacy of the information provided in response to the June 30, 2015 letter, the Planning Board reserves the right to address any further deficiencies in accordance with 6 NYCRR 617.9.
4. Once deemed adequate, the Planning Board shall file and publish a Notice of Completion of the DEIS in accordance with 6 NYCRR 617.12, which shall establish a comment period for sixty (60) days.
5. The Planning Board has determined that a public hearing will, among other things, aid its decision-making process, and consequently, shall publish a Notice of Public Hearing along with the Notice of Completion.
6. Assuming the updated DEIS with the additional information is submitted in a timely fashion to publish the necessary fourteen (14) day notice, the Public Hearing will be held on September 2, 2015. If it is not submitted in a timely fashion needed to maintain this date, the Planning Board reserves the right to schedule a Public Hearing for a later date.
7. The Planning Board Clerk is hereby directed to mail the letter dated June 30, 2015 attached hereto as Exhibit 2 to the Applicant.
8. This Resolution shall take effect immediately.

**THE FOREGOING RESOLUTION**, was put to vote as follows:

<u><b>Name</b></u>	<u><b>Vote</b></u>
Martin DeVinney, Chairperson	<u><i>aye</i></u>
Bruce St. Lawrence	<u><i>aye</i></u>
Lynn Lersch	<u><i>aye</i></u>
John Gilbert	<u><i>aye</i></u>
Robert Mincer	<u><i>aye</i></u>

I, the undersigned Clerk of the Town of Middlesex Planning Board **DOES HEREBY CERTIFY:**

That I have compared the foregoing copy of minutes of the meeting of the members of the Town of Middlesex Planning Board (the "Planning Board"), including the "Resolution" contained therein, held on July 1, 2015 with the original hereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that (i) all members of the Planning Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Planning Board present throughout said meeting.

**I FURTHER CERTIFY** that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

**IN WITNESS WHEREOF**, I have hereunto set my hand as Planning Board Clerk of the Town of Middlesex Planning Board this 8th day of July, 2015.

**TOWN OF MIDDLESEX  
PLANNING BOARD**

Lynn Lersch  
Lynn Lersch, Planning Board Clerk

# TOWN OF MIDDLESEX

## PLANNING BOARD

### Minutes

Wednesday, July 1, 2015, 7 pm

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

Others Present: Wendy Marsh, Attny; David Moon, Viven Thiagarajan, Tom Fromberger, Wayne Wegman

Agenda: DEIS Komarek Subdivision – Resolution

Draft Planning Board Minutes – June 17th

Site Plan Reviews:

1. Application # 061515-SPR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.
2. Application #061415-SPR / Mr. Wayne Wegman - owner of property at 630 East Lake Road requests Preliminary and Final Site Plan Review for the construction of a proposed two story 530 sf addition & upper level deck to the north-east side of an existing seasonal dwelling; new septic system to replace an existing system; and drainage modifications. Tax ID # 011.042-001-010, (LR)
3. Application #061615-SPR/ Mr. Andrew Ellison of Drew's Docks, representing agent for Mr. James Fonzi of 5980 Widmer Rd., requests Site Plan Review to install a 572 sq. ft. permanent dock at shoreline, Tax ID # 31.03-1-3.1, (LR)

Chairman DeVinney opened the floor and the Planning Board Meeting came to order at 7:02pm

Draft Planning Board Minutes from June 17<sup>th</sup> were reviewed by the Board. Board Member Mincer made a motion to approve with revisions. After a short discussion, that movement was amended by Board Member Lersch who moved to hold the determination of approval, in lieu of pending information. A second was provided by Chairman DeVinney. The motion carried with all Board Members present voting in favor.

Chairman DeVinney introduced Ms. Wendy Marsh - attorney at law for Hancock & Estabrook, representing the Town of Middlesex along with Town Engineers - Stantec for the purposes of presenting a Resolution of the Town of Middlesex Planning Board regarding the Determination of Adequacy of the revised Draft Environmental Impact Statement (DEIS) prepared for the Komarek Major Subdivision project pursuant to SEQRA. Ms. W. Marsh reviewed the resolution.

Roll call vote:

Martin DeVinney	<i>aye</i>
John Gilbert	<i>aye</i>
Lynn Lersch	<i>aye</i>
Robert Mincer	<i>aye</i>
Bruce St. Lawrence	<i>aye</i>

Site Plan Reviews:

1. Application # 061515-SPR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.

Ms. Kane, CEO summarized the application for Board Members, stating that the parcel was located on East Lake Road approximately a mile south of Townline Road. This application will need county referral and an area variance for side setback. The new tram shall replace an existing tram; however the existing tram footprint shall be extended to the upper level on the southeast side of the house. Stantec had reviewed the application in a review letter dated June 30<sup>th</sup>. After a phone discussion to clarify points in the report, Ms. Kane forwarded the review to Mr. Moon who was able to bring to tonight's meeting a response from Marathon Engineers to Board Members. Ms. Kane then introduced Mr. David Moon to present the application to Board Members.

Mr. Moon stated the new footprint of the tram would include 494 sq. ft. with a linear length of 127 feet. He summarized a Geotechnical Report from Marathon stating when demolishing the old tram, it would keep intact, the old foundation at ground level in order to keep ground disturbance at a minimum. The proposed location of proposed tram would be within 6 inches of the neighbor's parcel to the south and would need an area variance due to existing site constraints.

A discussion pursued, referencing alternative options to provide safe access to the house and also reduce the variance request as proposed. An alternative suggested by Board Member St. Lawrence would not only reduce the length of the tram and materials required, but would allow the tram be relocated to the lake side of the house and a bit to the north, by removing an existing 40 ft. set of stairs or sliding them over to the north more. This could easily be accomplished as they seemed to not contain footers. This would reduce the variance request and still provide the applicant with a tram and platform that would allow safe and convenient access from the lower level of the house to the shoreline.

Board Member Lersch inquired of relocating the proposed tram's location from the south to the north side of the house where there was possibly more room so as not to need a variance. Mr. Moon stated that it would be difficult and more costly to align it from the shoreline landing and traverse around an existing retaining wall as well.

Board Member Gilbert stated the existing tram was within the required 15 ft. setback, and the applicant is requesting a variance of 9 inches with the proposed tram location that if granted by the Zoning Board of Appeals, would make the proposed project more non-conforming than it was now.

Ms. Kane added that additional room might be needed for future routine maintenance without infringing on the neighbor's parcel.

Board Member Lersch expressed a concern that the tram piles when driven into the ground might create harm to the root system of the neighbor's 12" diameter oak tree if the tram was located as proposed by Marathon's site plan.

After more discussion, Mr. Moon stated he would relay Stantec's review and the Board's recommendations to the owner and discuss alternative options and requested revisions with the owner. In summary, the Board recommended the following:

- Keep the project out of the required setbacks if possible
- Maintain the 40 ft. of existing stairs by moving them to the north
- Access the tram from the lower level of the house on the lakeside
- Provide a construction execution plan to include a plan for the ground disturbance spoils.

Mr. Moon acknowledged the Board's recommendations and inquired that the Board recap the next steps in the application process.

The Planning Board and Ms. Kane, the Code Enforcement Officer relayed that once final revisions, recommended by Stantec, were made and a decision was resolved on the tram's location, the Planning Board could then provide the Zoning Board of Appeals with a recommendation from our Site Plan Review. Agenda dates for the ZBA would be provided through the Office of Code Enforcement. After the Town reviews, the application will then be referred to the Yates County Planning Board who will make a recommendation to the Planning Board. Once all reviews have been completed, the application will come back to the Planning Board for Final Determination of Site Plan Review.

2. Application #061415-SPR / Mr. Wayne Wegman owner of property at 630 East Lake Road requests Preliminary and Final Site Plan Review for the construction of a proposed two story 530 sf addition & upper level deck to the north-east side of an existing seasonal dwelling; new septic system to replace an existing system; and drainage modifications. Tax ID # 011.042-001-010, (LR)

Ms. Kane, CEO provided a brief summary of Mr. Wegman's application, stating all required zoning requirements were met and the application would not require any variances. The intent was to create a year round residence from a seasonal cottage which he purchased in 1998. The addition would not create more bedrooms, but would increase the storage and make a more convenient entrance. A new septic system would be upgraded and existing drainage improved. Ms. Kane then introduced Mr. Wegman to present his application.

Mr. Wegman addressed the Board and stated what structures presently existed on the parcel. They included a garage, a two-story single family residence that was approximately 785 sq. ft. per floor with a walk-out basement and a deck on the lakeside. The 530 sq. ft. addition would reflect the frame style that currently exists and would add approximately 265 sq. ft. providing us with an entrance, a master bath, closets, and in the basement, a utility and storage room.

The septic upgrade would be relocated by approximately 40 yards. and increase the tank from 1000 gallon to a 1200 gallon tank. It is currently sitting 10 feet off the property line as was required as setback when built. I can't set it back any further as I would lose a healthy tree. The existing pump station will be replaced and upgraded as well to current standards.

Existing drainage on the parcel includes a swale running north to south on property with a pre-existing French drain at the top of the embankment. Water now flows to the north side. I will be installing downspouts on the structure which will connect to downspouts on the north side which would flow to this north swale. I would like to start construction this fall and plan to move in in the Spring of 2016.

Planning Board Members inquired if the proposed septic system was aerobic vs. leach and whether it had been approved by the Canandaigua Lake Watershed Inspector, Mr. Barden as required prior to Planning Board Site Plan Determination. Board Member St. Lawrence requested appropriate sized rip rap added to all discharge points where they daylight to protect against erosion getting to the lake. The Board inquired who would be contracting the work and Mr. Wegman offered possibilities stating he was waiting for bids to come back. When asked of the addition's dimensions, he stated it to be 21 ft. by 12 ft. with a depth of 17 ft. with a slope of 4 ft. from the front to the back of the addition. The land slopes approximately 15% slope  $\pm$  increasing to a 20 ft. drop to the shoreline.. The Board inquired how construction equipment would be accessing the site and where equipment/materials would be staged onsite. Mr. Wegman replied that all construction equipment would stay within the confines of the driveway and would be hauled to the site by an excavator. There would be approximately 52 cubic yards of spoils that would be brought to the driveway area to the dump trucks who would haul it away. No spoils would be left onsite. All disturbed ground would be reseeded and stabilized once construction complete.

Without further discussion, the Planning Board gave conditional approval of the proposed site plan. Conditions required on the final stamped plans would include the following:

1. The plans need to identify location of all utilities, pump and septic
2. A sign-off from Mr. George Barden is required prior to Planning Board Determination
3. A construction execution plan on Site Plan noting how equipment will access the site, where equipment and materials will be staged onsite
4. All drainage discharge points will require appropriate sized rip rap to grade at inlet and outlet areas.

The Planning Board stated they were ready to review the SEQR for the application. The application was determined to be a Type II action needing no further review and to have no significant environmental impact. A negative declaration was determined with a motion offered by Board Member Lersch and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Board Member St. Lawrence moved for conditional approval as presented and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

3. Application #061615-SPR/ Mr. Andrew Ellison of Drew's Docks, representing agent for Mr. James Fonzi of 5980 Widmer Rd., requests Site Plan Review to install a 572 sq. ft. permanent dock at shoreline, Tax ID # 31.03-1-3.1, (LR)

Ms. Kane summarized the application for the Board Members, stating that the Mr. Fonzi had enough shoreline property, that setbacks were not a concern. It was a pretty straightforward application and met all Uniform Docking & Mooring Law (UDML) requirements as well.

Without further discussion, the Planning Board stated they were ready to review the SEQR for the application. The application was determined to be a Type II action needing no further review and to have no significant environmental impact.

A negative declaration was determined with a motion offered by Board Member Gilbert and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

After reviewing the submitted Site Plan and all documentation provided, Chairman DeVinney entertained a motion for approval of the application as presented. Board Member St. Lawrence made the motion and Board Member Lersch seconded the motion. The motion carried with all Board Members present voting in favor.

A motion to adjourn was offered by Board Member Gilbert and Board Member Mincer provided a second. Adjournment of the Planning Board Meeting was recorded at 8:15p.

Next meeting will be scheduled for August 5<sup>th</sup>

Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)  
Minutes approved on August 5, 2015

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

Wednesday, June 3, 2015, 7 pm

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

Others Present: David Moon, Laurie Robeson, Steve Robeson, Gary Schlemme, John Gibson, Phil Greene, Tom Fromberger, Gary Dutton

Agenda/Site Plan Reviews:

1. App. #052915-SPR/Gary Dutton, representing agent for Mr. Steve & Betsy Robeson of 698 East Lake Rd. requests Site Plan Review for a Lot Line Configuration on Parcel ID #11.58-1-5, 6, and 11 (LR)
2. App. #052815-SPR/Gary Dutton, representing agent for the Robeson Estate at 692 Tennessee Drive; requests Site Plan Review for a Minor Subdivision of 9.5 acres as Tax ID #11.58-1-4 into 2 parcels: Parcel A will become 7.821 acres; Parcel B and C will be combined to become 1.9277 acres.
3. App. #052015-SPR/Mr. Phil Greene of Worden Hill, representing agent for Mr. Timothy O'Connor and Ms. Avice O'Connell of 1492 South Lake Road requests Site Plan Review to install a 652 sf permanent dock and boat station (LR)
4. App. #050715-SPR/Mr. Tom Fromberger of MRB Group, representing agent for property owner, Mr. Alan Krautwurst would like to construct a proposed 740 sf storage garage with new driveway on vacant land located on east side of South Lake Rd., Tax ID#21.26-01-8.1 (LR)
5. App. #052715-SPR / Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd. requests Preliminary Site Plan Review for the installation of retaining walls and driveway Improvements, Tax Map # 011.28-1-2, (LR)

Chairman DeVinney opened the floor for the following Site Plan Reviews at 7:12pm:

1. Application #052915-SPR - Ms. Kane, CEO summarized the application for the Planning Board Members prior to introducing Mr. Gary Dutton, representing agent for owners' Mr. Steve & Betsy Robeson who presented the application as a lot line reconfiguration involving Parcel ID # 11.58-1-5,6,11 in the Lake Residential District. Mr. Dutton visually indicated the proposed reconfiguration of lots on survey maps and explained they would be in compliance with zoning area requirements as proposed and provide better use of the space for both the Robeson and the Jessmer families. The annexation would include the following:
  - a. Portion of land (0.047 acres) owned by Chris Jessmer, Tax ID # 11.58-1-11 to be annexed to Tax ID #11.58-1-5 owned by Steve & Betsy Robeson.
  - b. Portion of land (0.055 acres) owned by Steve & Betsy Robeson , Tax ID #11.58-5 & 6 to be annexed to Tax ID #11.58-1-11 currently owned by the Jessmer family.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Lersch made a motion in support that the proposed action would not have any significant environmental impact. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.



With no further discussion, Chairman DeVinney entertained a motion for a resolution to approve the Lot Line Reconfiguration as presented. Board Member St. Lawrence made the motion which was seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

2. Application #052815-SPR/Gary Dutton, representing agent for the Robeson Estate at 692 Tennessee Drive; requests Site Plan Review for a Minor Subdivision of 9.5 acres as Tax ID #11.58-1-4 into 2 parcels: Parcel A will become 7.821 acres; Parcel B and C will be combined to become 1.9277 acres.

Mr. Dutton presented the Minor Subdivision.

CEO Kane stated that the application was in compliance with all zoning area requirements.

Chairman DeVinney invited discussion. There was none.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Mincer offered a motion to determine the proposed action would not have any significant environmental impact. Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

With no further discussion, Chairman DeVinney entertained a motion for a resolution to approve the application as presented. Board Member Lersch offered a motion to approve the Minor Subdivision. Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

3. Application #052015-SPR/Mr. Phil Greene of Worden Hill, representing agent for Mr. Timothy O'Connor and Ms. Avice O'Connell of 1492 South Lake Road requests Site Plan review to install a 652 sf permanent dock and boat station, Tax ID #31.03-1-2 (LR)

CEO Kane summarized the application for the Board stating the project was not in a steep slope area, was in compliance with the Uniform Dock & Mooring Law and all Town Zoning Area requirements and the current owners now own all three parcels neighboring parcels at the very end of South Lake Road.

Mr. Greene presented the application stating they were replacing a seasonal existing dock system and the proposed 652 sf permanent dock which is well below the allowable amount. The extension of the permanent dock will be shorter than the 60 ft. allowed due to the steep decline of the water bed. The owners wish to have Mr. Greene install a permanent Boat Station with a low profile asphalt- shingle roof and a side lift hoist without a roof.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Lersch offered a motion to determine the proposed action would not have any significant environmental impact. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

With no further discussion and after completing their review, the Board moved to approve the application as presented by Board Member Gilbert and Board Member Mincer providing a second. The motion carried with all Board Members present voting in favor.

4. Application #050715-SPR/Mr. Tom Fromberger of MRB Group, representing agent for property owner, Mr. Alan Krautwurst would Site Plan review to construct a proposed 740 sf storage garage with new driveway on vacant land located on east side of South Lake Rd., Tax ID#21.26-01-8.1 (LR)

Agent Mr. Tom Fromberger presented the application stating the location to be on vacant land east of South Lake Road across from the Krautwurst's homestead at 1043 South Lake Road. The proposed 740 sf storage garage would be measured out at 40 ft. x 46 ft., set into the existing character of the neighborhood, with dark brown siding and moss toned roof and wainscoting. Electric only would be installed and a 10 ft.

driveway would access the garage with gravel at a 2 inch depth. The grading up to the pad would not change. Drainage at roof would drain at the drip onto level ground without gutters. Any excavation spoils would be silt fenced.

Board Member St. Lawrence brought drainage concerns to the Board for discussion. The following are noted:

- a. Establish a drainage swale inside the property boundary along the south side of the proposed project. Discharge this drainage swale at road side by removing a section of existing shoulder culvert and directing the flow to the new inlet towards the north. Install rip rap from the swale discharge to the new culvert inlet. Install check dams. Verify size requirements for the existing roadside culvert.
- b. Install a diversion ditch along the east side of the project beyond all new proposed grade work. This should extend the full N/S width of the property. Install rip rap at discharge into the existing drainage ditch along the north property line.
- c. Install a rolled erosion control product by North American Green Co., or approved equal, for the new steep slopes created along the east and south sides of the project site where slope is greater than 25%.
- d. Relocate the check dam shown along the north side of the perimeter drainage around the garage more towards the west. Re-draft the contours accordingly.
- e. Review driveway location with Highway Superintendent.
- f. Add silt fence to the site plan legend.
- g. Submit a revised site plan via pdf file for distribution to Board Members.

Board Member St. Lawrence suggested that if these revisions could be sent to Board Members by pdf file for Board review, that he was comfortable to have the Code Office issue a permit for the application after all conditions were resolved.

Chairman DeVinney entertained a motion to approve with conditions as noted.

Board Member St. Lawrence offered a motion with Board Member Gilbert providing a second. All Board Members present voted in favor and the motion carried.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Mincer offered a motion to determine the proposed action would not have any significant environmental impact. Board Member Lersch seconded the motion. The motion carried with all Board Members present voting in favor.

5. App. #052715-SPR / Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd. requests Site Plan Review for the installation of Driveway Improvements, Tax Map # 011.28-1-2 (LR)

CEO Kane summarized the application for Board Members referencing this application previously included both the driveway improvements and the installation of a tram at shoreline. Due to the non-compliance with the Town's Steep Slope Law, the owner's decision was to separate the driveway modifications from the tram installation. This application was only for Board Site Plan Review of the Driveway modifications and the proposed installation of retaining walls which would need variances from the Zoning Board of Appeals. Due to the steep slopes on this parcel, the applicant is seeking a Planning Board waiver from the Steep Slope Law, referenced in Section #707.6.2.1.4.

Ms. Kane further stated that Stantec, as Town Engineer, had visited the site twice with her, had reviewed all of the submitted material, submitting their review of recommended Site Plan revisions today which would be pertinent to resolve concerns if a Planning Board waiver and the required zoning variances were granted. This review was received by the Code Office today and was transmitted to Mr. Moon at Marathon

that afternoon. Mr. Moon had responded with revisions and both reports were now being submitted to the Board for their initial review.

After the Board reviewed the reports, Ms. Kane introduced Mr. John Gibson as owner of the parcel who provided the Board with his intent for the proposed work. Mr. Gibson stated his intent was to provide safe vehicular accessibility to his seasonal dwelling and to provide relief for family members accessing the property as well as to provide a staging area midway for emergency vehicle access.

Mr. Gibson summarized the proposed three areas to be modified:

- a. Bottom section by the house (Northwest Section) – shale slope eroding, clogging the existing drain which carried groundwater runoff to the existing northern ditch. The application proposed to cut back into the embankment and install a dolomite boulder retaining wall of Dolomite boulders which would provide room for a circular turnaround, rather than needing to navigate a vehicular 3pt. turn. and would also provide additional parking uphill from the house.
- b. Middle section (West Section) by the existing driveway switchback – two retaining walls were proposed. The eastern wall in this area would help the erosion impacted by ground water runoff coming off the driveway and also to redirect water flow around this wall and back into an existing ditch to the south. The second retaining wall, to the west of the switchback, would provide additional parking and emergency vehicle staging.
- c. Upper section by Seely Landing (Northeast Section) – one retaining wall was proposed here which would provide additional vehicular parking, important during winter months and when encountering other vehicles using the road. Vehicles currently parked on Seely Landing and then walked down to dwelling.

An inquiry by Board Member St. Lawrence of the possibility of the need for two waivers as well as multiple zoning variances; one for the driveway modifications and one for over 500 sf. of ground disturbance which kicked in the law. These three areas could not be segmented under SEQR Law.

Further discussion included the possibility of a redesign of the mid-section to include extending the proposed western wall at by 10 feet which would increase the height of the wall as well and require the need for safety railings for fall protection.

Ms. Kane stated that it was discussed onsite that the area to the east was tight, and included a peat moss septic system. Emergency vehicles would not currently be able to access the house.

Chairman DeVinney suggested prior to further review, that the Planning Board be allowed to set up a site visit to better visualize the applicant's concerns and those presented by the Board. He stated the intent of the waiver was to establish need for repair or modifications based on a safety factor, not based on improving traffic flow or to provide additional parking. He agreed that this location was in an extremely steep slope area and the erosion concerns interested the board. He also stated that he would like to have more time to review the Town Engineer and Marathon's response letter prior to this site visit to make the best determination possible.

Mr. Gibson provided permission for the Board to access the property, with the date to be set in the near future.

Mr. Moon from Marathon Engineering inquired of the Board whether they would want him to be at the onsite visit as well. He also inquired if the waivers would then be decided at the June 17<sup>th</sup> meeting and a possible placement on the July Zoning Board of Appeals for the variances with a Planning Board recommendation.

Chairman DeVinney stated he would inform Mr. Moon of the site visit date once it was set and the Ms. Kane of the Code Enforcement Office would inform him when the application, if granted waivers from the Planning board, of the process of being placed on the Zoning Board of Appeals agenda and when.

Other Business:

Ms. Kane, CEO updated the Planning Board Members she is awaiting requested information on the application for the proposed Wind Turbine.

Board Member Lersch referenced the selection of a town resident for recommendation as a Yates County Planning Board alternate representative for the Town of Middlesex. This alternate would fill a vacancy during the winter months when our current representative, Mr. Douglas Skeet leaves for a six month period. After a short discussion, Board Member Lersch offered to contact recommended residents for the position and will report back at our next meeting.

After a short discussion, it was decided we would meet for a June 17<sup>th</sup> mid-month meeting.

Chairman DeVinney made a motion to adjourn. Board Member Lersch offered a second. The motion carried with all Board Members present voting in favor. Adjourned at 8:45pm.

Draft Minutes submitted by L. Lersch/revisions to [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)

Minutes approved on June 17, 2015



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

Wednesday, June 17, 2015, 7 pm

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

Others Present: David Moon, John Gibson, Bill Grove, Nancy Robinson

Agenda/Site Plan Reviews:

1. Application # 060915-SPR-SSR / Mr. William Grove, representing agent for Ms. Nancy Robinson of 1431 South Lake Rd., Tax ID #31.01-1-7 (LR) requests Site Plan Review for stabilization of a gully and a waiver from a SSPA.
2. App. #052715-SPR-SSR / Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd., Tax ID # 011.28-1-2, requests Preliminary Site Plan Review and waiver from a SSPA for the installation of retaining walls & driveway improvements, and waiver from a SSPA. (LR)

Chairman DeVinney opened the floor for the following Site Plan Reviews at 7:15pm:

1. Application #060915-SPR - Ms. Kane, CEO summarized the parcel history of the application for the Planning Board Members prior to introducing Mr. Bill Grove, representing agent for owner, Ms. Nancy Robinson. Ms. Kane stated the gully had been damaged by three storms dating back as far as 2007. Ms. Robinson's dwelling was impacted as well when the creek became clogged with mud and debris. A retaining wall and gabion stone baskets were added to the east side of the gully. Further damage from a recent storm event has eroded this wall at the bottom. Mr. Grove is presenting a Site Plan which has been reviewed by Town Engineer, Stantec who conducted a site visit in early June and recommended revisions to the Site Plan in a letter, dated 6/10. This project will entail a minimum of ground disturbance, and requires a waiver from the Steep Slope Law, as it is in a SSPA.

Mr. Grove stated the retaining wall placed in 2007 had two courses of stone buried below ground, had now has been undermined by storm water 18-24" below the bottom course. To resolve the problem, Mr. Grove plans to relocate the gully centerline at its' lowest point, away from the northern wall of the gully, and Contractor Eric Johnson would then excavate gully floor upland for approximately 8 ft. To resolve the issue, they planned to line the gully, starting at the tree stump to protect its' root system, the back side of the undermined portion of the retaining wall and the northern embankment with 6-18 inch rip rap stone to further stabilize these areas. Tree removal would be minimal. Staging for the project equipment would involve building a landing on the north side. Bill Grove stated he felt the 4 ft. culvert at roadside seemed to be sized appropriately to handle the existing water runoff to the lake. A plan to mitigate upland ground water above the house will be addressed at a later date. Right now, the priority is to stabilize the gully and the retaining wall.

After some discussion, the Board decided to clarify some concerns with Town Engineer Stantec within the next couple of days and will provide confirmation at that time of a conditional approval to the submitted Site Plan prior to permitting. The following concerns by the Board were noted:

- a. Whether a SPDES permit is required for this work.
- b. The Board advised the site plan should be revised to show more detail in dimensions, setbacks, and for installation of rip rap stone to be dimensioned clearly for the contractor.
- c. Tree Removal and protection to be noted on the plans.
- d. The plan should more accurately show the extent of the proposed work to the existing modular block wall. If rip rap will be used in this area, it should be keyed as to the size and quantity as appropriate to the slope.
- e. All check dams should have a key way.
- f. The plan should state a specific rolled erosion control product, or equal, for the contractor to provide.
- g. A plan for the construction staging (construction execution plan) for site access and material laydown, etc. needs to be included on the final site map.
- h. Board advisements to include extensions further west of the stump at the west end, and further east beyond what is shown are recommended. Also noted was runoff from the uphill groundwater behind the house should be resolved now, so that you don't have to return and create additional ground disturbance later.
- i. Contact the Highway Superintendent prior to permitting.

**\*\*NOTE:** Addendum on Page 5 for additional comments referencing Application #060915-SPR Robinson

A brief discussion took place referencing the request for granting a waiver to the Steep Slope Law per Section #707.6.2.1.4 of the law. The Board stated reasons for possibly granting a waiver were listed in Section #707.1.2 of the law and would be considered on a case to case basis. The Planning Board stated that it was evident, by the presentation of the Site Plan, the history of the parcel and Stantec's recommendations as Town Engineer from their June site visit and written review, that granting a waiver would reduce both public and private safety concerns and further erosion damage to the Robinsons' gully, dwelling and ultimately to South Lake Road as well as debris entering Canandaigua Lake.

A SEQRA review was determined to be a Type II action needing no further review. Board Member Mincer made a motion in support that the proposed action would not have any significant environmental impact. Board Member Lersch seconded the motion. The motion carried with all Board Members present voting in favor.

Without further discussion, Board Chairman Marty DeVinney entertained a motion from the Board to grant approval of the Steep Slope Law waiver request based on the reasons discussed. Board Member Mincer provided a vote of approval for the motion with Board Member Lersch providing a second. The motion carried with all Board Members present voting in favor.

A conditional site plan approval based on the clarification of concerns and the confirmation of possible Site Plan revisions from Stantec, beyond what was listed in their June 10 letter was offered by Board Member St. Lawrence and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

2. App. #052715-SPR-SSR / Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd., Tax ID # 011.28-1-2, requests Preliminary Site Plan Review and waiver from a SSPA for the installation of retaining walls & driveway improvements, and waiver from a SSPA. (LR)

Ms. Kane, CEO provided the Board with a brief summary of the application, stating the proposed project had come to the Planning Board back in March for installation of a tram, retaining walls and modifications to the driveway. The applicant then removed the driveway improvements and proposed retaining walls from the application in April and is now resubmitting to the Board for review a Site Plan Review of the driveway modifications and installation of four retaining walls to provide additional parking and improved vehicular access to a seasonal dwelling. Stantec has provided a letter of recommendations dated June 3<sup>rd</sup>

and made an onsite review on June 1<sup>st</sup> as well. Marathon Engineers responded to Stantec's letter on June 3<sup>rd</sup>. Mr. David Moon of Marathon Engineer's was introduced as agent representing the Gibson's.

Mr. Moon stated that in the initial Site Plan which included both the tram and the current proposed actions, Lu Engineer had provided both Steep Slope and Site Plan Reviews and Marathon intends to incorporate both Lu Engineer's and Stantec's June 3<sup>rd</sup> recommendation into the Site Plan as recommended. The current application is requesting of the Planning Board, a waiver from the Steep Slope Law, per Section #707.3.5.1D and area variances for setback non-compliance from the Zoning Board of Appeals if a waiver is granted from the Planning Board. The intent of the application is to provide better vehicular accessibility to the seasonal dwelling from both a safety and erosion focus. The proposed action will provide safer vehicular access and a turnaround in the winter months when conditions are exacerbated by snow and ice, additional parking, staging area for emergency vehicles and better erosion control by stabilizing the steep embankments impacted by storm water runoff on the parcel. The project was proposed in three sections, the Northeast Area (Section A) at the top of the driveway where it intersects with private road Seely Landing, Southwest Area (Section B) at the driveway's switchback and the Northwest Area (Section D) at the bottom of the driveway opposite the seasonal cottage.

Board Member St. Lawrence stated the Planning Board received permission to visit the site on June 11<sup>th</sup> to better visualize the application. He requested further detail to understand the applicant's request due to finding the site stable. After a brief discussion of each of the project's proposed actions, the Board considered granting a SSPA waiver for Section D only because it would provide additional room for safe vehicular turnaround as well as stabilizing significant erosion to the eastern embankment down by the applicant's dwelling and septic system.

Chairman DeVinney invited further Board discussion. Board Member Lersch opposed granting a waiver for this particular request based on the following reasons:

1. The owner's request additional parking could be resolved using alternate methods.
2. Fire Emergency Vehicle access to the dwelling would remain impossible in the winter months and probably would not be guaranteed throughout the year, even if the proposed improvements were granted, as per comments made by Board Member Mincer, also a Fire Volunteer for Middlesex Hose.
3. The parcel seems not unlike other steep slope parcels with the same or worse atypical erosion patterns from uphill storm water runoff.
4. Ms. Lersch, having visited the site after a recent storm event that caused major erosion problems in the area, did not see any additional erosion concerns from the June 11<sup>th</sup> site visit.

Chairman DeVinney asked Board Members for a motion to proceed.

Board Member St. Lawrence offered a motion to grant a waiver to the Steep Slope Law per Section #707.6.2.1.4 of the law for only the proposed Section D on the Site Map for reasons of providing stability to the eastern embankment, providing containment of the erosion by installing a dolomite boulder retaining wall, as well as providing additional space for safe vehicular turnaround down by the dwelling.

Board Members took a roll call vote: M. DeVinney- aye; B. St. Lawrence – aye; R. Mincer – aye; J. Gilbert – aye; L. Lersch – nay. The motion carried granting a SSPA waiver from the Steep Slope Law to the proposed Section D on the Site Plan and to provide Preliminary approval to the Site Plan (Section D) as presented.

Board Member Lersch reminded the Board that this application would now be sent to the County for Planning Board Review on July 23<sup>rd</sup> and final revisions to the Site Plan (Section D) per Stantec and Lu Engineer's recommendations would need to be completed prior to their deadline on July 14<sup>th</sup>.

A SEQRA review was determined to be a Type II action needing no further review. Board Member St. Lawrence made a motion in support that the proposed action (Section D) would not have any significant



environmental impact as presented. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

Mr. Moon was advised that a letter of confirmation of the meeting's actions would be mailed next week.

Other Business:

The Board reviewed draft minutes for May 6 and June 3. A motion to approve them as written was made by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Board Members voting in favor.

Board Member Lersch provided the Board a letter of resignation from Yates County Planning Board Member Douglas Skeet, as our Town of Middlesex County representative, that as of December 31, 2014, he would be retiring and Mr. Donald Sheive of the Town of Middlesex would be interested in applying for the position. Since Mr. Sheive is a year round resident, he would be able to represent the Town of Middlesex on a year round basis. Mr. Skeet will review the County process and provide him with all Planning Board Requirements and information necessary to represent us at the County level. The Planning Board will provide Mr. Multer, the Town Supervisor with a recommendation which will be sent to the County for appointment by the County legislators.

The next Planning Board meeting will be on Wed., July 1<sup>st</sup> for Site Plan Reviews.

A motion to adjourn was made by Board Member Lersch and seconded by Board Member St. Lawrence. The meeting adjourned at 9:45pm.

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

Minutes approved on August 5, 2015

**\*\*June 18, 2015:**

Addendum to Town of Middlesex Planning Board Minutes of June 17, 2015

Town Engineer - Stantec additional recommendations to Planning Board questions raised at their June 17, 2015 meeting after reviewing Application #060915-SPR Robinson:

1. A SPDES permit is not required for this work. This work falls under the general stormwater permit section of SPDES and is not required if less than 1 acre is disturbed.
2. The plan should be revised to show dimensions for the rip rap work. Extensions further west of the stump at the west end, and further east beyond what is shown are recommended. Final plan view for the rip rap is to be dimensioned for the contractor.
3. The plan should more accurately show the extent of the existing modular block wall.
4. The rip rap required must be specified as stated in comment #8 from Stantec. The note on the plan which states 6" to 18" is not adequate for the contractor to order the correct product. A state classification is to be shown.
5. The east end of the rip rap, at a minimum, should be keyed in. A detail or description needs to be included.
6. The plan should state a specific rolled erosion control product, or equal, for the contractor to provide. Lu Engineering typically uses a Tensar North American Green product that is designed for the particular slope being addressed.
7. A plan for the construction staging (construction execution plan) for site access and material laydown, etc. needs to be included. (Stantec comment #3)
8. Show trees to be removed on the plan. This must compliment the contractor's execution plan.

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

Wednesday, May 6, 2015, 7 pm

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

Others Present: Dan Paddock, Alex Fox, Leon Button

Agenda/Site Plan Reviews:

1. App. #040615-SPR / Mr. Dan Paddock is requesting Site Plan Review for construction of a Single Family Residence on land located on South Hill Road, Tax ID # 22.03-1-11.4, (AG)
2. App. #011415-SPR/Mr. Ryan Storke, representing agent for property owners, Mr. Leon & Phyllis Button of 5662 North Vine Valley Rd., Tax ID # 12.02-1-1, requests Site Plan Review to install a wind turbine on property located at North Vine Valley Road, (AG)

Meeting came to order at 7:00pm

Chairman DeVinney entertained a motion to approve the draft minutes for April 1, 2015. Planning Board meeting. Board Member St. Lawrence offered the motion which was seconded by Board Member Lersch. All Board Members present voted in favor and the motion carried.

1. Application #040615-SPR - Ms. Kane, CEO summarized the application for the Planning Board Members, stating this parcel had come to the Planning Board in January as part of a subdivision request and had been approved. The parcel has a pole barn structure and Mr. Paddock is now requesting to have Site Plan Review to be able to construct a single family residence on the parcel which is located on South Hill Road in the Low Density Residential District. Mr. Dan Paddock presented his application, stating the plans were designed by Mr. Don Marks. The plans were to build a one- story house to be set on a cement pad into the embankment to include handicapped accessibility with 36 inch doors. Mr. Paddock will be building the interior walls, and roof with "Superior Walls" delivering by tractor trailer.

After a short discussion, it was learned that the site was flat, would have a gravel entrance driveway, all spoils from excavating would be pushed to the back of the property to be used for installing sod grass at completion. There is a 6 inch swale to an existing pond. The site had a new hand dug water well that is spring fed that is 75 feet deep and located 150 ft. from septic field. It will be submersible once it is seeded. The onsite septic was designed by Dan Paddock and is certified. Dan sought advisement on the project from both Kevin Olvany and George Barden.

With no further discussion, the Planning Board stated they were ready to review the SEQR for the application. The application was determined to be a Type II action needing no further review and to have no significant environmental impact. A negative declaration was determined with a motion offered by Chairman DeVinney and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Board member St. Lawrence moved to approve the application as presented and Board Member Gilbert seconded the application. All Board Members present voted in favor and the motion carried.

2. App. #011415-SPR/Mr. Ryan Storke, representing agent for property owners, Mr. Leon & Phyllis Button of 5662 North Vine Valley Rd., Tax ID # 12.02-1-1, requests Site Plan Review to install a wind turbine on property located at 5768 North Vine Valley Road (AG)

Ms. Kane summarized the application for the Planning Board, stating Mr. Leon Button would like to install a 50 Kw Endurance wind turbine at 5768 N. Vine Valley Rd. in the Agricultural District. She stated tonight's review would be only conceptual due to recently submitted changes to the application which would, at her request, entail a new application. Changes were a submitted FAA report stating the wind turbine would need safety lighting because of its' 171.5 foot height and its' traffic pattern determination. Ms. Kane then introduced Mr. Alex Fox, agent representing CEC Energy of Cazenovia NY to provide further details and answer any questions from the Planning Board.

Mr. Fox explained the E-3120 50 kW Endurance Wind Power E- Series Monopole Wind Turbine is proposed to reduce electricity for the Button farm. Recent changes to the previously submitted application included moving the interconnector 220 volt underground cable from the nearest house to the turbine installation site which has a "commercial meter" to the Button Farm site. This underground cable would be buried 42 inches deep, have a 24 inch wide trench that would span a half mile distance to the farm. The turbine would produce 600 volts, and then stepped down to 220 at the meter.

Mr. Fox stated that United Wind would finance the project and subcontracted it to CEC Energy to install. They would lease the turbine, manufactured by Endurance Windpower of Canada, to the property owner with a 20 yr. lease. The approximate kilowatt hours of the turbine's potential was proposed to be 10-12 Kilowatts based on an annual average. A 5 year Repair/maintenance Warranty of parts and labor was offered the property owner, covering the turbine & controls.

It was unclear how the overall height of the 171 ft., 6 inch turbine was determined and the board requested clarification. The concrete foundation was proposed to 20 ft. x 20 ft. square by 13 feet deep of which part of this measurement would be in ground.

The FAA "Determination of Hazard" Report dated March 30, 2015, stating all interested and concerned parties had been mailed a copy of the report giving deadlines for petition appeal. It was noted that the Town of Middlesex had not received previous notice. It listed the turbine height as 154 feet and then stated anything over 154 feet would be considered a "Determination of Hazard."

Resident Dan Paddock stated he was all for helping the local farmers reduce their costs, but inquired if a smaller unit might have been considered since the Overaker's Schoolhouse which was on the National Register for Historic Sights was located within the spread line of the turbine as well as within the close proximity to the Middlesex Airport who received public air traffic. A discussion of alternative energy sources was reviewed by those present.

After some discussion, the Planning Board requested the following information to be submitted for the Preliminary review and stated a final summary would be sent detailing all requested information about the physical data of the turbine after a review by the Town Attorney:

- a. Key inset to site map showing where underground cable interconnection will connect to Leon Button's farm and whether this turbine would be serving only the farm and not the residences connected to the farm.
- b. All required setbacks to be shown to the proposed structure's foundation.
- c. Relocate tower so that TIP distance does not intersect other existing structures.
- d. Foundation design specific to location to include all fence or safety protection that would surround turbine's foundation location. Width, depth and height shall be indicated on site map.
- e. A clear definition of turbine's height as represented in feet to include foundation, monopole, blade and head measurements once installed.
- f. Final Construction elevations on specific wind turbine model to be installed.
- g. Include a Construction Sequence Plan that details all temporary site preparation necessary for construction, e.g., construction entrance, laydown area for materials, spoils area for excavated material, etc. Include a note as to where any offsite disposal of spoils will be located. Show erosion control plans.
- h. Indicate burial depth of high voltage cable, route to be taken from tower site to Button farm, and exact location of commercial meter at Button farm. Note that an as-built will be required for all buried services. Indication of which structures on the Button farm would benefit from the wind turbine's presence.

- i. Show permanent access off public road for turbine maintenance. Any new access to public roads must be applied for through the appropriate Highway Department.
- j. Analysis of noise decibels of proposed wind turbine when in full rotor speed.
- k. SEQR Review Part 1 to be filled out by applicant and submitted to Code Office.
- l. FAA Aeronautical Study No. 32014-WTE-7331-OE "Determination of Hazard", issued on March 30, 2015: shall be reapplied for with appropriate height of tower, notification and response deadlines to include neighboring parcels and the Town of Middlesex.
- m. Due to the turbine's location being in close proximity to the Middlesex Airport, serving public air traffic, the appropriate height (AGL - to include the proposed foundation as specifically designed for this location) of the installed Wind Turbine of 171 feet, 6 inches, as shown on the submitted site map instead of 154 feet as reviewed by the FAA and determined as "not a hazard to air navigation," shall be resubmitted to the FAA for additional review as so stated in the report, "Any height exceeding 154 feet above ground level, will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation."
- n. All required Safety Lighting as reviewed by the FAA shall also be reviewed with appropriate height (AGL) indication of proposed Wind Turbine once installed to include the height of the final foundation design.
- o. The construction location of the wind turbine is incorrectly listed on the FAA Supplemental Notice as 5662 North Vine Valley Road. It should be changed to 5768 North Vine Valley Road. Also, the name of the nearest public use airport should also include the Middlesex Airport as well as the listed Canandaigua Airport.

It was noted by Chairman DeVinney that the Planning Board will be reviewing the Town's Master Plan to see how the proposed structure complies with designated "Historical Scenic Vistas and Locations" of the Button Century Farm and the Overackers Schoolhouse which are both located on the proposed Wind Turbine location. The SEQR Review, also noted by Chairman DeVinney might show mitigation difficult to do when reviewing visual impact, which would then require a long EAF.

Ms. Kane summarized the key requests and stated she would do whatever she could to place them on the agenda for June 3<sup>rd</sup> once in receipt of the requested information from CEC Energy. Planning Board Clerk Lynn Lersch will provide applicant with a detailed list of requested items as soon as it was available.

The Planning Board Members' current terms of office were discussed with new current member terms to be appointed by the Town Board. Each Planning Board Member cast one vote for the expired terms of John Gilbert, Bruce St. Lawrence and Lynn Lersch terms to be updated for another 5 year term on the Planning Board. Chairman DeVinney entertained a motion to approve the nominations, with a second offered by Board Member Mincer. A roll call vote was presented and the motion carried.

Roll call vote:

John Gilbert	aye	Bruce St. Lawrence	aye
Lynn Lersch	aye	Marty DeVinney	aye
Robert Mincer	aye		

Board Member Lynn Lersch made a motion to adjourn and Board Member St. Lawrence offered a second. The motion carried with all Board Members present voting in favor. Meeting adjourned at 8:18pm

Draft Minutes submitted by Planning Board Clerk, L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on June 17, 2015

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

Wednesday, April 1, 2015, 7 pm

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

Others Present: David Moon, David Cox, Sam Imburgia

Agenda/Site Plan Reviews:

1. App. #011415-SPR/ Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd. requests Site Plan Review for the installation of a Tram. Tax ID # 011.28-1-2, (LR)
2. App. #102314-SPR/Mr. Andrew Komarek (Kairos, LLC), represented by agent from Passero Associates, requests Site Plan Review for proposed site development of vacant property on East Lake Rd. to build a Single Family Residence, Tax Map ID # 002-03-1-22, (LDR)

Meeting came to order at 7:02 pm

Chairman DeVinney entertained a motion to approve the draft minutes for March 18th Planning Board meeting. Board Member Mincer offered the motion which was seconded by Board Member Gilbert. All Board Members present voted in favor and the motion carried.

1. Application #011415-SPR - Ms. Kane, CEO summarized the application for the Planning Board Members prior to introducing Mr. David Moon, representing agent from Marathon Engineering, for owners Mr. and Mrs. John and Sarah Gibson requesting Site Plan Review to install a tram on their property at shoreline. This application had included some driveway improvements and retaining walls which had recently been pulled from the application, leaving only the tram installation for the board to review tonight. New maps were submitted on March 30<sup>th</sup> with revisions.

Mr. David Moon explained the revisions to include the following as requested by the Planning Board on 3/18:

- Applicant's decision to remove the project's driveway modifications as they were not allowed under the Town's Steep Slope Law.
- Addition of a Sediment Control Log in the map legend
- Erosion Control Measures as requested by the Planning Board
- Tram location & Staging remains the same
- Detail added to depict clearly where the walkway intersected the tram path
- Project Square footage of total ground disturbance noted on map to be 905 sf.

The construction sequence for the project was discussed in detail and Mr. Moon stated they would first set the pad at the bottom and at the top. The excavator, to be used onsite to drive the pilings into the ground, would be supported by chains tied off from two posts that would be driven into ground at the top. The excavator would then make its way up the tram path from the shoreline, driving the aluminum pilings into the bedrock until stable. He estimated that it would take approximately two days to complete this part of the installation. When asked how they would contain any debris that might fall during the process and keep it from going into the lake, Mr. Moon stated they would be installing Erosion Control Logs at the shoreline and there was a good sized deck onsite that would also help catch any debris.

The Board stated it was important to note that any deviation from the construction sequence as discussed and noted on the maps, must be reported to the Office of Code Enforcement immediately prior to continuing with construction. Chairman DeVinney noted also that due to past environmental failures during shoreline tram installations, that the process would be monitored closely.

Ms. Kane requested that an engineer from Marathon as well as FL Tram Engineer Shawn Ritchie be onsite every day during the installation. A pre-construction onsite meeting between contractors, excavators, engineers and Ms. Kane would be necessary as well as a project "as built" map at project end to include the documented plan and how it was carried out. This was customary with shoreline projects.

It was noted that this application would be reviewed by the County on April 23<sup>rd</sup> and the Town would ready the application for this review. Final maps and pdf files would be sent to the Code Enforcement Office from Marathon Engineering.

A SEQR was completed by the Planning Board. The application was determined to be a Type II action needing no further review and to have no significant environmental impact. A negative declaration was determined with a motion offered by Board Member Gilbert and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

Without further discussion Board Member St. Lawrence motion to approve the application as presented pending County recommendation on the 23<sup>rd</sup> of April. Board Member Gilbert provided a second and the motion carried with all board members present voting in favor.

2.App. #102314-SPR Ms. Kane, CEO summarized the history of the application for the Planning Board Members prior to introducing Mr. David Cox. As representing agent from Passero Associates, for owner Mr. Andrew Komarek (Kairos, LLC), Mr. Cox was requesting Site Plan Review for a proposed site development of vacant property on East Lake Rd. to build a Single Family Residence in the Low Density Residential District. After an initial Site Plan review on November 5, 2014, the Yates County Planning Board reviewed the application and recommended approval if the application met all previous variances and Steep Slope requirements. Meeting all possible variances, the application was sent to Lu Engineers for Steep Slope compliance review. The Planning Board gave conditional site plan approval at a special meeting on January 22<sup>nd</sup> only if it met all Steep Slope requirements, as determined by Town Engineer - Lu Engineers. On March 30<sup>th</sup>, the Planning Board received notification from Lu Engineers that the application had met all Steep Slope and Site Plan Review requirements.

After a short discussion with Mr. Cox to clarify onsite tree removal and the estimated time frame for commencement of construction, Ms. Kane requested a pre-construction onsite meeting with Mr. Sam Imburgia and all contractors prior to the start of the excavation.

A SEQR was completed by the Planning Board. The application was determined to be a Type II action needing no further review and without significant environmental impact. A negative declaration was determined by the Board. A motion by Board Member Mincer was offered and then seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

Without further discussion, Board Member St. Lawrence made a motion to approve the application as presented. Board Member Gilbert provided a second and the motion carried with all board members present voting in favor.

#### Other Business:

The Board Members discussed provisions for an alternate to be appointed to represent the Town of Middlesex at the Yates County Planning Board meetings during the winter months when our Town representative, Mr. Douglas Skeet was residing out of state. A short meeting with Stantec was scheduled for the April 15<sup>th</sup> to discuss SEQR applications referencing the Town's Steep Slope Law.

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:38pm. Minutes submitted by L. Lersch. Minutes approved on May 6, 2015

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

Wednesday, March 18, 2015, 7 pm

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

Others Present: David Moon

Agenda: App. #011415-SPR/ Mr. David Moon of Marathon Engineers, representing agent for Mr. and Mrs. John and Sarah Gibson of 452 East Lake Rd. requests Preliminary Site Plan Review for the installation of a Tram & Driveway Site Improvements to include retaining walls, Tax Map # 011.28-1-2, (LR)

Meeting came to order at 7pm

Chairman DeVinney entertained a motion to approve the draft February 4<sup>th</sup> Planning Board minutes. Board Member Mincer offered a motion which was seconded by Board Member Gilbert. All Board Members present voted in favor of the motion which carried.

In reference to the night's agenda, the Code Enforcement Officer stated due to unforeseen circumstances, Application #102314-SPR for Mr. Andrew Komarek (Kairos, LLC), represented by Passero Associates had been pulled from the Agenda and was to be rescheduled in April.

CEO Ms. Kane then passed out a March 3<sup>rd</sup> response letter from Marathon referencing comments to Lu Engineers review. A quick summary of the application was given to the Planning Board, followed by an introduction of representing agent, Mr. David Moon of Marathon Engineering who presented the application.

Mr. Moon stated the Gibson's would like to install a tram for ease in getting to the lakefront, and some reconstruction of the existing stairway with driveway improvements to provide additional parking. These driveway turnouts would incorporate proposed retaining walls because of the steep slopes in this location. There would be (3): one located at the top of the driveway allowing (2) vehicle parking; one located at the south west point of the switchback that would allow for (4) vehicles; and a parking turnout by the existing dwelling that would allow for turning vehicles around instead of backing up the driveway. Side setbacks would area variances as they did not accommodate the 15 ft. setback required in LR Zoning District.

Board Member Gilbert questioned zoning compliance of the existing driveway itself if modified. He also stated the need for compliance with the new Steep Slope Law as the proposed modifications did not seem to comply. The board agreed they would seek legal advisement prior to further review.

After a thorough review, the board agreed the ability to partially modify a non-conforming and pre-existing driveway will need response from the Town Attorney. If allowed, the following items shall be revised on the submitted plans. If legal advisement does not allow, all revisions pertaining to driveway & retaining wall modifications shall not apply:

1. A Construction Execution Plan is required as per Sect. #2 of Steep Slope Law. It shall be written as a narrative and inserted on the site plan drawing or submitted as a separate document, describing the approach and sequencing of all construction activities with primary emphasis on:



- Initial and intermittent erosion control methods to be used and maintained
- Site preparation activities & tree removal, clearing & grubbing, temporary crushed stone usage, temporary construction access roads, clearing for material storage and equipment access, etc.)
- Storage/removal of excavated materials
- Construction entrance location and the maintenance of
- Staging sequence – material staging cannot be placed on steep slope nor can the ground be disturbed for this purpose - if location is on county road, Yates County Highway Supervisor shall be notified of construction schedule.
- Specific to the proposed tram installation, the plan shall include specifically how the tram installation will be executed sequentially onsite, so development may be monitored throughout the installation. The plan must provide detail in regard to site impact and safety. The tram section view on dwg. C2.0 indicates excavation will be required near the top part of the cliff area. The construction execution narrative shall include a description of proposed methods planned for excavation, soil removal and the prevention of loose spoils from sliding down to the shoreline, the type of construction equipment proposed for installation, how tram site will be accessed by equipment and how this equipment will be supported on steep slopes and how it will complete the excavation/installation of the tram.
- Note: If the submitted execution plan changes during construction, notification to the Code Enforcement Officer is required prior to the start of construction.
- Compute the amount of total ground disturbance into square feet.

Erosion Control:

2. Assure that all drainage work, both temporary and permanent, is sufficiently detailed on the plans.
3. All (3) new retaining wall features being proposed along the existing driveway will be violating the Steep Slope Law if the sum of the disturbances is greater than 500 sf. These features are being shown within areas equal to or greater than 40% slope. Additional variance requests may be needed, and if so, will need to be added to the “**Project Statistics**” section on dwg. C1.0
4. Provide more drainage detail for contractor. It is not clear specifically what the contractor must do throughout site plan mapping.
5. The east end of the proposed parking spaces at the switchback in the driveway needs additional embankment stabilization via retaining wall or boulders, along with drainage provisions.
6. Adequate turning radius for emergency vehicles will need to be demonstrated at the switchback in the driveway if the new parking spaces are to be allowed.
7. The center drainage discharge shown at the proposed boulder bank stabilization at the bottom of the driveway should be eliminated. Entire wall drainage should discharge at the north end.
8. Add silt fence and sediment control log symbols to the Legend on dwg. 1.0.
9. Fill requirements shown behind retaining walls (Sections A and B on dwg. C3.0) are not sufficient. The type of material to be used, preferably utilizing state designations, along with compaction requirements need to be indicated. The drafting should show the excavation limits to encompass the Mirafi 3XT material.
10. If the proposed parking spaces are allowed, fall protection will be necessary along the top of the retaining walls. A potential fall of over 6 ft. is being shown.
11. Note #2 under Construction & Erosion Control: General Project Start on Dwg. C1.0 indicates the location of staged materials. This is not shown.
12. Note #3 under Erosion Control on Dwg. C1.0 indicates stockpiling topsoil. List the location where offsite soil spoils will be taken.
13. The top end of the tram section view shown on dwg. C2.0 indicates installation of dolomite boulders. This is should be indicated on the dwg. C1.0 as well. Also, drainage provisions and silt fence will need to be shown on dwg. C1.0.

Tram Installation:

14. A sketch was shown during the meeting of the wood walkway crossing the tram rails. This should be included on the plan details, with a note about safe operation maintenance at this point for the home owner.

Mr. Moon inquired what the application process might entail to prepare for readiness to permit. The following steps were provided with an explanation that all applications were unique and much would depend on compliance with steep slopes and any variances that might need to be applied for:

- Application is reviewed by Code Enforcement Office and placed on a Planning or Zoning Board agenda
- Application is reviewed by Planning Board for preliminary site plan review
- Revisions shall be addressed prior to placement on ZBA agenda for variances.
- After revisions determined by the Code Enforcement Office, Planning Board and Town Engineer as resolved and in compliance with Town Code and Laws, the Planning Board will make a decision to create a waiver or make a recommendation to the Zoning Board of Appeals if variances are necessary.
- Code Enforcement Office will determine variance(s) for the application and placement on the Zoning Board of Appeals Agenda
- After determination of PB waiver or ZBA variance, the application will be referred to Yates County Planning Board for review
- Planning Board will make final site plan determination of application to ready application for permitting
- Code Enforcement Office will permit with possible onsite construction meeting prior to development

A Planning Board comment letter listing all required revisions as discussed will be forwarded to Mr. David Moon at Marathon Engineering as soon as possible. David Moon stated that map revisions will be forthcoming to the Code Enforcement Office in a pdf format and larger revised maps will follow by mail.

Chairman DeVinney entertained a motion to adjourn the meeting which Board Member Gilbert provided. Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:34pm

Next Meeting Agenda: April 1<sup>st</sup>

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

Minutes approved on April 1, 2015

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

Wednesday, February 4, 2015, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer; Dawn Kane - CEO

Others Present: Jeremy & Cathy Fields, Ted Carman, Gordon Stringer

Agenda: App. #121614-SPR/Mr. Jeremy Fields of Fields' Construction, representing agent for Mr. & Mrs. James and Nancy Smith of 657 Fisher Rd., Tax Map ID # 11.50-1-5, requests Preliminary Site Plan Review to construct a 32 x 40 ft. storage barn and driveway improvements (LR); App. #011515-SPR/ Mr. Jeremy Fields of Fields' Construction, representing agent for Mr. & Mrs. Brett & Stacy Meagher of 1255 So. Lake Road, requests Preliminary Site Plan Review for the construction of a 40 x 50 ft. barn on vacant land located at 1260 So. Lake Road, Tax Map 21.71-1-1.2, (LR)

Draft Minutes – January 7, 22

New Business: Site Plan Reviews

Chairman DeVinney opened the meeting at 7:06p

Approval of draft minutes for January 7<sup>th</sup> and 22<sup>nd</sup> were approved by motion by Board Member Mincer and that motion carried with Board Member Gilbert providing a second. All Board Members present voted in favor.

1. App. #121614-SPR/Mr. Jeremy Fields of Fields' Construction, representing agent for Mr. & Mrs. James and Nancy Smith of 657 Fisher Rd., Tax Map ID # 11.50-1-5, requests Preliminary Site Plan Review to construct a 32 x 40 ft. storage barn and driveway improvements (LR)

Ms. Kane – CEO, stated that she had recently received new maps from agent Mr. Jeremy Fields and introduced him to the Board for presentation. Mr. Fields stated the new maps provided contours and elevations which clarified that the back wall of the proposed barn was 12 feet.

Board questions referred to the contours provided on the map indicated the slope of the land was approximately 46%, which prohibited any building in that particular area of the parcel if the land disturbance was over the 500 sf threshold, and would require a Steep Slope review by the Town Engineer. CEO Kane stated she would prepare a Work Order for the application.

Board Member Lersch inquired if the Foundation Design detail and roof/foundation drainage details would also need to be provided for review by the Town Engineer as these details were not provided on the revised Site Map.

Mr. Fields said he would release the engineer to complete foundation plan detail on Monday. He also referred to the ability to apply for an appeal by variance to the Zoning Board of Appeals for the Steep Slope requirement. The Board stated that we would address all applicant/owner options as we went through the

process. Mr. Carman inquired if the Planning Board would send a recommendation to the ZBA prior to a possible hearing? This question was answered in the affirmative.

2. App. #011515-SPR/ Mr. Jeremy Fields of Fields' Construction, representing agent for Mr. & Mrs. Brett & Stacy Meagher of 1255 So. Lake Road, requests Preliminary Site Plan Review for the construction of a 40 x 50 ft. barn on vacant land located at 1260 So. Lake Road, Tax Map 21.71-1-1.2, (LR)

Agent, Mr. Jeremy Fields presented the application for Board review. Mr. & Mrs. Brett Meagher would like to build a 2 story storage barn on vacant land which was next to their seasonal cottage. The barn will be used for storage and would have a full walk-out basement. The 1<sup>st</sup> floor level would be approximately 759 sf and the second story, 775sf.

After a short discussion, it was determined by the Board that this application would also require Steep Slope review by Lu Engineer. The foundation design should be fully detailed to clearly show any possible at-grade access on the eastside, as well as the proposed cut back plan, erosion control, restoration plan and drainage control all should be provided to the Town Engineer for their review. A Construction Execution Plan should be submitted to show where construction access will be, the location of spoils from land disturbance and appropriate silt fencing to protect run-off. Mr. Fields stated he would provide these details by email to the Code Enforcement Office. Mr. Fields would release the engineer to do the Foundation Designs by Monday.

Board Member Lersch stated that the County would require a Planning Board review on Thursday, Feb. 26<sup>th</sup>. She would prepare the application for submittal by the deadline of Feb. 18<sup>th</sup>.

Code Officer Kane stated the application will come back to the Planning Board for further Board review inclusive of Lu Engineer's report. A copy of this report will be forwarded to Mr. Field's.

A short discussion by the Board preceded a motion to adjourn provided by Board Member Gilbert, seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 7:50PM

Next Meeting agenda: April 1st

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

Minutes approved on March 18, 2015.

At a meeting of the Planning Board of the Town of Middlesex, held at the Town Hall in said Town, County of Yates, State of New York on the 22<sup>nd</sup> day of January, 2015, at 7:00 p.m., there were

PRESENT: Martin DeVinney, Chairperson  
Lynn Lersch  
John Gilbert  
Robert Mincer

ABSENT: Bruce St. Lawrence

John Gilbert presented the following “Resolution” which was seconded by Robert Mincer:

**RESOLUTION OF THE TOWN OF MIDDLESEX PLANNING BOARD PROVIDING COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED FOR THE KOMAREK MAJOR SUBDIVISION PROJECT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**WHEREAS**, the Town of Middlesex Planning Board (“Planning Board”) has received an application from Andrew Komarek (“Applicant”) for a 4-lot major subdivision of Tax I.D. No. 2.03-1-2.1, a property with steep slopes located within the Lake Residential (“LR”) District (“Project”). The Project involves the creation of four (4) lots for single family residences, along with the construction of a private road to access each of the residences. The Project requires major subdivision approval, as well as site plan review, and a special use permit from the Zoning Board of Appeals (“ZBA”) for the construction of the private road in the LR District;

**WHEREAS**, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Applicant submitted to the Planning Board Part 1 of a Short Environmental Assessment Form dated August 10, 2009. Subsequently, the Applicant submitted Part 1 of a Full Environmental Assessment Form (“FEAF”) dated August 1, 2012, which was deemed incomplete. The Applicant then submitted Part 1 of a FEAF dated October 17, 2012, which relates to the Project details in the drawings dated August 1, 2012;

**WHEREAS**, the Part 1 of the October 17, 2012 FEAF, having been reviewed by the Planning Board, was deemed adequate and accurate relative to the Project, although the Planning Board questions the accuracy of the answer to question A.3., with regard to soil types;

**WHEREAS**, the Planning Board established itself as the Lead Agency and caused Part 2 and 3 of the FEAF to be completed;

**WHEREAS**, the Planning Board issued a Positive Declaration for the Project on April 3, 2013, and declared its intent to conduct scoping pursuant to SEQRA;

**WHEREAS**, the Planning Board intends to conduct a coordinated SEQRA review and has identified the Zoning Board of Appeals, the New York State Department of Environmental Conservation, New York State Department of Health, the Yates County Soil and Water,

Canandaigua Watershed Association, Canandaigua Watershed Council, and the Yates County Planning Board as involved and interested agencies;

**WHEREAS**, the Applicant submitted a draft Scope for the Project on March 12, 2014;

**WHEREAS**, the Planning Board distributed a copy of the draft Scope to the Involved and Interested Agencies, as well as individuals requesting a copy of same;

**WHEREAS**, the Planning Board held a public hearing on the draft Scope for persons wishing to be heard on April 23, 2014

**WHEREAS**, the Planning Board issued the final Scope on May 7, 2014

**WHEREAS**, the Applicant submitted a Draft Environmental Impact Statement (“DEIS”) on December 13, 2014;

**WHEREAS**, the Planning Board received and reviewed the DEIS, and now desires to make its determination of adequacy in accordance with 6 NYCRR 617.9, as required pursuant to SEQRA.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD:**

1. After reviewing the DEIS, the Planning Board has determined that it is not adequate with respect to its scope and content for the purpose of commencing public review.
2. The Planning Board had identified the deficiencies and has those reduced to writing in the letter dated January 22, 2015, from its consultant, Stantec, to the Applicant, attached hereto as Exhibit 1 for the Project.
3. The Planning Board Clerk is hereby directed to mail the letter attached hereto as Exhibit 1 to the Applicant.
4. A copy of the Final Scope shall be filed in the Town Clerk’s Office, Town Hall in the Town of Middlesex and made available for public inspection and review; and
5. This Resolution shall take effect immediately.

**THE FOREGOING RESOLUTION**, was put to vote as follows:

<b><u>Name</u></b>	<b><u>Vote</u></b>
Martin DeVinney, Chairperson	<u>aye</u>
Bruce St. Lawrence	<u>absent</u>
Lynn Lersch	<u>aye</u>
John Gilbert	<u>aye</u>
Robert Mincer	<u>aye</u>

I, the undersigned Clerk of the Town of Middlesex Planning Board **DOES HEREBY CERTIFY:**

That I have compared the foregoing copy of minutes of the meeting of the members of the Town of Middlesex Planning Board (the "Planning Board"), including the "Resolution" contained therein, held on January 22, 2015 with the original hereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that (i) all members of the Planning Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was given in accordance with said Section 104 and (iv) there was a quorum of the members of the Planning Board present throughout said meeting.

**I FURTHER CERTIFY** that as of the date hereof the attached "Resolution" is in full force and effect and has not been amended, repealed or rescinded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Middlesex Planning Board this 22 day of January, 2015.

**TOWN OF MIDDLESEX  
PLANNING BOARD**

Lynn Lersch  
Lynn Lersch, Clerk

**TOWN OF MIDDLESEX  
TOWN CLERK**

Kathy Pelton  
Kathy Pelton, Town Clerk

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

Wednesday, January 7, 2015, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bruce St. Lawrence;  
Dawn Kane - CEO

Others Present: Mrs. Marilyn B. Cornish, Mr. Wade R. Button, Ms., Jeanne C. Fradella, Fr. John M. Mulligan, Mr. Ted Carman, Mrs. Susan Carman, Mr. David Moon, Mr. Tim Murphy

Agenda: App. #121714-SPR/Mrs. Marilyn Cornish & Wade R. Button, requests Site Plan Review of a Minor Subdivision of 48.8 acres of vacant land bordering Viewboard Rd., Tax Map ID # 21.02-1-18, (LDR). Parcel A to become 5.000acres and Parcel B to become 43.668 acres after subdivision; App. #121614-SPR/Mr. Jeremy Fields of Fields' Construction, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd., Tax Map ID # 11.50-1-2, requests Site Plan Review to construct a 195 x 687 sf addition and renovation to an existing seasonal dwelling and existing garage (LR); App. #1214-SPR/Mr. David Moon of Marathon Engineers, and representing agent for Fr. John Mulligan of 1129 South Lake Road, Tax map ID # 21.48-1-10. Requests Site plan review to improve drainage and erosion management of an onsite drainage channel, (LR).

Draft Minutes from December 3<sup>rd</sup>

New Business: Site Plan Reviews

Chairman DeVinney opened the meeting at 7:08p

1. App # 121714-SPR/Ms. Marilyn Cornish & Wade R. Button - Minor Subdivision – Tax Map ID #21.02-1-18, (LDR)

Ms. Kane – CEO, summarized the application as a Minor Subdivision of 48.8 acres of vacant land in the LDR Zoning District, bordering Viewboard Rd. The subdivision meets all zoning requirements and will be subdivided into 2 parcels. Parcel A will become 5 acres, and Parcel B will become 43.668 acres after subdivision. Parcel A will be conveyed to Ms. Loren Frye also in attendance. Parcel B will remain in the Cornish/Button family as it has for 102 years.

Chairman DeVinney invited discussion. There was none. He entertained a motion to approve the application. Board Member Lersch made a motion by resolution to accept the Minor Subdivision as presented and the motion was seconded by Board Member Gilbert.

A SEQRA review was determined to be a Type II action needing no further review. Chairman DeVinney offered a motion to determine the proposed action would not have any significant environmental impact. Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.



1. App. #121614-SPR/Mr. Jeremy Fields of Fields' Construction representing Mr. Thomas Masaschi of 640 Fisher Rd. requests Site Plan Review for the construction of an addition and renovations to an existing seasonal dwelling and garage.

Ms. Kane, CEO summarized the application to the Board, stating Mr. Fields could not attend the meeting, but had sent Mr. Murphy to represent him and to submit drawings for a preliminary review. She introduced Mr. Murphy who answered some questions for the Board.

The Board determined that the application, as presented by Mr. Tim Murphy for preliminary review, will need additional documentation prior to final determination. Minimum Site Plan requirements are available from the Code Enforcement Office. The Planning Board requests that a Site Plan be prepared and submitted to include the following:

- a. Clearly show all existing structures distinctly from any proposed new work. Identify site access for all construction activities.
- b. Include a Construction Execution narrative that describes the proposed plan for any temporary material laydown area, construction of temporary site access, note structures for demolition, tree removal etc. indicating all site disturbance and proposed plan to keep disturbance to a minimum.
- c. Locate existing driveways, and show all proposed driveway modifications.
- d. Show proposed site stormwater run-off control to include location of any temporary check dams that may be needed.
- e. Locate any proposed temporary stock piles of excavated material.
- f. Take care to show all silt fence locations.
- g. Show any roof and foundation drain systems, to include discharge points and use of gabion stone for erosion.
- h. Clearly show all existing shoreline features and proposed new work, referencing the High Mean Water Line.
- i. Label all property boundaries and the dimensions to each of the setbacks from the closest point on new construction (to include roof overhangs and cantilever decks)

The Planning Board will refer to the Town Attorney for legal advisement on the following concerns discussed during the preliminary review:

- a. Existing garage with proposed new additional bathroom may be considered habital space and may require a fire safety review.
- b. Extension upward of a proposed addition/renovation may affect the status of being grandfathered as pre-existing non-conformances.

Once resolved, the Office of Code Enforcement will determine when the application will be placed on the next meeting's agenda for review.

2. App. #1214-SPR/Mr. David Moon of Marathon Engineers and representing agent for Fr. John Mulligan of 1129 South Lake Road, Tax map ID # 21.48-1-10, requests Site Plan Review to improve drainage and erosion management of an onsite creekbed/drainage channel, (LR).

Mr. David Moon stated onsite drainage would be improved by constructing a 60 ft. linear channel lined with boulders to the existing creek bed in order to stop the encroachment of stormwater runoff to the property and undermining of an existing bridge north of the property.

Discussion in review of proposed plans incorporated the estimated project start to be possibly in July when the creek dried up and also that an onsite review by Canandaigua Watershed Program Manager Olvany and Watershed Inspector Barden provided advisement due to the streams' close proximity to the shoreline.

After a short discussion, Board Member Gilbert made a motion to approve the application with discussed revisions and Board Member St. Lawrence provided a second. Approval is conditional once the following

conditions are resolved with Site Map revisions submitted to the Office of Code Enforcement prior to permitting:

- a. Notation of expected project start date and estimated completion time for Highway Superintendent's Notification during time of heavy boulder deliveries.
- b. Notation on plans of onsite spoils location and silt fence to protect construction area.  
If spoils hauled offsite, please note where the spoils will be hauled to.
- c. Notation #1 under "Restoration and Landscaping:" Reword to reference reseeding / soil stabilization as per requirements in Town's "Stormwater Management and Erosion Control Laws."  
Delete "up to owner and contractor."
- d. Notation on plans - check dams are temporary and will be removed at project completion.  
Placement of check dams to be downstream of any stream disturbance, or equipment access.
- e. Clarify the proposed construction access, referencing distance from property line to the north.
- f. Under Erosion Control, Notation # 7 Maintenance: Change name of road from "East Lake Road" to "South Lake Road."
- g. Make notation of traffic control safety plan in regard to delivery of large boulders.

A SEQR was completed by the Board, declaring the action proposed would not result in any significant adverse environmental impacts, is a Type II action and requires no further action. Board Member Lersch offered a motion to accept the SEQRA as presented and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

Draft Minutes from December 3, 2014 were approved with a slight revision. Board Member Gilbert made the motion to approve and Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

A motion to adjourn was offered by Board Member Lersch and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:40 pm.

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes approved on February 4, 2015

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Special Meeting

Minutes - Thursday, January 22, 2015, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer;  
Dawn Kane - CEO

Others Present: Attorney Wendy Marsh, Mr. Mike Flanigan of Stantec; Mr. Tom Fromberger of the MRB Group;  
Mr. David Cox of Passero Associates; Attorney Robert Place, Mr. Sam Imburgia

Agenda:

SEQRA Reviews:

1. App. #102314-SPR/Komarek's Kairos LLC, for Single Family Residence - Planning Board Review to determine SEQRA segmentation of Lot A from the SEQRA environmental review currently in process for Komarek's proposed Major Subdivision on the west side of East Lake Road. Mr. David Cox of Passero Associates is requesting Preliminary Site Plan Review for the construction of and site improvements for a Single Family Residence on vacant land on East Lake Road, (LDR), Tax Map #2.03-1-22.
2. App # 091211-SPR/Komarek 4 Lot Major Subdivision – Review by Stantec Consulting Services, Inc. of Komarek Major Subdivision Draft Environmental Impact Statement (DEIS) for adequacy, which was submitted on 12/13/14 for Board review. Application is for a proposed Major Subdivision on vacant land bordering East Lake Road, (LR) Tax Map # 2.03-1-2.1

Site Plan Review:

3. App. #102314-SPR/Komarek's Kairos LLC, Mr. David Cox of Passero Associates, as representing agent requests Preliminary Site Plan Review for the construction of and site improvements for a Single Family Residence on vacant land bordering East Lake Road, (LDR), Tax Map #2.03-1-22.

Chairman DeVinney opened the meeting at 7:05 p.m.

Chairman DeVinney introduced consulting Environmental Attorney Wendy Marsh who gave a quick summary of the evening's proceedings for these two SEQRA reviews and indicated that Mr. Mike Flanigan from Stantec would also be giving a highlight of the submitted DEIS, detailed in a letter by Stantec addressed to the applicant and dated January 21, 2015.

1. Attorney Marsh proceeded with explaining that on November 5<sup>th</sup>, the Planning Board began preliminary review for App. #102314-SPR/Kairos LLC, for Single Family Residence. At that time the Board answered criteria from the NYS DEC to determine segmentation of this application with a parcel contiguous to and also owned by Mr. Komarek for a 4 Lot Major Subdivision currently under SEQR review. The Board determined that the projects were indeed separate as proposed. After submission of the Draft DEIS for the Major Subdivision by MRB Group in December, the Planning Board learned of a vehicular and pedestrian

easement and parking area, deeded in July 2003 by previous owner, Mr. Hey. This easement connected the parcels labeled as Lot A, B, (currently owned by Mr. Komarek) and Lot C with the 8.5 acres parcel to the West proposed as the Komarek 4 lot Major Subdivision by means of an existing “gravel driveway” providing vehicular access and existing pedestrian stairway for means of access to the lake shoreline. She advised that through the DEIS SEQR process, the Planning Board could legally segment the parcel known as Lot A (for the Kairos LLC Application) from the SEQR process, if in in the DEIS review process, this easement would be addressed in detail and therefore could be deemed to be “no less protective to the environment”.

After a short discussion, Chairman DeVinney entertained a motion to accept the resolution (attached) as written and entertained a motion by the Board. Board Member Robert Mincer made the motion and Board Member Gilbert gave a second. The motion carried with the foregoing resolution put to a vote as follows:

Chairman DeVinney	aye
Board Member Mincer	aye
Board Member Gilbert	aye
Board Member Lersch	aye
Board Member St. Lawrence	absent

2. App # 091211-SPR/Komarek 4 Lot Major Subdivision – Review by Stantec Consulting Services, Inc. of Komarek Major Subdivision Draft Environmental Impact Statement (DEIS) for adequacy.

Attorney Wendy Marsh gave a brief summary of where the Planning Board, as Lead Agency was in the SEQRA process with a review of the DEIS, referencing the Komarek 4 Lot Subdivision on East Lake Road. She stated Mr. Mike Flanigan, consultant from Stantec, had been hired by the Town of Middlesex to review the applicant’s submitted DEIS, had completed that review and had made comments detailed in a letter to the applicant, dated January 22, 2015. The purpose tonight was for the Planning Board, to make a determination, based on this letter, whether the submitted DEIS is adequate for Public Review as submitted or whether revisions would be necessary.

Chairman DeVinney introduced Mr. Mike Flanigan, from Stantec Consulting Services to proceed with highlights on their review. In summary, Stantec gave 43 comments which encompassed revisions from Stantec’s Final Scoping document submitted for review in May. Of these 43 comments, it was felt that (3) major areas needed more work:

- a. Slope Stability – areas needing more support were highlighted in a Geotechnical review (Memo attached) with Stantec’s letter dated January 6<sup>th</sup> from Trey Dykstra, Geotechnical Engineer.
- b. Access Road – incorrect references to the “gravel driveway”, support data to prove statements referencing emergency vehicle turnarounds, adequate access, proposed plans to manage traffic flow/parking for subdivision residents and easement owners.
- c. Deeded Easements – more detail needed referencing environmental impacts, proposed management and legal impacts to future Subdivision homeowners of an extra (3) Lot vehicular and pedestrian access to the proposed 4 Lot Major Subdivision.

Mr. Flanigan, stated that revisions to the DEIS would once again be reviewed for adequacy, prior to a Public Notice wherein the document, if adequate would then be available for public comment for a period of no less than 30 days. Stantec invited applicant and his agents to communicate any

questions directly to him and he would provide a phone log of all comments to the Planning Board via Attorney Wendy Marsh.

A resolution of the Town of Middlesex Planning Board providing comments on the DEIS prepared for the Komarek Major Subdivision Project and pursuant to the State Environmental Quality Review Act (SEQR), referencing attached Stantec's letter and Geotech Memo was offered for approval by the Board by John Gilbert and seconded by Robert Mincer. This resolution (attached) stated it was resolved by the Planning Board's determination that the submitted DEIS was not adequate with respect to its scope and content for the purpose of commencing public review; deficiencies had been identified and stated in a letter of 1/22 by consultant Stantec to the Applicant for the project; a copy of the letter and Memo with said resolution would be mailed to applicant; a copy of the Final Scope shall be filed in the Town Clerk's Office and made available for public inspection and review.

The motion carried with the forgoing resolution was put to a vote as follows:

Chairman, Martin DeVinney	aye
Board Member, Lynn Lersch	aye
Board Member, Robert Mincer	aye
Board Member, John Gilbert	aye
Board Member, Bruce St. Lawrence	absent

3. App. #102314-SPR/Kairos LLC, Mr. David Cox of Passero Associates is requesting Preliminary Site Plan Review for the construction of and site improvements for a proposed Single Family Residence on East Lake Road, (LDR), Tax Map #002.03-1-22.

Ms. Kane, CEO summarized the application as meeting Yates County Planning Board recommendation for approval w/comments on Dec. 18<sup>th</sup>. The Yates County Soil & Water Conservation District also reviewed the application and made comments.

Secretary Ms. Lersch stated that all YCS & W comments had both been resolved. Ms. Kane asked if there were comments from the Yates County Planning Board.

Ms. Lersch read the comments which requested resolve of the YCS & W comments and added that the application must meet all existing variance and Steep Slope Law requirements prior to permitting.

Ms. Kane stated that all variance(s) had been met in the redesign of the existing footprint of the dwelling, and she would prepare a Work Order for Lu Engineer to review this application with the new Steep Slope Law requirements currently in place and would advise Mr. Cox of the results from that review when they were received.

Mr. Cox requested of the Planning Board to approve the site plan based on both preliminary and final site plan review with the condition that the review by Lu Engineer was without revision.

A SEQRA review determined the action to be Type II, needing no further review. Chairman DeVinney offered a motion to determine the proposed action would not have any significant environmental impact. Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

The Planning Board then determined the application conditionally approved for Site Plan Review with the condition that Lu Engineer determined the application had answered all Steep Slope requirements. Board Member Mincer motioned to approve and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

Other Business:

Ms. Lersch offered the following materials submitted to the Planning Board for future board review:

- NYS DEC/Northern Finger Lakes Unit Management Plan (UMP)/Public Input Requested – for a 5 county plan that will define management goals and objectives for state land use and to also prepare a 10 yr. plan of action to achieve those objectives.
- YCPB has officially amended the by-laws to include an option for the provision for municipalities to appoint an alternate to the Co. Planning board in addition to any current appointee. This appointment needs Town Board approval and final approval by the County Legislator.

A motion to adjourn was offered by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 7:52 pm.

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

Minutes approved on February 4, 2015

2014

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

Wednesday, December 3, 2014, 7 pm

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

Others Present: Ms. Shanna Williams, David Cox from Passero Assoc., Sam Imburgia, William Grove

Agenda: Draft Minutes from November 5<sup>th</sup>

New Business:

1. App. # 103014-SPR/ Mr. and Mrs. Thomas Clutz, represented by Architect Shanna Williams and Engineer William Grove requests Site Plan Review for construction of an addition to an existing single family residence on property located at 1385 South Lake Road, Tax Map ID # 31.01-1-1 (LR)
2. App. #102314-SPR/Mr. Andrew Komarek (Kairos, LLC), represented by Passero Associates requests Site Plan review for proposed site development of vacant property on East Lake Rd. to build a Single Family Residence, Tax Map ID # 002.03-1-22, (LDR)

Chairman DeVinney brought the meeting to order at 7:05pm.

1. CEO Dawn Kane summarized Application #103014-SPR/ Mr. & Mrs. Clutz for a proposed addition to an existing single family residence at 1385 South Lake Road, stating the application had received (2) area variances from the Zoning Board of Appeals in November. She then introduced Architect Ms. Williams and Engineer Mr. Grove to present the application. Architect Williams submitted preliminary architectural plans for the proposed addition at 1385 South Lake Road for Board review. Engineer Grove presented the Site Plan for the application, stating the major challenge of this project was managing foundation drainage around the dwelling and an existing retaining wall because the existing cottage sat low on the property close to lake level, making it next to impossible to use footer drains to channel it away from the foundation. He has incorporated gravel splash pads along the southeast section of the proposed addition and proposes to continue it along the front side where pea gravel will be added. The retaining wall as shown could be redesigned to convey water more to the south.

A large tree which sits to the corner of the property was requested by the Planning Board to be protected, as it was one of the largest on South Lake Road. Any changes to the retaining wall design to improve drainage would be helpful and could be managed through the Office of Code Enforcement without further Site Plan Review.

A motion to approve the proposed Site Plan with comments as discussed was made by Board Member St. Lawrence and seconded by Board Member Mincer. All Board Members present voted in favor and the motion carried.



A SEQR on the property was reviewed by the Zoning Board of Appeals in November and declared at that time as a Type II action, needing no further review.

2. Application # 102314-SPR for Kairos LLC (Andy Komarek), owner of vacant parcel Tax Map ID # 002.03-1-22 on the upland portion of East Lake Road (County Rd. #39), and represented by Mr. David Cox of Passero Associates, requesting Site Plan Review to construct a Single Family Residence. (LDR)

Ms. Kane stated this application had received (3) reviews from Town Engineers - Lu Engineers and then introduced Passero Associates Engineer, Mr. Cox to present.

Mr. Cox stated the property had received Planning Board approval a year ago, then owned by another individual, but that owners of the parcel had changed, as well as the footprint of the proposed dwelling; therefore requiring new application for site plan review. A redesign of the Site Plan was submitted in order to avoid the need for applying for variances. An existing septic design approval, still appropriate to the new plans, was obtained on Nov. 20, 2012, current until next November. An onsite well had been reviewed by NYSDOH and was recommended to be reviewed by the Town Code Enforcement Office.

Chairman DeVinney advised the best management practice in this area would be to drill the well before installing the septic, because the soils in the proposed area could harbor pockets of brackish water and might need relocation.

Mr. Cox stated that they had also reduced the grade slope in back to a 1:3, and stated as well that Lu Engineers had written they had met all of their comments. Also mentioned was a letter to Attorney Marsh, referencing the Town's inquiry of possible SEQR segmentation of this project to Mr. Komarek's Major Subdivision across the road. This letter provided the project's intent, projected time schedule for completion as requested and references noting "segmentation" was not intended with the proposed project.

Chairman DeVinney advised Mr. Cox of Passero Assoc. to continue to work closely with the site contractor during construction, as the proposed amount of ground disturbance was very close to requirements needing a SPDS Permit.

Board Member Lersch inquired about the grading easement with the neighbor and Mr. Cox stated that Mr. Komarek now owned the property to the south in question and therefore any concerns did not apply.

Board Member St. Lawrence sited three locations that needed additional silt fencing, and inquired what was planned for containment of fill to the north side of the house and driveway. Mr. Cox stated the driveway would be left without disturbance, remaining a gravel/grass pathway. Mr. St. Lawrence advised against tracking construction debris from the site onto the County Road during project installation to which Mr. Cox replied an application of stone would be applied at the entrance which is fairly flat. Mr. Cox also stated that most of site spoils would be used for onsite fill and not hauled offsite.

Ms. Kane requested an onsite pre-construction meeting with the project's contractor, prior to start of construction. Also requested was the presence of the project's engineer onsite during construction and an "as-built" at project completion.

Board Member Lersch stated that because the project was located on a county road, the application would be readied for submittal to the Yates County Planning Board for review on December 18<sup>th</sup>. The Applicant's agent would receive a letter stating the details of this review and attendance requirements.

Chairman DeVinney stated the Planning Board would then make a final review for determination purposes on January 7<sup>th</sup> after the County review was received.

Chairman DeVinney closed the Site Plan Review portion of the meeting in order to discuss current Planning Board business.

Draft Minutes for November 5<sup>th</sup> was reviewed and a motion to approve was offered by Board Member St. Lawrence with a slight revision. Board Member Mincer seconded the motion to include the revision and all present voted in favor. The motion carried.

The Board reviewed the current draft of the Draft Steep Slope Law (9/22) , noting the County recommendation for approval on November 23<sup>rd</sup>, and voted to recommend by resolution (attached for review), the draft's readiness without revisions for Town Board review to provide readiness for adoption. Chairman of the Planning Board, Mr. Marty DeVinney, offered a motion and Board Member Lersch seconded the motion. The motion carried with all Board Members voting in favor.

Mid-month meeting agenda: It was decided a mid-month work session this month was unnecessary.

A motion to adjourn was offered by Chairman DeVinney and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

The Planning Board meeting adjourned at 8:40p

Draft Minutes were approved on January 7, 2015.

## **TOWN OF MIDDLESEX PLANNING BOARD**

### **RESOLUTION FOR DOCUMENTATION OF DETERMINATION OF SEQR SEGMENTATION FOR THE DEVELOPMENT OF LOT A OF THE FORMER HEY PARCEL IN THE TOWN OF MIDDLESEX**

WHEREAS, Application #102314-SPR was submitted to the Planning Board on November 5, 2014 for the purpose of Site Plan Review for the construction of a Single Family Residence on vacant land on East Lake Road, (Tax ID # 002.03-1-22) owned by Mr. Andrew Komarek (Kairos LLC) as applicant (referred to as Lot A), and represented by Passero Associates Engineering Firm as agent, and

WHEREAS, the applicant has a pending Major Subdivision application pending for contiguous property on the west side of East Lake Road ("West Lot");

WHEREAS, the Planning Board issued a Positive Declaration for the Major Subdivision on the "West Lot";

WHEREAS, this application was referred to Environmental Attorney Wendy Marsh and Stantec of Rochester NY for the purpose of determination of whether the Site Plan Review for Lot A should be part of the NYSDEC SEQR Environmental Review for the West Lot, and

WHEREAS, the Planning Board met on November 5, 2014 with Passero Associates Engineer, Mr. David Cox and Attorney Ms. Wendy Marsh to review NYS DEC criteria for determining segmentation, and

WHEREAS, during the Planning Board meeting on November 5, 2014, the applicant's Engineer indicated the Site Plan Review project was completely independent of the Major Subdivision and the development of Lot A is intended to commence immediately, which statements were confirmed in a letter submitted by Passero Associates on November 25, 2014, which stated as follows:

- This project is a completely separate project from the Major Subdivision project
- The entities of both projects are legally not the same
- Engineering firms designing each project are not the same
- Engineering designs for each project will have no effect on the other
- The timetable for commencing construction of the projects are not the same as this project is due to commence construction as soon as all approvals are obtained and the Major Subdivision is still pending many outstanding reviews prior to the Planning Board determining Final Plat approval.
- Town approvals on each project do not have an impact on each other
- Funding for each project is independent of each other
- Each project is functionally independent of each other.

WHEREAS, after receipt of the letter, the Planning Board received the DEIS for the Major Subdivision for the West Lot and learned that various properties, including Lot A, enjoy an easement to Canandaigua Lake for vehicles and pedestrians over the gravel drive on the West Lot;

WHEREAS, the Planning Board reviewed the easements and determined that the West Lot, Lot A, Lot B and Lot C were all part of one thirty (30) +/- acre parcel that was owned by Hey's Enterprises or Douglas Hey ("Hey Parcel"), as depicted on the Survey attached hereto as Exhibit A;

WHEREAS, it appears the Hey Parcel had one house on the East side of East Lake Road with the gravel drive extending from the house onto the West Lot;

WHEREAS, it appears the Hey Parcel was subdivided into the existing four lots, with Lot C containing the house, Lot A and B being vacant, and the gravel drive being located on the West Lot, in or about July 2003;

Whereas, additionally in or about July 2003, an easement was granted to the newly created Lots A, B and C over the West Lot, authorizing access to Canandaigua Lake across the gravel path and stairs, which easement language is attached hereto as Exhibit B, along with a map showing the easement areas;

WHEREAS, the development of Lot A will cause an environmental impact to the West Lot due to the easement allowing vehicular access across the West Lot to Canandaigua Lake, as well as rights for parking, to Lots A, B and C;

WHEREAS, the "gravel drive" is a significant component of the proposed Major Subdivision of the West Lot, which allows access to each of the proposed four lots in the West Lot, as well as access across each of the proposed lots to Lake for Lots A, B and C, as well as parking rights for Lots A, B and C on one of the proposed lots;

WHEREAS, the Planning Board reviewed the definition of "segmentation" and believe that the development of Lots A, B and C, are part of the overall project associated with the proposed Major Subdivision of the West Lot into 4 additional lots for the overall Hey Parcel, each of which will have permanent rights to the "gravel drive" for travel, parking and access to the properties and Lake; and

WHEREAS, the Planning Board now seeks to make a determination as to whether the Lot A can be segmented from the environmental review of the proposed Major Subdivision of the West Lot.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board:

1. The development of Lot A is part of the overall proposed development of the West Lot, both of which were part of the original Hey's Parcel, which was a 30 +/- parcel until it was subdivided into four lots, three of which enjoy permanent access across the West Lot to Canandaigua Lake for, among other things, pedestrian, vehicles and parking.
2. The permanent easement along the "gravel drive" will impact each of the proposed lots in the Major Subdivision of the West Lot.
3. The "gravel drive" is a significant and important component of the proposed Major Subdivision of the West Lot.
4. Segmentation is allowed if the segmented review is no less protective of the environment.
5. The Planning Board will be reviewing the environmental impacts associated with the development of the "gravel drive" as part of the Major Subdivision, including, but not limited to, the impacts associated with the proposed new four lots, as well as the environmental impacts associated with Lots A, B and C's use of the "gravel drive" for access to the Lake and parking on such "gravel drive".
6. Therefore, the Planning Board has determined that, under the circumstances presented herein, segmenting the review of the construction of a single family residence on Lot A from the development of the pending application for the Major Subdivision of the West Lot is appropriate under the circumstances, and is no less protective of the environment.
7. The environmental impacts to the West Lot caused by the easement granted to Lots A, B and C will be part of the environmental review of the Major Subdivision application for the West Lot.
8. The proposed development of Lot A shall be a Type II action based upon the review by the Planning Board, as well as the representations made by the Applicant, including, but not limited to, that the construction will happen in the immediate future based upon weather conditions.
9. Should the construction of the single family residence on Lot A not occur by Fall 2015, the Planning Board shall be obligated to reassess whether the development of Lot A has been improperly segmented from the Major Subdivision.

After discussion, the following roll call vote was recorded:

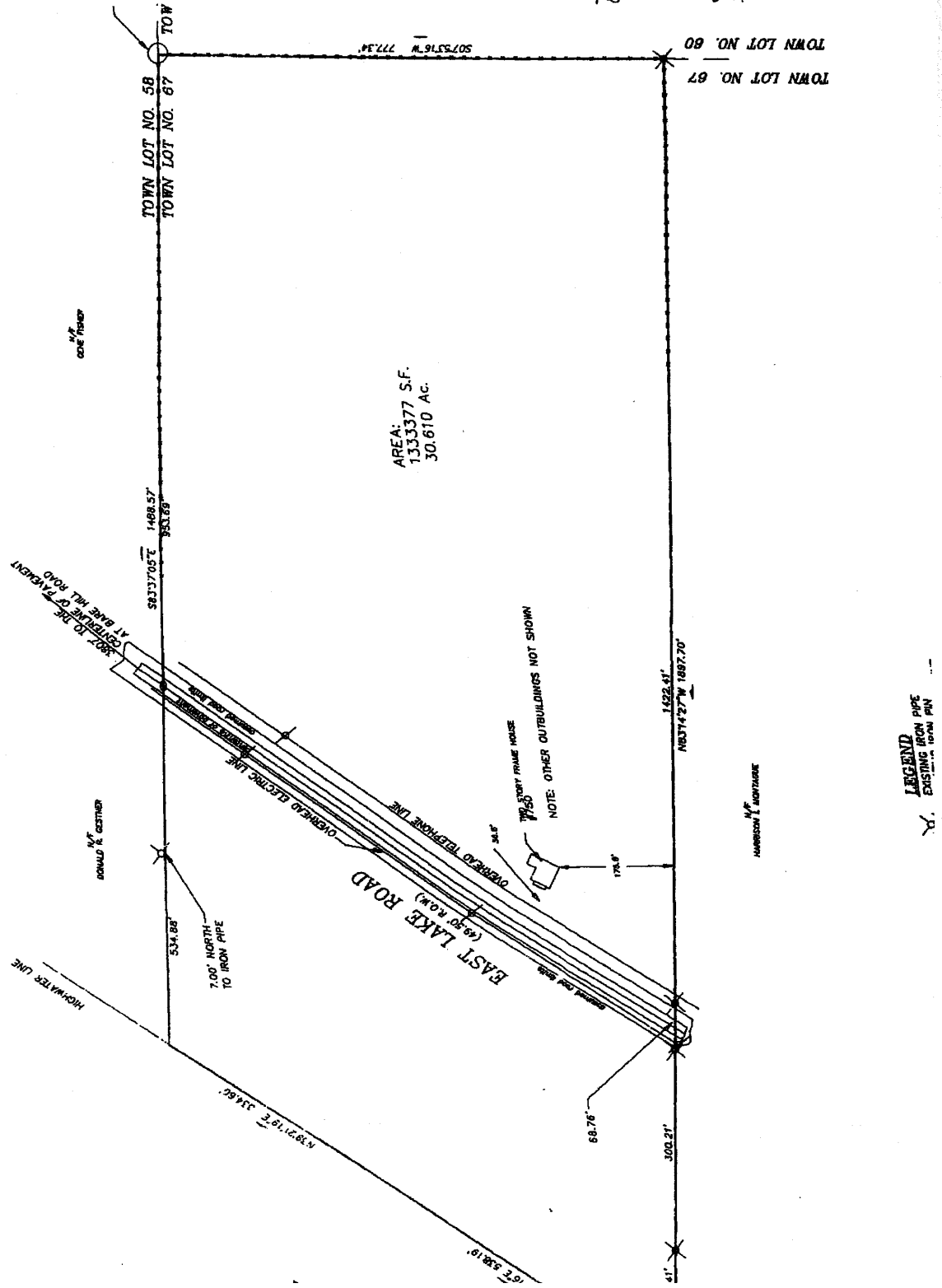
Martin DeVinney, Chair	<u>aye</u>
John Gilbert, Member	<u>aye</u>
Lynn Lersch, Member	<u>aye</u>
Robert Mincer, Member	<u>aye</u>
Bruce St. Lawrence, Member	<u>absent</u>

I, Lynn Lersch, Clerk of the Planning Board, do hereby attest to the accuracy of the above Resolution being acted upon and recorded in the minutes of the Town of Middlesex Planning Board for the January 22, 2015 meeting.

Lynn Lersch L.S. Date: January 22, 2015  
Lynn B. Lersch, Clerk of the Board X Filed with the Town Clerk on 1/28/15

# **Exhibit A**

Hey Parcel Survey Map



# **Exhibit B**

Hey Parcel Easements  
And Easement Survey Map 2003

**SCHEDULE "A"**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Middlesex, County of Yates, State of New York, bounded and described as follows:

**BEGINNING** at a point in the centerline of East Lake Road 300 feet southerly from the intersection of said centerline with the north line of Town Lot No. 67; thence S 86° 43' 32" E - 330.00 feet and S 82° 38' 45" E - 793.94 feet along other lands now or formerly of Hey to a point; thence, S 07° 53' 16" W along lands reputedly Caulkins 138.67 feet to a point; thence, S 85° 35' 38" W - 787.85 feet, N 86° 43' 32" W - 150.00 feet and N 54° 41' 12" W - 331.15 feet to a point in the centerline of East Lake Road; thence, N 42° 17' 05" E along said centerline 160.00 feet to the point of beginning, comprising an area of 6.209 acres and designated as Lot "B" according to a survey by C. Newton Gowdy, L.S. dated July 1, 2003, and including an easement for ingress and egress to and from Canandaigua Lake, said easement being more particularly described on Schedule B attached hereto, and also including an easement over and across a gravel drive and parking area, which said easement is more particularly described on Schedule "C" attached hereto. Said easements are also shown on the same map of C. Newton Gowdy, L.S. dated July 1, 2003, which map has heretofore been filed in the Office of the Yates County Clerk as Map No. 03-163.

**SCHEDULE "B" (Easement)**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Middlesex, County of Yates, state of New York, bounded and described as follows:

**BEGINNING** at a point in the centerline of East Lake Road 370.00 feet southerly from the intersection of said centerline with the north line of Town Lot No. 67; thence S 42° 17' 50" W along the centerline of east Lake Road 100.00 feet to a point; thence, N 37° 01' 42" W - 190.55 feet and N 70° 43' 53" W - 255.01 feet to a point to a high water mark of Canandaigua Lake; thence, N 39° 21' 19" E along the high water mark of Canandaigua Lake 101.00 feet to a point; thence, S 72° 43' 24" E - 234.54 feet and S 38° 16' 59" E - 217.52 feet to the point of beginning, comprising an area of 1.004 acres.

**SCHEDULE "C" (Driveway)**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Middlesex, County of Yates, State of New York, bounded and described as follows:

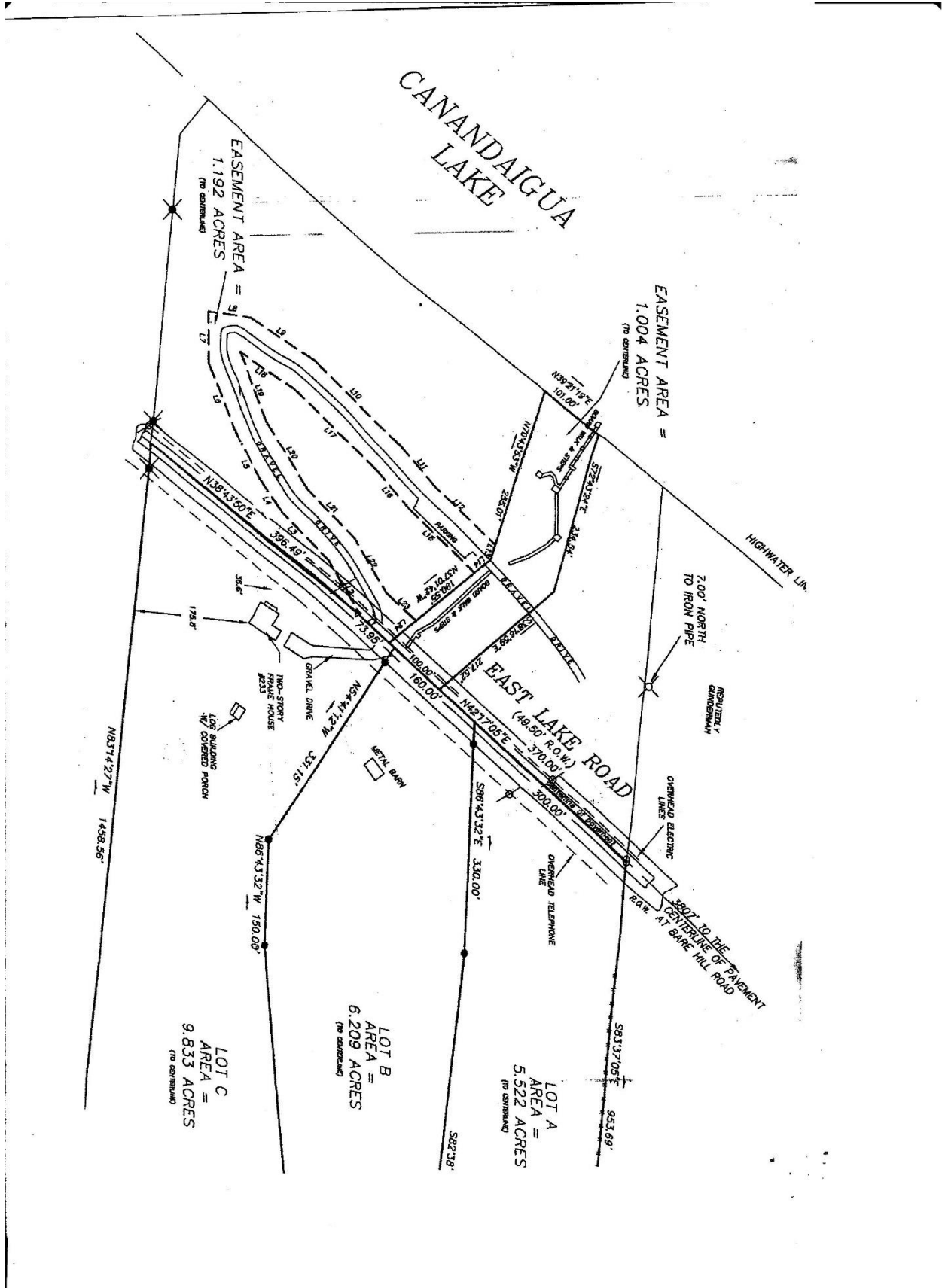
**BEGINNING** at a point in the centerline of East Lake Road 470.00 feet southerly from the intersection of said centerline with the north line of Town Lot No. 67; thence S 42° 17' 05" W along the centerline of East Lake Road 57.13 feet to a point; thence S 59° 29' 18" W - 94.25 feet, S 45° 53' 57" W - 98.65 feet, S 56° 43' 17" W - 58.68 feet, S 61° 08' 20" W - 67.28 feet, S 68° 24' 11" W - 113.97 feet, N 89° 33' 30" W - 72.77 feet, N 08° 19' 40" E - 65.26 feet, N 33° 11' 22" E - 114.57 feet, N 44° 40' 28" E - 178.12 feet, N 49° 21' 00" E - 75.36 feet, N 44° 23' 11" E - 123.49 feet, S 70° 43' 53" E - 22.75 feet, S 37° 01' 42" E - 29.74 feet, S 44° 23' 11" W - 130.88 feet, S 49° 21' 00" W - 75.48 feet, S 44° 40' 28" W - 171.05 feet, S 33° 11' 22" W - 97.43 feet, N 68° 24' 11" E - 106.96 feet, N 59° 07' 37" E - 114.11 feet, N 45° 53' 57" E - 99.87 feet, N 59° 29' 18" E - 92.64 feet, N 42° 17' 05" E - 59.00 feet and S 37° 01' 42" E - 50.88 feet to the point of beginning, comprising an area of 1.192 acres.

**EXCEPTING AND RESERVING** all right or title that the Town of Middlesex and/or the County of Yates may have across lands referred to as East Lake Road.

**SUBJECT** to all rights of way, restrictions and easements of record.

**GRANTEE** is to share with the remaining lots, the cost of maintenance and repair of the gravel drive and easement area shown on said map, including the improvements thereon. The owner of each of said remaining lots and their respective Successors and Assigns, shall each be obligated for an equal share of the said costs of said maintenance and repairs.





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

Wednesday, November 5, 2014, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane - CEO; Wendy Marsh - Attorney

Others Present: Kim Newell, Paul Dreher, Doug Howles, David Cox, David Moon, Stan Olevnik, Rocco Venencia, Pat Venezia, Sam Imburgia, Bob Bringley, Shawn Ritchie

Agenda: Draft Minutes from October 1<sup>st</sup>.

New Business:

1. App. #102314-SPR/Mr. Andrew Komarek (Kairos, LLC), represented by Passero Associates requests Site Plan review for proposed site development of vacant property on East Lake Rd. to build a Single Family Residence, Tax Map ID # 002-03-1-22, (LDR)
2. App. # 041714-SPR (Addendum to original application) representing agent Mr. Rocco Venezia for Applicant Mr. Paul Dreher and owners, Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd. (LR) requests Site Plan review for a Minor Subdivision of 0.961 acres. (LR)
3. App. # 090214-SPR/Mr. David Moon of Marathon Engineers, representing agent for owner Mr. Douglas Howles of 430 East Lake Rd. requests Site Plan review for installation of a private tram on property, Tax Map ID # 001.084-001-006 (LR)
4. App. #102914-SPR/Mrs. Kimberly Newell requests Site Plan Review for a Special Use Permit to operate a small home business "Moo Moon Confections" on her property located at 6187 South Vine Valley Rd. , Tax Map ID # 22.28-1-5, (LDR)
5. App.#091714-SPR/Mr. Rocco Venezia, representing agent for the Estate of Milton Johnson, requests Site Plan review for a Minor Subdivision of 115.462 acres located at 6070 South Hill Rd, (LDR)
6. App. # 103014-SPR/ Mr. and Mrs. Thomas Clutz, represented by Mr. John Hill requests Site Plan Review for construction of an addition on property located at 1385 South Lake Rd., Tax Map ID # 31.01-1-1, (LR)

Chairman DeVinney called the meeting to order at 7:05pm.

Ms. Kane noted that the agent for the Clutz Application #103014-SPR was not present and the application would be rescheduled for Site Plan Review at a later date.

1. Application #102314-SPR/Mr. Andrew Komarek (Kairos, LLC), represented by Passero Associates. Ms. Kane, CEO introduced Mr. David Cox from Passero Associates, representing agent for Mr. Andrew Komarek (Kairos LLC), owner of parcel located on East Lake Road to be reviewed for site plan and site modifications to a previously approved site by another property owner and engineering firm. Prior to agent presentation of the project, Ms. Kane referred this application to Attorney Ms. Marsh because of a concern for SEQR segmentation. Because the owner owns contiguous parcels with a deeded ROW to the East Lake Road shoreline, which is currently under SEQR Environmental Review for a proposed Major Subdivision.

Ms. Marsh stated such action was appropriate and proposed that the Planning Board review with the client, the criteria for determining segmentation of the proposed projects, developed by the NYS DEC. This criteria requested answers to the following questions:

- Whether the purpose of both projects had a common purpose?
- What was the intended plan for both projects?
- Do both projects have a common geographic location?
- When one reviews each project individually, is there something missing when one looks at the total picture?
- Do both projects have the same principles?
- What is the overall plan for both projects?
- Are both projects functionally dependent on each other?
- Does approval of one project in any way impact the other?

After careful consideration the Planning Board determined that based on the NYS DEC criteria, there was no intent to segment the two projects for future benefit to the client. Ms. Marsh requested Mr. Cox, agent for Kairos LLC to provide such justification when responding in writing in order to document by resolution: the project's intent, such timing resolution to include intended construction schedule by calendar date or part of; and that any possible Board approval of this project would become null & void if otherwise documented.

Mr. Cox requested the Board to allow him to present the plan as submitted for Preliminary Plat Approval since he was present to answer any questions the Board may have. CEO, Ms. Kane stated that the application was on the agenda tonight only to determine possible segmentation. Since the submitted maps were received late today and the Board and Lu Engineer would still need time to review them, the next step in the process would be for Passero Assoc. to write a review response back to Lu Engineer's prior to Site Plan Review.

Chairman DeVinney also stated that a review by the NYSDOH for onsite septic and well may also be necessary during Site Plan Review since the site plan and footprint of the project had changed from when it was previously approved by the Planning Board upon submittal by a previous owner.

Ms. Kane stated that a review by Yates County Soil and Water and Yates County Planning Board would also be requested and she provided the applicant with appropriate deadlines for being placed on the Town's Planning Board agenda for December.

2. Application # 041714-SPR (Addendum to original application) representing agent Mr. Rocco Venezia for Applicant Mr. Paul Dreher and owners, Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd.(LR).

Ms. Kane summarized the application by stating this application was submitted as an addendum to the original application submitted in May of this year for a Major Subdivision which was never filed with the County due to the need for it to be reconfigured in order to fit a garage and a driveway to access the lot. This application was submitted to the Zoning Board of Appeals to be heard on the 13<sup>th</sup> of this month for (2) area variances as well. If the variances are approved, the application will continue to Site Plan Review prior to permitting. It is on the agenda tonight for the purpose of a Minor Subdivision and the reconfiguration of (2) lots that do meet the zoning criteria for subdivision. A total of 0.961 acres will be subdivided as such: Lot 1 will become 0.459 acres or 20,021 sf. and Lot #2 will become 0.494 acres or 21, 840 sf.

Upon the advisement of our Town Attorney, Mr. Drehr has abandoned a request for a deeded ROW and has purchased additional footage in order to own the part of the access from private drive Genundewah Drive in order to locate the driveway and legally own it as well. It is an extremely difficult lot to fit all the components to make it possible to build and to keep it under the zoning requirement of 20,000 sf. Ms. Kane introduced Mr. Rocco Venezia to further present the Site Plan, as agent, to the Board.

Mr. Venezia stated the slope of the driveway will be 14% and a 2:1 slope on the side, yet feels it is doable and hopes the applicant will be able to receive approval for the variances in order to provide the room to make it fit. Mr. Venezia will present plans for Site Plan in December.

Board Member St. Lawrence made a motion to approve of the Minor Subdivision as presented with the reconfigured lot measurements. Board Member Mincer provided a second and the motion carried with all Board Members present voting in favor.

A Type II SEQR was determined for the property in review in May and needed no further review.

3. Application # 090214-SPR/Mr. David Moon of Marathon Engineers, representing agent for owner Mr. Douglas Howles of 430 East Lake Rd. requests Site Plan review to install of a private tram on property in the LR District.

Mr. Robert Bringley of Marathon Engineering presented the application and stated that Mr. Shawn Ritchie, contractor for Tram Installer – Finger Lakes Tram. He stated that information had been transmitted back and forth to Lu Engineers and to date they were satisfied that all had been addressed. They were advised that the County Planning Board and the Soil & Water Conservation District would be contacted for additional reviews in November, once the Site Plan was finalized.

The Planning Board requested whether Lu Engineers had reviewed revisions from Map dated Oct. 28<sup>th</sup> and Mr. Bringley stated they had. Board Member St. Lawrence advised Mr. Bringley that the manufacturer's specification for the installation of the Jute Mesh planned for onsite Soil & Erosion Management should be submitted to the Code Enforcement Office. Referencing tree removal, Mr. Howles stated they had picked a site for the tram installation that would cause the least impact on the environment, but that there were three trees that would be removed by Liddiard's tree service. When asked when they planned to commence construction, Mr. Howles stated he would start as soon as he was able to.

Without further discussion, Board Member St. Lawrence made a motion to approve the Site Plan contingent on the pending reviews from Yates County Planning Board and Soil & Water reviews. Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

It was determined after a Planning Board review that the SEQR was a Type II action, needing no further review. All Board Members present voted in favor.

4. Application #102914-SPR/Mrs. Kimberly Newell requests Site Plan Review for a Special Use Permit to operate a small home business "Moo Moon Confections" on her property located at 6187 South Vine Valley Rd.

CEO Ms. Kane stated the application would be heard by the ZBA on the 13<sup>th</sup> for a Special use Permit as it was a commercial activity within the Low Density Residential District in which this activity was not listed in zoning, not qualifying as a home occupation since the business would be located in one of two homes the Newell's owned in which they did not reside.

Mrs. Newell presented a brief history of her business plan, intent and details to the Board about her "Moo Moon Confections" web-based business. For licensing requirements, Mrs. Newell stated she needed to comply with Article 20c for certification by New York State Department of Agriculture & Markets for a commercial business. An inspector has been onsite and stated all she would need is to change her kitchen sink to a three bay sink. Water testing is required on a regular basis and they have installed a UV System already. There are no extra drainage concerns, there will be no employees so parking is not an issue, there will be no lighting or signage as it is not to ever become a retail business and deliveries to the house will be by rural delivery such as FedEx, which is common in the neighborhood.

Chairman DeVinney stated he felt this was the type of small business that would serve the community best as it has no negative impact to the neighborhood while adding to the tax base.

Ms. Kane stated that she would be requesting a recommendation from the Planning Board to the Zoning Board of Appeals prior to their hearing on the 13<sup>th</sup>. Also important to note was that she would be making an annual inspection and if there were any future plans of expansion, there would need to be a new application.

Without further discussion, the Planning Board moved to approve the application as presented, with a recommendation to that effect to the Zoning Board of Appeals. Board Member Gilbert made the motion and Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

5. App. #091714-SPR/Mr. Rocco Venezia, representing agent for the Estate of Milton Johnson, requests Site Plan review for a Minor Subdivision of 115.462 acres located at 6070 South Hill Rd.

Ms. Kane provided a brief summary of the application as a Minor Subdivision, stating that the lot was family owned, had a 50 ft. ROW to a flag lot which was owned as well within the family.

The Board questioned the road frontage and after a brief discussion with Mr. Venezia, the application was tabled until the lot was reconfigured to meet the Zoning District's frontage requirements.

Board review of draft minutes for October 1<sup>st</sup>. Board Member St. Lawrence made a motion to approve and Gilbert provided a second. Motion carried with all Board Members present voting in favor.

Mid-month Meeting agenda: Nothing scheduled as the Steep Slope Revisions were being reviewed by Attorney Graff and the Planning Board would make a final review in December, prior to Town Board review.

Chairman Devinney entertained a motion to adjourn. Board Member Gilbert made the motion and St. Lawrence provided a second. Motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:45pm

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes approved at Planning Board Meeting on 12/03/14

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

Minutes

Wednesday, October 1, 2014, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO, Town Councilmen Peter Gerbic and Alan Button

Others Present: Stan Olevnik, Gordon Stringer, TJ Didion, Paul Dreher, Rocco Venezia

Agenda: Draft Minutes from 8/20, 9/03 and 9/17

Old Business:

1. Application #081214-SPR/Mr. Paul Drehr, representing agent is Mr. R. Venezia, surveyor requests Site Plan Review for a proposed structure and request of a deeded ROW in order to enter parcel at 614 East Lake Rd., Tax ID #11.42-1-3.1, a subdivided Lot #2 (0.488 acres) by way of a proposed driveway. (LR)
2. Review of reformatted Steep Slope Draft Law (9/22 rev.)

Chairman DeVinney called the meeting to order at 7:05pm.

Code Enforcement Officer, Ms. Kane brought an application #081214-SPR to the Board for additional advisement since last reviewed by the Board on September 3<sup>rd</sup>. Mr. Rocco Venezia, as surveyor and agent requested time with the Board to review Town Attorney's response to Ms. Kane's request for legal review of the application. Application #081214-SPR/Mr. Paul Dreher is seeking to purchase a subdivided parcel at 614 East Lake Rd. contingent on Site Plan Approval to gain access to the lot via Genundewah Drive, a private road by purchasing a piece of the parcel currently owned by neighbor, Mr. Nathan Sirvent.

After a short discussion, it was determined that further clarification was needed because of questions raised by the Planning Board during the review process. Clarification of whether the parcel of land originally requested for a deeded right of way, in lieu of purchase of the parcel by Mr. Drehr from owner Mr. Nathan Sirvent would in itself create further violations on the parcel they are proposing to purchase for the intent to build a garage and eventually a house. Ms. Kane will contact the Town Attorney for further clarification also as to whether the private drive; Genundewah Drive is deeded to the center of the road or to the side of the road.

Chairman DeVinney stated that the Planning Board would next start review of revisions from our Town Attorney of the reformatted Draft Steep Slope Law.

Board Member St. Lawrence stated that revisions were both substantive and cosmetic. He went through those revisions that were relevant:

1. Sect. #707.4.2 was rewritten in the positive for clarification
2. Sect. #707.6.1 to include requirements for preliminary site plan review to be separate from those requirements requested for final site plan review to keep engineering costs down on the initial application in case a project does not get preliminary site plan approval.

3. Sect. #707.6.1.2 to combine two similar bulleted items to not be repetitive.
4. Substantive part of the law is now at 10 pages without the required pages for the law to be filed with NYS Dept. of State. He stated that it is the substance not the length of any law that is relevant.

After a short discussion Chairman DeVinney entertained a motion to recommend by resolution to send the draft document to the Town Board for review on October 9<sup>th</sup>, prior to it going to the county for review.

Board Member St. Lawrence offered a motion to approve a resolution to do so and Board Member Mincer provided a second. The following roll call vote was recorded and the motion carried:

<i>Martin DeVinney, Chair</i>	<i>aye</i>
<i>John Gilbert</i>	<i>aye</i>
<i>Lynn Lersch</i>	<i>aye</i>
<i>Robert Mincer</i>	<i>aye</i>
<i>Bruce St. Lawrence</i>	<i>aye</i>

The Town Board, as Lead Agency, shall review the SEQRA process on October 9<sup>th</sup> completing a Full Environmental Assessment Form for the Draft Local Law Amendment at that time.

The Planning Board reviewed draft minutes for August 20, September 3, and September 17<sup>th</sup> and the following vote was cast by the Board Members present:

- Aug. 20<sup>th</sup> was motioned for approval as drafted by Board Member Mincer with Board Member Gilbert providing a second. All Board Members present voted in favor. Motion carried.
- Sept. 3 was motioned for approval as drafted by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor and the motion carried.
- Sept. 17 was motioned for approval by Board Member Mincer with Board Member St. Lawrence providing a second. All Board Members present except for one voted in favor. Board Member Gilbert abstained due to his not being in attendance for the meeting. Motion carried.

A motion to adjourn was offered by Board Member Gilbert and a second to the motion offered by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.

Meeting adjourned at 8:30pm

Draft Minutes submitted by L. Lersch. Minutes approved on November 5, 2014

**TOWN OF MIDDLESEX**  
**PLANNING BOARD WORK SESSION**

Minutes

Wednesday, September 17, 2014, 7 pm

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

Others Present: Geraldine Biddle, William Grove, P.E; Karl Nuebauer

Agenda: Site Plan Reviews, Planning Board Review of reformatted Steep Slope Draft Law (9/16 rev.), Draft Minutes from 8/20 Work Session & 9/03 Site Plan Reviews.

Chairman DeVinney called the meeting to order at 7:02pm.

Site Plan Reviews:

Old Business:

1. Application #071514-SPR/ Mr. Terry DeKouski requests Site plan Review for a Major Subdivision of 202.038 acres located at Elwell Rd., South Vine Valley Rd. and Hadsel Rd., Tax map ID #'s 22.02-1-1.1 and 12.04-1-10.1 (AG/R)

Ms. Kane, CEO summarized the application, as a Major Subdivision coming back to the Planning Board for determination. Chairman DeVinney stated that although the lots were taken from one deed, there were actually two separate tax map ID's creating (2) Minor Subdivisions instead of one Major Subdivision. Therefore DeVinney proposed that under the Town's Subdivision Law, Section #6.2 (Variances & Waivers) the Board could waive the Town's Subdivision Law process due to unique situations. DeVinney stated that because the intent was to sell off parcels to a neighboring farmer who has been using the land for crops and would continue this use, therefore creating no change in use and no proposed development and so would qualify as a "unique situations" under the law.

He also reviewed for the Board NYS Town Law #277.7, which noted that Special Conditions could be applied here.

He entertained a motion to waive the criteria of this law as set forth in Article #6.2 (Variances & Waivers) because of the following reasons:

- a. The intent of this Subdivision is to keep it tillable farm land in the Agricultural District of the Town and there is no subdivision infrastructure that would include further development of the land, roads, or housing.
- b. Such a waiver would be in accordance with the Town's Master Plan.

And furthermore, Chairman DeVinney recommended the following condition to be considered by the Planning Board:



a. Prior to Town or County filing of the Subdivisions, the final plat must include the following notation by the surveyor: “any future land use must remain in Agricultural Use or must come back for further review to Planning Board.

After a short discussion, the Planning Board moved to grant a waiver for this application, as presented with the proposed special condition. Board Member St. Lawrence made the motion and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

SEQR Determination: After review, it was determined by the Planning Board that this application is a Type II action needing no further review.

Board Member Lersch will call Ms. Bonshak, County Planner to discuss the need for Yates County Planning Board Review of the application and report results.

2. Application #082114-SPR/ Ms. Geraldine Biddle, of 6060 Widmer Rd. requests Site Plan Review to construct an addition and stairs to a pre-existing dwelling, Tax Map ID #31.54-01-04, (LR)

CEO, Ms. Kane updated the Planning Board of recent submission of new Site Maps which addressed all pending Site Map requests made by the Planning Board at the September 3rd Site Plan review. She introduced Mr. William Grove, P.E., and agent/contractor Mr. Karl Nuebauer for the application to the Board.

Mr. Grove and Mr. Nuebauer presented all necessary revisions and changes to the Board as the new Site Maps were reviewed with the following changes:

1. No trees will be removed
2. All spoils will be placed on the east side of the property in a flat parking area temporarily as needed, but will be removed from site by Steve Faulkner.
3. Silt Fence will not be placed below the house as the house itself serves as a natural barrier.
4. General Note #8 was reworded to reflect specific town requirements.
5. Proposed change in contour was noted on map as a 2 ft. change in grade to accommodate the stairs.
6. Notation of rip rap added to the south side of the house, utilizing a splash pad at the foundation for roof stormwater runoff.
7. Notation of Wall Height, though previously noted as a 5 ft. maximum, will be 4 feet at the highest point.
8. Site Plan Detail was blown up to make for easier reading.

After a short discussion the Planning Board moved to approve the application with all revisions as discussed considered resolved. Board Member St. Lawrence made a motion to approve as presented with Board Member Mincer providing a second. The motion carried and all Board Members present voted in favor.

SEQR Determination was completed by the Zoning Board of Appeals in August 5<sup>th</sup> and is a Type II action needing no further review.

3. Application #082014(A) - SPR/ Mr. Eric Johnson, representing agent for Mr. Robert Bailey of 478 East Lake Rd., Tax Map ID # 11.27-1-1 requests Site Plan Review for additional site work to include a retaining wall, and improvements to a driveway, (LR)

CEO, Ms. Kane updated the Planning Board of recent submission of new Site Maps which would address pending Site Map requests made by the Planning Board at the September 3 Site Plan review. She introduced Mr. William Grove, P.E. for the application, and contractor/agent Mr. Eric Johnson.

After a short discussion by the Planning Board, Board Member Mincer made a motion to approve the Site plan with all drainage changes revised as requested and provided by agent Grove and Johnson. Board Member St. Lawrence provided a second. The motion to approve carried with all Board Members present voting in favor.

SEQR Determination: The application was determined as a Type II action and therefore needing no further review.

Chairman DeVinney announced that the Planning Board Work Session would begin to review a reformatted revision (9/20) by Town Attorney Jeffrey Graff.

After much review, the Planning Board decided to seek advisement and further review with the Town Attorney of the Draft Law in its' new format to address some cosmetic as well as some process oriented revision suggestions to a document that seemed to provide a good balance of purpose, regulation and guidelines addressed with legal rationale.

Ms. Kane, CEO will coordinate a conference call with Members from the Planning Board in the near future.

Draft Minutes of 8/20 Work Session and 9/03 Site Plan Review Meeting will be reviewed at the next meeting on October 1<sup>st</sup> .

Members of the Board were remitted for review, copies of the NYS DEC update on the Komarek application for Major Subdivision under their coordinated review as lead agency.

Motion to adjourn was made by Board Member Lersch and seconded by Board Member St. Lawrence. Motion carried with all Board Members present voting in favor.

Meeting adjourned at 9:28p.

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

Minutes approved on October 1, 2014.

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

Minutes  
Wednesday, September 3, 2014, 7 pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Theresa J. Didion, Geraldine Biddle, Ira Miller, Eric Johnson, Nathan Sirvent, Paul Dreher, Tim Spencer, Jeremy Fields, Rocco Venezia, pat Venezia, Kathy Fields, Karl Nuebauer

Agenda:

Site Plan Reviews:

1. Application #081914 - SPR/Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of 1260 South Lake Rd., requests Site Plan Review for installation of a retaining wall for additional roadside parking, to include a new set of stairs, Tax Map ID # 21.71-1-1.2 (LR)
2. Application #081914 (A)-SPR/Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of 1255 and 1260 South Lake Road (vacant lot contiguous to #1255) requests Site Plan Review, referencing the UDML to construct a permanent slip to an existing dock at #1255 and permanent dock and slip to #1260, Tax Map ID #21.71-1-1.2, (LR)
3. Application #081214-SPR/Mr. Paul Drehr, representing agent is Mr. R. Venezia, surveyor requests Site Plan Review for a proposed structure and request of a deeded ROW in order to enter parcel at 614 East Lake Rd., Tax ID #11.42-1-3.1, a subdivided Lot #2 (0.488 acres) by way of a proposed driveway. (LR)
4. Application #082114-SPR/ Ms. Geraldine Biddle, of 6060 Widmer Rd. requests Site Plan Review to construct an addition and stairs to a pre-existing dwelling, Tax Map ID #31.54-01-04, (LR)
5. Application #082014-SPR/Mr. Jeremy Fields requests Site Plan Review for a grading plan for site improvements on property at 1443 South Lake Rd., Tax ID # 31.01-1-19 (LR)
6. Application #082014(A) - SPR/ Mr. Eric Johnson, representing agent for Mr. Robert Bailey of 478 East Lake Rd., Tax Map ID # 11.27-1-1 requests Site Plan Review for additional site work to include a retaining wall, and improvements to a driveway, (LR)

Chairman DeVinney called the meeting to order at 7:08pm.

1. Application #081914-SPR/Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of property located at 1255 So. Lake Road, requests Site Plan review for installation of a retaining wall to include additional parking and a new set of stairs. (LR)

Code Enforcement Officer, Ms. Kane summarized the application for the Planning Board. She stated that map revisions to include the measurement from retaining wall to road centerline and a construction execution plan had been submitted just prior to the meeting. Correspondence from the Town Highway Supervisor, Mr. Reifsteck was provided to the Board which stated that he was in approval of the proposed Site Plan as submitted, stating the drainage plans and the increase in the width of the road where the parking area was planned would be helpful in maintenance of South Lake Road. Ms. Kane stated this property had an existing retaining wall that was permitted by the Code Office three years prior and now the owner wished to extend it in length and cut back into the embankment 12 feet from the edge of the road which would allow the height of the wall to be lower. Ms. Kane made notation to the Board that a contiguous vacant parcel to the south had been purchased by the Meagher's. She stated a variance from road centerline would be necessary.

Mr. Fields stated the retaining wall would be a soldier pile construction and would include a set of stairs to the south of the wall egressing to the parking area at roadside.

After a short discussion, the Board requested that due to the close proximity of the parking area to the road, that the designated parking spaces # 1-5, which were now perpendicular to the road be removed and to state simply "Parking Area" so that parking parallel would be a safer alternative.

Mr. Fields stated that all silt fencing at the site would be maintained at the end of each day and the estimated project completion of the site work would be within one week.

SEQR Determination: It was determined by the Planning Board after reviewing the submitted information that this application is a Type II action needing no further review, and that the proposed action will not result in any significant adverse environmental impacts.

Chairman DeVinney stated after no further discussion by the Board that he would entertain a motion. Board Member St. Lawrence made a motion to approve the application with the condition that the "Parking Spaces #1-5" be eliminated as shown on the Site Map and revised to state: "Parking Area."

Board Member Mincer seconded the motion and all Board Members present voted in favor. Motion carried.

2. App. #081914 (A)-SPR/ Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of 1255 and 1260 South Lake Rd. (LR). Applicant is requesting shoreline improvements referencing the UDML.

Mr. Fields stated that property identified as 1255 has an existing dock and proposed was a 126 sf permanent Boat Hoist. This parcel has 133 linear feet of Lake Frontage. The contiguous parcel at 1260 has a proposed 793 sf Permanent Dock and Boat Hoist with 98.39 linear feet of lake frontage.

After a short discussion and review of the Uniform Dock and Mooring Law, Chairman DeVinney entertained a motion.

Board Member St. Lawrence moved to approve the application stating the Site Map show that both parcels, due to the topography of the land be noted that they are allotted the Steep Slope Hardship clause. Also as a condition, was Site Map revision to show the existing square footage of an existing shed at shoreline of #1255 So. Lake Road to measure at or less than 184 sf. to qualify for approval. Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

3. App. #081214-SPR /Mr. Paul Drehr, representing agent is Mr. R. Venezia, surveyor requests Site Plan Review for a proposed structure and request for a deeded ROW in order to enter parcel at 614 East Lake Rd., Tax ID #11.42-1-3.1, a subdivided Lot #2 (0.488 acres) by way of a proposed driveway. (LR)

Code Enforcement Officer Kane stated she was looking for a recommendation from the Planning Board prior to the application proceeding for variance requests from the Zoning Board of Appeals. Mr. Drehr had purchased the parcel Lot #2 from Mr. Nathan Sirvent, contingent on his proposed request. Ms. Kane stated that this parcel had road frontage on an existing private road known as Genundewah Drive, however due to the extreme slope to the land, egress from the road was not applicable, hence Mr. Drehr was requesting access through Mr. Sirvent's property. Since current zoning was not clear on this, she had requested advisement from the Town Attorney as well. His suggestion was to have the new owner purchase the required footage if possible. A variance for the garage would still be required but the process would be more straightforward.

After a short discussion, the Board stated that based on the Town Attorney's interpretation of NYS Town Law # 280-A, it was decided that a pdf file of the submitted map be reviewed by the Town Attorney for further clarification. The Planning Board gave their recommendation for the variance request to the Zoning Board of Appeals for the driveway setback to the garage, but clearly stated that if the land was purchased by the new owner, there would be no variances required.

4. Application #082114-SPR/ Ms. Geraldine Biddle, of 6060 Widmer Rd. requests Site Plan Review to construct an addition and stairs to a pre-existing dwelling, Tax Map ID #31.54-01-04 (LR)

Ms. Kane summarized the application for the Planning Board, stating the application had required area variances for side setback and were granted them on August 5<sup>th</sup>. She then introduced contractor Karl Nuebauer who presented the project details.

After a review of the site map and a short discussion, the Planning Board requested the following Site Map Revisions prior to Board Determination:

1. Notification of permission from neighboring parcel owner to access property during construction phase.
2. Revise Site Map to more clearly define general site notes. Engineers' notes to be specific to Town Zoning Requirements.
3. Referencing the notation on Site Map of "proposed contours" - if a change is proposed it must be noted and also notation of where the new drainage is to be managed.
4. Notation of all planned silt fence management. Board requests more silt fence to be added across the lower and westward side of the house and as well where temporary spoils are planned behind the retaining wall.

5. Wall detail to include proposed height of wall.
6. Section blow up of construction plan so easier to read .
7. Notation on Site Map of stabilization plan to include seeding, mulching if regrading is to be done as a permanent feature and not just for temporary location of spoils.
8. Notation on Site Map to add quantity and size of stone where all drainage daylights.
9. Site Map notation of roof drainage plan of proposed addition to include size of pipe, and foundation detail.
10. Notation on Site Map of the construction access sequence plan.

Contractor Karl Nuebauer stated he could have Bill Grove make these changes immediately. He was scheduled to start construction the middle of September, and planned to frame and close in the addition when winter approached, and then finish in the Spring.

Determination is pending review of all requested revisions. Karl Nuebauer will send revisions via email to the Code Enforcement Office for Board Members to review prior to next Planning Board meeting.

5. Application #082014-SPR/Mr. Jeremy Fields requests Site Plan Review for a grading plan for site improvements on property at 1443 South Lake Rd., Tax ID # 31.01-1-19 (LR)

Ms. Kane stated that this application went before the Zoning Board of Appeals for a Special Use Permit because Mr. Fields, owner requested permission to convert a barn into a Single Family Residence. In granting the SUP, conditions were placed on the ZBA's determination. The ZBA felt that the existing driveway had a steep slope embankment that interfered with the vehicular line of sight from South Lake Road and since the road is narrow there, it was requested that approval be contingent on the Planning Board's review of a Grading Plan to regrade the embankment back to a 2:1 slope.

Board Member Lersch stated that another condition placed by the ZBA was a contingency that Mr. Fields would never expand the current footprint of the barn so that it would make the front setback from road centerline more non-conforming than it is now.

Mr. Field's stated this was correct and reviewed the Grading Plans and stabilization methods of using Juno Mat and Crown Vetch to reseed the embankment. He stated he was planning to add a Swale filled in with rip rap and a catch basin prior to water entering roadside culvert.

Board Member Lersch stated the SEQR Determination for this parcel had been completed by the Zoning Board of Appeals.

With no further discussion, the Planning Board moved to approve with a motion from Bruce St. Lawrence and a second from Board Member Mincer. The motion carried with all Board Members present voting in favor.

6. Application #082014(A) - SPR/ Mr. Eric Johnson, representing agent for Mr. Robert Bailey of 478 East Lake Rd., Tax Map ID # 11.27-1-1 requests Site Plan Review for additional site work to include a retaining wall, and improvements to a driveway, (LR)

CEO, Ms. Kane stated to the Board that this application was site improvements to the Bailey property to include a retaining wall and driveway area. She introduced Mr. Bailey's agent, contractor Mr. Eric Johnson who presented the proposed actions to the Board Members.

After a short review, the following revisions were requested to the submitted Site Map which included the following:

1. Notation of how water run-off will be managed from paved area near the garage – Board requested adding an open swale lined with stone where the paved area goes around the garage and empties into the gully.
2. Notation of drain tile behind the retaining wall and detail of how it will tie into the open swale which empties into the gully.  
Notation of additional silt fencing by the garage area as discussed.
3. Notation of management of rain water discharge at the driveway switchback where it connects to the ravine on neighbor's property to the south.

Determination is pending review of all requested revisions. Mr. Eric Johnson will send revisions via email to the Code Enforcement Office for Board Members to review prior to next Planning Board meeting.

Draft Minutes from August 20<sup>th</sup> Work Session will be held for review at the September 17<sup>th</sup> Work Session due to pending reviews by the Town Attorney.

A motion to adjourn was offered by Board Member Mincer and a second to the motion offered by Board Member St. Lawrence. All Board Members present voted in favor.  
Motion carried.

Meeting adjourned at 9:30pm

Draft Minutes submitted by L. Lersch. Minutes approved on October 1, 2014.





**TOWN OF MIDDLESEX**  
**PLANNING BOARD WORK SESSION**  
Minutes

Wednesday, August 20, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Mr. Kevin Olvany, Thomas Hansen, Mr. Gordon Stringer

Chairman DeVinney opened the work session at 7:08p, stating the agenda for the work session, introducing Mr. Kevin Olvany and with acknowledgment of public in attendance.

Approval of draft minutes for July 17 and August 6<sup>th</sup> were reviewed by the Board and a motion to approve was made by Mincer and St. Lawrence respectively and seconded by Gilbert and Mincer. All Board Members present voted in favor of July 17 draft minutes and after a short discussion approved of August 6 draft minutes with revisions. The motion carried.

Board discussion of 2014-2015 Planning Board Budget Requests and results will be given to Supervisor Multer by Lynn Lersch.

Board discussion of status of all applications from August 6<sup>th</sup> Agenda for DeKouski and Davis/Lundquist.

Chairman DeVinney gave the floor to Canandaigua Watershed Council's Program Manager, Mr. Kevin Olvany who summarized his current revisions (8/15) to the Draft Steep Slope Law after the July 17<sup>th</sup> Public Informational Meeting. Revisions discussed from the work session include the following:

Article VII: Supplementary Regulations (New Section #707 – Steep Slope Protections Areas

- Sect. #707.3.2> DISTURBANCE - Section deleted from here and reformatted to be Sect. #707.3.3: “Applicants cannot segment disturbance...utilized by applicant.”
- Sect. #707.3.3> New paragraph to read: “Applicants cannot segment disturbance to stay below disturbance thresholds or develop the site with structures that would otherwise not be approved. Disturbances and structures constructed after the adoption of this law shall be reviewed by the Planning Board to determine if it is part of an overall Common Plan of Development for the site if future disturbances occur or applications are submitted.”
- Sect. #707.3.3-707.3.4 renumbered to follow formatting.
- Sect. #707.5.1> The first paragraph shall read: “***The Town Board*** has adopted the associated Regulations and Guidelines, for use....”
- Sect. #707.6 Variances and Appeals  
Delete>”All variance requests for prohibited items and all variance requests on slopes greater than 40% will be considered a use variance request.”

## Regulations and Guidelines for Steep Slope Protection Areas (SSPA)

- Table of Contents> Appendix II: **Development Reference Drawings** (ST-1 thru ST-6)
- Sect. #4 – Permitted Uses **and Activities** on Moderately Steep Slopes (15% to <25%)
  - #5 - Permitted Uses **and Activities** on Very Steep Slopes (25% to <40%)
- Sect. #5/5.1H> To read; **“New or expanded paths developed specifically for golf carts, ATV’s or other similar small vehicles – maximum path width to be six feet**
- Sect. #6 – Prohibited Uses and **Activities** on Very Steep Slopes (25% to <40%) ...or greater”
- Sect. #7 – Permitted Uses **and Activities** on Extremely Steep Slopes of 40% or More
- Sect. #8/8.1> “All federal and state laws, and all other applicable Town laws, codes, **references** and ordinances, such as:”
- Sect. #8/8.9> New language to read: “Locate proposed new drainage features to provide for proper connectivity and flow to existing drainage gullies, etc. This shall include new drainage design features necessary within setbacks. Stormwater calculations shall be provided for any **existing or new culverts or changes to existing gullies/concentrated flow paths and diversion swales that traverse the property.** Storm water piping, channels and swales shall be designed based on the entire contributing drainage area to handle the 25 year – one hour rain event (currently 2.1 inches/hr.)”
- Sect. #8/8.10> Split the paragraph into two separate sections and added language to the bulleted paragraph to read:
  - **“If downstream culverts/ditches/gullies/streams ..... analyzed storms. If site constraints do not allow for practices to obtain a net-zero increase in peak runoff then the applicant calculate the drainage capacity of the most immediate downstream drainage culvert for the 25 year, one hour storm (currently 2.1 in/hr.) design storm and determine if it can handle the increase from the proposed construction. In the event the anticipated peak flow exceeds the existing culvert capacity, and no alternative to reduce the peak flow exists, then the Planning Board and Code Enforcement officer shall be notified. All discharged storm water from the site shall be reduced to non-erosive flow rates.”**
- Sect. #8/8.18> Add language to read: **“Request a review by the Middlesex Fire Chief and CEO, to determine if the proposed development meets the latest State Building and Fire Code Emergency Vehicle response requirements.”**
- Delete> “The Fire Chief will coordinate review with the Code Enforcement Officer, who also has authority to review these items on language in the State Building Code.”

## Appendix I: DEFINITIONS

DISTURBANCE – shortened the paragraph to eliminate “Applicants cannot segment disturbance.....utilizes by applicant.” This paragraph is now added into the ZL Amendment as Section #707.3.3. Add language to read: “The removal of vegetation, any and all excavation.....construction entrances, **driveways (including shared)**, retaining walls, utility work and shall include the conditions resulting from such activity.”

Revisions as discussed were met with approval from all Planning Board Members present and two Town Board Members present.

Draft of the document will be sent to the Town Attorney for review prior to holding more public hearings and prior to County review.

Board Discussion referencing other Steep Slope Laws adopted locally as the Towns of Jerusalem, South Bristol, Torrey and a comparison between community challenges/needs.

Chairman DeVinney invited comment from public present.

Resident Tom Hansen referenced the law, stating the following comments:

1. The Prohibition of land uses and activities that are prohibited on 40% and greater are a taking of land owners' rights.

Planning Board response was the law was changed to compromise with a threshold of 500 sf of site disturbance necessary before the law kicking in.

2. Can I maintain my existing paths and swales and ditches to keep them clear of debris?

Planning Board response was the language changed to state "new or expanded" paths. All pre-existing and grandfathered sites will be reviewed individually and fairly if over the 500sf threshold.

3. Will all private roads/driveways now need to be upgraded to meet the standards of the Town?

Planning Board response was the criteria for standards for private roads and driveways are not part of this law, but are to be found in the existing Private Road/Private Driveway Law adopted in 2005 and also the Towns Standards for New Roads.

4. Uphill watershed runoff calculations for steep slopes can be expensive for the resident.

Planning Board response was it doesn't have to be expensive with LiDAR mapping capabilities available. Residents may request help with referrals using this technology.

5. I don't think it is fair that the resident pays for the driveway culvert pipe.

Planning Board response was that it is common practice in many towns that when new driveway cuts are placed, the culverts size and placement are at the cost of the town. However, if it is shown that excess discharge comes from development, this cost is transferred to the resident for the cost of the culvert upsize and the Town Highway Department absorbs the cost of the labor.

After no further discussion, a motion to adjourn was offered by Board Member Gilbert and seconded by Board Member St. Lawrence.

Meeting adjourned at 9:22 pm

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

Minutes approved on October 1, 2014

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

Wednesday, August 6, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Mr. and Mrs. Thomas Mahaney, Mr. Bill Johnston, Mr. Gordon Stringer, Mr. Ted Carman, Mr. Ron Davis, Mr. Jeremy Fields, Mr. Rocco Venezia

Agenda: Site Plan Reviews:

1. App. # 053814 - SPR/Mr. Eric Lundquist, represented by agent, Mr. Ron Davis requests Site Plan Review for a Minor Subdivision of property at 5611 Water Street, Tax Map ID # 22.67-1-3 to subdivide 1.965 acres into (2) lots. Lot 1 will become 1.384 acres and Lot 2 will become 0.581 acres (HR)
2. App. #071514-SPR/ Mr. Terry DeKouski requests Site plan Review for a major Subdivision of 202.038 acres located at Elwell Rd., South Vine Valley Rd. and Hadsel Rd., Tax map ID #'s 22.02-1-1.1 and 12.04-1-10.1 (AG/R)
3. App # 071014-SPR/Mr. Jeremy Fields, agent for Mr. William Johnston requests Site Plan Review to construct a permanent dock and boat hoist at 44 East lake Rd., on County Rd. #39, Tax Map ID # 2.01-1-16 (LR).
4. App #071114-SPR/Mr. Jeremy Fields, agent for Mr. Thomas Masachi, requests Site Plan Review to construct a permanent dock and boat hoist at 640 Fisher Rd., Tax Map ID # 11.50-1-2 (LR)

Chairman DeVinney called the meeting to order at 7:10pm.

1. App. #053814-SPR/ Ron Davis, representing agent for owner Mr. Eric Lundquist, for property located at 5611 Water Street. Ms. Kane stated the application was a pre-existing and non-conforming previously known as Document Reprocessor's. The Minor Subdivision included (2) lots with (2) buildings on each lot in HR District. Lot #1 will become 1.384 acres and Lot 2 will become 0.581 acres after subdivision. Each building on each lot has its own access. The lower building, on Lot #2 would use Water Street for egress/ingress and Lot #1 would utilize West Avenue for access. It recently is listed for sale as (2) separate parcels. This application recently was granted (2) Area Variances for side setbacks between buildings and a rear setback by the Zoning Board of Appeals. This application will be sent to the County for review prior to permitting. The abutting parcel owners were present tonight to add some details referencing a deeded ROW not shown on survey map.

Mr. Ron Davis presented the application as agent, referenced that the septic system which had been investigated by Canandaigua Watershed Inspector, Mr. George Barden, is located on Lot 2 as a 3,000 gallon tank. Lot 1 shares plumbing, electric and water, however the water is disconnected due to the Health Code. The sale of the properties is contingent on the NYSDOH approval of a certified septic system.

Abutting neighbors, the Mahaney's stated that an existing 12 foot wide ROW was noted on their property deed that went from a pin shown on the submitted survey map to the Water Street entrance which connected the driveway to Lot #2. This ROW was not included on the survey map provided for the Subdivision Application. A loading dock platform with stairs was also encroaching on their setback. If sold, these two concerns would need to be resolved. The Mahaney's would like to abandon the ROW.

It was noted by the Planning Board that the noted ROW and the setback encroachment for the loading dock/stairs for Lot #2 would need to be properly noted on the survey map and all variances procured for this existing structure prior to final determination.

Planning Board Member St. Lawrence made a motion to hold determination of the application until the survey maps are returned with the following revisions:

1. Survey map amendment to show location of the stairs/loading dock of building on the north side of Lot #2 .
2. Redraft the overhead power utility to show its proper location.
3. All existing easements/ROW's should be reviewed and noted on survey for both lots.
4. Notation on survey that existing septic is located on Lot #2 and shared between buildings on both lots.

After a short discussion, Board Member Gilbert made a motion to add the following notation to the existing motion:

5. Agreement between buyers for sharing of septic and plumbing, electrical power and water between the two existing lots, and once subdivided for sale, notation of who would be responsible for the maintenance and upkeep of all these utilities.

Board Member St. Lawrence rescinded his original motion to add #5 to his original motion.

Board Member Mincer seconded the addition of #5 to the motion. The motion carried with all Board Members present voting in favor.

2. App. #071514-SPR/ Mr. Terry Dekouski :

Ms. Kane, CEO summarized the application as a Major Subdivision of seven parcels from 202.038 acres in the AG/R District. The District's code requirements for each building lot require 100 ft. of road frontage for each lot, and a minimum requirement of 1 acre. All parcels meet the current code requirements. The current property is located on (3) roads - Elwell Rd., South Vine Valley Rd., and Hadsel Roads and is currently owned by Mr. Terry DeKouski and would be sold after subdivided to continue its land use as tillable land. Each of the (7) parcels would be divided as follows:

Parcel A:30.413 acres

Parcel D: 51.437 acres

Parcel B: 69.418	“	Parcel D-1: 16.691	“
Parcel B: 15.999	“	Parcel D-2: 11.542	“
Parcel C: 15.999	“	Parcel D-3: 6.539	“

Mr. DeKouski currently has submitted a satellite survey for purposes of Site Plan Review and will have it surveyed by engineer once sold and prior to filing with the county. Mr. DeKouski plans on retaining (3) of the parcels – D-1, D-2 and D-3.

Board Member Gilbert questioned how this application pertains to the criteria of the Town’s Subdivision Law and if so would require both a Preliminary and Final Plat, Full Environmental Impact Study/ SEQRA process, a full SWPP, and driveway access to each parcel. Article #6 of the Subdivision Law may provide a waiver for Substantial Justice if determined.

Ms. Kane reasoned that the intent of the Subdivision Law was to regulate development of the proposed subdivision; whereas this application was currently vacant tillable farm land and the intent for subdivision was to continue the use of the land as tillable land once sold.

Chairman DeVinney made a motion to table the application until the Town Attorney advised as to the appropriate process prior to Board determination. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

3. App. #071014-SPR/Mr. Jeremy Fields for owner Mr. William Johnston.

Ms. Kane summarized the application references the Uniform Docks and Mooring Law (UDML). Mr. Fields, agent is requesting approval to construct a permanent dock and boat hoist at shoreline of 44 East Lake Rd. The applicant has enough shoreline measurement plus and an additional amount allowed for hardship due to its steep slope location for the proposed 820 sf to be allowed.

A motion to approve the application was made by Mr. St. Lawrence contingent on clarification of the right side setback as 12.4 ft. and that the application information is corrected from 920 to 820 sf. The motion was seconded by Board Member Lersch. The motion carried with all Board Members present voting in favor.

SEQR Determination: it was determined that this application is a Type II action needing no further review.

App. #071114-SPR/Mr. Jeremy Fields, agent for Mr. Thomas Masachi of 640 Fisher Rd requesting Site Plan Review to construct a 890 sf permanent dock and boat hoist at shoreline. Ms. Kane summarized the application as a Uniform Docks and Mooring Law (UDML). This parcel is well beneath the allowed 1080 sf. A permanent pier is located on the property line with the abutting neighbor, Ted Carman. A variance request was granted and there is presently 17 ft. between the two docks as shown on the survey map.

After a short discussion Board Member Mincer moved to approve the application and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

SEQR Determination: it was determined that this application is a Type II action needing no further review.

CEO Review: Ms. Kane inquired the Board review an application on advisement for Mr. Brett Meagher of 1255/1260 South Lake Road, represented by Mr. Jeremy Fields for the construction of a retaining wall to provide additional parking spaces on South Lake Road. She stated the application was currently being reviewed by the Zoning Board of Appeals but was withdrawn.

Agent, Mr. Fields proposed changes to the application and site map. The Board advised the application be resubmitted with revisions. Code Enforcement Officer stated the application once revised will need to go back to the ZBA for the variance request.

Planning Board draft minutes for June 4<sup>th</sup> were approved. Board Member Mincer made the motion and Board Member Gilbert provided a second.

A motion to adjourn was made by Chairman DeVinney and seconded by Lynn Lersch Meeting adjourned at 8:55p,

Draft Minutes submitted by L. Lersch/Revisions to [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)  
Minutes approved on August 20, 2014





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

**PUBLIC INFORMATIONAL MEETING**

**STEEP SLOPE DRAFT LAW REVISION UPDATE**

**Town of Middlesex Fire Hall**

Minutes

Thursday, July 17, 2014 – 6:30 pm

Present:

Town Council – Supervisor Robert Multer, Deputy Supervisor Wayne Dunton, Peter Gerbic, Alan Button  
Planning Board – Chairman Martin DeVinney, John Gilbert, Robert Mincer, Lynn Lersch  
Code Enforcement Officer – Dawn Kane  
Zoning Board of Appeals – Richard DeMallie, Ted Carman  
Yates County Planning Board – Mr. Doug Skeet, Yates County Planning Board Representative

Public present:

Mr. George Barden, Mr. & Mrs. Ira Biddle, Mr. & Mrs. Richard Bolton, Mr. & Mrs. Jeremy Fields, Mr. Keith Gilliland, Mr. Chip Green, Mr. Thomas Hansen, Mr. Andrew Komarek, Mr. Pat LaVelle, Mr. Steven Lewandowski, Mr. Ron Milton, Mr. Dan O'Brien, Mr. Dan Paddock, Mr. & Mrs. Ron Papa, Mr. Burnell Rieff, Ms. Linda Sheive, Mr. James Smith, Mr. Smith, Mr. Stringer, Mr. Bill Yust and (3) unknown attendees.

Chairman Martin DeVinney opened the Public Information Meeting at 6: 35pm with introduction of Facilitator Kevin Olvany, Program Manager of the Canandaigua Watershed Council

Mr. Kevin Olvany presented current information of local spring storm damage impacting steep slopes around Canandaigua Lake; summarized current concerns from public comment as they correlated directly with current Steep Slope Draft law revisions and presented the proposed draft revisions in an open dialogue format to those in attendance. The following is a summary of the information presented:

Intent of Meeting - Facilitator Kevin Olvany:

1. To show a slide presentation depicting spring storm damage that impacted steep slopes around the lake, correlating how steep slope regulations could have provided options/ protection for property owners who experienced damaging erosion and storm water runoff in the May Storm Events Slides showed sites in Bristol, on Widmer Road and South Lake Road, which all border the shoreline of Canandaigua Lake.
2. To correlate proposed revisions of the Draft Steep Slope Law with a summary of specific comments, recommendations and concerns received from interested public property owners.
3. To create an open dialogue format with each of the specific draft revisions to the law to those in attendance and to acknowledge further research where necessary.
4. Summarize the proposed revisions as follows:

- a. Proposed Amendment (3 pages) to the current Zoning Law as supplementary regulation.
- b. Proposed Draft Regulations & Guidelines (13 pages) which specifies the (3) Steep Slope Protection Areas (SSPA).
- c. Note the reduction of page content from 33 to 8 pages, plus two appendices which included – a reference section of Definitions and the Development Standards (ST-1 thru ST-6) which are visual tools to illustrate “typical development standards” on each of the specific three SSPA’s.

The following is a list of specific sections of the current proposed draft law which incurred comments, questions and/or recommendations from those in attendance referencing areas for possible further review:

1. Sect. 707.6 Variances and Appeals/Zoning Law Art. VII: Supplementary Regulations: Request for another more reasonable type of variance for appeal on steep slopes other than a “Use Variance”?
2. Sect. 8-8.7, 8.8/ Request for criteria to resolve land disturbance and/or tree removal in gullies for reason of access by bridging the gully. Would variances be required?
3. Sect. 707.5/ Referencing to the paragraph, “The Town Planning Board shall have the right to grant a waiver from any or all of the Guidelines and Regulations where appropriate and thus modify the scope of review.....” How does this correlate to the normal variance request criteria in our current zoning code?
4. Sect. 5.01H/Permitted Uses on Very Steep Slopes (25% to 40%) Referencing the paragraph, “Paths developed specifically for golf carts, ATV’s.....” Request for explanation of how it pertains to erosion and storm water runoff?
5. Request if site work could be segmented into separate phases if total ground disturbance is kept under the 500 sf threshold for each phase?
6. Request for shoreline retaining wall setback exemptions.
7. Request for explanation of the need for a Steep Slope Law if existing Town Laws manage steep slopes?
8. Request for explanation of how the Agricultural Zoning District is exempt from this law?
9. Sect. 7.1/ Request if personal tram installations would be allowed if site disturbance is over threshold of the law?
10. Request if Town plans on combining the pertinent parts of the application process to combine Site Plan Review and Steep Slope Review or will the applicant be required to go through both?
11. Sect. #6D/ Request if Storm water “detention basins” are prohibited and why?

12. Sect. 8.18/ referencing the paragraph that states a "Review is required by the "relevant Fire Chief" to determine if the proposed development meets the latest State Building Code and Fire response requirements" Request for specifics on contact information and a request for posting NYS Building Code on the Town's website for reference.
13. Resident request for a comparison of erosion damage to the areas of Hemlock Lake as compared to Canandaigua Lake in correlation with surrounding development practices.
14. Sect. 10/ 10.1: Referencing the paragraph, "Following approval of the Preliminary Site Plan.....shall include, but not be limited to" Request that this statement be stricken from the document as it's intent seems to have ambiguous and arbitrary inferences.
15. Request to define and make application to "Scenic Vistas" as a separate SSPA?
16. Sect. 8.10/ Request for an exception consideration of appropriate engineered plans show net zero peak runoff for drainage improvements that will accept the increased discharge from the property during a storm event.

At the conclusion of the Informational Meeting, Mr. Olvany summarized his presentation by concluding that research has shown that each town's zoning laws, comprehensive plans, and erosion control laws all reflect a net benefit to each community. Any law shall create restrictions that will impact property owners, however the intent is to protect the landowner's property, their health, welfare and safety and it's natural resources which remain its' mainstay. To annunciate all of this into a law is the town's intent.

Public Meeting – Informational Night/ Meeting adjourned at 9pm.  
Approved Minutes on August 20, 2014  
Recording Secretary – L. Lersch



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

Wednesday, June 4, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Mark Muller, Bill Scott, Jan Scott

Agenda: Site Plan Reviews:

1. App. # 040914 - SPR/Mr. & Mrs. William and Jan Scott, represented by Architect Mark Muller request Site Plan Review for site improvements and an addition to an existing single family residence at 845 South Lake Road, Tax Map ID # 11.83-1-31 (LR)
2. App. #052814-SPR/ Mr. Eric Lundquist, represented by agent Mr. Jason DeKouski, requests Site Plan Review for a Minor Subdivision of property at 5611 Water Street, Tax Map ID # 22.67-1-3 to subdivide 3.06 acres into (2) lots. Lot 1 will become 1.384 acres and Lot 2 will become 0.581 acres (HR)

Chairman DeVinney opened the meeting at 7:05pm

CEO, Ms. Kane stated that the Minor Subdivision application for Mr. Eric Lundquist had been withdrawn from the agenda.

Ms. Kane, CEO summarized the Application #040914-SPR for site improvements and an addition to property located at 845 So. Lake Road. Ms. Kane introduced Mr. Muller, as Architect and representing agent for owners Mr. and Mrs. William Scott who presented the application details. Ms. Kane stated that this application had appealed to the Zoning Board of Appeals for an Area Variance on June 3<sup>rd</sup> and had been granted approval for a Front Yard setback.

Architect Muller stated the Scott's addition would be to the South wing of the existing house . They would be improving an existing front deck and all construction would be well within the height elevation maximum required by zoning. All excavated materials, not used onsite, would be taken off site by the contractor. Once a contractor was selected Mr. Muller would forward the information to the Code Enforcement Officer. The existing basement would be improved, relevant to the measurements of the addition as shown on the site map. A shuffle board court in the back of an existing barn, to the east of the house would be replaced as well and new drainage tile and gravel would be added to improve the sites' drainage.

After a short discussion, the Board Members requested further notation on site map of appropriate sized and quantity of stone to be placed at all drainage discharge points throughout the site. Silt fence to be added to backside of house where drainage flows to the road.

Without further discussion Board Member St. Lawrence made a motion to approve the application, contingent on the addition of site map notations as discussed. Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor as presented.

Architect Muller was advised to continue the permitting process with the Code Enforcement Office and to provide CEO Kane with all pertinent construction information once a contractor was scheduled.

Code Enforcement Office report:

Ms. Kane stated that the Town of Middlesex was notified that the Komarek appeal had been dropped by the applicant and all paperwork sent to the courts have been withdrawn.

A possible Work Session date of June 18<sup>th</sup> or July 2<sup>nd</sup> was considered to review current revisions to the Draft Steep Slope Law. Confirmation will be forthcoming

A motion to accept the draft minutes from May 7<sup>th</sup> Planning Board meeting was deferred by Board Members in order to have Attorney Wendy Marsh do a preliminary review, prior to posting them on the town's website. All Board Members present were in favor.

A motion to adjourn was offered by Chairman DeVinney and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 7:38pm

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes approved on August 6, 2014

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

Minutes – Wednesday, May 7, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Stantec: Mr. Michael Flannigan, Ms. Barbara Wagner; Attorney Ms. Wendy Marsh; Mr. Ted Carman, Mr. Tom Fromberger, MRB Group; Mr. Viveh Thiagasajan, Mr. T. J. Didim, Mr. Mark Laese, Mr. Eric Johnson, Mr. & Mrs. Rocco & Pat Venezia, Mr. Dan Paddock, Mr. Keith Gilliland, Mr. Leon Button

Agenda: Issuance of Final Scope Relevant to Submission of a Draft Scope from MRB Group for the Komarek Major 4 Lot Subdivision on East Lake Road;

Site Plan Reviews:

New Business: App. # 041614 - SPR/Ms. Susan Carman of 638 Fisher Rd. and Mr. Thomas Masachi of 640 Fisher Rd. request a lot line reconfiguration of 187.85 sq. feet of land conveyed to the Carman property on a contiguous boundary line to include a pre-existing, non-conforming concrete crib pier within the new boundary. (LR); App. # 041714-SPR/Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd., requests Site Plan review for a Minor Subdivision of 0 .961 acres.(LR);

Old Business: App. #100113-SPR/Mr. Robert Bailey represented by Mr. Mark Laese and Marathon Engineering Inc. requests Site Plan Review for improvements to a parcel located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1 (LR); App.#31614-SPR/Mr. Leon N. Button, owner of property on 5768 North Vine Valley Rd, requests Site Plan Approval for a Minor Subdivision to subdivide 5 acres from existing parcel, Tax Map ID # 12.04-1.8 (AG)

Chairman DeVinney opened the meeting at 7:05p with an introduction of Attorney Ms. Wendy Marsh.

Attorney Marsh gave a short summary of the outcome of the Public Hearing on April 23, 2014 to accept Public Comment on a Draft Scope submitted on March 12, 2014 by Mr. Andrew Komarek for a Major 4 Lot Subdivision on his property located on East Lake Road in the Town of Middlesex. She stated that all interested and involved agencies were sent a copy of the Draft Scope and that written comments were received up to and including April 28<sup>th</sup>. Stated also was the issuance of a Final Scope by Stantec, assisting the Town of Middlesex Planning Board in preparation of the Final Scope, relevant to the NYS SEQRA Process. Ms. Marsh submitted a resolution stating current actions to be submitted to the Planning Board for approval as well as the Final Distribution List of Interested Parties and Involved Agencies.

Ms. Marsh then introduced Mr. Michael Flannigan and Ms. Barbara Wagner from Stantec. Mr. Flannigan summarized the SEQRA process of preparing a Final Scope which was submitted to the Planning Board for final review. Mr. Flannigan stated that after compiling all relevant documentation, and all written and verbal comments from the Public, and after additions from both Attorney Marsh and valuable input from the Planning Board, the Final Scope is now ready for final review. Mr. Flannigan stated an overview of the document to include the following:

1. Statement of Classifying the Proposed Action which triggered the SEQRA review – 4 Lot Major Subdivision
  - This step identifies what goals, objectives, opportunities define the environmental impacts and provides the Planning Board with necessary data for Final Determination
  - Scope Overview sets the stage for the description of the Proposed Action, describes the intent of the action, and provides a full context of required approvals.

2. Identification of (7) Key Areas of Environmental Impacts utilizing the SEQRA process:  
Land Use and & current Zoning, Master Plan and Local Laws currently in place; Geology, Soils and Topography of Steep Slopes environment wherein lies the Proposed Action; Surface Waters; Site Access; Terrestrial and Aquatic Ecology; Construction Impacts; Visual Resources.
3. Identification of impacts that are unavoidable and still there after mitigation have been identified.
4. Alternatives – identification of alternate plans to accomplish stated goals.
5. Appendices – list support, reports, exhibits, correspondence

Mr. Flannigan opened the floor to comments from the Planning Board pertaining to Final Scope Content. After a short discussion, the Planning Board requested the following additions to the Scope Document:

- To include soil borings for unstable soils in the area of the tram installations and to include the top landings on the cliff edge on all 4 lots.

Representing agent, Mr. Fromberger requested clarification of what standards were used and incorporated into the Final Scope. He also requested a copy of all written public responses received during the initial scoping process. Ms. Marsh said she would clarify all questions and provide him with requested copies.

After no further discussion, and after Attorney Marsh read the proposed Resolution to take effect immediately, once approved, and the Town of Middlesex Planning Board to accept the Final Scope (Exhibit 1) issued for the Draft Environmental Impact Statement to be prepared for the Komarek Major Subdivision Project pursuant to the State Environmental Quality Review Act (SEQRA); and to accept the Distribution List (Exhibit 2), which listed all Interested Parties and Involved Agencies; and provided direction to the Planning Board Clerk to file and make available for Public Inspection/Review.

Ms. Marsh also stated that Mr. Flannigan will provide updates to the Planning Board and provide all clarification as well to the applicant.

Without further discussion, Board Member Gilbert offered a motion to accept the Resolution as presented. This motion carried with a second from Board Member Mincer. The motion carried with all Board Members present voting in favor:

Chairman DeVinney	aye
Board Member Gilbert	aye
Board Member St. Lawrence	aye
Board Member Mincer	aye
Board Member Lersch	aye

#### Site Plan Reviews:

1. App.#31614-SPR/Mr. Leon N. Button, owner of property on 5768 North Vine Valley Rd, requests Site Plan Approval for a Minor Subdivision to subdivide 5 acres from existing parcel, Tax Map ID # 12.04-1.8 (AG)

Ms. Kane summarized the application and stated both the property owner, and representing agent, Mr. Rocco Venezia were present to answer any Board questions.

After a short discussion, the Board requested the Subdivision Map be resubmitted to include a map detail inset which showed the entire acreage of the parcel. Mr. Venezia, surveyor stated he would comply with this request.

SEQR: After a review of all submitted information, it was determined that the proposed action was designated a Type II category with no further review necessary

A motion to approve with conditions, as requested, was made by Board Member Mincer and seconded by Board Member Gilbert. Motion carried with all Board Members present voting in favor.



2. App. #100113-SPR/Mr. Robert Bailey represented by Mr. Mark Laese and Marathon Engineering Inc. requests Site Plan Review for improvements to the parcel, located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1 (LR).

Ms. Kane, CEO summarized for the Board an update of the status of the project. In Phase II of the project, current work designated taking out the existing retaining walls as planned and noted on the plans was the sequence of staging the courses of stone and Keystone Material as needed, by bringing down to a flat area onsite, by the existing roadway. Also noted, Mr. Palmateer, a neighbor to the south, was in approval of the proposed drainage plan and had been included in all communication. Mr. Johnson reviewed how the drainage piping would be encased in stone, and then wrapped in a geotextile fabric. The Board agreed this was a better alternate plan than a previously suggested siltation pond. Lu Engineer has stated the applicant has satisfied all of their requests for revisions.

After a short discussion with representing agent, Mr. Eric Johnson stated excavation site work would commence next week by demolishing the existing wall by the house and garage. All excavated spoils would be trucked offsite to the Bay property and the county road would be kept clear of debris and obstruction.

SEQR: An initial review of all submitted information, during initial review of the application had determined that the proposed action was designated a Type II category with no further review necessary review again. After final review prior to final determination, the Board still determined it a Type II action with no further reviews necessary.

Without further discussion, Board Member Gilbert motion to approve the application and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

3. App. # 041714-SPR/Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd., requests Site Plan review for a Minor Subdivision of 0.961 acres (LR).

Ms. Kane, CEO stated that the application met all current code requirements for a legal subdivision. She explained the existing driveway used to access the present dwelling also accesses the lot being subdivided. At this point in time, the buyer/seller are both aware and as yet it is unresolved whether this access will be abandoned or not. The lot terrain is in a steep slope location with no other access to the lot planned at this time. Ms. Kane stated that although not relevant to the subdivision request, worth noting was the parcel's sale is contingent on the subdivision approval and their intent is to build on it. When subdivided, the lots will be in compliance with all setbacks and current area requirements without variance appeal.

Agent Rocco Venezia stated the property has 100 ft. of frontage, has a flat vacant lawn and the rest is in steep slope terrain.

Chairman DeVinney advised those present that it is the Planning Board's policy that prior to any site plan approval, a building lot must have an approved septic system design by George Barden, the Watershed Inspector. Lots exist but until all necessary utilities, access to the lot and compliance with the town's zoning code area requirements, they are not necessarily an approved building lot. Simply stated, in order to build, it all has to fit on the parcel.

These proposed restrictions are important to consider when reviewing purchase of a parcel, and taking the time to see if you can do all that you envision in compliance with local code requirements.

SEQR: After a Board review of all submitted information, it was determined that the proposed action was designated a Type II category with no further review necessary

Chairman DeVinney entertained a motion, with all information presented, and advisement noted on the current lot restrictions, to approve the subdivision as presented since it met all necessary criteria to subdivide. Board Member St. Lawrence made the motion and Board Member Mincer seconded. The motion carried with all Board Members present voting in favor.

4. App. # 041614 - SPR/Ms. Susan Carman of 638 Fisher Rd. and Mr. Thomas Masachi of 640 Fisher Rd. request a lot line reconfiguration of 187.85 sq. feet of land conveyed to the Carman property on a contiguous boundary line to include a pre-existing, non-conforming concrete crib pier within the new boundary. (LR).

Ms. Kane, CEO summarized the application for the Planning Board. This application has received an Area Variance from the ZBA last night for a reconfiguration of a permanent preexisting and nonconforming concrete pier that runs down the middle of the boundary lines between both neighbors properties. They both have agreed to reconfigure the lot line 3.8 ft. to the south, and the Carmen's now own the entire pier which is now right on the Masachi's boundary line, hence the Area Variance appeal and the ZBA determined this action more conforming as the pier supports the shoreline.

SEQR: After a review of all submitted information, it was determined that the proposed action was designated a Type II category with no further review necessary.

Without further discussion, Board Mincer moved to approve the application with Board Member Lersch providing a second. The motion carried with all Board Members present voting in favor.

Board Member Lersch entertained a motion to approve the April 23<sup>rd</sup> Planning Board Draft Minutes. Board Member Gilbert made the motion and to Board Member Mincer seconded it. The motion to approve was as submitted without revisions, and carried with all Board Members present voting in favor.

Motion to adjourn was made by Board Member Gilbert, seconded by Board Member Mincer and carried with all present voting in favor. Meeting adjourned at 8:35pm

Minutes submitted by L. Lersch/Deferred to Attny. Marsh on 6/05/approved on 7/09

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

Minutes – Wednesday, April 23, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Stantec: Mr. Michael Flannigan, Ms. Barbara Wagner; Mr. Ted Carman, Mr. & Mrs. Andrew & Brenda Komarek, Mr. Tom Fromberger, MRB Group; Mr. Viveh Thiagasajan, Mr. Dave Moynihan, Mr. Don Sheive, Mr. Stephen Lewandowski, Mr. Arthur Radin, Mr. and Mrs. Gordon and Pat Stringer, Mr. Robert Gunderman, Mr. Keith Gilliland

Agenda: Public Hearing - Draft Scope for Komarek Major 4 Lot Subdivision on East Lake Road

Open Public Hearing – 7:04p

Board Member Lynn Lersch opened the Public Hearing stating its purpose was to invite public comment on a Draft Scope submitted on March 12, 2014 by Mr. Andrew Komarek for a Major 4 Lot Subdivision on his property located on East Lake Road in the Town of Middlesex in response to a Positive Declaration issued by the Planning Board as Lead Agency on April 3, 2013. The Planning Board will conduct the scoping process in accordance with 6 NYCRR 617.8.

Introduction of all Planning Board Members, and representatives from Stantec who will be assisting the Town of Middlesex and the MRB Group representing Mr. Komarek during the SEQRA Process.

Mr. Michael Flannigan of Stantec provided a SEQRA Process Definition, Timeline Overview, explaining that this Public Hearing was early in the process and one of many; however this particular Public Hearing was specifically to receive comments on the submitted Draft Scope provided by the MRB Group, representing the applicant. Written comments would continue to be received up to 5 pm on April 28<sup>th</sup>. All relevant documents for public review were posted on the Town's website: [www.middlesexny.org](http://www.middlesexny.org)

Public Comments were acknowledged and received by Board Member Lersch from Mr. Stephen Lewandowski, Mr. Robert Gunderman, and Mr. Ted Carman. Written comments will be received through April 28<sup>th</sup>. Written and verbal comments will be compiled for a Final Scope Review by the Planning Board, with assistance from Stantec to be submitted at their regularly scheduled May 7<sup>th</sup> Planning Board Meeting.

Representatives from Stantec concluded with a review of next steps in the SEQRA process stating that Scoping would definitely identify those areas that need to be supported, and mitigated. A Geo-technical review would address slope stability and this review would be helpful in providing fair options to prevent any negative environmental impact with proposed development.

After a brief discussion, Board Member Lersch closed the Public Hearing at 7:45pm.

The Planning Board voted to approve Draft Minutes as submitted for March 5<sup>th</sup> and April 2<sup>nd</sup>. Board Member Gilbert offered a motion to approve with Board Member Mincer providing a second. The motion carried with all Board Members present voting in favor.

Next Meeting - May 7<sup>th</sup> for Site Plan Reviews and submission and review of Final Scoping Document.

A motion to adjourn was made by Board Member Lersch and seconded by Board Member Gilbert. All Board Members voted in favor; none opposed. Motion carried. Meeting adjourned at 7:45pm  
Draft Minutes submitted by L. Lersch/revisions to : [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on May 7, 2014

Verbal Comments received at Public Hearing by:

Mr. Robert Gunderman – resident and neighbor to the Komarek property

Mr. Stephen Lewandowski – Canandaigua Watershed Assoc.

Mr. Ted Carman – resident and Board Member of Canandaigua Watershed Assoc.

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

Minutes – Wednesday, April 2, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO ; Ms. Wendy A. Marsh, Partner with Hancock Estabrook LLP

Public Present: Mr. Andrew Komarek, Mr. Tom Fromberger, MRB Group; Mr. Vivech Thiagarajan, Mr. Mark Laese, representing agent for Mr. Robert Bailey; Mr. Ron Davis, Mr. Tim Murphy, Keith Marten

Agenda: Site Plan Reviews:

App. # 090211-SPR/Mr. Andrew Komarek, represented by Mr. Tom Fromberger, P.E. from the MRB Group, review of submitted Draft Scope for parcel, Tax Map ID #2.03-1-2.1; App. # 31614-SPR/Mr. Leon Button Jr. of 5687 North Vine Valley Rd., requests Site Review for a Minor Subdivision of property, Tax Map ID # 12.04-1.8 to subdivide 5 acres from an existing parcel (AG/R); App. # 031714-SPR/Mr. Keith and Mrs. Kira Marten of 6056 South Vine Valley Rd., requests Site Plan Approval to subdivide a 14.034 acre parcel at 5990 South Vine Valley Road into Lot 1A to become 9.034 acres and Lot 1B to become 5.000 acres. Tax Map ID # 12.03-1-20.1 (LDR); App. #100113-SPR/Mr. Robert Bailey represented by Mr. Mark Laese and Marathon Engineering Inc. requests Site Plan Review for improvements to a parcel located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1(LR); App. #11414-SPR/Mr. Dan & Mrs. Kiki Mahar, represented by Mr. R. Jon Schick, AIA requests Site Plan Review for new construction of a three story garage on east side of 968 South Lake Road, Tax Map ID # 21.33-1-2, (LR)

Chairman DeVinney opened the floor for the night's meeting agenda at 7:04 pm.

1. App. #090211-SPR/Komarek Major Subdivision, represented by the MRB Group.

Chairman DeVinney introduced Attorney Ms. Wendy Marsh asking her to summarize the Planning Board's review of the Komarek Application and its' current SEQRA process.

Ms. Marsh gave a brief history and provided a timeline for the Scoping Process, which resulting from a Positive Declaration of a completed SEQRA FEAF, issued by the Planning Board on April 3, 2013. The next step in the SEQRA process was for the MRB Group to submit a Draft Scope for the purpose of addressing articles of environmental concern identified in Part #3 of the FEAF. The MRB Group submitted its Draft Scope on March 12, 2014. The Town of Middlesex Planning Board will invite public comment by holding a Public Hearing on April 23, 2014 at 7pm prior to completing its Final Scope document. A copy of the Draft Scope will be sent to all Interested and/or Involved Agencies inviting comment. A Draft FEAF Statement will then be completed and it is estimated that the Town of Middlesex will complete their Final Scope by the regularly scheduled meeting on May 7<sup>th</sup>. A review will then occur at the June Planning Board Meeting. A period of 30 days will be given for public comment which shall take us through July. The final step in the SEQRA process will be to prepare a Final Environmental Impact Statement (EIS) sometime in August 2014 which will determine the final recommendation by the Planning Board to the Zoning Board of Appeals on the Komarek project. It will then be determined by the Zoning Board of Appeals, if the submitted plans for private road access to the proposed four (4) Lot Subdivision, will be granted by Special Use Permit to allow a private road in the Lake Residential District of the Town. The Zoning Board of Appeals will note the SEQRA findings in order to make this determination, possibly in September, and the application then goes back to Yates County for their Planning Board review, and prior to the Town Planning Board determination for Final Site Plan Review.

Ms. Marsh explained the Town of Middlesex will be receiving assistance in completing this lengthy process by a third party Engineering Firm and offered proposals to consider from both LaBella and Stantec Engineering Firms. Ms. Marsh stated that the costs for both proposals were similar. After a short discussion between the Planning Board and the representing agents for Mr. Komarek, Board Member Robert Mincer made a motion to approve the proposal with Stantec and Board Member Gilbert offered a second. The motion carried with all Board Members present voting in favor. This proposal and a contract will be forwarded to the Town Board to finalize. Ms. Wendy Marsh will coordinate a meeting with Stantec's contact, Mr. Michael Flannigan and Board Member Bruce St. Lawrence as Planning Board Liaison.

Ms. Marsh stated she would set up the applicant's contract with Stantec and would provide the applicant with all hourly rates and a cost estimate for each of the steps, adding a clause "not to exceed" to protect the applicant. Town Engineer, Lu Engineers will decide how much the two firms may want to work together and sign off with the applicant as well. Lu Engineer will also be kept updated throughout the process as they will be valuable to the town in developing the Draft EIS.

Board Member Gilbert requested clarification on part of the application process which he felt had as yet not been completed by the MRB Group, representing Mr. Komarek on the proposed Major Subdivision. The Town Law allowing Private Roads in the Lake Residential District required (2) plans to be submitted with the application in order to apply for the Special Use Permit. One plan was to show (4) individual access cuts to each of the (4) lots. The second plan was to show (1) access point and prove that it could be constructed to serve all (4) lots without negative environmental impact and at the same time comply with all current Zoning and Town Regulations. It was his recollection that MRB Group had last submitted a plan for a single access to the Subdivision along with a plan for (4) parking spaces on East Lake Road. They had provided access to the proposed building lots by either stair or tram to each of the designated building lots. He stated that it was his understanding of the law that this is where the Planning Board had left off and so was inquiring as when it would be appropriate in the process to address and discuss this.

Mr. Fromberger stated it was his understanding that the Planning Board had accepted the "Shared Driveway" plan with one driveway to access all four lots. Ms. Kane stated that the terminology used here should not be "shared driveway" as in the law it referred to "Private Road." Ms. Marsh interjected that to answer both inquiries, that according to the process, nothing had as yet been accepted from anything that was submitted. The application was still in a preliminary stage still to be determined, and that all of this would be flushed out in a natural flow of events in the Scoping Process and will be addressed in the Final Scope.

After a short discussion, the Board proposed to set a Public Hearing on April 23<sup>rd</sup> at 7pm. The Engineer contracted will be present and will receive comments. Verbal and written comments will be accepted until Monday, April 28<sup>th</sup>.

A copy of the Draft Scope with a cover letter to all Interested and Involved Agencies inviting comment written or verbal on April 23<sup>rd</sup> for the Public Hearing. Agencies noted to be involved in granting approvals would be: The Town's Zoning Board of Appeals who has authorization to grant the Special Use Permit for the application; the NYSDEC who will be issuing a SPDES Permit; the NYSDOH and the Canandaigua Watershed Inspector for Septic Design approval; the Yates County Planning Board and the Yates County Soil & Water Conservation District who will be reviewing the application; and the Canandaigua Lake Watershed Association and the Canandaigua Lake Watershed Council; Lu Engineer, Town Engineer and the applicant as well as anyone else who requests copies would receive copies as Interested Parties. Written comments will be accepted through April 28<sup>th</sup> and be addressed to: Mr. Martin DeVinney, Town of Middlesex, PO Box 147, Middlesex NY 14507.

The following "Resolution" was offered by Board Member St. Lawrence and seconded by Board Member John Gilbert, and carried by all Planning Board Members present voting in favor. This vote is reflected in the attached Resolution and was read into the official minutes of the Planning Board by Attorney Ms. Wendy Marsh. This attached Resolution states in its entirety, the history of the Komarek Major Subdivision Application #090211-SPR on Parcel ID # 2.03-1-2.1 in the Town of Middlesex and takes effect immediately:

**“RESOLUTION OF THE TOWN OF MIDDLESEX PLANNING BOARD ACCEPTING A DRAFT SCOPE RELATIVE TO THE KOMAREK MAJOR SUBDIVISION PROJECT AND DECLARING ITS INTENT TO PREPARE A FINAL SCOPE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT”** { This resolution may be accessed for review at Town Hall 1216 Main Street/Route #245, Middlesex NY or on the Town’s website under the Public Notice page: [www.middlesexny.org](http://www.middlesexny.org) }

2. App. # 31614-SPR/Mr. Leon Button, owner of property on 5768 North Vine Valley Rd, requests Site Plan Approval for a Minor Subdivision of property, Tax Map ID # 12.04-1.8 to subdivide 5 acres from existing parcel. (AG/R).After a brief summary by Code Officer, Ms. Kane and review of submitted documents, the Planning Board requested clarification of the total amount of acres the 5 acre parcel was being subdivided from. It was clear that there was sufficient road frontage required by current code, but the site map did not show the entire parcel or state the total acreage of the parcel as required.

Ms. Kane attempted contact however the owner could not be reached.

After a brief discussion, the Planning Board tabled the application the applicant could be present to answer inquiries prior to determination.

3. App. #031714-SPR? Mr. Keith & Kira Marten of 6056 South Vine Valley Rd., requests Site Plan Approval to subdivide a 14.034 acre parcel at 5990 South Vine Valley Road into Lot 1A to become 9.034 acres and Lot 1B to become 5.000 acres. Tax Map ID # 12.03-1-20.1 (LDR).

After summarizing the application in reference to current Code, Ms. Kane stated that Mr. Marten was creating a Flag Lot Subdivision and was in compliance with all area requirements for the Low Density Residential District. There is an existing barn on the property with a shared ROW with the neighbor. Ms. Kane then introduced Mr. Marten to answer any Board inquiries. Mr. Marten stated the barn was falling apart and he had plans to sell for acreage.

Chairman DeVinney stated that the Subdivision did not create an illegal lot and was currently configured as it was presented tonight, so this subdivision did not make it more non-conforming. Board Member Lersch made a motion to approve the Subdivision as presented and Board Member St. Lawrence seconded the motion which carried with all Board Members present voting in favor.

4. App. #100113-SPR/Mr. Robert Bailey represented by Mr. Mark Laese and Marathon Engineering Inc. requests Site Plan Review for improvements to a parcel located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1(LR).

Ms. Kane stated that Mr. Laese was in attendance for the review yet had not submitted anything new to the Board to review. He had brought a notation from Mr. Eric Johnson which had no indication of its reference.

A timeline was discussed between Mr. Laese and the Board, referencing the current status of the application and those items still needing resolve:

- Lu Engineer’s 2/26 review, Items #2 and #3.that Lu Engineer still needed from review of site map dated as revised on 2/12.
- Planning Board’s letter of 2/23, Item #2

Chairman DeVinney requested Mr. Laese to incorporate Mr. Johnson’s notation on the site map once revised. The Board will clarify application status with Lu Engineer to expedite the process.

5. App.#11414-SPR/Mr. Dan & Mrs. Kiki Mahar, represented by Mr. R. Jon Schick, AIA requests Site Plan Review for new construction of a three story garage on east side of 968 South Lake Road, Tax Map ID # 21.33-1-2, (LR)

Ms. Kane summarized that the Planning Board Letter dated 2/24 stated revisions requested. Those changes had been made revised on the site map and a pdf provided by email, incorporating those changes, was sent to the Code Office as requested. All revisions are designated clearly for Board Review.

Board Member St. Lawrence agreed to all noted revisions but stated the type of stone, size, quantity of stone used at all discharge points should be provided in a separate detail showing the gradation of the stone to dissipate the energy of water runoff for that area. He also stated that he would defer to the Town Highway Supervisor Mr. Reifsteck to determine the appropriate size culvert to replace the 12 inch one currently in place. It was noted that the impact of the upland berm work would significantly improve water runoff uphill to this culvert.

A SEQRA Short Form was submitted with the application and after review, the Planning Board determined that based on the information and supporting documentation provided, that the proposed action was a Type II action requiring no further action.

Board Member Lersch offered a motion to approve the application as presented with the stipulation that this last request, for notation of stone rip rap at all discharge points, would be forwarded by pdf file to the Code Enforcement office within a week. Board Member Gilbert provided a second and the motion carried with all Board Members present voting in favor.

#### CEO Report:

Ms. Kane brought a submitted application to the Planning Board for advisement. It was an application for a proposed project on South Lake Road for the Goldman's. Mr. Tim Murphy, from Field's Construction and acting agent for owners, the Goldman's was in attendance to answer any questions. In summary the proposed project entailed the addition of a Boat Hoist onto an approved permanent dock, and the addition of a cat walk to the Boat Hoist. Ms. Kane inquired of the Board if they would like to take it to full Site Plan Review as a structure or would they consider it a dock accessory.

After a short review of the site map and the Uniform Docks and Mooring Law (UDML), it was confirmed that there was a missing dimension from the outside edge of the accessory to the shoreline and from the exterior edge of the Boat Hoist's roofline.

After a short discussion, it was determined that the Application would need to be filed and given a conditional approval until the measurement was provided by Surveyor Rocco Venezia. Mr. Tim Murphy stated he would provide a hard copy to the Code Office tomorrow night during Ms. Kane's office hours.

Board Member Lersch offered a motion to approve on the condition that a hard copy was provided with the missing measurement as discussed to the Code Office prior to permitting. Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

#### Other Business:

Resident Ron Davis inquired of the Planning Board, for owner Mr. Eric Lindquist, his concern that the current status of use for the parcel of land known as "Document Reprocessor's" might change if the part of the building complex was leased in part or the whole to another. Mr. Davis stated that Document Reprocessor's had always stored vehicles and materials there, yet understood there was a section of code that stated if unused for a period of time, the use of the parcel could change. He inquired of where it was in the Zoning that stated if the building remained inactive for a period of time; the parcel's use may change.

Ms. Kane stated that the particular code he was referring to was Section #307 and proceeded to read it in its entirety.

Chairman DeVinney gave a short summary of, what occurred with the parcel, when Zoning was adopted in 1999 and reassured Mr. Davis that the parcel was grandfathered in when the Town Board legally changed the Zoning of the neighborhood to "Residential." He continued to reiterate that the use of these buildings on this parcel is limited to a low impact use due to its' close proximity to the residences surrounding it. To date, the Town has received



expressions of concern when a couple of business uses have expressed interest in leasing the buildings. The Town has to be careful in reviewing possible uses as not to grant permits to a use that would not be appropriate for the neighboring residences.

There is a separate issue the Planning Board has dealt with in reviewing applications for lease of these two buildings on the parcel. Subdivision of Lot 1 from Lot 2 has currently not been filed with the County, and there are (5) variances that Mr. Eric Lindquist would need to apply for in lieu of finalizing the subdivision and Chairman DeVinney encouraged that this be done to move forward with use of the parcel.

Mr. Ron Davis thanked the Board for their explanation of a complicated matter.

Chairman DeVinney opened the floor to discussion on a Full FEAF SEQRA statement that the Town Board as Lead Agency requested that the Planning Board review and complete for a Water Improvement Project for the Town of Middlesex.

Board Member St. Lawrence gave a summary of the project:

- a. The existing Town of Middlesex Water Tank located on Elwell Road will be demolished and a new tank built.
- b. Addition of a Pressure Reducer to accommodate appropriate water pressure for the Town of Middlesex as it flows from the Town of Rushville.
- c. Addition of Internet Communication Data for ongoing maintenance of the tank.
- d. Distribution Points redesigned to address appropriate use of water circulation in (2) areas:
  1. Lincoln Avenue – tie into main feeder
  2. Williams Street – tie into Lincoln Avenue and provide a second access point under the West River.

The Planning Board moved to complete the Long FEAF SEQR review as requested by the Town Board as Lead Agency. Chairman DeVinney offered a motion to begin the SEQR process and Board Member St. Lawrence offered a second. The Planning Board proceeded to complete the FEAF SEQR process as requested. It will be presented to the Town Board for review on Thursday, April 10<sup>th</sup>.

The Planning Board discussed the latest Steep Slope Revisions drafted by Mr. Kevin Olvany. Due to a cancellation of the Work Session on April 16<sup>th</sup> in lieu of a Public Hearing on April 23<sup>rd</sup> for Draft Scoping on the Komarek Major Subdivision on East Lake Road, it is evident that the next available time for review is most likely at the May work session regularly scheduled Planning Board Meeting. Board Member Lersch has provided all parties involved in the review process with hard copies highlighted with changes for individual review. The date for further review will be confirmed at some time in the future.

Next meeting: The Planning Board shall hold a Public Hearing to provide an opportunity for the required public participation through a public hearing to be held on April 23, 2014, at 7:00 p.m. and the acceptance of verbal and or written comments on a Draft Scope offered by the MRB Group, Inc., representing agents for the proposed Komarek Major Subdivision on East Lake Road, through April 28, 2014.

Motion to adjourn was made by Board Member St. Lawrence and seconded by Board Member Gilbert. Meeting adjourned at 9:45pm.

Draft Minutes submitted by L. Lersch/revisions to: [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on 4/23/14



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

Minutes – Wednesday, March 5, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO ; Ms. Wendy A. Marsh, Partner with Hancock Estabrook LLP

Public Present: Mr. Andrew Komarek, Mr. Tom Fromberger, MRB Group; Mr., James Jounulis, Mr. Vivch Thiagarajan, Mr. Tom Hansen

Agenda: Site Plan Reviews:

App. # 012914-SPR/Mr. Andrew Komarek, represented by Mr. Tom Fromberger, P.E. from the MRB Group, requests Site Plan Review for new construction of a Single Family Residence on East Lake Road, Tax Map ID # 2.03-1-2.1 (LR); App.#100113-SPR/Mr. Robert Bailey represented by Mr. Mark Laese and Marathon Engineering Inc. requests Site Plan Review for improvements to a parcel located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1(LR); App. #11414-SPR/Mr. Dan & Mrs. Kiki Mahar, represented by Mr. R. Jon Schick, AIA requests Site Plan Review for new construction of a three story garage on east side of 968 South Lake Road, Tax Map ID # 21.33-1-2, (LR)

Chairman DeVinney opened the floor for the night's meeting at 7:02pm

Ms. Kane, CEO summarized the first application #012914-SPR/Mr. Andrew Komarek represented by Mr. Tom Fromberger, P.E from the MRB Group and introduced Mr. Fromberger as presenter.

Mr. Fromberger provided a short history of the application from it's submission in January, stating that the application was submitted for Lu Engineer's review in February and had authorization by the applicant to proceed. The project site was 8.5 acres and Mr. Komarek was requesting to construct a 2,900 square foot single family residence. He state the site had approved septic plans since 2011.

Attorney Wendy Marsh introduced herself to those present. She stated that she had been retained to represent the Town of Middlesex Planning Board in this matter and stated there was confusion about which of Mr. Komarek's two submitted applications for the same parcel of land was to be processed for review and what the owner's intent was in developing this parcel. She reminded Mr. Fromberger that a Positive Declaration of SEQR had been declared on April 3, 2013 for this 8.5 acre parcel for an application stating it was a 4 lot Major Subdivision. The logical next step in the SEQR process was either to withdraw that application or to continue by starting the scoping process by submitting a draft scoping document to prove concerns established by the SEQR, Part II could be mitigated. If they could not, it was her advisement to withdraw the application. Since this application had not been withdrawn, it was not clear what Mr. Komarek's long range intent was for this parcel. The Town of Middlesex could not legally review another application for the same parcel for a single family residence. To do so would segment the SEQR process currently still in place, this under NY State Law was not possible.

A discussion centered around the SEQR process including Chairman DeVinney, Attorney Marsh and agent Mr. Fromberger, of the MRB Group, who was representing Mr. Komarek.

Mr. Fromberger answered that Mr. Komarek's intent in submitting the recent application, App. # 012914-SPR was to obtain approval to construct a single family residence on the entire parcel of 8.5 acres and would possibly subdivide it in the future. Mr. Fromberger stated that due to pending litigation he could not answer in any greater detail, however they had a draft document to distribute and an application which had been submitted in January for the construction of a Single Family Residence on Lot #2 for the Planning Board to review tonight.

Ms. Marsh asked Mr. Fromberger to clarify whether this document being distributed to Board Members was a draft scoping document in response to the Positive Declaration, for the (4) lot major subdivision, submitted last April. Mr. Fromberger stated that it was not.

Ms. Marsh stated that if the intent was to subdivide sometime in the future, they legally must first complete the SEQR process by starting the scoping process. Mr. Fromberger then stated that the document in front of the Board was their draft scope.

Ms. Marsh referred to Mr. DeVinney, Chairman of the Planning Board, whether a review tonight was appropriate since it was not on the agenda. Chairman DeVinney stated that any review of the new document submitted by the MRB Group tonight would take time for Board review.

Mr. Fromberger requested more information about the Board's rationale when completing Part II of the SEQR. Ms. Marsh explained that Part II of the SEQR determined and stated possible environmental concerns with the project. These concerns were what the Draft Scope would need to address with proof that they could be mitigated. Ms. Marsh stated that the process was way beyond a review as the Board had declared a Positive Declaration on April 3, 2013 and submission of a Draft Scope for the 4 lot Subdivision was the next step in that process.

To accommodate the applicant, Ms. Marsh stated that the attorney for Mr. Komarek had been sent a copy of the Positive Declaration back in mid- April, but she did have a copy with her and would read the part that contained supporting reasons which had led the Planning Board to declare a Positive Declaration on the SEQR. She also stated she would send them another copy to review.

After listening to Part II of the SEQR read in its entirety, Mr. Fromberger again requested how the Board had reached their decisions on the SEQR that resulted in a Positive Declaration. Ms. Marsh stated that the process was completed, it had been challenged in court and had been upheld, so they needed to move on.

Chairman DeVinney took the time to explain about the Soils Analysis of the specific parcel in question which gave them definitive reasons to declare there was significant possibility the project would create a moderate to large impact to the environment. He stated that all of this information had been available for inspection and had been offered for review many times, yet never requested by the MRB Group. Mr. DeVinney then stated the Board had a responsibility to protect the future land owners of these parcels, and it was the developer's responsibility to prove that any concerns could be mitigated.

Mr. Fromberger acknowledged that MRB Group had the Soils Analysis referred to by Chairman DeVinney. Mr. Fromberger collected the draft document offered for review to the Board, and acknowledged that the Draft Scoping document requested would be submitted by the MRB Group prior to the next month's meeting.

Ms. Kane advised Mr. Fromberger that deadline for submittal for April 2<sup>nd</sup> meeting agenda would be 21 days prior to that date.

Resident Mr. Tom Hansen inquired if this Scoping Document was something the applicant/developer prepared and how the Town Engineering firm was involved in the review process.

Ms. Marsh summarized that the environmental process as mandated by NYS requires all necessary research and mitigation claims to scope out all the alternatives appropriate that could determine what could work and what can't. An applicant cannot develop his intended project in stages without including all stages of development in this SEQR process. To do so defeats the SEQR process and in turn does not give the Planning Board an accurate picture to determine potential problems or the developer the ability to provide reasonable alternatives to mitigate these concerns.

Chairman DeVinney explained further that Lu Engineer as the Town's engineering firm is part of the SEQR Review process by providing recommendations to the Town in researching potential environmental impact. It is the developer's responsibility to prove that environmental impacts can be mitigated with reasonable documentation.

Board Member Gilbert reminded the Board assembled that the applications' process had left off with the submission of two submitted plans by the applicant for Planning Board review in order to assess which of the two plans would have the least environmental impact on the site for the purpose of receiving a permit for Special Use of a Private Shared Driveway in the Lake Residential Zoning District. This recommendation by the Planning Board would provide the Zoning Board of Appeals help in the review process to determine and possibly grant the Special Use Permit. In determining a recommendation, the Planning Board had requested of the applicant to address the slope of the access road and comply with the 10% slope as required for subdivisions, as well as softening the switchback radius to allow better accommodation for emergency vehicle access to these (4) lots.

Mr. Gilbert inquired of the Board and Attorney Marsh if this review of the application would be included in the SEQR process at some point to show which of the two plans submitted would be less intrusive to the environment.

Ms. Marsh stated that if it wasn't mention in the Draft Scope which the Developer would be submitting, than a discussion on this would be appropriate to include in the Final Environmental Review and the Final Scoping Review, part of the project's application. The slope and safety issues of the proposed access road to the subdivision could be part of the discussion at the April meeting.

Ms. Kane advised the Board that the other two applications on the agenda would possibly be rescheduled for next month as neither of the applicants were in attendance.

Board Member Lersch referred to a Zoning Law Text Amendment to current zoning that would provide the Code Office with additional enforcement capabilities - Stop Work Orders and Cease & Desist Orders and asked the Board for a motion to vote on a resolution to send to the Town Board for review, prior to County Planning Board review on March 27th. Board Member Lersch presented the motion and Board Member St. Lawrence seconded the motion which carried with all Board Members present voting in favor.

Draft Planning Board Minutes for January 8<sup>th</sup> and February 12<sup>th</sup> were approved by all Board Members voting in favor of a motion offered by Board Member Gilbert and seconded by Board Member St. Lawrence.

Planning Board Work Session was scheduled for March 19<sup>th</sup>

A motion to adjourn was entertained by Chairman DeVinney. Board Member Lersch made the motion and Board Member St. Lawrence seconded the motion which carried with all Board Members voting in favor. The meeting adjourned at 8:45pm.

Draft Minutes were submitted by L. Lersch/Revisions to: [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on 4/23/14

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

Minutes – Wednesday, February 12, 2014 - 7pm

Board Members present: John Gilbert, Lynn Lersch, Bruce St. Lawrence; CEO - Ms. Dawn Kane

Public Present: Mr. Tom Hanson, Mr. Mark Laese, Mr. Quintin Schwartz, Mr. Ron Davis, Mr. Tom Mahaney, Mr. Jon Schick

Agenda: App.#100113-SPR/Mr. Robert Bailey represented by agent, Marathon Engineering – Mr. Mark Laese, Builder requests Site Plan Review for application submittals for the construction of additions to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR); App.#11414-SPR/Mr. Dan & Mrs. Kiki Mahar, represented by Mr. R. Jon Schick, AIA requests Site Plan Approval for new construction of a three story garage on vacant land east side of 968 South Lake Road, (LR). Tax Map ID # 21.33-1-2

Board Member Lersch opened the Planning Board Meeting at 7:06 pm.

Draft Planning Board Minutes for December 4<sup>th</sup> were approved. Motion offered by Board Member St. Lawrence was seconded by Board Member Gilbert and the motion carried with all Planning Board Members present voting in favor.

Site Plan Reviews:

1. App. #100113-SPR/Mr. Robert Bailey represented by agent, Marathon Engineering – Mr. Mark Laese, Builder requests Site Plan Review for application submittals for the construction of additions to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR).

Ms. Kane, CEO summarized for the Board the most recent submittals of map revisions in response to Lu's review dated Dec. 3, 2013. Entered into the minutes was a letter of response to Lu Engineer's review and also to Yates County Soil & Water Conservation District addressed to Mr. Rick Ayer from Marathon Engineering. Submitted for Board review was a Construction Execution Plan requested by the Planning Board to review sequencing of site work during Phase I and Phase II of the development. Board determination would involve a sign-off on revisions from Lu and tonight we would be reviewing what had been submitted for a clear understanding prior to development of both phases.

Mr. Laese stated Marathon Engineering had met with Lu Engineers and the submitted maps reflected revisions based on that meeting.

Board Members discussed in detail with Mr. Mark Laese, agent for Mr. Robert Bailey, questions that arose from reviewing the Construction Execution Plan. After a short discussion involving these specifics, it was determined that the Board would check with Lu Engineer and get back to Marathon Engineering prior to determination.

Board Member Bruce St. Lawrence requested to see more detail in the Construction Execution Plan to make sure all construction activity, both temporary and permanent, is being planned to minimize and mitigate potential erosion issues on the steep site. Heavy material delivery and staging is a key concern. Rip rap indicated on the maps should state the size and quantity to be used.

Ms. Kane summarized current completed site work: Piers as yet were not in place, although the site had been prepared. The piers will be 12” SoNo tubes which will not disturb a great amount of earth. Trees have been cut in area where the previous deck and Jacuzzi tub had been demolished. A double row of silt fence was currently in place with straw bales staked appropriately as requested on the steep slope.

Boards’ inquiries of Mr. Laese, agent to clarify further:

1. Submitted letter from neighbor owning the parcel to the south, agreeing to use of his land for the purpose of installing a drainage pipe in Phase II to control storm water run - off which would flow to that parcel. Mr. Laese stated he would forward this to the Code Office.
2. Need for a temporary siltation pond to settle out discharge from the retaining wall drain tile.
3. Manufacturers’ specifications from Keystone were requested by the Board to be submitted to the Code Enforcement Office.
4. More specific detail to be added to the Construction Execution Plan for Phase I and II from Mr. Johnson as discussed and submitted to the Planning Board for the original file. If there would be additional work onsite after pouring concrete, this should be mentioned. How the materials would be brought to the site and where they would be stored for either of the Phases was not mentioned. The Construction Execution Plan (CEP) for Phase II did not mention previously proposed plans for temporary improvements to the existing driveway for safe construction vehicular access and the installation of Jersey Barriers near the switchback of the driveway loop nor the installation of a perforated drainage pipe to be placed at tree line to the south side of this part of the driveway. Also previously discussed but not mentioned was either soil borings or a test pit which had been highlighted in both the 12/3 Lu Review and from the Yates County Soil & Water. Mention of the time frame to start Phase II should be included as well. Mention of appropriate silt fencing to be staked and maintained with straw bales throughout project installation to completion, as well as how disturbed ground would be stabilized using appropriate materials recommended for steep slopes after excavation during non-growing months. The Board was concerned with the site being left open to storm erosion all winter and what plans were in place to resolve surface run-off, driveway drainage controlled during probable spring storm events.
5. Revisions to be submitted to Lu Engineer who would review and provide the Planning Board with a sign-off letter, prior to Board determination.

Board Member Lersch reminded Mr. Laese to keep the county road clean of debris and to avoid parking construction vehicles on the county road during active construction times. If this was necessary for any period of time, these vehicles would need appropriate cone flagging and notification to the Yates County Highway Department.

2. App.#11414-SPR/Mr. Dan & Mrs. Kiki Mahar, represented by Mr. R. Jon Schick, AIA requests Site Plan Approval for new construction of a three story garage on vacant land east side of 968 South Lake Road, (LR). Tax Map ID # 21.33-1-2

Architect Mr. R. Jon Schick, agent for Mr. & Mrs. Mahar, submitted new maps with revisions for the Planning Board to review. One revision changed positioning of retaining walls on the north and west sides which previously violated setback requirements. He stated that site work would commence early summer this year. The Mahars will use new sod to stabilize the disturbed ground to expedite use in the summer. Selected for the project was Builder – Tom Sawyer; Retaining wall will be dry laid by Mr. Bob Fladd; and Landscaping will be Mr. Bill Whitney.

Intended use of the garage was questioned due to the three levels. Mr. Schick stated that the lower level would be used for vehicle storage, while the upper two levels would be for storage and recreational use. No future bathroom or bedroom facilities are being planned. The water service to the building will be for exterior hose bib installation.

Architect Schick stated that the north side swale was revised to drop the grade and pitch it away from the structure for a more natural grade to the south without a major removal of soil. There were two new swales around the structure. These, along with the existing cross drain east of the project, will control run-off from the site. He further stated that there will be only minor impact to the existing drainage ditch along the north side.

Board discussion on review of revised maps showed the following areas needing more detail:

1. Review the existing culvert along the east side of South Lake Road with the Highway Superintendent. Lu Engineers South Lake Road study proposed a 30 in. pipe size for this location. An upgrade of the existing 12” CMP needs authorization from Highway Superintendent.
2. Discharge from the part of the roof and foundation drain tile on the south side of the project is not properly directed towards the inlet of the drain pipe along the east side of south lake road. Crushed stone should be placed at the discharge. Similarly, the new drainage discharge from the north side of the project needs to be relocated back onto the property to eliminate encroachment on the neighbors property to the north, and to allow space for crushed stone at the discharge prior to entering the existing drainage ditch along the north property line.
3. Eliminate the notation for a gravel berm where the road shoulder is on South Lake Road.
4. Retaining Walls that are above 3 feet will need to be stamped by a certified engineer or architect certifying the integrity of the wall.
5. Make certain that South Lake Road is maintained clear of debris daily.
6. Submit a final set of maps (pdf) with all revisions requested by the Board for a final sign-off from Lu Engineer.

#### Other Business:

Residents Mr. Ron Davis, Mr. Quentin Schwartz and Mr. Thomas Mahaney were in attendance to inquire of the process with the current Second Look Landscaping and Property Maintenance Special Use Permit Application. Ms. Kane, CEO summarized the current history of the application, stated that more information was required by the applicant about the septic and the review of a subdivision plat and final filing with the county. She defined what a “Special Use Permit” would mean for this parcel, and what the Planning Board would be requiring for Site Plan Review prior to making a recommendation to the Zoning Board of Appeals who had the authority to grant it.

Mr. Schwartz, owner of Document Reprocessors wanted the Board to understand that he was still using the buildings at 5611 Water Street and that Mr. Gray would be leasing two rooms in Lot #2 Building. Now that the



Town Highway Dept. had vacated Document Reprocessors and had moved back into the Town Highway Barns renovated from fire damage, Document Reprocessors was prepared to move vehicles and equipment back into the building.

Mr. Schwartz offered information on the existing 3,000 gallon tank that he had maintained while 130 employees were actively working onsite. He spoke of sediment tanks out in back used to take care of debris and waste from when chickens were onsite in prior years.

The Board stated that before Mr. Gray could move forward with his application, we needed to have Mr. Barden ascertain that what was there was adequate and in approved working order as currently there was nothing on file at the NYSDOH or the Canandaigua Watershed.

Mr. Schwartz stated he was relaying all this information to owner Mr. Lindquist who was concerned about losing his “commercial” status, if this application forced the zoning status to change. Mr. Schwartz was advised by the Board that this application would only allow this use to occur on this property. The use would be retained with the land, once allowed but would not change the Zoning District itself. This parcel’s use was grandfathered in as “commercial” by Document Preprocessors prior to current zoning within the Hamlet Residential District of the town. It will remain zoned as Hamlet Residential.

Next Meeting agenda will be for Site Plan Reviews on March 5, 2014

Motion to adjourn was offered by Board Member Gilbert and seconded by Board Member Lersch. The motion carried with all Board Members present voting in favor. Meeting adjourned at 9:15p

Draft Minutes submitted by L. Lersch/Revisions to: [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)

Minutes approved on: March 5, 2014

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

Minutes – Wednesday, January 8, 2014 - 7pm

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

Public Present: Mr. Joseph Gray, Mr. Richard Hill, Mr. Jason and Mrs. Linda Cernis, Mr. William Grove, P.E.; Mr. Tom Mahaney

Agenda: Site Plan Reviews:

App.#100113-SPR/Mr. Robert Bailey represented by Mr. Robert Bringley P.E. of Marathon Engineering requests Site Plan Approval for improvements to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1 (LR); App.#121013-SPR/Mr. Joseph Gray of 268 Bagley Road, requests a Special Use Permit in order to lease a commercial business, DBA Second Look Landscaping and Property Maintenance on Lot #2 at 5611 Water Street currently owned by Mr. Eric Lindquist. Tax Map ID #22.67-1-3 (HR); App# 121813-SPR/ Mr. Daniel Paddock of 6109 South Hill, requests a Major Subdivision of vacant land, Tax Map ID# 020.000-02-53.1 (LDR); Application #120413-SPR/Mr. Jason and Mrs. Linda Cernis requests Site Plan Review for new construction of a single family residence on vacant property at 712 East Lake Road, Tax Map ID # 11.66-1-1 (LR).

Chairman DeVinney opened the Planning Board Meeting at 7:07pm.

Ms. Kane, CEO stated that Application for the Bailey project was to be rescheduled as Mr. Laese had conferred that a redesign of the retaining walls was in progress and as yet not ready for review.

1. App.#121013-SPR-SUP/Mr. Joseph Gray of 268 Bagley Road, requests a Special Use Permit in order to lease a commercial business, DBA Second Look Landscaping and Property Maintenance on Lot #2 at 5611 Water Street currently owned by Mr. Eric Lindquist. Tax Map ID #22.67-1-3 (HR);

Ms. Kane, CEO introduced Mr. Joseph Gray as having appeared before the Planning Board for a quick conceptual review on Dec. 4<sup>th</sup>, and now was requesting Board review to lease a commercial business at Lot #2 of the old Document Reprocessors building at 5611 Water Street. This application would need County Review County review which would take place on January 23<sup>rd</sup> at 7pm/417 Liberty St., Penn Yan at the County Office Buildings. Special Use was determined for this application by our Town Attorney as this type of business was not listed in our current code as a permitted use in HR District. Upon site plan review and a recommendation by the Planning Board, this application would then be reviewed by the Zoning Board of Appeals for determination on the application for a Special Use Permit.

Mr. Joseph Gary offered the following information for site review by the Planning Board :

1. Parking – quantity onsite vehicle storage/parking: 8 current with a projected number: 10

Most of these vehicles would not be parked overnight as they would travel home with employees (trucks). There would be a maximum of (2) vehicles per day and possibly a couple of landscape trailers. When parked onsite temporarily, they would be positioned behind the barn. Bulk mulch would be piled onsite at a maximum of 120 yds.

2. Maximum of Employees: 12
3. Length of Lease - Temporary – possibly 6 mos. to 2 years.
4. Buffer between HR/Commercial Use – No Plans to buffer boundary line that abuts (4) residential properties. A natural tree-line buffer existed for about 75 feet between one of these property lines.
5. Water Drainage onsite - a ditch system provided existing water drainage on site and the Canandaigua Watershed nor the NYSDOH had record of an onsite septic system.
6. Hours of operation would be from 5am to 9pm.
7. Lighting would be only what is currently there.
8. Noise – employees picking up service vehicles for jobs and leaving. Mulch would be shoveled.
9. Signage would go over what is currently there, next to Highway Department when removed.
10. There would not be any maintenance onsite for the trucks. Mower maintenance would be done onsite and spoils would be disposed of appropriately offsite.
11. Egress/Ingress from Water Street for all business vehicles and equipment. Office staff would access the building from West Avenue.

Public input: Mr. Mahaney stated that Document Reprocessor's used the entrance from Water Street as we own all the driveways parallel to our house. If the mulch piles stay small and contained, it would be less of a fire hazard as mulch easily catches on fire. I strongly suggest this application go through a stringent review process as it is a commercial activity smack dab in the middle of a dense residential neighborhood. Document Reprocessors' business started in 1997 prior to Zoning which was 1999 and so was grandfathered in.

Chairman DeVinney stated this application was especially difficult because if granted, this Special Use, as with all zoning variances, would go with the land. The Planning Board, when making their recommendation, must consider what would be the best long range plan to utilize the parcel at 5611 Water Street. The old commercial use of Document Reprocessor's was grandfathered in, yet this new application would be considered a new multi-faceted commercial use that was not allowed in the Hamlet Residential District. To make an informed recommendation, we will be reviewing what is filed with the Canandaigua Watershed Inspector, Mr. George Barden and the NYSDOH for an approved onsite septic system. If nothing, this will need to be upgraded to approval status prior to granting a permit.

Board Member Gilbert responded that he would check with a Scott Foti (sp?) from the NYSDEC to see if they had any interest in the property and it's close proximity for the West River/Canandaigua Watershed.

Board Member Lersch inquired of the reason Second Look Property Maintenance, Inc. was using the property at 5611 Water Street to park vehicles and use of the building prior to obtaining a permit. Mr. Gray stated that the owner had allowed him to park there.

Ms. Kane stated that the Code Office had received a complaint, and Mr. Gray had been informed that onsite vehicle/van parking for a commercial use on private property was not allowed without a permit.

It was advised by the Board that Mr. Gray attend the County review on the 23<sup>rd</sup> and we would advise him of the application process after that date.

Board Member Mincer made a motion to send the application to the county for review on 1/23 and Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

2. App. # 120413-SPR/Mr. and Mrs. Jason & Linda Cernis, with agent Mr. William Grove attending, requests Site Plan Review for new construction of a single family residence on vacant property at 712 East Lake Road, Tax Map ID # 11.66-1-1 (LR).

Ms. Kane, CEO stated that this application was a new build on vacant land. It was a single family seasonal residence with an approved septic system. There had been an old cabin that suffered irreparable storm damage and was demolished. The parcel had a 12 ft. ROW on the deed search to access Robeson Tract which was pre-existing private road off of Robeson Road.

This ROW serves the Miller and Yates property and stops at the Motz (sp?) boundary line. This southern parcel does not impede passage to Robeson Tract or East Lake Road. The ROW is depicted on the survey map as a grassland trail. The deeded ROW stops before the trail and should not be an issue. There is an existing turnaround down by Cownies' property that is used. The application had received Yates County Planning Board recommendation to approve.

Agent Mr. William Grove, P.E. stated he did not have much more to add. The existing cabin had an outhouse/shed onsite built in 1968 which they will keep. It has a septic tank that they will not use. The planned cottage meets all setbacks for current zoning and the parcel is level land, sloping to a grass lawn that ends at the lake with a steep bluff. The front of the house will be 30 ft. to the embankment at lakeside.

Board Member St. Lawrence inquired if the septic pumped up to the vineyard on the hill, which it did. It was stated that shoreline development was not to be scheduled for some time in the future.

Board Member Gilbert inquired if trees would be cut down. It was stated that removal of mostly scrub brush and a couple of 6-8" trees will need to come out.

The Board discussed the following topics:

1. Storm water runoff from the roof will hit pea gravel around foundation.
2. Footed piers will serve as a foundation to the house.
3. Access to the lake will utilize pre-existing stairs to shoreline. They were advised if they were to extend or add to what is existing, that the Planning Board would need to review plans.
4. Construction plans were scheduled to begin as soon as possible weather permitting.

The SEQRA had been reviewed prior to County review and determined to be a Type II action, needing no further review and the application was deemed complete.

Chairman DeVinney inquired of further questions from the Board. There was none and Chairman DeVinney entertained a motion to approve the application as presented. Board Member St. Lawrence made the motion which was seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

3. App.# 121813-SPR/Mr. Daniel Paddock of 6109 South Hill, owner of (5) acres - vacant land directly across from his residence is requesting a Major Subdivision of Tax Map ID #020.000-02-53.1 (LDR).

Mr. Paddock presented information to the Planning Board that the five acres had 300 ft. of road frontage and he was separating it into (4) lots to accommodate future expansion for his family. Lots 1,2 & 3 would be deeded to his sons and Lot #4 would be for him and his wife.

The Board reviewed a SEQR of the parcels in review and determined it a Type II action needing no further review and the application complete.

After a short discussion with the Planning Board, Chairman DeVinney motioned to approve the Major Subdivision as presented by resolution. Board Member Mincer seconded the motion to approve and all Board Members present voted in favor. Maps for the County filing would be signed by the Planning Board Chairman prior to filing with the county clerk's office.

Mr. Daniel Paddock announced that he would be retiring from his councilman's position on the Town Board and thanked the Planning Board for their ongoing research and hard work for the Town of Middlesex and its Town Board while he was in office.

Other Business:

The Planning Board voted on a Resolution to make a recommendation to the Town Board for the adoption of a proposed Local Law to Amend the Zoning Law. Art. VII: Supplementary Regulations to add a new Sect. #707: Steep Slope Protection Areas.

Board Member St. Lawrence made a motion to accept the resolution as revised and Board Member Lynn Lersch seconded the motion. The motion carried with all Board Members present voting in favor of the revised resolution.

Board Member Lersch made a motion to adjourn and Board Member Gilbert seconded the motion. All Board Members present voted in favor and the motion carried. The Planning Board meeting adjourned at 8:35pm

Draft Minutes submitted by L. Lersch/Revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on March 5, 2014



2013

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

Minutes – Wednesday, December 4, 2013 - 7pm

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

Public Present: Mr. Jack Sigrist, Mr. Mark Laese, Mr. Robert Bringley, Mr. Joseph Gray

Agenda: Conceptual & Site Plan Reviews:

Conceptual Review with Second Look Maintenance, Inc., Mr. Joe Gray, CEO and President requesting Site Plan Review to lease commercial business from owner Mr. E. Lindquist at 5611 Water Street, Tax Map ID # 22.67-1-3. Lot #2; App.#100113-SPR/Mr. Robert Bailey represented by agent, Marathon Engineering requests Site Plan Approval for improvements to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR).

Chairman DeVinney opened the Planning Board Meeting at 7:09pm.

Draft Planning Board Minutes for November 6<sup>th</sup> were approved. Motion offered by Board Member Mincer was seconded by Board Member Gilbert and carried by all Planning Board Members present.

Requesting Board advisement, Ms. Kane, CEO introduced Mr. Joseph Gray who gave the Board a conceptual review, prior to Application Site Plan Review for a Special Use Permit, to operate a commercial business in the Hamlet Residential Zoning District. This land use is not allowed with current zoning. The parcel is owned by Mr. Lindquist and was commercially operated as 'Document Reprocessors' prior to zoning. This parcel has been vacant for many years and Mr. Gray would like to lease the building on Lot #2 to operate a landscape and property maintenance business. Mr. Gray stated his business handled property upgrades on foreclosed and distressed structures for banks. He was considering plans for long-term lease with an option to buy. Traffic flow would be minimal as it was a small business with 12 or so employees. Mr. Gray stated 95% of all equipment used in the business would be stored inside onsite with only minimal vehicular parking of employees who worked onsite.

A discussion took place defining the process of applying for a Special Use Permit and the fact that this parcel was located very close to residential dwellings without a buffer or screening. This made it a difficult site to review and the process required a recommendation by the Planning Board to the Zoning Board of Appeals, who would be actually determining the outcome of the application and granting the Special Use Permit.

Mr. Gray thanked the Board and would look forward to discussing the business further after submitting his Site Plan Application for the permit.

Site Plan Review:

1. Application #100113-SPR/Mr. Robert Bailey represented by Mr. Robert Bringley P.E. of Marathon Engineering, Inc. requests Site Plan Approval for house, garage and site improvements for property with a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR)



Ms. Kane provided a quick summary of current application status, stating the application had received County review and recommended the project be approved as it lacked county-wide impact. Marathon Eng. had provided all revisions previously requested at our November 6<sup>th</sup> Planning Board meeting and was seeking Planning Board Site Plan Approval.

Ms. Kane introduced Mr. Robert Bringley, P.E. from Marathon Engineering who presented a color overview of the Bailey Site Project Details to the Board as well as a full set of engineered plans.

The project overview included improvements to an existing two-story seasonal dwelling (depicted in gray). A proposed addition of approximately 860 sf combined an open and an enclosed porch. Detail on these porches, depicted in blue, showed an open-roof 372 sf porch with patio below at ground level and a 484 sf proposed enclosed screened-in porch w/ roof. Attached to both of these porches and (depicted in orange) was proposed an attached 12' x 36' open deck of approximately 432 sf facing north with stairs and a landing which would lead to an existing garage that faced east. Depicted in pink, showed the area proposed to contain the (2) Keystone retaining walls to be installed according to manufacturer's specifications. A plastic Geogrid mesh would be installed prior to the backfill of these two walls.

Also proposed was remedial plans for proposed temporary improvements to an existing driveway for construction vehicular access and the installation of Jersey Barriers near the switchback of the driveway loop where a perforated drainage pipe was to be placed at the south side of this part of the driveway.

Upon discussion with the Planning Board, Mr. Bringley stated the plans could be phased. Phase I would include pier placement and pouring the foundation of the area planned for the proposed porches. This action would include the removal of an existing deck & stairs with attached Jacuzzi tub. Some tree removal was necessary but the two pre-existing timber retaining walls bordering a deep ravine to the north would remain.

Phase I would also include some improvements to the interior of the existing two-story garage. Phase II would include the installation of the (2) Keystone Retaining Walls, and temporary improvements to the existing driveway for safe conveyance of construction vehicle access.

Planning Board discussion with Marathon Engineering agents and contractor Mark Laese, covered the following requests which were also highlighted in both Town Engineer review by Lu Engineers and also from the Yates County Soil & Water:

- Soil Borings – Marathon stated they would do a test pit of a couple of holes once the excavation commences and if they hit bedrock, they would modify the design and pin rock into the wall detail to eliminate the load off the wall. Mr. Bringley stated they would plan to excavate the entire area where the retaining walls would be installed.
- The Planning Board requested the delay of Phase II until Spring in order to allow for ground stabilization from ground disturbance onsite. Marathon agents and building contractor, Mr. Laese, stated that this request was reasonable and could be met.
- Responsibility for onsite construction and supervision of all sub-contractors doing onsite project installations would fall on Mr. Mark Laese, the builder who would coordinate all onsite stage sequencing. Mr. Laese would be working directly with the Code Enforcement Office informing Ms. Kane of any changes to requested construction execution plans.

- Construction Time Frame – Board request included a construction execution plan for both Phases to be submitted prior to any site excavation. A Construction Execution plan for Phase I would provide the Board with a plan on how and where construction components (vehicles, and materials) would be stored and/or brought to the site, how concrete would be brought to the area for the foundation pour and how it would be ramped for the pour, flagging of all trees to be removed, notation that all onsite spoils will be hauled away and siting of an appropriate soil disposal facility, appropriate silt fencing to be staked and maintained with straw bales throughout project installation to completion, as well as how disturbed ground would be stabilized using appropriate materials recommended for steep slopes after excavation during non-growing months. The Board was concerned with the site being left open to storm erosion all winter. This plan was to be submitted to the Board and Code Enforcement Office prior to all site excavation, and met with agreement from Marathon Engineers, Mr. Bringley and Mr. Laese.

Phase II Construction Execution Plan would include how construction sequencing would detail the installation of temporary Jersey Barriers, installation of drain pipe at south side of existing driveway switchback, and detail how site excavation was to be sequenced for (2) Keystone Retaining Walls, appropriate silt fencing placed and maintained throughout the project until site was stabilized, and how surface run-off, driveway drainage and stabilization will be controlled during probable Spring storm events. The Board is concerned with typical Spring gulley-washes that are typical and problematic this time of the year.

- Certification by Marathon Engineering, Inc. that an onsite inspection by Geo-Tech or a certified Engineer from Marathon Engineering responsible to inspect and verify proper wall installation during construction phase and prior to backfill. The Board would accept a letter from Marathon stating Engineer's Certification that the Keystone Walls were installed to manufacturer's specifications. As-Builts would be required on all certified wall installations.
- The Board requested a Letter of Agreement with the neighbor to the south to be filed with the Code Enforcement Office to establish permission for use of the land during installation of a proposed drainage pipe to the south of the driveway loop.
- Keystone Wall Manufacturing Specifications would be submitted to the Code office so installation and backfill staging could be monitored for appropriate installation.
- Advisement to keep the county road clean from construction debris, flagged for traffic safety and that a time frame of construction sequencing to be submitted to the Yates County Highway Department.

Mr. Bringley stated a map redesign would be forthcoming to provide note clarification, and requested existing land contours. Review-response letters to Lu Engineers and to Yates County Soil & Water, would be copied to the Planning Board for the file. He would get back to Ms. Kane with all building plans for permit status.

Chairman DeVinney stated that the Planning Board would accept map revisions by pdf in email to be submitted along with a letters of response to both Lu Engineer and Yates County Soil & Water. Another meeting would be necessary prior to Board determination of Site Plan Approval.

Board Member Gilbert moved to table all Board approvals until submittal of complete map revisions per discussion and all review letters had been responded to. House framing would be allowed; however a site construction execution plan would need to be reviewed by the Board, prior to any site excavation for the

purpose of reviewing detailed plans for access to the site, construction and excavation plans for pier placement, tree removal and storm water erosion control.

The Board voted to accept the motion on the floor. The motion carried with all Board Members present voting in favor.

2. Application #120413-SPR/ Ms. Linda Cernis, requests Site Plan Review for new construction of a Single Family Residence on vacant land owned at 712 East Lake Road, (LR)

This application, scheduled for January 8<sup>th</sup> Planning Board Site Plan Review, was to be reviewed by the Yates County Planning Board review on December 19<sup>th</sup>. SEQRA Determination was required by the County prior to local board review.

The application was reviewed to be a Type II action requiring no further action and based on the information and supporting documentation provided for initial review, determined the proposed action will not result in any significant adverse environmental impacts.

Board Member Gilbert motioned to approve the SEQR as reviewed and Board Member Mincer provided a second which carried the motion with all members voting in favor.

Town Attorney Proposal Bids prior to Alaine Espenscheid's retirement were discussed. All proposals will be reviewed when submitted and a recommendation made for Town Board Review and approval.

Next Meeting agenda will be changed from Wednesday, Dec. 18<sup>th</sup>, to Thursday, December 19<sup>th</sup> for a possible Board review to accommodate the Bailey Application if submittals required are received in timely fashion.

Motion to adjourn was offered by Board Member Mincer and seconded by Board Member Gilbert. Motion carried with all Board Members present voting in favor. Meeting adjourned at 9:30pm.

Draft Minutes submitted by L. Lersch/Revisions to: [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)  
Minutes approved on: February 12, 2014

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

Minutes – Wednesday, November 6, 2013 - 7pm

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

Public Present: Mr. Jack Sigrist, Mr. Mark Laese, Mr. Eric Schaaf, Mr. Richard Deys

Agenda: Site Plan Reviews:

App.#100113-SPR/Mr. Robert Bailey represented by Mr. Robert Bringley P.E. of Marathon Engineering requests Site Plan Approval for improvements to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR); App. # 100313- SPR/Mr. Richard W. Deys Jr. of Sandmans Sandblasting requests Site Plan Approval for a Special Use Permit for a Land Use Activity not listed in current zoning at 5611 Water St. , Tax Map ID # 22.67-1-3 in the Town of Middlesex (GB); App. #100213-SPR/Mr. James & Cynthia Gray requests Site Plan Approval to build improvements to a 168 Sq. Ft. Addition to an existing Single Family Residence located at 520 East Lake Road, Middlesex (LR)

Chairman DeVinney opened the Planning Board Meeting at 7:05pm.

1. Application #100113-SPR/ Mr. Robert Bailey represented by Mr. Robert Bringley P.E. of Marathon Engineering requests Site Plan Approval for improvements to a two-story Single Family Residence located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1, (LR)

Ms. Kane, CEO summarized the application, introducing Mr. Eric Schaff of Marathon Engineering , who presented as representing agent for owner Mr. Robert Bailey. Mr. Schaff stated there were new revisions to the original submitted application site maps, however the scope of the project had not changed. These revisions added more detail to the 2<sup>nd</sup> story of the structure, the porch, garage, and repair to a section of stairs accessing the lakefront, drainage improvements to an existing swale, driveway surface stabilization and placement of temporary jersey barriers at the switchback curve, removal of (3) wood retaining walls and an existing deck and Jacuzzi tub, and new erosion control measures.

It was stated that the slope to the project varied from 20% - 80% slope. Improvements to the driveway switchback would be a temporary safety measure to aid in the conveyance of construction vehicle access, and after project completion would still not bring the existing driveway into current code requirements.

When questioned whether the additions to the structure would add to the square footage, it was stated by Mr. Schaaf that changes to the interior of the garage would not change the existing footprint but only to provide habitual space.

After further Board discussion, it was mentioned that a full EAF SEQR might possibly be required and that a review by Town Engineer would be required by the Planning Board, due to the extent of development on steep slopes.

The following concerns and requested revisions from the Planning Board would accompany a Work Order to Lu Engineers for review prior to Board Determination:

1. Use of site excavated material for fill behind the retaining walls will likely not be acceptable. State what type of import material will be required.
2. Map C2:
  - a. Slope is stated as 1:2 or 50% at the new retaining wall system east of the residence. It is indicated by contour as 80% slope
  - b. Stabilization – Stated: Restore w/ground cover/plantings at owners’ direction. This cannot be left to the Owner’s discretion. There are specific stabilization materials recommended for steep slopes – indicate appropriate material for slope stabilization.
  - c. Show control of surface run-off on asphalt driveway east side of residence
  - d. Area under deck along north side indicates 50% slope with washed stone over Mirafi fabric. This is not an acceptable application for erosion control at this degree of slope.
  - e. A wooden retaining wall on the north side of the property is designated to remain. There is a new 8” PVC drain tile from the retaining walls being proposed within approx. 3 ft. from this retaining wall. Relocate pipe so as not to affect the integrity of the wall when trenching.
3. Stockpile of Materials & Spoils: Make notations that all waste soils not used will be hauled away. Stockpiling on steep slopes is not acceptable. Limit spoils on the small flat area due to possible run-off during a storm-event.
4. Add requirement for Geo - Tech or Engineer responsible for design to inspect and verify proper wall installation during construction phase.
5. Application to be reviewed for Site Erosion Control Best Management Practices by Town of Middlesex Engineering Firm – Lu Engineers. Applicant may submit map revisions to Lu Engineer directly to expedite the process. The Town will submit a Work Order for Town Engineer review, once Marathon Engineering has made changes requested at Board meeting.
6. Map C1.0/Driveway Drainage & Stabilization Plan: state NYS DOT item number for the type of material to be used. State size and quantity needed.
7. At driveway radius, where temporary Jersey Barriers will be added, and new cross drainage to be installed, make note on map of what kind of long-term stabilization must be placed in this area where significant slope to tree line exists.
8. Detail required on Stone Check Dams.
9. Add a Construction Execution Plan to include all steps of development from initial disturbance to stabilization of site.

10. Note that existing stairs, when replaced, must be on existing footprint.

The Planning Board advised all representatives for the project that the application would also be submitted to the Yates County Planning Board for a November 21<sup>st</sup> review because of the project was in a steep slope location and was located on a county road in the Lake Residential Zoning District of the Town. All revisions discussed would need to be made on a revised site map to be submitted to the Code Enforcement Office by Tuesday November 12<sup>th</sup> in order to adhere to County deadlines. Once reviewed, the report will be compiled along with the Town's Engineer review and the application will be placed on the December 4<sup>th</sup> agenda for possible determination.

2. Application # 100313- SPR/Mr. Richard W. Deys Jr. of Sandmans Sandblasting requests Site Plan Approval for a Special Use Permit for a Land Use Activity not listed in current zoning at 5611 Water St. , Tax Map ID # 22.67-1-3 in the Town of Middlesex (GB)

Ms. Kane, Code/Zoning Officer stated the application was determined to be a Special Use Permit because the intent of the land use and is not currently listed in the Town's Zoning Land Use Schedule. Mr. Deys was proposing a business that cleaned and restored corrugated steel tanker trucks used to provide and hold creek water (no chemical-fracking residue) used in Hydro and Gas Fracking operations. The location of this proposed business would be the old Document Reprocessor site, now vacant, which is in the General Business District.

Mr. Richard Deys presented his application in great detail to the Planning Board and a lengthy discussion of questions and concerns developed which are summarized as:

1. Residual exhaust from interior sanding/spray coating of epoxy paint used in restoration of trucks.
2. Possible escape of residual fumes and odors from chemical compounds (Hydro Carbons) escaping into environment through
3. Residual drainage of water from business site into environment through water sewer system.
4. Spill/Fire Protection method used to provide suppression & relief
5. Noise decibel
6. Traffic load and driving pattern for egress/ingress off of Rte. #364 into residential neighborhood. Truck and employee vehicle parking/storage visible outside building.
7. Business Hours and Days of Operation.
8. Residential component to the neighborhood within close proximity to the proposed business site location, without a buffer.
9. Comprehensive Plan – fits vision for future expansion of the Town of Middlesex
10. Zoning Land Use – legal concern as to the Land Use as permitted use – goes with the land.

Ms. Kane stated she has referred the application to the NYS DEC for their review and has been informed that they will be making further inquiry prior to commenting. She will provide the Planning Board with that information at time of disclosure.

The Planning Board reviewed the probable timeline with Mr. Deys, stating tonight's was considered a conceptual review. Once the application use was designated and the appropriate Board was scheduled to review it and placed on an agenda, the application would be reviewed by the County Planning Board for Site Review. If the application was designated a Special Use by the Town Attorney, there would be a review by both the Planning and Zoning Board of Appeals as well as a probable Public Hearing scheduled prior to determination and permitting.

The application's timeline was also discussed and the Planning Board stated that the Code Office would continue to review and update him ad all pertinent information from outside sources became available.

Code Enforcement Office report:

Ms. Kane requested Site Plan Review exemption from the assembled Planning Board on Application #100213-SPR for Mr. James Gray requesting permission to construct a 168 sf addition to an existing Single Family Residence located at 520 East Lake Road, (LR). She has inspected all construction and erosion control measures traditionally required and stated there would be no setback issues. The septic will be approved through Mr. George Barden, Watershed Inspector.

After a short discussion, Board Member Mincer offered a motion to allow the application to be reviewed and permitted through the Office of Code Enforcement. Board Member Gilbert provided a second and the motion carried with all Members present voting in favor.

The Planning Board completed the following (2) SEQRS and determined both actions would have no significant adverse environmental impacts. The Board completed the review for the Town Board as Lead Agency determining them both to be Type II Actions with no further action required. Board Member Mincer motioned and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor. The (2) SEQR's are:

1. Town of Middlesex Zoning Text Amendment to allow livestock for personal use in the Hamlet Residential Zoning District with special conditions to be reviewed on an annual basis through the Office of Code Enforcement.
2. Town of Middlesex wishes to amend certain provisions of the Zoning Law to provide for the prohibition of exploration, extraction, underground storage, and disposal of natural gas and petroleum within the Town of Middlesex.

Draft Minutes for October 2 and 30<sup>th</sup> were approved. Board Member Gilbert motioned to approve as drafted with minor revisions made and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

Also unanimously voted to approve, was a motion by Board Member Lersch to adjourn and seconded by Chairman DeVinney. The meeting adjourned at 9:45pm

Next meeting: Nov. 20<sup>th</sup> PB Work Session

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes approved on December 4, 2013

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Site Plan Review & Work Session

Minutes – Wednesday, October 30, 2013, 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer; Bruce St. Lawrence; CEO - Ms. Dawn Kane, Town Attorney – Alaine Espenscheid, Town Council Members – Peter Gerbic, Alan Button

Public Present: Mr. Paul E. Van Scott of Van Scott Builders, Inc.

Site Plan Review: 7-7:15pm

App. #091213-SPR/Van Scott Builders/ Mr. & Mrs. Ron & Diana Papa requests Site Plan Approval for the construction of an addition to Family Room (Phase I) and front Porch modifications (Phase II) at seasonal residence at 1081 South Lake Road, Middlesex, NY (LR)

The meeting came to order at 7:02pm.

Ms. Kane, CEO summarized the application and introduced Mr. Paul Van Scott, agent and builder for proposed improvements requesting Site Plan Approval.

Mr. Van Scott noted that Phase I of the project involved the south side of the seasonal cottage involving a one room addition. It would be a stick frame, single story construction with a masonry foundation, silt fencing and minimal ground disturbance. The improvements labeled “deck” involved removing the existing deck, working closely with the existing footprint, however enlarging it somewhat. Chairman DeVinney inquired whether this area would be returned to lawn after project completion and Mr. Van Scott would inquire and provide an answer. Board Member St. Lawrence requested notation of a drainage expansion plan involving percolation baskets located at downspout areas which would need gravel or stone at discharge points, and appropriate placement of silt fencing.

Ms. Kane inquired if the Board would accept a letter to document these requests. It was noted that a letter from the project engineer noting the drainage expansion plans as discussed and to include a (pdf) file of drainage detail, would suffice if submitted to the Code Office prior to permitting.

Mr. Van Scott stated that Phase II, porch modifications would not encroach on the original octagon shaped footprint, nor would its’ position conflict with front yard setbacks. He would scale it right on the 60 ft. minimum setback requirement, so as not to require any area variances from current zoning. Board Members reminded him that this setback measurement would start from the drip line of the structure, not from the foundation wall in order to stay in compliance with code.

The Board inquired as to what they were using for construction vehicle access during development stages, and it was stated by Mr. Paul Van Scott that they would be using the existing driveway to access the site during construction stages.

Board Member St. Lawrence made a motion to approve the application conditional on the provision of erosion control plans submitted as discussed to the proposed site plan. Board Member Mincer provided a second and the motion carried with all Board Members voting in favor.



7:15pm/Work Session: Steep Slope Draft Zoning Law Amendment & Regulations/Guidelines

Town Attorney - Alaine Espenscheid invited discussion among all Board Members in attendance. A summary of new revisions was reviewed by those present. Alaine will review all suggestions and concerns when revising the current draft. A copy will be forwarded to all prior to setting a date for future review.

A motion to adjourn was offered by Chairman DeVinney and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 9:15pm

Draft Minutes submitted by L. Lersch/revisions to: [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes Approved on November 20, 2013

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

Minutes – Wednesday, October 2, 2013, 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer;  
CEO Ms. Dawn Kane

Public Present: Mr. Brennan Marks, P.E. of Canandaigua Engineering, Mr. Phil Greene of Worden Hill, Inc.

Agenda - Site Plan Reviews: App. #091413-SPR/Mr. & Mrs. Travis & Amanda Grover, represented by Mr. Brennan Marks, P.E. requests Site Plan approval for the construction of a 3 bedroom, one story house on Rte. #245 near the Rushville Town line, Middlesex (HR); App. #091113-SPR/Mr. & Mrs. Mark Gould, represented by Mr. Phil Greene of Worden Hill, Inc. requests Site Plan approval for the construction of a 160 sq. foot addition to a permanent dock, referencing the UDML, at the shoreline of 1003 So. Lake Rd., Middlesex (LR); App.# 091013-SPR/Mr. and Mrs. Maurice Vaughan, represented by Mr. Phil Greene of Worden Hill, Inc. requests Site Plan approval for the construction of a 556 sq. ft. addition to a permanent dock, referencing the UDML at the shoreline of 626 East Lake Road, (LR); App. #091213-SPR/Mr. & Mrs. Ron & Diana Papa represented by Van Scott Builders, requests Site Plan approval to construct an addition to a family room (Phase I) and modifications to a front porch (Phase II) at seasonal dwelling at 1081 So. Lake Rd., (LR).

Chairman DeVinney opened the Planning Board Meeting at 7pm.

Application #091213-SPR/Mr. & Mrs. Ron Papa, represented by Van Scott Builders, was rescheduled for a later time.

Code Enforcement Officer, Ms. Kane provided a summary to Board Members of the following:

1. App #091413-SPR /for Mr. and Mrs. Travis & Amanda Grover, stating there were new map revisions showing the maximum grade of the driveway would be 12% referring to Grading Note #1. Also, the turnaround at the midway point of the driveway was repositioned closer to the house siting. The NYS DOH has approved the septic design, and a NYS permit for the curb cut onto Rt. #245 has been acquired. The Site Plan meets all current code requirements and rip rap will be added to the discharge at swale as noted in an email by Board Member St. Lawrence. The existing structures on the property will be moved or demolished as shown on the map; however the existing barn will remain.

A SEQRA review was completed as required under the State Environmental Quality Review Act, determining it to be a Type II action, therefore requiring no further action.

After a short discussion of erosion control management practices, the board moved to approve the application. Board Member Mincer moved to approve the application if a letter was procured by the Code Enforcement Office that rip rap will be added to the discharge points of the existing swale as discussed. Board Member Lersch provided a second. After no further discussion the motion carried with all Board Members present voting in favor.

2. App. #091113-SPR/Mr. & Mrs. Mark & Carol Gould represented by Mr. Phil Greene of Worden Hill, Inc. requests Site Plan approval for the construction of a 160 sq. ft. addition to a permanent dock, referencing the UDML, at the shoreline of 1003 So. Lake Rd., Middlesex (LR).

Code Enforcement Officer, MS. Kane stated that the Gould property had received prior Town Highway repair from the embankment at roadside to the shoreline. This repair should not be included in the square footage allowance for Mr. Gould when measuring for UDML dock sq. ft. allotment.

An "as-built plan will be required at project completion to be submitted to the Code Enforcement Office.

A SEQRA review was completed as required under the State Environmental Quality Review Act, determining it to be a Type II action, therefore requiring no further action.

With no further discussion, Board Member Gilbert motioned to approve the application as presented, and Board Member Mincer offered a second. The motion carried with all Board Members in attendance voting in favor.

3. App. # 091013-SPR/Mr. and Mrs. Maurice & Janet Vaughan, represented by Mr. Phil Greene of Worden Hill, Inc. requests Site Plan approval for the construction of a 556 sq. ft. addition to a permanent dock, referencing the UDML at the shoreline of 626 East Lake Road, (LR);

Agent, Mr. Greene of Worden Hill, Inc. presented his application which include (2) Phases of Construction at shoreline. He was seeking approval for both phases: Phase I – addition to an existing permanent dock to be completed now & Phase II – construction of a boat station to be completed at a future time. Chairman DeVinney stated that it would be best to wait review of Phase II project until owner was ready to build. Mr. Greene stated the seasonal dock shown would be removed.

A SEQRA review was completed, as required under the State Environmental Quality Review Act, determining the project to be a Type II action, requiring no further action.

An As-Built Plan will be required at project completion and submitted to the Code Enforcement Office.

After a short discussion and notation change of square footage that included Phase II, Board Member Lersch motioned to approve the application with a notation of change in measurement on both the application and also reflected on the permit when written. Board Member Gilbert provided a second and the motion carried with all Board Members in attendance voting in favor.

Next meeting: Oct. 16<sup>th</sup>/Agenda to be decided.

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member Lersch. The motion carried with all Board Members present in favor.  
Meeting adjourned at 7:35pm

Draft Minutes submitted by L. Lersch/Revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on Nov. 6, 2013

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

Minutes – Wednesday, September 4, 2013, 7pm

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

Public Present: Mr. Richard Testa, Mr. Mark Lipari, Mr. Donald Bow, Mr. Jeremy and Mrs. Cathy Fields

Agenda - Site Plan Reviews: App. #080112-SPR/Mr. & Mrs. Tom Masachi, represented by Mr. Jeremy Fields, requests Site Plan approval for the construction of a 977 sq. foot permanent dock and 2 boat hoist/slips referencing the UDML, at the shoreline of 640 Fisher Road, Middlesex (LR); App. #082212-SPR/Mr. William Dolan, represented by Mr. Jeremy Fields, requests Site Plan approval for the construction of a 668 sq. foot permanent dock and a boat hoist/slip, referencing the UDML, at the shoreline of 648 Fisher Road, Middlesex (LR).

A motion to approve draft minutes from August 7<sup>th</sup> was made by Board Member St. Lawrence and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Chairman DeVinney opened the Planning Board Meeting at 7:10p and Code Enforcement Officer Ms. Kane stated that Application #080112-SPR for Mr. Thomas Masachi would be withdrawn from the agenda pending further information.

1. App. #082212-SPR/Mr. William Dolan, represented by agent Mr. Jeremy Fields, requests Site Plan approval for the construction of a 668 sq. foot permanent dock and a boat hoist/slip, referencing the UDML, at the shoreline of 648 Fisher Road, Middlesex (LR).

Ms. Kane summarized the application for the Board stating Mr. Dolan had submitted an application approximately a year ago and had made some current modifications. He had enough shoreline for two docks and there was an existing concrete seawall, a stone wall and a timber wall at shore line, which would remain. The parcel has an existing deeded ROW used by four neighbors. The proposed dock cannot exceed 60 feet out from the HMWL at shoreline and new maps were submitted on August 7<sup>th</sup> showing the new dock measurements. There are currently no issues referencing current code or the UDML. The Code Office will be requiring an “as-built” plan at project completion.

After a short discussion, Board Member Robert Mincer made a motion to approve the application as presented and Board Member John Gilbert provided a second. The motion carried with all Board Members present voting in favor, confirming board approval on requiring a stamped “as-built” plan from engineer at project’s end.

Public comment was received by the Planning Board by residents present who inquired on the current proposed Moratorium for development of Steep Slopes greater than 25% in the Town of Middlesex for a term of one year. Their concerns referenced what impact the Moratorium could have on properties currently for sale on East Lake Road, if the Moratorium was passed by the Town of Middlesex Town Board.

Discussion among those present referenced the Town’s reasons behind proposing a Moratorium, and upon confirmation from legal counsel that it would be important to do so while the Board researched further analysis of existing data; taking into account all public concerns, while revising the current draft of the

Steep Slope Law. Discussion referenced what slopes of specific parcels would be affected and what slopes would not be affected by the proposed Moratorium. Suggestions from the public were considered by the Planning Board for posting referenced data analysis on the Town's website for resident review.

The Board referenced public access to all of this data of specific soil analysis and water quality reports through the Yates County Soil & Water Conservation District as well as the Canandaigua Watershed Association and Council reports.

Mr. Testa inquired of possible Subdivision exemptions from the Moratorium if a Subdivision application had received approval from the Planning Board to subdivide potential building lots. Chairman DeVinney stated he would seek counsel from the Town Attorney, yet perceived that the only waivers allowed once the proposed Moratorium was filed, would be those Site plan applications which had received Planning Board Approval and had a been issued a building permit from the Code Enforcement Office to develop that site.

Board discussion on other matters continued and included a recommendation from the Planning Board to the Town Board to amend the Zoning Law to allow under Section #402, 1A: Housing of livestock for personal use in the HR District when special conditions were applied. Further discussion to refer to legal counsel when drafting the proposed amendment, prior to Yates County Planning Board and preceding any action by the Town Board on such an amendment.

The Board also recommended that the Town Board take advisement provided from our Town Attorney, Elaine Espenscheid who in coordination with Land Use Lawyer David Slottje had proposed in draft changes for amending the local Zoning Ordinance to include a restriction on all gas drilling and mineral extraction in the Town of Middlesex once the current Moratorium has expired.

Also recommended by the Planning Board to the Town Board who will hold a public hearing on Thursday, September 12<sup>th</sup> to vote on a proposed Moratorium on all development on Steep Slopes with a grade of 25% or greater in the Town of Middlesex for a term of one year. This would not affect existing properties that had received a Building Permit from the Code Enforcement Officer prior to the date the proposed Moratorium may be filed with the State of New York.

Board Member Lersch distributed copies of sample resident survey questionnaires from neighboring municipalities which referenced resident opinion/data analysis used in revising comprehensive plan. While reviewing/revising the Master Plan for the Town, the Planning Board shall review these along with the mid-1980 questionnaire results and data used when the 1999 Master Plan was compiled.

Next Meeting Agenda: Work Session on Draft Revisions of the Steep Slope Law

A motion to adjourn was offered by Board Member St. Lawrence and seconded by Board Member Mincer. Meeting adjourned at 8:38pm.

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes were approved on September 18, 2013

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – August 7, 2013 7pm

Board Members Present: Marty DeVinney, Chair; Lynn Lersch; Robert Mincer; Bruce St. Lawrence; Dawn Kane, CEO; Alaine Espenscheid, Town Attorney

Others Present: Mr. Travis Grover, Mrs. Amanda Grover, Mr. & Mrs. Keith and Nancy Gilliland, Mr. Dan O'Brien

Agenda:

Approval of Planning Board Draft Minutes for June 5<sup>th</sup>, June 19<sup>th</sup> and July 3<sup>rd</sup>.

Site Plan Reviews for Application #071613-SPR/ Mr. & Mrs. Travis & Amanda Grover requests a Minor Subdivision for Parcel #3.02-1-6 at 87 State Route #245, in the Town of Middlesex (HR), and Application # 020213-SPR/ Mr. Neal Elli represented by Agent/Lawyer Mr. Dan O'Brien requesting Board approval and final determination of gulley retaining wall built without a permit.

Meeting came to order at 7:02 pm

A motion was made by Board Member Mincer to approve all Draft Planning Board Minutes from June 5, 19<sup>th</sup> and July 3<sup>rd</sup> as written. Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

Site Plan Review of New Business:

Chairman DeVinney opened the floor to Code Enforcement Officer who summarized to the Board the Applications' compliance with current Area Requirements. The 7.8 acre parcel is pre-existing and non-conforming with a barn and (3) rental homes. One of these (3) existing structures currently has (3) rental apartments within. This property falls within the Hamlet Residential Zoning District and is currently within all minimum area requirements. The Grover Family would like to subdivide this parcel so that the existing Barn and shed remains on 6.288 acres and the existing rentals remain on 1.5 acres. Eventually the family's intent is to build a single family residence on the property. We have family close by and our real estate business is located across the street within the Rushville Motors building.

After a brief discussion, Board Member Mincer moved to approve by resolution, the application for a Minor Subdivision as presented and Board Member St. Lawrence seconded the motion. Chairman Devine inquired of any further discussion. There being none, the motion carried with all Board Members present voting in favor. Board Member Lersch inquired on the Board's review of the Application's SEQR.

Chairman DeVinney asked for a motion to amend the motion to include a review of the submitted SEQR. After a short review a motion was made by Board Member Lersch that because it was a Type II action. it needed no further action by the Board.

Ms. Kane added that the Mylar and 2 paper prints needed for filing with the County Clerk's office would be submitted at a later time for signing by the Chairman.

## Site Plan Review: Old Business

Application #020213/Mr. Neal Elli/ of 1091 South Lake Road, Middlesex (LR) and represented by agent/lawyer Mr. Dan O'Brien requesting Board determination to resolve an retaining wall structure built within an existing gulley without a permit. This structure impacted the south side of the gulley which is currently owned by Mr. & Mrs. Keith Gilliland.

Chairman DeVinney opened the floor to the Gillilands for a summary of the structure's impact to their property to the south, adding new information to the review.

Mr. Gilliland listed some grievances and sympathies to their neighbors' plight but stated that the following concerns had caused them negative impact:

1. History of the storm events that created the problem and moved the flow line of the gulley, was not Mr. Elli's fault, as it affected everyone's property, but the Town of Middlesex did nothing about it.
2. What we are left with is a problem on our south side, after the Elli's proceeded to redesign the gulley with blatant disregard for neighboring properties.
3. A cluster of (3) oak trees with significant root system were cut out, (1) on my property and the remaining brush was stored on my property which I removed without comment.
4. When clearing the debris from the gulley prior to building the wall, they dug the hard shale down approximately (4) ft., which was way too deep, for the purpose of placing a pipe in. They also straightened the gulley significantly which had been a meandering stream in order to build the new retaining wall the way they wanted. The current path funnels straight to the road and has moved a foot to 12 ½ inches my way to the south. The last post of the retaining wall is currently 2.5 inches on my property line.
5. Contractors seemed to be working without any supervision from Scott Hartar, although I feel Mr. Sterling did a better job than the first contractor.
6. They didn't get all of the old retaining wall out when they took the culvert pipe that clogged out. They placed the new steel retaining wall in front of the old wall.
7. Town Engineers Lu Engineers, Inc. have been onsite and reviewed the work and now recommend cutting further into my side of the gulley by 8 ft. to reshape the gulley to its' original shape. I feel there has been little ground collapse on my side of the gulley and I believe it will refill naturally in time.
8. It is my opinion that Mr. Elli intentionally moved the retaining wall and gulley's path in order to gain more driveway space between the gulley and his house.
9. My septic is bound to the south by the stream. To comply with Town setbacks, I will now lose 10 ft. in the septic area due to the reshaping of the stream's path.

Agent/Lawyer Mr. Dan O'Brien, representing owner Mr. Elli, offered the following information for Board review:

1. The Town offered his client the choice to accept the estimate from Lu Engineers' site visit review or withdrawal of the application which needed Site Plan Review by the Board to proceed, so we chose to pay for the review and now have (5) recommendations to accept, proceed and pay for, but need approval to do so from the Gillilands prior to proceeding.

2. After two devastating storm events and neither town nor neighbors willing to help, Mr. Elli decided to hire a contractor to clean out the gulley without a permit and placed a culvert in to protect further erosion to the embankment, already only 2 ft. space from the house foundation.
3. The first contractor removed old railroad tie retaining wall and a conduit pipe that was not working. The gulley had filled in with shale, so he removed debris before another storm event occurred.
4. The Town placed a Stop Work Order on the Site and required a Site Plan Review prior to permitting which was a lengthy process, so we decided to proceed without a permit. After legal advisement, we did file a Site Plan Application.
5. Mr. O'Brien stated his client Mr. Elli's complaint in the Planning Board's process in receiving a Lu Engineer Review dated 5/22 on the previous Sunday.

After a lengthy Board review of the new information offered and further legal advisement from Town Attorney Ms. Alaine Espenscheid, the Board offered the following options for Mr. and Mrs. Neal Elli:

1. Submit a new Site Plan alternative which complies with Lu Engineer's recommendations as submitted on June 19<sup>th</sup> review letter.
2. Submit an alternative Site Plan that Lu Engineer will endorse that will not negatively impact Mr. Gilliland's property to the south.

The Board's concerns which were also supported by the Code Officer, Ms. Kane is the narrowing of the gulley at the end nearest the road and lake. This narrowing in a major storm event such as this property has seen twice in the past could become a threat to the Town's road and lake.

Chairman DeVinney stated he would like to offer some resolve by allowing Mr. Elli and Engineer Scott Hartar to come up with an alternative plan to include the least impact to Mr. Gilliland's property and alleviate his concerns without the need for further civil action. The Planning Board would expedite an agenda placement for Site Plan Review as soon as it was reviewed by Lu Engineer.

The Planning Board with counsel agreed to accept an alternate plan once submitted, to send it to Lu Engineer for review and to expedite a review between Mr. Elli and Mr. Gilliland to resolve this application's gulley situation.

Code Enforcement – Applications for advisement on Site Plan Review Process:

1. Parcel with an existing Barn structure that owner requests installation of a self-contained personal Solar Panel System to be installed by NYS Electric Underwriters. Stamped Engineering Plans were submitted on the structure. The system has a grounding rod and tie back and the utility used would be NYSEG. Ms. Kane cited Sec. #402, Sched. ID, #8/ Utility & Miscellaneous Uses from our Zoning Ordinance as the restricting regulation.  
After a short discussion, Town Attorney Alaine Espenscheid informed the Board that this section was written with the intent for commercial, not personal uses so therefore this regulation did not apply; therefore the project would not need site plan review.
2. Engineer's stamped plans for a project on Mr. Ronald Papa's property was given to Board Members St. Lawrence, Mincer and Chairman DeVinney prior to the Site Plan Application's submittal and will be placed on the agenda at the time of receipt.
3. An application for a stone retaining wall by Mr. Bob Fladd was determined needing Site Plan Review due to the wall's height and length details.



4. An application for a new single family residence at 556 East Lake Road, on Lot 1 will be submitted for future Board review once plans and application are received by the Code Office.

Chairman's Report:

The 2013-2014 Budget Proposal for the Planning Board is due on August 16<sup>th</sup>. The Board discussed the following areas to consider: Audio Taping System – digital; Training Work Shop & Presentation Costs, Board Members Stipends and Clerk's hourly expenses.

Next meeting agenda: August 21: Identify areas in Master Plan that needed Board review prior to opening resource work to the community. Re: Questionnaires etc.

Chairman DeVinney offered a motion to adjourn. A second was provided by Board Member Mincer and all present voted in favor. The motion carried. The meeting adjourned at 8:45pm

Draft Minutes submitted by L. Lersch/revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)  
Minutes approved on September 4, 2013

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes - July 3, 2013 7pm

Board Members Present: Marty DeVinney, Chair; John Gilbert; Lynn Lersch; Robert Mincer; Dawn Kane, CEO

Others Present: Mr. Donald Miller, Mr. James Spelman, Mr. Soumen Das, Mr. Huttar, Mr. Rocco Venezia

Agenda: Site Plan Reviews for Application #03113-SPR/ Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent, Mr. Don Miller, requests Site Plan Approval to construct an addition to an existing dwelling; Application #052013-SPR/Mr. William C. Johnston of 44 East Lake Road., (LR) represented by agent, Mr. Douglas Miller, P.E. requesting Site Plan Approval to construct a personal tram on his property from Cliffside to shoreline. Installation by Marine Innovations; Application #070113-SPR/ Mr. James Spelman requests Site Plan approval for the construction of a single family residence at 6366 Glenn Avenue, Middlesex, (LR) on Tax Map ID #11.74-1-12.3; Application #060113-SPR/Mr. & Mrs. Soumen & Margaret Das of 556 East Lake Road, Lot #2, (LR) requesting Site Plan Approval to construct a set of stairs from shoreline to pathway access; Application #062613-SPR/ Mr. & Mrs. Bill & Sally Sanford of 5960 Widmer Road (LR), requesting Site Plan Approval to construct a 16 x 44 ft. addition to a pre-existing and non-conforming 2 story cottage. (LR)

Meeting came to order at 7:09pm

Chairman DeVinney opened the floor for Site Plan Reviews mentioning that Mr. William Johnston's application would be rescheduled in August, due to late submittal of requested documentation to complete application's final determination. DeVinney introduced Ms. Kane, CEO to summarize to the Board the following applications for site plan review:

Old Business:

1. Application #03113-SPR/ Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent, Mr. Don Miller, requests Site Plan Approval to construct an addition to the owner's seasonal dwelling. The septic upgrade was approved by Mr. George Barden, Canandaigua Watershed Inspector. Ms. Kane stated it was level land and was compliant with current zoning.

Chairman DeVinney asked the Board for further discussion.

A SEQRA review, as required under the State Environmental Quality Review Act, was determined to be a Type II action based on the supporting documentation provided, therefore needing no further action.

Chairman DeVinney entertained a motion to approve the application as presented. Board Member Mincer made the motion which was seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

2. Application #070113-SPR/ Mr. James Spelman requests Site Plan approval for the construction of a single family residence at 6366 Glenn Avenue, Middlesex, (LR) on Tax Map ID #11.74-1-12.3.

Code Enforcement Officer Kane summarized the prior history of the Spelman Limited Partnership, stating the parcel was granted a Special Use Variance on June 4<sup>th</sup> to allow Mr. Spelman an opportunity if approved by Site Plan Review, to construct a second single family residence on 6366 Glenn Avenue. This application is a request for approval to construct a 2 story dwelling in the footprint of an existing garage on the property that was in need of repair. Mr. Spelman purchased a strip of land on the north boundary to alleviate any setback issues. The septic has been engineered and approved and the application meets all current requirements of our zoning code.

Mr. Gilbert inquired how far from the shoreline was this construction and was informed that it was 300 ft. away from the lake. The finished height would be no more and probably less than 35 ft. which is compliant with current code.

After no further discussion, Board Member Mincer moved to approve the application as presented. Mrs. Lersch provided a second. The motion to approve carried with all Board Members that were present, voting in favor.

A SEQRA review for this parcel was completed October 17, 2012. It was determined to be a Type II Action with no further action required by the Board.

New Business:

1. Application #060113-SPR/Mr. & Mrs. Soumen & Margaret Das of 556 East Lake Road, Lot #2, (LR) requesting Site Plan Approval to construct a set of stairs from shoreline to pathway access.

Ms. Kane summarized to the Board details of the application, stating this had come before the Board combined with a request to build a permanent dock. Without submitted construction documentation on the set of stairs, the application could not move forward. The Board approved the permanent dock and now the stairs are ready for site plan review. Ms. Kane introduced owner, Mr. Soumen Das.

After a review, the Board held a short discussion on how the installation would be sequenced and how the stair footers would be placed into the ground and shallow bedrock. Mr. Das stated that Mr. Fields would be the contractor and would have these details. Without his agent in attendance, the Board moved to place conditions on the application to be resolved by the Code Enforcement Office prior to permitting. The following conditions apply:

- Stair footers holes to be hand-dug.
- Shoreline silt fence to be located & maintained at shoreline as well as noted on Site Map.
- Submit written construction sequence to the Code Office stating how equipment will be brought onsite, and rebar will be placed into shale bedrock at cliff.

A SEQRA review, as required under the State Environmental Quality Review Act, was determined to be a Type II action, based on the supporting documentation provided, and needing no further action.

Chairman DeVinney made a motion to approve of the application with conditions as discussed. Board Member Gilbert provided a second and the motion carried with all Board Members present voting in favor.

2. Application #062613-SPR/ Mr. & Mrs. Bill & Sally Sanford of 5960 Widmer Road (LR), requesting Site Plan Approval to construct a 16 x 44 ft. addition to a pre-existing and non-conforming 2 story cottage. (LR)

Ms. Kane summarized the application to the Board Members, stating that there was a recent change to the dimensions of the addition. The Site Plan showed the addition to be 16 x 44 ft. and this has been increased to 16 ft. x 52 ft. (a maximum of 8 ft. on the south side of the proposed addition.

After a short discussion, the owner Mr. Sanford explained that there used to be a trailer where the addition would be constructed. There is a 10 ft. space between the pre-existing trailer and a retaining wall structure, which would be used with the expansion of the addition. He also stated that the land is flat where this trailer is located and there is an existing shared driveway. Mr. Sanford has hired Mr. Steve Faulkner to excavate the trailer and all spoils would be hauled offsite to Penn Yan.

Agent, Mr. Rocco Venezia stated that an existing drain that serviced the trailer would be relocated once the trailer was demolished.

Board Member Gilbert inquired of the location of the existing setback which was right on the neighbors' property line to the north. Ms. Kane stated all current setbacks are pre-existing and therefore are grandfathered in. The Miller property to the north is currently vacant land with 100 ft. of shoreline.

Chairman DeVinney proposed to the Board that they could defer determining the application until the site plan was revised. Code Enforcement Officer Kane stated that the Board could also approve the application with conditions which she would oversee in the Code Office prior to permitting. Mr. DeVinney stated he would acquiesce to this decision with the board's approval; however he would also like to run the application past Board Member St. Lawrence for review prior to this step.

Board Member Mincer moved to approve with the following conditions:

- Submit an erosion plan stating where site drainage will daylight to.
- Addition to site map of appropriate placing of silt fence to control onsite erosion.
- Note dimension change of the addition on site map to show an increase from 16 x 44 ft. to 16 x 52 ft.

Chairman DeVinney seconded the motion which carried with all Board Members present voting in favor.

#### CEO/Chair Report:

Code Enforcement Officer Kane brought an application on advisement to the Planning Board for review. She introduced owner Mr. Huttar, who owned property at 5090 State Rte. #245, Tax Map ID # 23.02-1-13, and had come to her requesting a permit to build a 3 bedroom Single Family Residence on the property. There was an existing Pole Barn that had been previously permitted. She advised the Board that all requirements by current code had been met; the project had engineered stamped plans, septic approval, an existing driveway and a construction sequence for the project. The land had a natural berm and an existing ditch for drainage. Referencing Site

Plan Review requirements, that seemed to be already met, it was her request to inquire if this application could be waived through the Planning Board Review process and be monitored and permitted through the Code Office without Board review.

Board Member Mincer moved to allow this application to be waived from Site Plan Board review and Board Member Lersch seconded the motion which carried. All Board Members present voted in favor.

Further discussion on upcoming/outstanding applications were updated to Board Members. Ms. Kane requested of Board Members to work on a Planning Board recommendation to address the current outstanding Elli/O'Brien application of property at 1091 South Lake Road.

Mid-month agenda:

The Planning Board will meet on Tuesday, July 23<sup>rd</sup> with Environmental Lawyer Wendy Marsh to discuss Steep Slope Draft Law revisions and future work to include known County, Resident and Town comments/concerns derived from a previous work session last January. Board Member Lersch will send a summary of this to Board Members and from which our recommendation for future revisions could be derived to send to Ms. Marsh.

A motion to adjourn was offered by Board Member Lersch and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 9:03pm

Draft Minutes submitted by L.Lersch/revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)

Minutes Approved on August 7, 2013

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Work Session

Draft Minutes – June 19, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Ms. Dawn Kane, CEO; Mr. William C. Johnston

Agenda: Application #052013-SPR/Mr. William Johnston of 44 East Lake Rd., requesting Site Plan approval to install a personal tram from cliffside to shoreline; Work Session agenda – Master Plan Draft Outline – Zoning Law Amendments; Steep Slope Draft Law Revisions

Meeting came to order at 7pm.

Chairman DeVinney updated the Board stating that Mr. Johnston’s application was being reviewed at our Board’s Work Session, in order to expedite the applications’ determination. Conditions were placed on the application at our last meeting which included the following:

- Notation on plans that no excavation equipment will be used in the installation of this personal tram. All pilings will be hand-dug and any equipment used shall be hand-carried down cliffside.
- Notation on plans of detail on construction of top and bottom landings stating dimensions, how affixed to ground, and distance from High Mean Water Mark.
- As built plan required at project completion. Photographs during installation are recommended.
- Emergency Evacuation Plan to be submitted to Jason Bassett, Middlesex Hose Fire Chief with appropriate address and location on parcel for reference in the event of an emergency as required in Local Law #5 of 2008 for the installation of trams.
- Construction Execution plan narrative on Mr. Douglas Miller’s Letterhead. An email from Marine Innovations clarifying the process from an erosion/environmental reference of how installation equipment will be brought onsite from cliffside to shoreline.
- Erosion Control Plan showing silt fence at shoreline as required.

Board reviewed documentation from Marine Innovations stating installation process of tram. Also reviewed were submitted pictures of the manufacturers typical tram landings that will be installed on the Johnston property as part of Phase II of the development.

Chairman DeVinney inquired of the status of the outstanding conditions. Owner Mr. Johnston responded with what information he had received from agent Mr. Miller and from Tram Manufacturer, Marine Innovations.

After a short discussion, it was agreed that more information was needed from an erosion control/environmental standing rather than from a mechanical basis as was submitted. The criteria from a Planning Board perspective did not include how the tram would be put together, rather how the tram would be impacting the cliff and land during the installation process. For example, if cement was being used, we required knowledge of how materials, manpower and tools would be propelled down the cliffside to the shoreline.

Board Member St. Lawrence stated that since the landings would be constructed by another contractor other than Marine Innovations and most likely after the tram was installed, (2) permits would be appropriate, breaking the application into (2) phases. Phase II would involve the detail of the two landings, stating landing material, dimensions used and an explanation of how the landings would be excavated and affixed to the ground.

The Board moved to again review the application at our next scheduled meeting in August, or if the information was received sooner, the Code Office could accept the prescribed conditions to resolve in the permitting process. Any material sent to Ms. Kane would be forwarded to Board Members as it was received. Board Member Mincer moved to approve as presented, and Board Member Gilbert provided a second. The motion carried with all Board Members present voted in favor.

#### Planning Board Work Session:

Chairman DeVinney updated the Board on progress of the Master Plan and the need to bring the process to the community for their review and comment rather than expedite the process to accommodate current needs for changes to our Zoning Law.

Chairman DeVinney also introduced an opportunity to meet with our Town Lawyer and Environmental Lawyer Wendy Marsh to discuss options available in the process of revising the draft Steep Slope Law. The goal would be to incorporate comments and concerns from residents, the Watershed Council, Yates County Planning Board and our Town Board to bring it to a final draft. Funding was discussed as was the opportunity to have an outside source facilitate a Public Hearing prior to a 3<sup>rd</sup> review by the Yates County Planning Board.

A 6 month Moratorium on Development of Steep Slopes in the Town of Middlesex was discussed by Board Members. A motion was made by Board Member Gilbert to contact the Town Board in reference to the possibility. Board Member St. Lawrence seconded the motion.

Chairman DeVinney encouraged the Board Members to update their annual training and commented on the NYS Federal Training in July would be an excellent one to register for.

Code Enforcement Officer Kane updated the Board on current outstanding applications.

After a short discussion, Board Member Lersch made a motion to adjourn the meeting and Board Member Gilbert seconded the motion which carried when all Board Members present voted in favor.

Meeting adjourned promptly at 8:35p.m. Draft Minutes were submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes were approved on August 7, 2013

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – June 5, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Ms. Dawn Kane, CEO; Mr. William Johnston, Mr. Douglas Miller, P.E., Mr. Dean Ellison

Agenda: Application #052013-SPR/Mr. William Johnston of 44 East Lake Rd. (LR) represented by engineer & agent Mr. Douglas Miller, P.E., requesting Site Plan approval to install a personal tram from cliffside to shoreline; Application #03113-SPR/Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent, Mr. Don Miller requesting Site Plan Approval to construct an addition to an existing dwelling; Application #052213-SPR/Mr. George Domm of 314 Newell Rd. (LDR) represented by Mr. Rocco Venezia, requesting Site Plan Approval to construct a Single Family Residence and septic on property.

The Planning Board Meeting came to order at 7pm.

Approval of Minutes: May 15<sup>th</sup>

Board Member Mincer made a motion to accept draft minutes from May 15<sup>th</sup> and Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

Chairman DeVinney opened the meeting, with Application #052213-SPR for Mr. George Domm first to be reviewed and noted that Application #03113-SPR/Mr. Agnello, represented by Mr. Don Miller would be rescheduled at a later date, as both agent/owner were not in attendance.

CEO summarized the application for the Board Members and introduced representing Mr. Rocco Venezia, representing agent for owner Mr. George Domm. Mr. Venezia stated the owner was requesting approval to install an OWL manufactured 3 bedroom single family residence on a concrete slab. The foundation would be a solid pour on footers below frost level. Drainage for the site would be piped out to daylight into a gully that handles run-off on the property. Site also includes an approved gravity fed septic and a driveway with a good line of sight site at or under 10% of slope.

After a short review and discussion the Planning Board Members moved to approve the application with the following conditions:

1. Add slope of driveway to map revisions
2. Notation stating existing well on site map is currently abandoned
3. Notations that septic design is currently in approval stage by the Canandaigua Watershed Inspector, Mr. G. Barden.

Board Member offered the motion to conditionally approve the application with a second offered by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

A SEQR was reviewed and determined by the Board Members to be a Type II action which needed no further action.



2. Application #052013-SPR/Mr. William Johnston of 44 East Lake Rd., requesting Site Plan approval to install a personal tram from cliffside to shoreline. Agent Mr. Douglas Miller, P.E. presenting.

Ms. Kane summarized the application to Board Members and introduced agent/Engineer Mr. D. Miller to present the installation details and site plan.

Mr. Miller stated that the personal tram is a model made by Marine Innovations who have a few trams in the area and do a nice job. The length of the tram is 110 ft. with a vertical rise of 125 ft. There will be a 15 ft. landing at the top and at the bottom which will comply with setbacks and the High Mean Water Mark. The pilings for the tram will be anchored into the bedrock at 20 or 25 ft. apart for the full width of the stations on both sides of the track. The tram will adhere to ASME requirements as required by our law. An evacuation plan has been provided for your review. All spoils will be taken offsite, although we don't think there will be much as there is not much topsoil existing on cliff. No trees will be removed. The cliff will be notched creating a rock shelf as needed, using a hand held chipping hammer. All equipment will be battery operated. Utilities will provide power to the tram with a 50 AMP, 240 Bolt line piped through conduit to a box at cliffside where it will eventually be permanently attached. This will not however serve to provide power to the shoreline.

After review, the Board Members requested the following information from Engineer Mr. Douglas Miller on his personal letterhead and/or from the tram manufacturer, Marine Innovations:

1. Notation on plans that only hand-held equipment will be used on Cliffside.
2. Notation on plans of silt fence entire length of shoreline.
3. Construction Execution Plan noting how materials and manpower used during tram installation will be brought to site from East Lake Road or by access from the lake. The Board is particularly interested in how the installation procedures will be impacting the parcel, cliffside and shoreline.
4. Emergency evacuation plan noting tram location on site, address and contact information to be submitted to Fire Chief Jason Basset of the Middlesex Hose Co. Inc., Middlesex NY.
5. Plan close-up detail of top and bottom landings showing dimensions, material, how adhered to ground and to tram showing setbacks and High Mean Water Mark.

Ms. Kane suggested the above documentation to be sent to her office in pdf format and she would forward it to the Board Members. It was suggested that if all documentation has been received the Board would accommodate another review at their mid-month Work Session.

A SEQR will be reviewed once the conditions placed on the application have been resolved for final determination.

#### Code Enforcement Officer Report:

Ms. Kane brought a project by owner Mr. Dean Ellison that was installed on his vacant land without Planning Board review, requesting advisement from the Board, whether they felt Site Plan Review was necessary. She summarized the project as having been installed piece meal through the Code Office, each receiving permits as they were needed. Mr. Ellison owned vacant land on Old Vineyard Road, a pre-existing private road. His septic was engineered by Mr. Grove, approved by G. Barden and installed. Utilities were added after the Fire Dept. gave Mr. Ellison an address. A shed was placed on property with a permit in the Spring. Next Mr. Ellison placed a park model camper, permitted by current code with a 14 day renewable permit. The camper sits on concrete blocks without a foundation and will be lived in for 5 months seasonally. Recently Mr. Ellison added a 550 gallon above ground bladder tank to hold drinking water for the camper. The site meets all current code requirements, setbacks etc; however I am requesting advisement on whether such an installation on a vacant lot should fall under Site Plan Review.

Ms. Kane stated she had contacted the NYSDOH inquiring on the possible harm of sunlight and heat to water potability in the above ground bladder tank. Another concern was the possible need for a screen buffer for the 550 gallon water tank.

Mr. Ellison offered the following code references to justify his installation decisions:

1. Schedule 1 Camping Units refer to #501.3a
2. Site Plan Requirements: #700.3.4.1 exemptions: not listed
3. Water restrictions by the NYSDOH are requirements for new construction only. Hauling of personal water is allowed by NYSDOH.

The Board advised the Code Office that Mr. Ellison's installation, though done incrementally, was within code and therefore did not need Site Plan Review at this time. Mr. Ellison was advised to screen the bladder tank.

Mr. Ellison stated he would install a buffer lattice screen with bushes, so that the tank was not seen from the road. Mr. Ellison inquired of the process for installing a deck to the camper at some future time, and Ms. Kane told him to submit a Site Plan for the deck construction and bring it to the Code Office for review prior to permitting.

#### Other Business:

A Term of Office extension was recommended for Board Member John Gilbert from 2013 to 2018. Ms. Lersch will give the Board recommendation to Town Clerk, Kathy Pelton for placement on the Town Board's Agenda this month. Board Member Mincer offered a motion to approve of this recommendation, and Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

#### Chairman's Report:

The Town Board in conjunction with the Planning Board continues to make progress towards acquiring outside professional assistance in drafting revisions to the current Steep Slope Draft Law to include resident comments and concerns and those from the Canandaigua Watershed Council, and the Yates County Planning Board.

A motion to adjourn was entertained by Chairman DeVinney. The motion was made by Board Member Mincer and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

Meeting adjourned promptly at 9:29pm.

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes were approved on August 7, 2013



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Work Session

Minutes – May 15, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Ms. Dawn Kane, CEO; Mr. Ted Carman

Agenda: Application #041713-SPR/Mr. Donald Tesch of 624 East Lake Rd., (LR) represented by Mr. Ted Carman requests Site Plan Approval to construct a set of stairs at shoreline; Planning Board's mid-month work session agenda to include: Master Plan Draft Outline, Steep Slope Draft Law Update, ZL Amendments that need to be amended to Zoning Ordinance; CEO's Report.

Meeting came to order at 7pm.

CEO Dawn Kane summarized the Tesch application on the table. Mr. Tesch's project was a repair to a deteriorating set of stairs from cliff to shoreline and currently meets all setback requirements. She introduced Mr. Tesch's agent, Mr. Ted Carman who presented the site plan and project details. The stairs would have two landings and would be located to the north side of the parcel. It would follow the footprint of the old set of stairs which would be demolished. Footers would be hand dug with possibly a hand held auger and without excavation equipment onsite and the length would be the shortest distance between the cliff and the lake to provide safe access to the lake. It was the owner's goal to not cut any trees presently standing and the steps would be constructed with the lay of the land. The contractor would be Mr. Jeremy Fields.

After a short discussion, Chairman DeVinney made a motion which was seconded by Board Member Gilbert to conditionally approve of the Site Plan stating that prior to permitting; the contractor would submit a sequence of construction plans stating how he would construct the stairs, specifically if excavation equipment was to be used.

Ms. Kane, CEO brought a proposed project to the Board on advisement on whether or not it needed Site Plan Review by the Board. Mr. Bruce St. Lawrence of 876 S. Lake Rd. wanted to construct a set of dry laid stairs to navigate a steep slope from his house to his back yard and lake access. Ted Collins Landscaping Assoc. was selected to build the stairs. The Planning Board waived the project from needing Site Plan Review because much of the excavation for the stairs would be hand dug and would not be requiring a lot of ground disturbance without footers needed to be placed into the ground.

The Board reviewed the update to the Elli project. They requested Lu Engineer to review the amount of erosion impact to the southern embankment during a major rain event because the placement of the constructed retaining wall was situated close to the boundary line of the gully between the neighboring parcel to the south, which narrowed the gully. The possibility of the embankment requiring more support was in question. The project has been reviewed by the Town Attorney and does not require a zoning variance. Chairman DeVinney questioned whether this project would have future impact to the road due to the reconfiguration of the gully and the proposed culvert replacement at roadside, required in the South Lake Road Engineering Study. Lu Engineer and legal advisement will be sought.

Ms. Kane reviewed applications on next month's agenda and stated that all applications would soon be processed for Board review. She updated the Board on the great site work done at the Allison parcel by the surveyor and the builder who staked and excavated precisely what was discussed at the onsite construction meeting. The Fonzi site on

Widmer Road was relatively stable and the contractor was working hard to finish stabilizing the site with projected rains predicted this week. Updates to the Komarek Application included the filing of an Article #78 in Yates County on May 14<sup>th</sup> against the Town of Middlesex Planning Board for acting in an arbitrary and capricious manner in declaring a Positive Declaration to a SEQRA FEAF on April 3<sup>rd</sup>. FOIA requests from Spindleman Fix and Broitz Law Firm had been received by her office and also by the Town Clerk's office and is currently being reviewed by the Town Attorney.

#### Steep Slope Draft Law Update:

Chairman DeVinney stated that Alaine Espenscheid had inquired of Environmental Lawyer, Wendy Marsh of Hancock Estabrook LLP to provide an estimate of cost for review/rewrite of the current draft into a more compact, and user friendly document. This estimate would be offered to the Town Board for review and analysis. Chairman DeVinney had inquired of the Canandaigua Watershed Council to offer review assistance.

#### Master Plan Draft Outline:

Board Member Lersch drafted a Master Plan Draft Outline of future action steps. She distributed copies to the Board for review and future discussion.

A short discussion followed, referencing an article in the May 23<sup>rd</sup> Canandaigua Daily Messenger referencing Steep Slopes and the recent interest to develop these fragile areas surrounding Canandaigua Lake. The article referenced the pros and cons of such development and reviewed Middlesex's attempt to draft ordinances to regulate what can and cannot be developed based on erosion during storm events, soils analysis, water quality and testing and the impact erosion has on our natural resources. Discussed was the desire to hold a Public Hearing to discuss proposed revisions to the draft law prior to Yates County Planning Board Review.

Registration Forms were distributed to Board Members for a 3<sup>rd</sup> Annual Training Workshop for Local Planning and Zoning Officials sponsored by Yates and Ontario Planning Departments in cooperation with the NYS Department of State Division of Local Government Services. These trainings fulfill annual training requirements.

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member St. Lawrence. All Board Members present voted in favor and the motion carried.

Next month's meeting will bring site plan reviews to the Board.  
Meeting adjourned at 8:45p

Minutes submitted by L. Lersch/revisions to: [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net).

Minutes approved on June 5, 2013.

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – May 1, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Ms. Dawn Kane, CEO; Ms. Susan Allison, Mr. William Allison, Mr. William Grove

Agenda: Application #110812-SPR/Mr. William Allison of 702 East Lake Rd., requesting site plan approval; Application #03113-SPR/Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent, Mr. Don Miller requesting Site Plan Approval to construct an addition to an existing dwelling; Application #04713-SPR/Mr. Donald Tesch of 624 East Lake Rd., (LR) represented by Mr. Ted Carman requests Site Plan Approval to construct a set of stairs at shoreline.

The Planning Board Meeting came to order at 7pm.

Chairman DeVinney opened the meeting, stating that Application #03113-SPR/Mr. Rick Agnello and Application #04713-SPR/Mr. Donald Tesch would be rescheduled at a later date since applicants were not in attendance tonight.

CEO Ms. Dawn Kane updated the Planning Board Members on the current status of the application for Mr. William Allison at 702 East lake Rd., introducing Mr. William Grove, P.E. for the project.

Mr. Grove summarized progress on the application stating the house footprint of 22 x 30 feet has remained the same as previously reviewed. The deck on the western part which previously had an undetermined measurement was clarified to be 6 x 30 feet. A bump-out of 6 ft. on the architectural drawings by Ms. Robin Hargrave had been removed. Also removed was a percolation pit previously mentioned by contractor Mr. Zimmerman, currently replaced by rip rap (crushed 6-12" limestone) within a collection system around the house's footer drain which had been noted on the Site Map revisions. He noted that no gutters or downspouts would be utilized.

Board Member St. Lawrence requested the type and quantity of stone to be noted in cubic yards on the Site Map as well as a detail showing on the site map how drainage (type and quantity of stone such as pea gravel) from roofline would be handled in a 24" swath around the perimeter of the house.

Board Member Lersch inquired of where the spoils from the property would be taken since it was such a narrow lot and space was crucial to making the proposed project fit on the land. It was stated by Mr. Grove that the contractor would be removing all spoils to Clyde NY and additional soil (not taken from onsite) would be brought onsite specifically to be used for the septic.

Ms. Kane requested that stockpiling of any kind would not be allowed on this site while project was being installed due to the area's history of spring rains sometimes reaching 100 yr. storm capability. She also required a construction sequence plan to be submitted prior to permitting, stating a preliminary stake-out of excavation was imperative due to the narrow site, specifically to where footers were to be placed and where the onsite setback boundaries were.

The Planning Board moved to a vote of approval of all resolved conditions stating any requests from the Board and/or the Office of Code Enforcement were to be met prior to permitting and any building commencement.

Board Member Mincer made a motion to accept as discussed and Board Member Gilbert seconded the motion which passed with all Board Members present voting in favor.

Next on the agenda CEO - Ms. Dawn Kane offered to the Planning Board, on advisemen,t a project submitted to the Code Office by Mr. Bruce St. Lawrence of 876 South Lake Road. She distributed the project plans requesting the Board to decide whether the project met criteria for Site Plan Review. After a short discussion, the Board waived the project from Site Plan Review.

Chairman DeVinney updated the Board on progress with the Steep Slope Revisions. Possible revision of the draft law by an outside resource with legal environmental expertise and to include all comments and concerns derived from the January 24<sup>th</sup> work session with the Town Board, residents from the community and representatives from the Canandaigua Watershed Council. Planning Board Members would like to schedule a meeting to discuss possible revisions and steps to moving forward.

CEO Dawn Kane updated the Board that she had received two FOIA from Mr. Komarek's law firm, Fix Spindleman & Broitz for release of a review all zoning/planning files for the following parcels: The Highlands Group of Canandaigua LLC, Mr. Roger Byrd, Mr. Isaac Von Rhedy, and Mr. Vincent Pigula all on East Lake Road.

A permanent dock, constructed by Mr. Fields for Mr. Alesi was installed without any issues. Reconfigurations were received on the site map as requested by the Board. Mr. Alesi decided to remove the boat slip and then added the square footage to the deck. She just needed Chairman DeVinney to sign off on the revisions.

Ms. Kane updated the Board on the Elli/O'Brien project on 1091 S. Lake Road. Legal advisement from Town Attorney Espenscheid precluded that since the present zoning ordinance did not specifically require an area variance for a retaining wall within setbacks, requiring it was not necessary. She stated that an onsite review by the Town Engineer would answer most concerns on possible erosion to the neighboring parcel and the impact to the town road in the event of a storm, without further site work. Board Member St. Lawrence stated he would accompany Lu Engineer and CEO to the onsite review.

Ms. Kane provided Board Members a site update on the Fonzi project on Widmer Road. Mr. Fonzi had hired his 3<sup>rd</sup> Engineering firm after multiple problems getting the site stabilized prior to installing the footers for the foundation of the Single Family Residence into the 83% slope hillside. The original plan using sheet piling to act as a support for the back wall to the concrete foundation, though deemed possible on the engineering plans, however was not successful in practice. Soil Borings scheduled to be done, were not completed according to plan. A new design by a new Engineering Firm is suggesting a pre-constructed footer design to be installed. There were no changes to the approved footprint of the house and all changes onsite have been carefully reviewed by the Code Office. The retaining wall however went in rather smoothly due to the dry spring weather we have experienced. The wall is embedded 40 ft. into the ground for a distance of 20 feet behind the foundation of the house and is currently being backfilled.

Mid-month Agenda: Master Plan Update Outline will be drafted by Board Member Lersch for Board review and discussion of next steps. Applications for June 5<sup>th</sup> Planning Board Meeting were distributed.

A motion to adjourn was made by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

Meeting adjourned at 8:33pm

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes approved on June 19, 2013.



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – April 3, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Ms. Dawn Kane, CEO; Kris Jesmer, Ivan Zimmerman, Burnell Rieff, Shanna Williams, Tom Fromberger, Reuben Ortenberg, Scott Hartar, Eberhard Muechler, Thomas Northrop, Neil P. Elli, Dan O'Brien, Lorin Frye, David Albright, Dan Hackett of Ted Collins Assoc., John M. Mulligan, Jim Ghostlaw of Brooks Construction, Ron Rauscher of Larsen Engineers

Agenda: SEQRA Full EAF Assessment Part 2, 3 for Mr. Andrew Komarek Major Subdivision – East Lake Rd; Site Plan Reviews: App. #020213-SPR: Mr. Neil Ellie, represented by Mr. Dan O'Brien, agent seeking Site Plan Approval for construction of a structure built w/o a permit at 1091 South Lake Road, (LR); Application #110812-SPR/Mr. William Allison of 702 East Lake Rd., represented by Mr. Ivan Zimmerman requesting site plan approval for new construction of a single family residence. (LR); Application #012913-SPR/Mr. Isacc Von Rhedy, represented by agent, Mr. Ron Rauscher requests Site Plan approval to construct a single family residence with attached garage & site improvements to his property on East Lake Rd., Tax Map ID #002-03-1-22, (LDR); Application #03113-SPR/Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent Mr. Don Miller, requests Site Plan Approval to construct an addition to an existing dwelling; Application #030213-SPR/Dr. Eberhard Muechler of 6351 Glenn Avenue (LR), represented by agent, Ms. Shanna Williams, Architect, requests Site Plan Approval to construct an addition to an existing dwelling; Application #030413-SPR/Ms. Lorin Frye of 6362 Robeson Rd.(LR), represented by agent, Mr. Dan Hackett of Ted Collins Assoc. requests Site Plan Approval for shoreline landscaping improvements; Application #030313-SPR/Mr. Burnell Rieff of 217 Bare Hill Road, (AR) requests Site Plan Approval for new construction of a single family residence with attached garage to an existing building.

The Planning Board Meeting came to order at 7:10pm.

Approval of Minutes: February 20<sup>th</sup>, March 6<sup>th</sup>, and March 20<sup>th</sup>

The Board motioned to accept February and March minutes as presented. Board Member Mincer made the motion and Board Member DeVinney seconded the motion. The motion carried with all Board Members present voting in favor.

Chairman DeVinney introduced the meeting's agenda items, introduced Board Members and Attorney Ms. Wendy Marsh, Environmental Lawyer from Hancock and Estabrook of Syracuse, NY who will propose the Board's review of the SEQRA FEAF Process.

Ms. Marsh explained the SEQRA(State Environmental Quality Review Act) Process and the FEAF (Full Environmental Assessment Form) – Part I , completed by the applicant. Part II and III, (*Attachment A*) to be reviewed by the Board as declared Lead Agency with intent to complete a Determination of Significant in accordance with the SEQRA regulations (6 NYCRR 617.7) for the Komarek 4-lot major subdivision of Tax ID # 2.03-1-2, a property with steep slopes located on East Lake Road and located within the Lake Residential Zoning District. The project involves the creation of (4) lots for single family residences and the construction of a private road to access each of the residences. The project requires major subdivision approval, site plan review and a special use permit from the Zoning Board of Appeals for the construction of the private road in the LR District. To prepare for this assessment review the Planning Board requested a review by Town Engineers, Lu Engineer, as well as the Board's current knowledge and research of various impacts to the environment of this area. *Attachment A* also covered Part III of the Assessment which addressed "Project Impacts and their Magnitude." The Planning Board proposed relevant findings for determination with respect to the project to be part of their determination. The Board deemed the Komarek Major Subdivision constituted an "Unlisted Action" and may have significant effects on the environment, some of which the Board deems to be potentially large in nature including some of which they believed could not be mitigated. Hence, the Board prepared to review Part III, in order to evaluate the importance of these impacts. *Attachment B*, a map produced by Yates County Soil & Water as requested by the Planning Board,

was presented as reference to a 'Soils Analysis' of the Komarek property. After due review, consequently, the Planning Board moved to declare a Positive Declaration, *Attachment C*, with respect to the project. The Planning Board further plans to engage in "Scoping" pursuant to 6 NYCRR 617.8 to allow opportunity for public participation. The Board will therefore request for a Draft Environmental Impact Statement to be prepared by the applicant, Mr. Andrew Komarek.

After a short discussion and review of by the Planning Board, and reading of the proposed Resolution to issue a "Positive Declaration" and "Determination of Significant" read into the minutes by Ms. Marsh, the Board motioned to approve as presented with minor changes as discussed. Board Member Gilbert made the motion to approve as presented which was seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor. Ms. Marsh then offered to the Planning Board a document of Resolution of Findings & Determinations with respect to the project. A motion to accept as read with minor changes as discussed was made by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Board Members present voting in favor.

It was declared by resolution that the Planning Board intends to engage in "scoping" pursuant to 6 NYCRR 617.8 to allow an opportunity for public participation which will be submitted to the Planning Board by the applicant, Mr. Andrew Komarek. Ms. Marsh will make all proposed changes and submit a final document to the Board to send out to all interested agencies.

Mr. Rueben Ortenberg, representing Attorney for applicant Mr. Andrew Komarek, requested documentation of the process of the proposal for SEQRA Determination of Significance presented by Ms. Marsh to the Board and such request was duly answered by Town Attorney, Alaine Espenscheid, Ms. Marsh.

A letter was read into the minutes, submitted by Mr. Robert Gunderman a neighbor, referencing concern for the process of development of the fragile land and cliffs, located within Komarek's Major Subdivision on East Lake Road.

#### Old Business - Site Plan Reviews :

1. Application #020213-SPR/Mr. Dan O'Brien, representing agent for property owners, Mr. Neal and Kathy Elli for site plan approval for the construction of a structure built w/o a permit at 1091 South Lake Road, (LR).

Ms. Kane summarized the application for the board and introduced the applicant's agent, Mr. Dan O'Brien who offered a past history to date of the application providing the Board with more photographs for review. Mr. O'Brien advised the Board that the applicant's position was that the retaining wall constructed without a permit in the gully south of the applicant's property was to be considered a "repair" built on Mr. Elli's side of the gully when the old retaining wall deteriorated and the gully suffered two major storm events which greatly impacted the applicant's property and threatened to undermine the existing house foundation in the future. Suggestions from the Canandaigua Watershed were viewed as not a practical solution. Mr. O'Brien submitted affidavits from a structural geo-technical engineer consulted on the project as well as from the contractor who was hired to construct the retaining wall, both of which made positive claims as to the integrity of the wall.

Ms. Kane stated that the construction of the current retaining wall had never been considered a "repair" by the Code Enforcement Office. As constructed, it left the neighbor's property to the south exposed and was positioned within 2 feet of the setback between properties. A Stop Work Order had been issued by the Code Office and professional advisement from the Canandaigua Watershed was sought. An open channel lined with rap-rap was suggested at that time by Mr. Kevin Olvany, and Mr. George Barden, Canandaigua Watershed Inspector; however the applicant chose to install a culvert pipe which clogged and created site damage during a second storm event. In May of 2012, Mr. Scott Hartar, Engineer and representing agent for the project, appeared before the Planning Board seeking Planning Board advisement. At that time, it was advised that Mr. Elli seek Site Plan Review from the Planning Board with a set of complete engineered plans of the proposed work as stated with recommendations from the Board and the Canandaigua

Watershed Council and Watershed Inspector. It was stated by the Board that the culvert pipe currently in place, be removed to allow an open flow channel in case of recurring storm events and submission of the Site Plan as soon as possible to be placed on the next possible Planning Board agenda. The current retaining wall was constructed without a Site Plan Review and without a permit on July 4<sup>th</sup> weekend 2012.

After a discussion, the Planning Board was concerned about water flowing through the gully would now with the new retaining wall as built, impact the vulnerable property to the south and felt the wall as installed needed a variance. This southern side of the gully was now unprotected and may need large rock to slow down the erosion from the flow of water run-off. The Board felt Lu Engineer should review the current status of the project to ascertain what would happen, if left unchanged, there was another major storm event. They also felt advisement on the culvert at roadside would now need an upgrade from its present size or the size suggested by Lu in the South Lake Road Study since it was done prior to the Elli project's installation.

The applicant's agent, Attorney Dan O'Brien questioned the need for a variance and referenced the lack of clear definement in current zoning of structures within setbacks, such as retaining walls and steps.

Chairman DeVinney stated the Board had two concerns which would need advisement from outside resources and so proposed tabling the application until the following was researched:

- a. The appropriate current culvert sizing at roadside
- b. Legal definement of current zoning as it referred to construction of a structure within setbacks.

The application was tabled for future review by the Planning Board or may be heard by the Zoning Board of Appeals in May if a variance request is necessary.

2. Application #110812-SPR/Mr. William Allison of 702 East Lake Rd., represented by Mr. Ivan Zimmerman requesting site plan approval for new construction of a single family residence (LR)

Ms. Kane summarized the application, stating County approval had been given in February. The Code Office had not received requested site plan revisions, yet had received Architectural changes for the application from R. Hargrave. These changes showed revisions to the siting of the footprint approved in March which then signaled a new Site Review by the Board. To date, items requested in March for the missing front porch measurement and explanation for the roofline drainage plan around the perimeter of the foundation had not been submitted. Ms. Kane requested the Planning Board send a letter to Mr. Allison explaining what was requested and suggested applicants attendance in order to present detail on the project.

The Board requested the following to be resolved prior to Board Determination:

- a. A grading plan to show the contours of the land and how water run-off would be managed on site and in particular around the house foundation.
- b. The percolation pit should be noted on the site plan indicating the size, type and quantity of stone used to line it
- c. The size, type and quantity of stone to be used as fill around the foundation to address roofline runoff.

A letter by the Planning Board will be sent to the Applicant stating all outstanding concerns necessary for resolve prior to determination.

3. Application #012913-SPR/Mr. Isacc Von Rhedy, represented by agent, Mr. Ron Rauscher requests Site Plan approval to construct a single family residence with attached garage & site improvements to his property on East Lake Road, Tax Map ID #002-03-1-22 (LDR).

This application was reviewed on March 28<sup>th</sup> by the Yates County Planning Board and determination was conditional on listed items in a letter dated March 25<sup>th</sup> by Mr. James M. Balyszak, District Manager of Yates County Soil and Water. Mr. Rauscher of Larsen Engineers submitted a letter of resolve to Mr. Balyszak dated April 2, 2013 and this letter was noted into the minutes.

The Board revisited the Type II action on the applications' SEQRA Negative Declaration, as required for submission to the County Planning Board for review, and upon final determination, voted to accept it as originally declared without change. A motion was made by Board Member Gilbert and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

After a short discussion the Board Chairman, Mr. DeVinney made a motion to conditionally approve the Application. Board Member Gilbert provided a second and the motion carried with all Board Members present voting in favor. The following criteria must be resolved through the Office of Code Enforcement prior to permitting:

- a. CEO will schedule a Site Visit to acquire confirmation that emergency vehicle access is possible to and from the site.
- b. Site Plan identification and notation of the Item Code for medium stone used for fill.
- c. Submit site map revisions on Drawing PL-1 #2 to note size and type of stone rubble on 1:1 slope.
- d. Advise Yates County Highway Department when construction sequence is timed to begin due to the project being located on a county road.

New Business for Site Plan Reviews:

4. Application #03113-SPR/Mr. Rick Agnello of 940 South Lake Rd., (LR), represented by agent Mr. Don Miller, requests Site Plan Approval to construct an addition to an existing dwelling.

This application was withdrawn from the agenda and will be rescheduled.

5. Ms. Kane, CEO brought a project for Planning Board advisement. Mr. Thomas V. Northrop of 5450 Sunnyside Rd., (LR) requesting to construct modifications to a pre-existing boat structure between the Sunnyside ROW and the shoreline. After a brief review, the Board advised Mr. Northrop that he would need area variances from zoning setbacks for the property, but the site plan, as presented, would not need further Site Plan Review by the Planning Board.
6. Application #031513-SPR/Mr. John Mulligan, of 1129 So. Lake Rd. (LR), represented by agent, Mr. James Ghostlaw of Brooks Construction, seeking Site Plan Approval to construct an addition to an existing dwelling.

After a short review, and several options were discussed with Mr. Ghostlaw, the Board moved to conditionally approve the Application upon resolve of the following conditions, prior to permitting, and by submitting a revised Site Map to the Office of Code Enforcement:

- a. Based on Sect. 302.2 of the Zoning Law, any alteration of a non-conforming building is denied unless the alteration reduces and does not enlarge the degree of non-conformance; then requiring a variance if the Applicant chooses to build outside the existing footprint.
- b. Inconsistencies in the coursework measurements shown on the Site Map must be corrected with notation of how the concrete block will be anchored between the foundation and the existing structure.

Board Member St. Lawrence motioned to approve with conditions as presented and Board Member Gilbert provided a second. Motion carried with all Board Members present voting in favor.

7. Application #030213-SPR/Dr. Eberhard Muechler of 6351 Glenn Avenue (LR), represented by agent, Ms. Shanna Williams, Architect, requests Site Plan Approval to construct an addition to an existing dwelling.

Ms. Kane offered to the Board that the property had been granted two side setback area variances by the Zoning Board of Appeals for the proposed modifications to the footprint of the dwelling.

These variances were for the overhangs of the A-frame style modification on all four sides and a front yard variance for the front porch. It was also noted that all surrounding neighbors to this parcel had written letters of approval to the ZBA in agreement of the proposed modifications.

After a short discussion, Board Member St. Lawrence made a motion to approve the application's Site Plan as presented, which was seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor.

8. Application #030413-SPR/Ms. Lorin Frye of 6362 Robeson Rd., (LR) represented by agent, Mr. Dan Hackett of Ted Collins Associates requests Site Plan Approval for shoreline landscaping improvements.

Mr. Hackett presented the proposed landscaping plans which would include removing existing stairs to be replaced by a combination of natural stone boulders, plantings and a set of three above grade tiered wall around a set of stairs. This combination would combine an aesthetic pleasing product that would stabilize the shoreline property, and also provide a low maintenance product for the owners.

The Board's concern was some type of temporary ground stabilization during high volume traffic periods when heavy truck deliveries of stone were made to the site.

A conditional approval was decided on by the Board for the proposed lakeshore landscaping improvements and remediation of the site after completion. The following conditions were placed on the approval:

- a. Resubmit site plans to add notation of temporary ground stabilization by placing plywood boards on ground for all construction vehicle and equipment traffic.

Determination as motioned was made by Board Member St. Lawrence and seconded by Board Member Gilbert. The motion carried with all Board Members present in favor.

9. Application #030313-SPR/Mr. Burnell Rieff of 217 Bare Hill Road, (AR) requests Site Plan Approval for new construction of a single family residence with attached garage to an existing building.

Mr. Rieff presented his submitted Site Plan along with pictures of the proposed house modifications. Plans were to demolish the existing structure and to construct a new building with attached garage. A proposed swale from the house to the pond would divert all water runoff and setbacks on the 126 acres met current zoning requirements.

Requested by the Board for Site Plan Approval was a letter stating re-siting of the house footprint be added to the original file. Also a copy of the approved septic design, drafted by Mr. George Barden, Canandaigua Watershed Inspector and placement of the 500 gallon tank to be supplied to the Code Enforcement Office once updated.

A motion to approve the Application with above submitted documentation was made by Board Member Gilbert and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

#### Other Business:

Ms. Kane updated the Planning Board that due to heavy development time with the warmer weather, all Applications submitted to the Planning Board to be placed on the next month's agenda would need to comply with strict deadline requirements and would not be accepted unless complete.

Next meeting: Work Session, April 17<sup>th</sup>, 7pm. Discussion on Master Plan Update options

A motion to adjourn was made by Board Member Mincer and seconded by Board Member Gilbert.  
The motion carried with all Board Members present voting in favor.

The meeting adjourned at 10:15pm

Minutes submitted by L. Lersch/Revisions to [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)

Minutes approved on April 17, 2013

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – March 6, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Bruce St. Lawrence  
Others Present: Dawn Kane, CEO, Ms. Debbie Samardjian, Mr. Gary Hoffman, Mr. Soumen Das, Ms. Elizabeth Newbold, Mr. Jeremy Years, Ms. Krista Cowell, Mr. Ron Rauscher of Larsen Engineers, Mr. Rocco Venezia,

Agenda: Site Plan Review

Applications: #012813-SPR/Mr. Carmen Vick of 706 State Rte. #245, represented by agent Mr. Jeremy Years, L.S., #020413-SPR/Mr. Charles & Beverly Reed of 559 & 561 East Lake Rd., represented by Ms. Elizabeth Newbold of the Finger Lakes Trust; #020213-SPR/Mr. Neil Elli of 1091 South Lake Road, represented by agent Mr. Dan O'Brien; #020313-SPR/Mr. Anthony J. Affuso, of 1503 South Lake Road, represented by Mr. Rocco Venezia; #020113-SPR/ Mr. Soumen Das of 556 East Lake Rd. (LR); #012913-SPR/ Mr. Isaac Von Rhedy of vacant land bordering County Road #39, East Lake Road (LDR) represented by agent Mr. Ronald Raucher, P.C. of Larsen Engineers; #110812/Allison – YCPB review & Board determination.

Meeting came to order at 7:03pm

Site Plan Reviews:

1. App. #012813-SPR/ Mr. Carmen Vick, (A/R) represented by agent Mr. Jeremy Years L.s. requesting approval for a Minor Subdivision of 87.488 acres on parcel located at 706 State Rte. #245. (A/R) Map revisions were pending showing criteria required from Board at February 6<sup>th</sup> Planning Board Meeting.

After a short discussion, and reviewing all submitted revisions requested at the February 6<sup>th</sup> Planning Board Meeting, the Board moved to approve the Minor Subdivision as submitted. Chairman DeVinney entertained the motion which was seconded by Board Member St. Lawrence and all Board Members present voted in favor.

The Board then completed a SEQR assessment of the project, stating it to be a Type II action and declaring that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member St. Lawrence made a motion to accept the negative declaration and Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

2. App. #020413-SPR/Mr. Charles & Beverly Reed of 559 East Lake Rd., (LR & LDR), represented by Ms. Elizabeth Newbold of the Finger Lakes Trust requests Site Plan Approval for a Minor Subdivision and Lot Reconfiguration of 69 acres with 395 ft. of lake frontage into (3) Parcels. After subdividing, Parcel A will become 1.793 acres, Parcel B will become 1.554 acres and Parcel C will become 65.777 acres.

Ms. Newbold summarized to the Board that it is the intent of the Finger Lakes Trust to purchase the parcels currently owned by the Reeds, to become a conservation land purchase by the Land Trust, eventually reselling the two existing homes with approximately 1.5 acre lots to private buyers. The Land Trust will ultimately convey forested acreage on the east side of East Lake Road to the NYSDEC as an addition to the State Unique Area which it currently borders, while retaining the lakefront parcel, which it intends to manage as a public conservation area, to be part of a proposed Canandaigua Water Trail with public access provided for recreation purposes.

Ms. Kane, CEO stated to the Board that this Application would need to be reviewed by the County Planning Board and also to obtain (2) Area Variances from the Zoning Board of Appeals prior to Planning Board determination. For these reviews, it was requested that the Planning Board submit a recommendation that could follow the applications to these Boards to expedite the process.

As lead agency, the Planning Board completed a SEQRA determination of Negative Declaration as a Type II Action. It was determined that the proposed action will not result in any significant adverse environmental impacts, and in fact harmonizes well with the Town's Master Plan. Chairman DeVinney entertained a motion to accept the negative declaration and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

After Board review, the application was given conditional approval, pending Yates County Planning Board review on March 28<sup>th</sup>, and the granting of (2) variances by the Town of Middlesex Zoning Board of Appeals on April 2, 2013. Board Member St. Lawrence made the motion to conditionally approve as stated and Board Member Gilbert provided a second. Final Determination will be made at the regularly scheduled Planning Board meeting on April 3, 2013.

3. App. #020213-SPR/Mr. Neil Elli of 1091 South Lake Road (LR), represented by agent Mr. Dan O'Brien, requests Site Plan Approval for construction of a retaining wall and site development without a permit. This application was withdrawn from the agenda and will be rescheduled.
4. App. #020313-SPR/Mr. Anthony J. Affuso, of 1503 South Lake Road (LR), represented by Mr. Rocco Venezia of Venezia & Assoc. requesting Site Plan Approval for the construction of a 720 sf permanent dock at shoreline. Mr. Venezia presented the application regulated by the UDML. Ms. Kane, CEO stated the application met all current zoning requirements. After a short discussion, the Board determined the application was complete, meeting all UDML and Site Plan Review criteria.

A SEQRA review was completed with the Planning Board declaring the application was a Type II Action. It was determined that the proposed action will not result in any significant adverse environmental impacts, and Chairman DeVinney entertained a motion to accept the negative declaration and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.



A motion was made by Chairman DeVinney to approve the application as submitted. Board Member Gilbert seconded the motion and all Board Members present voted in favor.

5. App. #020113-SPR/ Mr. Soumen Das of 556 East Lake Rd. requests Site Plan Approval to construct a 700sf permanent dock at shoreline. Mr. Das stated that the proposed stairs shown on the site map would not be part of this review and would be submitted as a separate application at a later time.

Mr. Das, owner of parcel, presented the application regulated by the UDML. Ms. Kane, CEO stated the application met all current zoning requirements. After a short discussion, the Board determined the application was complete meeting all UDML and Site Plan Review criteria.

A SEQRA review was completed with the Planning Board declaring the application was a Type II Action. The Board determined that the proposed action will not result in any significant adverse environmental impacts, and Chairman DeVinney entertained a motion to accept the negative declaration and Board Member St. Lawrence provided a second. The motion carried with all Board Members present voting in favor.

A motion was made by Chairman DeVinney to approve the application as submitted. Board Member Gilbert seconded the motion and all Board Members present voted in favor. The motion carried.

#### Old Business:

1. App. #012913-SPR/ Mr. Isaac Von Rhedy, owner of vacant land bordering County Road #39, East Lake Road (LDR), Tax Map ID # 002-03-1-22, represented by agent Mr. Ronald Raucher, P.C. of Larsen Engineers.

Mr. Raucher presented new map revisions requested by the Planning Board on February 6<sup>th</sup>:

- Revisit the driveway gradient to meet current Town standards for Private Driveways and access off of County Road #39 to meet County standards.
- Compliance with emergency vehicle access with reference to turn-outs and turn-around as required by Town and State Laws.
- Recommendation to keep site disturbance at a minimum due to steep slopes.

Ms. Kane, CEO stated that the driveway had been determined as pre-existing, after applicant recently submitted a document from past CEO Mr. Welch, stating the driveway was permitted. The driveway, though pre-existing would need to comply with emergency vehicle access standards with appropriate pull-outs, turn-around etc. A site visit to confirm that Emergency Fire Apparatus could access the site, turn around and egress the site would be scheduled.

After a short discussion, the Board requested the following criteria for Site Plan Map revisions prior to Board determination and after County Planning Board Review on March 28<sup>th</sup>:

- Plans need to show Emergency Vehicle Access, with a separate section detail for the second section of the driveway which requires a mid-way pull-out for passing vehicles due to the length of the driveway and the slope gradient.
- Plans to show drainage around retaining wall with type and amount of fractured rock at discharge points to clarify for appropriate contractor installation.

After the Planning Board review, the application was given a conditional approval, pending the receipt of outstanding criteria as requested by the Board and Yates County Planning Board Review on March 28<sup>th</sup>.

2. App. # 110812/Allison of 702 East Lake Road, (LR) requests Board approval after YCPB 2/28 review.

This application received a recommendation for approval from the Yates County Planning Board on February 28, 2013.

Board discussion reviewed a request on February 6<sup>th</sup> Planning Board Meeting that the Board would conditionally approve the application pending YCPB review on the 28<sup>th</sup> of February. Since the Board was only citing approval on the footprint of the house, the motion to approve was rescinded to request the applicant to provide map revisions to show clearly how drainage flow would be managed around the foundation.

It was requested that once the house plans were finalized, Mr. Allison would submit these revisions to the Code Office and the Board would expedite the application for final review and determination.

Next meeting Agenda: Steep Slope Revisions (Draft 8/20) with Comments & Notes from 1-24 Steep Slope Work Session

A motion to adjourn was offered by Chairman DeVinney and Board Member Gilbert seconded. All Board Members present voted in favor.

Meeting adjourned at 9:32p.

Minutes submitted by L. Lersch/revisions to : [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)  
Minutes approved on April 3, 2013

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – February 6, 2013 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Dawn Kane, CEO, Mr. Bill Allison, Mr. Jeremy Years, Ms. Debbie Samardjian, Mr. Gary Hoffman, Mr. Bill VanAlst, Mr. David Love, Mr. Boud Kuenen, Ms. Kris Jermaz, Mr. William Grove, Mr. Ted Carman.

Agenda: Site Plan Reviews:

Applications: #110812-SPR/Mr. William E. Allison of 702 East Lake Rd.,(LR); #012813-SPR/Mr. Carmen Vick, of 706 State Rd. #245 (A/R),represented by agent, Mr. Jeremy Years; #013013-SPR/Mr. Boud Kuenen of 1513 So. Lake Rd. (LR); #012513-SPR/Dr. O’Connell and Ms. Avice O’Connell of 1492 So. Lake Rd., (LR) represented by Mr. David Love, agent; #012913-SPR/Mr. Isaac Von Rhedy owning property bordering East Lake Rd. (LDR); #060612-SPR/Mr. & Ms. David & Lori-Farr Rusin of 1217 South Lake Rd., represented by agent, Wendy Meagher of Meagher Engineering.

Meeting came to order at 7:05pm

Board Approval of the following Planning Board Draft Minutes for: Dec. 5, 2012, Jan. 16 and 24, 2013. Board Member Gilbert made a motion to approve Dec. 5<sup>th</sup> minutes as submitted; Jan. 16<sup>th</sup> minutes with slight revisions as discussed; and Jan. 24<sup>th</sup> Work session minutes as submitted. Member St. Lawrence seconded the motion and all Board Members present voted in favor.

Site Plan Reviews:

1. Application #110812-SPR/Mr. William E. Allison of 702 East Lake Rd. requests Site Plan Approval for new construction of a single family residence in the (LR) zoning district.

The Board had previously requested legal advisement on whether the raised bed septic design on Mr. Allison’s property would be considered a “structure” and therefore be regulated by setback requirements. Mr. Allison’s septic design is within 10 ft. of the boundary line and could possibly need a 5 ft. side setback zoning variance before Planning Board determination.

Ms. Kane, CEO stated that upon legal advisement from our Town Attorney, and a discussion with the Watershed Inspector and NYS DOH, it has been determined that under the authority of NYS Law/Appendix 75-A that unless a raised bed septic system has a proposed retaining wall structure, the mound of dirt in itself is not considered a structure to be regulated by zoning unless it is specifically stated as such in the Zoning Ordinance of the municipality. She also stated that the 3-4ft. elevation of the raised bed has been designed to keep drainage impact away from neighboring parcels.

This application is pending Yates County Planning Board review on February 28<sup>th</sup> based on the parcel's proximity to County Road, #39/East Lake Road, and to criteria of steep slopes and Lake Residential Zoning District status.

The Board questioned whether the Watershed Inspector had approved the design and Mr. Allison replied that Mr. Barden had been onsite twice and has seen the drawings submitted to the Board as well.

After no further discussion, the Board completed a SEQR assessment of the project, stating it to be a Type II action and declaring that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member St. Lawrence made a motion to accept the negative declaration and Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor.

The Board moved to conditionally approve the application, pending County review and recommendation to approve. This motion was made by Board Member Mincer and seconded by Board Member St. Lawrence. Before the Board voted on the motion, a discussion by the Board resulted in rescinding this motion which was on the floor.

The discussion referenced a question raised by a neighboring parcel owner about the building and its foundation. Since the Board was approving the citing of the building footprint without seeing the house plans, it was important to review the drainage calculations around the foundation to assure proper drainage at the top of the embankment, flowed away from the house foundation.

Mr. Allison stated the foundation would be a walk-out basement which would be facing to the north.

Ms. Kane, CEO stated that once the house plans were finalized, it would be best to come back to Site Plan Review for Board determination at that time. Storm water calc flows from the foundation and the roof run-off were important considerations to review for all parties involved.

The Board made a motion to give a conditional approval to the application pending outstanding criteria requested and Yates County Planning Board review on 2/28. Board Member Gilbert made the motion and Board Member St. Lawrence provided a second. All Board Members present voted in favor.

2. App. #012813-SPR/Mr. Carmen Vick, of 706 State Rd. #245 (A/R), represented by agent, Mr. Jeremy Years, L.S requests lot line reconfiguration of 87.488 acres.

Ms. Kane summarized the application stating that it complied with all current zoning requirements.

Mr. Jeremy Years stated that his client wished to separate 1.029 acres to include the house as Lot 1-A.

Board Member Gilbert questioned the side setback referencing the deck off of the house did not meeting a rear setback of 30 ft. in AR District. Board Member St. Lawrence requested that the septic placement be shown on plans, and side setback boundary to the entrance of the driveway.

The Planning Board recommended site map revisions to indicate all requested criteria and resubmitting them in March. Mr. Years agreed and will comply asking to be placed on the March agenda.

3. #013013-SPR/Mr. Boud Kuenen of 1513 So. Lake Rd. (LR) requesting Site Plan Approval for the construction of a set of stairs at shoreline constructed without a permit.

Ms. Kane summarized the application stating that in July she had issued a Stop Work Order on Mr. Boud's project and asked for applicant to have a licensed NYS Engineer review & stamp his project plans providing a letter of approval to the Code Office prior to placement on the Planning Board agenda for Site Plan Review, because of its close proximity to the shoreline. To date, her office had received (2) letters from Mr. Robert Wigley, P.E stating that the structural framework was pre-existing and the proposed project plans to repair it would safely support the 16 stairs and deck above on the same footprint and without new ground disturbance.

Mr. Kuenen explained that he replaced new doubler posts to the southeast corner, and the stairs which have railings added to them, were anchored to the ground at the top, however the bottom of the stairs are not attached to the ground, providing movement when necessary with its close proximity to the HMWL. The stair stringers with risers were made with (3) 2"x12"'s. The railings will be built to code with 4"x 4" at 6" spacing with 4 on 5 vertical stiles. There is no increase in deck space and all is within existing footprint. He had still to add diagonal bracing to the framework to complete the project.

The Board requested that Mr. Kuenen provide the Code Office with an "as-built" copy of the project and letter from Engineer, Mr. Wigley, P.E. stating that the completed project is safe and completed as per plans.

The Board agreed to complete a Type II SEQR assessment, giving the application a conditional negative declaration, pending supporting outstanding criteria. The Board stated that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member Mincer made a motion to accept the conditional negative declaration and Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

The Board voted to approve the application, pending an “as-built plan” submitted to the Code Office from Structural Engineer, Wigley at project completion. Board Member St. Lawrence so moved with Board Member Gilbert providing a second. Motion carried with all Board Members present, voting in favor.

4. Application #012513-SPR/Dr. O’Connell and Ms. Avice O’Connell of 1492 So. Lake Rd., (LR) represented by Mr. David Love, agent requests Site Plan approval to construct an enclosed porch addition to an existing seasonal dwelling.

Ms. Kane summarized the application stating that the parcel, house and driveway were pre-existing and non-conforming and met all current zoning requirements for the LR District; however due to its close proximity to the lake, she had brought the project to Board Site Plan Review. The southwest corner of the proposed addition sits on the edge of their driveway making it a tight fit for emergency vehicle access even before proposed plans. Upon legal advisement from the Town Attorney, it was determined that there is nothing in our Zoning Ordinance that regulates setbacks within parcel boundaries. The enclosed porch is 10 feet off the ground and porch foundation poles will be hand dug with 6” x 6” poles without heavy construction vehicles or vehicle traffic.

The Board completed a SEQRA assessment giving the application a negative declaration as a Type II action and stating the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member St. Lawrence made a motion to accept and Board Member Mincer provided a second to the motion. It carried with all Board Members present voting in favor.

After a short discussion, the Board moved to approve the application as submitted. Board Member St. Lawrence made the motion and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

5. Application #012913-SPR/Mr. Isaac & Mrs. Ann Von Rhedy owning property bordering East Lake Rd. , Tax Map ID #, Tax Map ID #.03-1-22 (LDR), represented by Mr. Ben VanAlst of Larsen Engineers requests Site Plan Approval for new construction of a single family residence with attached garage, and additional site improvements.

Ms. Kane summarized the application as reviewed last November by Mr. Ronald Raucher, from Larsen Engineers, agent for owner Mr. Von Rhedy. The property is located along East Lake Road approximately 3960 ft. south of Town Line Road. The home would include (3) bedrooms. Mr. VanAlst would represent Larsen Engineers with any questions or concerns since the November inquiry.

Mr. VanAlst stated that the septic design was a multi-flow gravity fed aerobic residential system. All water would be treated and gravity fed into a sand bed with total site disturbance to become approximately .50 acres of the 5.52 acre site. Site drainage would limit sheet flow as it drains through wooded areas to the ROW. It is then collected via roadside swales before entering the Canandaigua Lake Watershed. Erosion and water

run-off surrounding the site will be managed by the swales which tie into a 'stilling basin' on both sides of the house which when filled will slow down run-off to the driveway/roadside swales. The sheet flow calculations were based on a 10-25 yr. storm event. There is minimal site clearing with necessary removal of existing grasses within the footprint of the new home and within the septic system as designed. All topsoil stripped will be stored onsite. Check dams and silt fences will be utilized for sediment control during construction. All stabilization practices to be employed have been submitted to the Board. A construction sequence of actions taken has also been submitted with Site Plan and Map detail.

The Board made an inquiry referencing the "existing driveway" on the plans. Ms. Kane stated that she did not have any documentation that this driveway was permitted or established as more than a grassy path that had been graveled at one point to clear the vacant land at the top and would not be currently in compliance with our Town Driveway Laws. Board Member St. Lawrence suggested that it might need a zoning variance based on the slope gradient if greater than 10% and questioned the driveway's- [= setbacks as there appeared to be an "easement located at the first leg" of the driveway. He added that in reference to the plans submitted, the driveway would also need to comply with Standards for Emergency Vehicle Access such as a "turn-out or turn-around" when the driveway is beyond a certain distance from the main road. The Board provided Mr. VanAlst with a copy of the Town of Middlesex Road Standards, Private Driveway/Private Road Regulations that pertained to the Board's discussion.

Another Board inquiry from Board Member Gilbert that in Section B of the proposed plans submitted, the proposed walk-out basement to the house foundation might be better placed following the contours of the land, producing less site disturbance. Mr. VanAlst was shown and advised that the Board was looking to adopt Steep Slope Development Standards of 25-40% for developing on Steep Slopes.

Mr. VanAlst thanked the Board and stated that since Engineer Ron Raucher, P.E. had done most of the plans for the site; he would indeed bring back all of the Board concerns and review them with the applicant for possible revisions.

#### Old Business:

Application #060612-SPR/Mr. & Ms. David & Lori-Farr Rusin of 1217 South Lake Rd., represented by agent, Wendy Meagher of Meagher Engineering.

Ms. Kane summarized the application review has met all design revisions requested after a final Town Engineer Review by Lu Engineers, dated December 26, 2012. It currently meets all Zoning requirements and is ready for the Board's determination after final review. The current owners requested the Planning Board Chairman sign-off on any Site Plan Approval for the determination of approval may be transferred to new owners at the point of property resale.

Ms. Kane, CEO explained to the Board that a Building Permit, issued for development of the property will need to be applied by the new owners, prior to development of the property through the Office of Code Enforcement.. A permit is not transferrable and states an annual time limit.

Without further discussion, the Board determined the application approved and completed a SEQRA assessment stating it to be a Type II action and after review determined that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member St. Lawrence made a motion to accept and Board Member Gilbert provided a second to the motion. It carried with all Board Members present voting in favor.

The Board moved to approve the application as reviewed. Board Member St. Lawrence so moved and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

Other Business:

The Board discussed the SEQRA process as it pertains to its position on the Komarek application. Legal advisement in completing Part II of the EAF is being researched. Chairman DeVinney distributed copies for Board Review of NYS Regulations on Subdivision process and the SEQRA process, Section #617.6.

Resident Gary Hoffman updated the Planning Board on the process of working with Mr. David Slottje in finalizing amendment to the Town's Zoning Ordinance referencing our Moratorium Deadlines and the strength of the intent of our Master Plan. All recommended revisions to our Zoning have now been sent to Alaine Espenscheid, Town Attorney and will be drafted for review by the Town Board soon. Deadlines for Yates County Planning Board are February 19<sup>th</sup> for a 28<sup>th</sup> review. The Town Board will make a review decision at their regularly scheduled Board Meeting on February 14<sup>th</sup> to accept the draft amendments as submitted or to apply for a moratorium for an additional six months. The current Moratorium for Hydro and Gas Fracking will be up on March 27<sup>th</sup>.

Resident Ted Carman had a question for the Planning Board about Site Plan Review process. The Board suggested he start with Ms. Kane as all Site Plan Applications were processed through the Code Office prior to being placed on Site Plan Review Agenda for Board Review.

A motion to adjourn was offered by Board Member St. Lawrence and seconded by Board Member Mincer. All Board Members present voted in favor and the motion carried.

Meeting adjourned at 9:30pm

Minutes submitted by L. Lersch/revisions to: lsammy5@frontiernet.net



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – January 16, 2013 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Dawn Kane, CEO, Wayne Dunton, Eric Ferguson, James Fonzi, Ed Parrone, Alan Knauf, Debbie Samardjian, Gary Hoffman, Dan Hackett, Kris Jesmev, Ted Carman

Agenda: Site Plan Applications: #41112-SPR/Mr. James Fonzi of 5980 Widmer Rd., #122012-SPR/Ms. Betty Ferguson of 64 Bare Hill Rd., #120512-SPR/Mr. Isaac Von Rhedy, represented by agent Mr. Rocco Venezia; #10813-SPR/Mr. Wayne Dunton of 1526 Shay Rd., #110812-SPR/Mr. William E. Allison of 702 East Lake Rd., #121912-SPR/ Mr. Craig Jerabeck of 90 East Lake Rd., represented by agent Mr. Daniel C. Hackett of Ted Collins Landscape Assoc., Inc.

Meeting came to order at 7:08pm

Site Plan Reviews:

1. App. #41112-SPR/ Mr. James Fonzi of 5980 Widmer Rd.,(LR) represented by agent Mr. Ed Parrone of Parrone Engineering and Attny. Mr. Alan Knauf requesting approval for Site Map revisions to Site Development for the purpose of constructing a Single Family Residence onsite. These revisions were reviewed by Lu Engineer on Dec. 26<sup>th</sup> with further recommendations before proceeding to a pre-construction meeting status.

A final review and release from Lu Engineer was received today and submitted into the minutes. This review letter stated that all comments from previous Dec. 26<sup>th</sup> review letter have been adequately addressed.

An onsite pre-construction meeting was scheduled for Thursday, January 17 at 10am with Chairman Mr. Marty DeVinney, Board Member Mr. Bruce St. Lawrence, and Zoning & Code Enforcement Officer - Ms. Dawn Kane as well as representatives from Parrone Engineering - Mr. Paul Parrone, Mr. Steve Faulkner - site construction contractor, Mr. Tim Hughes - foundation construction contractor, as well as owner Mr. James Fonzi.

Short discussion of details covering the following topics were discussed between the Planning Board and owner Mr. Fonzi and his representing agents:

A notation of onsite stockpiling of site spoils; The C-4 drawing referenced indication of possible traffic flow congestion with the site placement of permanent shoring material; what strategy was in place to handle the placement/removal of a temporary waddle during site construction; a need to apply a 2<sup>nd</sup> layer of silt fence onsite in the southeast corner; the nature of slope protection on 2:1 steep slopes with a recommended stone mulch in disturbed areas site specific to utility trenching, as development proceeds; a request to submit to the Code Enforcement Officer, the manufacturer's specifications on the installation of the product known as 'North American Green' rolled grass matting

used for the waddle; scarify and step in the recommended stone mulching on steep slopes at construction entrance in order to keep it from slipping; tie the footer drain of the perforated 30 ft. section so it daylight to keep area clear of excess water in case of a storm event.

Chairman DeVinney asked the Board for any further discussion. There was none. The SEQR Long EAF, previously reviewed and approved by the Board on July 18, 2012 was offered by Chairman DeVinney for final review before determination. After a brief review, the Board stated that all problems had been mitigated to the best extent possible and voted to approve the SEQR. Board Member St. Lawrence made the motion and Board Member Mincer provided a second. All Board Members present voted in favor. Motion carried to determine it a negative declaration.

Chairman DeVinney entertained a motion for Final Site Plan Approval of Site Revisions as submitted. Board Member St. Lawrence made a motion to approve a complete set of drawings indexed as "Final Drawings by Parrone Engineering dated January 9, 2013" as well as all drawings included in this set to include a Table of Revisions dated 1/9/13 as well. Board Member Gilbert seconded the motion on the floor. All Board Members present voted in favor and the motion carried as submitted.

Ms. Kane requested (2) more complete sets as approved for official File folders.

2. Application #122012-SPR/ Ms. Betty Ferguson, represented by agent Mr. Eric Ferguson, requesting Minor Subdivision of approximately 12 acres of property (Tax ID #2.01-1-7.11) at 64 Bare Hill Rd., in the A/R Zoning District into Lot #1 to become 6.881 and 5.229 acres after subdivision.

Ms. Kane summarized that this Minor Subdivision, as submitted, met all current zoning requirements.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor and the motion on the floor carried.

A motion to deem this application for a Minor Subdivision as complete and approved by resolution for County filing was offered by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor. Motion carried.

3. Application #120512-SPR/ Mr. Isaac Von Rhedy, represented by Mr. Rocco Venezia of Venezia & Assoc. for (2) Minor Subdivisions of property at 216 Bare Hill Rd., (LDR) Tax ID # 1.2.03-1-3 is currently 47 acres and would become 42.795 acres after

subdivision. Tax ID #2.03-1-5 currently 2.09 acres would become 5.010 acres after subdivision.

Ms. Kane summarized this Minor Subdivision meets all current zoning requirements and this subdivision, as submitted, will make the parcels more conforming to current zoning.

Mr. Rocco Venezia signed the application and will provide the Code Office with a mylar and two paper prints for Planning Board sign-off of approval at a later date.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member St. Lawrence and seconded by Board Member Mincer. All Board Members present voted in favor and the motion on the floor carried.

A motion to deem this application for two Minor Subdivisions as complete and approved by resolution for County filing was offered by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor. Motion carried.

4. App. # 10813-SPR/Mr. Wayne Dunton of 1526 Shay Rd.(A/R), requests Minor Subdivision of 9.46 acres from his original parcel totaling 58.6 acres to become 49.63 acres after subdivision.

Ms. Kane summarized the application as meeting all current zoning requirements as submitted.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member Lersch and seconded by Board Member Gilbert. All Board Members present voted in favor and the motion on the floor carried.

A motion to deem this application for a Minor Subdivision as complete and approved by resolution for County filing was offered by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.

5. App. #110812-SPR/ Mr. William E. Allison of 702 East Lake Rd., (LR) request Board approval to develop this parcel and construct a new single family residence to be used seasonally.

Ms.Kane summarized the application stating that this parcel is a pre-existing and non-conforming undersized lot with a pre-existing dock at shoreline and a garage on the

parcel. She stated that this parcel had just received (2) area variance requests for 4.5 ft. on both side setbacks where 15 ft. is required in LR Zoning District. This new dwelling will now be positioned with 10.5 side setbacks as currently approved. The septic design was engineered by Mr. William Grove has been approved by both George Barden, Canandaigua Watershed Inspector and the NYS DOH.

Ms. Kane advised the Planning Board that the existing garage faced south and the applicant would be accessing this garage by a grassy path which bordered Mr. Yates property to the north. Mr. Jay Yates had been given an area variance of 3 feet to construct a 9 ft. driveway which has not been completed. Mr. Allison intends to use this garage to park possibly one vehicle and park one outside but does not intend to gravel this access except for temporary construction access purposes.

Mr. Allison stated that it his intent to return the area to grass when construction is complete. Chairman DeVinney stated that it would be assumed that if there exists a garage, that this must be the intended access to your property.

Mr. Allison offered that the house design originally was to be of a manufactured design. This design would now be a stick construction built by Mennonite contractors at some time in the future. Mr. Allison submitted for Board review an original engineered drawing from a previous owner showing larger detail of the site and the previously approved raised bed system.

Board Member Gilbert asked if the raised bed system would be defined, under current zoning, as a structure and therefore need a separate variance for the rear yard property setback of 60 ft. required in the Lake Residential Zoning District.

Mr. DeVinney stated that before the Planning Board could proceed with a determination, further clarification was necessary on whether raised bed septics would be considered a structure. Exact dimensions of this septic system from the rear boundary line would be required prior to determination.

Board Member St. Lawrence recommended that the old plans be reexamined to clarify the actual dimensions to meet current standards if the raised bed septic had in fact not been built.

The Office of Code Enforcement will clarify what is needed after a discussion with NYS DOH.

This application was tabled until additional information was submitted.

6. App. #121912-SPR/Mr. Craig Jerabeck of 90 East Lake Rd., (LR) represented by agent Daniel Hackett of Ted Collins Landscaping Assoc. Inc., requests Site Development Approval for an existing landscape project started without a permit.

Ms. Kane stated she had received a complaint from a neighboring parcel and had asked for review by Mr. Kevin Olvany, and Mr. George Barden due to the steep slopes of the site. After inspection, she determined the Planning Board should review the project before any further work commenced.

Mr. Hackett submitted landscaping plans, using them visually to summarize the extent of the project, its' history and applicant's desire for a landscape upgrade which would include a series of retaining walls with 500- 800lb. boulders, heavy flagstone patio deck and wood steps with railing as well as site debris removal on the site's 13-17% slope. Erosion control would be managed using a Jute mesh on disturbed areas. A "grollo grass" would be seeded on slopes up to 17% and a Curlex Jute Mesh product would be seeded, and stapled on slopes up to 20%. This material is good up to 60% slope until vegetation takes over. Mr. Hackett will also be resetting an existing catch basin to it's proper grade.

Ms. Kane stated that some trees had been removed prior to her review and all existing stumps were required to be left in place. Mr. Hackett stated that his company was not responsible for the tree removal, however he planned on cutting the stumps flush with the embankment and place "grollo grass" mesh over the stumps to provide for site reseedling.

Mr. Hackett stated that all onsite areas disturbed by site development would be supported by an application of jute mesh and seeding with grass fescues to revegetate immediately upon site completion. Also noted, was the construction path from house to embankment followed the existing access road and would be returned to it's original state.

Board Member St. Lawrence requested further information detailing silt fence placement, disbursement pits, type of construction equipment to be used and general site management information as development progresses to completion.

Ms. Kane assured the Board that other than the permitting issue, she had found the site in great shape for erosion control concerns, and was ready for site approval. She would forward owner Mr. Craig Jerabeck a copy of the current Zoning Regulations in effect.

Chairman DeVinney invited further discussion and there was none. He motioned for SEQR review. The Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the negative declaration was offered by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor and the motion on the floor carried.

The Board moved to approve the application as submitted and determined it complete. Board Member St. Lawrence made the motion and Board Member Gilbert provided a second. The motion carried with all Board Members present in favor.

CEO/PB Advisement Review:

Ms. Kane referred to a project that existed on a piece of property that was defined as steep slope in some areas. The project was a proposed garage that met all setbacks and was in a good location on the property. The garage had already been built prior to her review and she requested Board approval to permit. The Board advised Ms. Kane to allow the project to be permitted.

Other Business:

Board Member Lersch advised the Board on findings from a review by the Yates County Highway Supervisor, Mr. David Harman of the proposed Komarek subdivision plans at Parcel Tax ID # 2.03-1-2.1 bordering County Rte. #39, known as East Lake Road. Mr. Hartman was given the opportunity to review both sets of submitted MRB Goup, Inc. plans to qualify for a Special Use Permit. After looking at both site plan options, Mr. Hartman listed his comments and concerns in an email dated January 7<sup>th</sup>. Ms Lersch summarized those comments:

1. County preference for the shared driveway approach vs. (4) separate parking pads built adjacent to the roadway. This is due to safety concerns for residents, motorists, pedestrians and bicyclists using the roadway; however a concern for emergency access at the first radius turn of existing proposed driveway is a major concern.
2. County Capital Improvement project slated for 2014 will include implementation of culvert and ditch re-design, guard rails in steep slopes instead of the current concrete posts, making additional visiting vehicular parking on the existing shoulder difficult once implemented. This could mean vehicles parking on road which would conflict with vehicle flow.
3. (4) lots proposed seems very congested and proposed parking pads with site disturbance involved should be carefully considered by the Town.

Ms. Kane advised the Board that DEC representative Craig Jackson had stated, in reference to the Komarek Subdivision, if approved, the DEC would like one lot to be built and completed with site stabilization before other lots were developed.

Ms. Kane advised the Board and Public Present of a Steep Slope Work Session date change from Jan. 17<sup>th</sup> to Jan. 24<sup>th</sup> from 6-8pm at Town Hall. This work session's intent is to discuss goals and concerns for revisions to the submitted draft of a "*Local Law for the Regulation and Protection of Steep Slopes in the Town of Middlesex.*" Ms. Kane asked for all concerns/discussions relative to this topic be emailed to her office in order to provide appropriate talking points for the meeting. Chairman DeVinney stated that a list of resident comments/concerns received during the review process would be discussed at the meeting.

Resident Mr. Gary Hoffman stated that he had successfully communicated with Mr. David Slottje, Land Use Lawyer who has offered to review and write recommendations

for establishing legal protection in our Local Zoning Law from Hydro & Gas Fracking and Heavy Industrial Uses in the Town of Middlesex. Mr. Hoffman summarized that Mr. Slottje would personally draft a document for these recommended amendments to our Zoning Ordinance to be delivered for Board review soon. Town Attorney, Alaine Espenscheid will draft the amendments to our current Zoning Ordinance.

Town Board Deputy Councilman Wayne Dunton stated that Yates County Planning was holding a forum on January 29<sup>th</sup> for the General Public to discuss the pros and cons for Hydro & Gas Fracking. He also stated that the Town of Middlesex has adopted agreements for Road Repair and Management as well as intended Water Usage.

A motion to adjourn was offered by Board Member Mincer and Board Member Gilbert provided a second. All Board Members present voted in favor. Motion carried.

Meeting adjourned at 9:30pm.

Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on 2/20/2013

**TOWN OF MIDDLESEX**  
**WORK SESSION – Draft Steep Slope Law**

Minutes - January 24, 2013 6-8pm

Town Board Members present: Mr. Robert Multer, Supervisor; Councilmen Dunton, Gerbic, and Paddock

Planning Board Members present: Mr. Martin DeVinney, Chair; Board Members Gilbert, Lersch, and St. Lawrence

Zoning Board of Appeals Members present: Mr. Ted Carman

Code Enforcement Officer present: Ms. Dawn M.E. Kane

Canandaigua Watershed Association Members present: Mr. Kevin Olvany, Program Director; Mr. Stephen Lewandowski, Mr. Ted Carman, and Mr. Martin DeVinney

Public Present: Mrs. Betty Ferguson, Mr. Tom Hansen, Mr. & Mrs. Andrew Komarek, Mr. Tom Fromberger, Mr. Leigh Williams, Mr. Jeff Frantz, Mr. Todd DeVinney, and Mr. Donald Santee

Work session began at 6:15pm

Agenda Topic: Draft Local Law (8/20 rev.) for Regulation & Protection of Steep Slopes in the Town of Middlesex

Planning Board Chairman Marty DeVinney opened the meeting with:

- Brief summary of current aspects of the legal process of “adopting a local law in Town Government
- Brief history of the draft law from a Steep Slope Model Law, recommended by Canandaigua Lake Watershed Council and the Canandaigua Lake Watershed Council Land Use Subcommittee facilitated by the Genesee/Finger lakes Regional Planning Council back in May 2007 providing groundwork for surrounding municipalities on the lake to develop their own laws. Currently, the document under review is the Town’s newest draft Local Law (rev. 8/20).
- Yates County Planning Board’s recent review on 9/27/12 with the following recommendations:

*“The Board encourages the Town to consider how the regulation addresses existing construction versus new construction acknowledging the different needs of the property owner/s i.e. ongoing maintenance needs versus building a new home. The Board suggests the Town hold a public hearing where a professional, well-versed in the subject of steep slopes, present and discuss issues through real-world examples. This will also give the public time, in a forum within the Town, to voice their concerns and work with the Town to develop an ordinance that works for most.”*



A ‘Round Table Discussion’ developed with all individuals present contributing to ascertain “next steps” in drafting revisions to the Draft Law.

Topics of discussion: Town of Middlesex Local Laws that address development on steep slopes; comments and concerns from the Town Board, Yates County Planning Board recommendations; comments and concerns from the Canandaigua Watershed Association; and comments and concerns from local resident letters addressed to the County prior to their September review; comments and concerns from local residents present.

No motions were offered nor votes recorded.

A future date for the next work session will be announced by Public Notice and will be posted on the Town website: [www.middlesexny.org](http://www.middlesexny.org)

The meeting adjourned at approximately 8:38pm  
Minutes submitted by L. Lersch/Planning Board Secretary  
Minutes approved on February 6, 2013

2012

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Work Session Minutes

Wednesday, December 5, 2012, 7pm

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

Public Present: Mr. Gary Hoffman, Ms. Deborah Samardjian, and Mr. and Mrs. Ted Carmen

Agenda: Update on pending applications under review from outside resources:

1. UDML – review of intent of law in reference to pre-existing shoreline cribbing, piers, and wharfs in the total square footage allotment per parcel in the Town of Middlesex.
2. Lu Engineer – new invoice process; App. ##060612, #41112 for Site Plan Review
3. Update on review process – Moratorium Extension for Hydro-fracking
4. Old Business: SEQR for Application #071112-SPR
5. New Application distributed for January 16, 2013 PB Meeting

Meeting came to order at 7:15p

Board approval of November 7, 2012 draft minutes. Board Member Mincer motioned to approve and Board Member St. Lawrence seconded the motion which carried with all board members present in favor.

Ms. Dawn Kane updated the Planning Board on pending applications under review for permits for the construction of proposed permanent docks to be constructed from pre-existing shoreline cribbing, piers or wharfs at shoreline of Canandaigua Lake. Ms. Kane requested interpretation of what the proper allotment of square footage allowed would be on parcels that had these structures at shoreline. She received a preliminary interpretation of the intent of the law from those involved in writing the law, representatives from the NYS DEC, the OGS (Office of General Services) and a consensus of opinion from other code offices in other towns surrounding the lake. From this, Ms. Kane received indication that all felt at this time, an appropriate way to determine square footage allotment on these parcels would be from parcel point to parcel point at shoreline. More work on interpretation of these pre-existing shoreline structures is in process. It is believed that any structure that is positioned beyond the HMWM would be under NY State jurisdiction, leaving everything landside of the HMWM as owned by the parcel owner. It was learned that an exception to this ruling is when the rightful owner has filed the parcel with OGS and has the paperwork to prove it, the property owner has jurisdiction. For the time being, an applicant would have the option to demolish the pre-existing pier/cribbing/wharf and apply for full allotment allowed, or include them in the allotted square footage and consider them a pre-existing “dock”. Ms. Kane stated code officials from surrounding towns around the lake requested a future meeting to discuss setting an appropriate foundation in which to enforce this part of the UDML. Also in order to simplify the process of UDML applications, in the future all applicants would be required to use the UDML application format rather than the Town’s Site Plan Application.

Invoicing of applicant’s Lu Engineer reviews were discussed by the Board, requesting an Invoice numbering system to follow all work orders sent out to outside resources. Also discussed was Site Visits requested for gathering important data for determination should come out of the Planning Board’s budget, so as not to further burden the applicant. Board Member St. Lawrence will follow up with a call to Lu Engineer’s.

Short discussion of current status of the Komarek application. Ms. Lersch, as Planning Board Clerk, will initiate correspondence with applicant to summarize a status update from the Planning Board's perspective. Ms. Lersch will also initiate a review of Komarek's proposed Subdivision with Mr. David Hartman, County Highway Supervisor's to gain the County's perspective on both options for (4) lot access from County Road, East Lake Road. Ms. Kane will request from Mr. Richard Thompson, any NYS Code referencing either of the submitted proposed options. Chairman DeVinney will contact the NYS DEC in reference to the SEQR Process.

Ms. Kane informed the Planning Board that she has contacted Mr. David Zorn of the Finger Lakes Genesee Regional Planning Council to meet referencing our Zoning Ordinance and the Moratorium in place for protection against Hydro and Gas Fracking in our region. The Moratorium Extension of six months will conclude in March 2013. The Master Plan will be reviewed also in the future.

The Board completed a short form SEQR for Application #071112-SPR for Mr. John Meagher of 1255 South Lake Road and represented by agent Field's Construction. This application was approved on November 7<sup>th</sup> with conditions which have been currently met. The Board determined that the proposed action would not result in any significant adverse environmental impacts and provided supporting reasons. Board Member Lynn Lersch motioned to accept the negative declaration of impact and Board Member Mincer provided a second. The motion carried with all members present in favor.

A tentative date in January sometime after the 15<sup>th</sup> was discussed to set a special meeting to invite all local Town Boards and members of the Canandaigua Watershed Council to discuss goals for revising the 8/20/12 version of the Draft Steep Slope Law. This date will be confirmed after the holidays.

Board discussion of Holiday meetings confirmed that the next Planning Board meeting would be on January 16, 2013 to review Site Plan Reviews on the agenda. Board Member Mincer made the motion and Board Member Gilbert provided a second. A notification of the meeting change will appear in the Daily Messenger, the Town website, posted on the bulletin board and the outside door for reference.

A motion to adjourn was entertained by Chairman DeVinney and seconded by Board Member St. Lawrence. Motion carried with all Board Members present in favor.

Meeting adjourned at 9:30pm

Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on February 6, 2013

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

Minutes – Wednesday, November 7, 2012, 7pm

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

Public Present: Mr. Rocco Venezia, Ms. Wendy Meagher, Ms. Lori Farr-Rusin, Mr. Jeremy Fields, Mr. Tim Murphy, Ms. Susan Carman, Mr. Ted Carman

Agenda: Application #060612-SPR/Wendy Meagher, P.E. representing Mr. David Rusin and Ms. Lori-Farr Rusin requests Site Plan Approval for new construction of a Retaining Wall and proposed driveway parking area at 1217 S. Lake Rd., (LR); Code Enforcement Officer brings project advisement on current pending applications.

Chairman DeVinney opened the work session at 7:08 pm.

Approval of Draft Minutes for 10/03 and 10/17/12.

Board Member Gilbert moved to approve and Board Member Mincer seconded the motion. It carried with all Board Members present voting in favor.

1. **Application #060612-SPR/Ms. Wendy Meagher of Meagher Engineering**, representing agent for owner(s) Mr. David and Mrs. Lori-Farr Rusin of 1217 So. Lake Road, stated that this application had received Area Variance approval in August for the front yard setback, (re: ZBA Application #05312-Z), and now her client was requesting determination tonight of Site Plan Review from the Planning Board.

Referring to Lu Engineers 7/31/12 review, Ms. Meagher stated she had addressed everything in a letter to the Planning Board. Discussion focused on points still in question that were listed in the Town Engineer review. These included: #9: Site Map Erosion Control notes did not state, as requested, the specific seed formula mix of temporary and permanent grass seed mix to be used at project completion. Also the size of the “large stone” mentioned in the Site Map notes should state the size and type of the Rip Rap to be used so that the contractor would know what to put down. Ms. Meagher stated that these revisions were appropriate and would be forth coming.

After a short discussion, all Board Members present decided in favor of awaiting determination until all outstanding information pending could be sent to Lu Engineer and Final Release could be obtained. The Board would also determine the SEQRA declaration at that time.

2. **App. #080212-SPR/Mr. Jeremy Fields, representing agent for Mr. Craig Jerabeck LLC** of 90 East Lake Rd., (LR)

Board discussion focused on the 60 ft. distance from shoreline, the allowed square footage of 907 square foot permanent dock was based on 226.8 linear feet at the shoreline plus the amount allowed for steep slope hardship was under the 1120 sq. ft. allowed.

After a short discussion, the board approved the application conditionally with requirement of an “As-Built” Site Plan submitted at project completion and all structures on the Site Map to be relabeled correctly.

The Board completed a SEQR assessment of the project and voted to determine that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member Mincer made a motion to accept the negative declaration as presented and Board Member St. Lawrence seconded the motion. The motion carried with all Board Members present voting in favor.

A motion to approve the application with conditions as presented was offered by Board Member Lersch and seconded by Board Member Mincer. The motion carried with all Board Members present in favor.

**3. Application #071112-SPR/Fields Construction, as representing agent for Mr. John Meagher of 1255 South Lake Rd., (LR), requests Site Plan approval for replacement of an existing stone driveway retaining wall at 1255 So. Lake Rd., (LR)**

After a brief discussion, the Planning Board stated that this application, as presented, would need a variance for side setback concerns because of the location of the retaining wall at roadside, was right on the neighbor's property line to the south.

Mr. Fields of Fields Construction requested that the Board consider approving the application with a map revision showing the retaining wall in question pulled back from the property line 15' to expedite the project's start date.

The Board moved to approve the application with the following requested conditions:

- a. As-Built engineered stamped plans showing the retaining wall pulled back to the 15' side setback requirement to be submitted at project completion.
- b. A notice of agent referral sign-off was also requested.

This motion was made by Board Member Gilbert and seconded by Board Member Mincer. The motion carried with all Board Members present in favor. The Board will complete the SEQR once the application is complete with all pending data submitted to the Office of Code Enforcement.

Code Enforcement Office Advisement:

The Code Enforcement Officer, Ms. Kane reported on pending Planning Board Applications, regulated by the Uniform Docks and Mooring Law, and currently under review and advisement by outside resources – NYS DEC and Mr. Kevin Olvany, Ms. Maria Rudzinski to determine original intent of the law as it pertained to pre-existing shoreline cribbing.

Discussion focused on whether or not "earth or concrete-filled" crib piers constructed around the Canandaigua Lake shoreline and pre-existing to the June 2011 Adopted Canandaigua Uniform Docks and Mooring Law, should be measured into the square footage allowance for square footage of docks. Some of these crib piers are built beyond the High Mean Water Line and some were built on the existing shoreline. The concern from the Office of Code Enforcement is the point of measure for the 60 ft. from the HMWL, when these piers are part of the equation. Another question to be reviewed was the land use considered in these situations. In some cases it appeared the land use of these earth-filled crib varied. Some were used for boat tie-ups (dock) and some as an extension of a front yard at shoreline. Another factor was that water passed underneath some and in some it became a solid appendage from the existing shoreline. The part these piers play in the formula used to determine square footage allowance becomes an important interpretation of the UDML as written.

Contractor, Mr. Jeremy Fields referred to sections of the law stating that it was his opinion the Town of Middlesex had jurisdiction and could make the determination.

Mr. Rocco Venezia of Venezia & Associates stated that he felt that only the NYS DEC could make this determination about whether these shoreline structures would be defined as a pier/crib or would they still be considered a dock?

Discussion of pier definition focused on whether these were owned in part by the state and in part by the owner, and whether the NYS DEC had transferred interpretation to the individual townships surrounding Canandaigua Lake when allowing the Canandaigua UDML its authority.

The Board after more review stated that it would confirm the Code Enforcement Officer's request for involvement of the NYS DEC in an interpretation and final determination. A further review by Mr. K. Olvany and Ms. M. Rudzinski for interpretation of the original intent of the law was advised as necessary in determination of these pending applications.

A motion by Chairman DeVinney and seconded by Board Member St. Lawrence was voted on with all Board Members in favor of holding the application's determination and SEQRA declaration until outside resources could better interpret what is to be allowed in the formula stated in the UDML and how it applies in this application.

This motion affected the determination process in the following applications:

- a. App. #080112-SPR/Mr. Jeremy Fields, representing agent for Mr. & Mrs. Tom Masachi of 640 Fisher Rd., (LR) requests site plan approval, referencing the UDML, to construct a 700 sq. ft. Permanent Dock & (2) boat hoists.
- b. App. #080312-SPR/Mr. Jeremy Fields of 1443 So. Lake Rd. (LR)
- c. App. # 082212-SPR/Fields Construction as representing agent for Mr. William Dolan of 648 Fisher Rd., (LR)
- d. A dock project to be constructed at 666 Fisher Road (LR) for a Mr. Fink brought to the board on advisement by the Code Enforcement Officer.

Chairman DeVinney asked for Board approval to send the Komarek SPDES Permit to the NYS DEC for their application determination stating the Planning Board to be Lead Agency on this application. Since the application was a coordinated review, the 30 day deadline applied and the DEC would need the SEQRA for determining their application for permit. A motion to approve this action was made by Board Member Lersch and seconded by Board Member Gilbert. All Board Members present voted in favor.

Ms. Kane, CEO updated the Planning Board on the current status of the Elli project at 1091 South Lake Road. Ms. Kane also appealed to the Board for the necessity of a request for notification for all septic installation. Currently she receives notices of septic approvals; however she does not receive the date of installation. This information would help to expedite the permitting process for installation of septic within the Town of Middlesex. The Planning Board agreed that this would help to eliminate installations occurring without a permit, once approvals were obtained from the NYS DOH and the Canandaigua Watershed Commission.

Board discussion on outstanding vouchers/invoices for Lu Engineers, Town Engineer

A tentative date of December 12<sup>th</sup> was set for a Tri-Board meeting referencing the current Draft Steep Slope Law.

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member Lersch.

The motion carried with all Board Members present voting in favor.

Motion adjourned at 9:38pm.

Draft minutes submitted by L. Lersch/revisions to: [L.Sammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

Minutes approved on: December 5, 2012





**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Work Session

Minutes – Wednesday, October 17, 2012, 7pm

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

Public Present: none in attendance.

Agenda: Review of Minutes for: 7/18, 8/01, 8/15, and 9/05/12; Revisions to Draft Steep Slope Law (rev. 8/20); Review of NYS, County and Local Town Laws for % of slope references to Dedicated Roads, Driveways and Private Roads, Code advisement on current applications

Chairman DeVinney opened the work session at 7pm.

Approval of Draft Minutes for 7/18, 8/01, 8/15, and 9/05.

Board Member Mincer moved to approve and Board Member Gilbert seconded the motion which carried with all Board Members present in favor.

Board discussion focused on current draft of the Steep Slope Law. Yates County Planning Board Approved Minutes are forthcoming to review board members specific comments. The County votes were quite close (4 in favor, 5 opposed). Board gave consensus that redrafting revisions to the law could best be navigated through a collection of outside resource professionals who could speak to the intent of the model law that had been worked on and given to the Town to begin work with. All felt restructuring and possibly condensing could happen and the addition of law references, where appropriate, might make the draft law more user-friendly and easier to navigate through. Sections such as Definitions could be placed in the back and possibly as an addendum tool to the law since it was lengthy, yet important to include.

The Board felt that it would be wise to provide residents with a summary of legal process involved in adopting a New Law, as there seemed to be many comments to the County and to the Town Supervisor which indicated confusion in this area.

Resident comment showed there was also confusion over the ability to obtain relief to the law. Although the draft law did provide relief in the form of variance of land uses that were not already listed in our current Zoning Law, this did not seem to be clearly defined.

Board Members inquired of Ms. Kane, if the Office of Code Enforcement had received any calls or comments from residents in reference to the Town Newsletter sent to all real properties within the Town. Ms. Kane stated that as yet, she had not and had expected that there would be due to the many letters in opposition to the Draft Law which were submitted when it went to the Yates County Planning Board for a second review. The Newsletter had stated quite clearly that Town felt it an important process for residents to reviewing how the draft law might impact their individual parcels. The Code Enforcement Office was available to work with residents with questions referencing the Law and had visual aids and Development Standards to use as reference tools for each of the (3) slopes to review prior to adoption of the draft law.

Ms. Kane updated the Planning Board with a number of project/applications that needed Board advisement whether they would need Site Plan Review. She announced that a new UDML application would now be used instead of a Site Plan Application Review due to the need for specific information in order for the Board to make a more complete determination. Ms. Kane passed out a copy of this application to Board Members.

Board completed a SEQR declaration for Application # 091212-SPR/Mr. James Spelman of 771 Newago Avenue & 6366 Glenn Avenue. This application had been reviewed on October 3, 2012 without SEQRA declaration. The Board completed a SEQRA determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Lersch made a motion to accept the negative declaration and Board Member Gilbert provided a second. The motion carried with all members present in favor.

A motion to adjourn was entertained by Chairman DeVinney and seconded by Board Member Lersch. Motion carried and the meeting adjourned at 9:32pm.

Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on November 7, 2012

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

Minutes – Wednesday, October 3, 2012, 7pm

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

Public Present: Mr. Terry DeKouski, Mr. Jim Spelman, Mrs. Barbara Ames, Mr. Calvin Ames, Ms. Debbie Samardjian, Mr. Bob Gunderman, Mr. Gary Hoffman, Mr. Jeremy Fields, Mr. Tom Fromberger, Mr. Thomas Langdon.

Agenda: **App. #071112-SPR/Mr. John Meagher**, represented by Mr. Jeremy Fields, request Site Plan approval for replacement of an existing stone driveway retaining wall at 1255 So. Lake Rd., (LR); **App. #080312-SPR/Mr. Jeremy Fields** of 1443 So. Lake Rd., (LR) request site plan approval, referencing the UDML, to construct a 1012 sq. ft. permanent dock and (2) boat slips/hoists; **App. #080112-SPR/Mr. Jeremy Fields**, representing agent for **Mr. & Mrs. Tom Masachi** of 640 Fisher Rd., (LR) requests site plan approval, referencing the UDML, to construct a 700 sq. ft. Permanent Dock & (2) boat slips/hoists; **App. #081612-SPR/Mr. Jeremy Fields**, representing agent for **Mr. Carl & Douglas Cunningham** of 1288 S. Lake Rd., (LR) requests site plan approval, referencing UDML, to construct a 457 sq. ft. permanent dock and a deck; **App. #080212-SPR/Mr. Jeremy Fields**, representing agent for **Mr. Craig Jerabeck LLC** of 90 East Lake Rd., (LR) requests site plan approval, referencing UDML, to construct a 907 sq. ft. permanent dock, with (2) covered boat slips/hoists and a proposed deck; **App. #082212-SPR/Mr. Jeremy Fields**, representing agent for **Mr. William Dolan** of 648 Fisher Rd., (LR) requests site plan approval, referencing UDML, to construct a 493 sq. ft. permanent dock & boat slip/hoist; **App. #091112-SPR/Mr. Thomas Fromberger, P.E.**, representing agent for **Mr. Andrew Komarek** requests Preliminary Site Plan approval of a Major Subdivision of (4) lots totaling 8.5 acres on E. Lake Rd., (LR), Tax Map ID #2.03-1-2.1 for a Special Use Permit Coordinated ZBA review; **App. #091212-SPR/ Mr. James Spelman** requests Site Plan approval of demolition of his cottage at 771 Newago Cove and reconfiguration of (2) lot lines to annex Tax Map ID #11.74-1-13.1 to Tax Map ID #11.74-1-12.3 at 6366 Glenn Avenue. (LR); **App. #122011-SPR/Mr. Jason & Terry** DeKouski requests Site Plan Approval for (2) Special Use Permit(s) granted by the ZBA in September for the commercial storage of boats & trailers at property bordering So. Vine Valley Rd., Tax Map ID # 12.03-1-1.9, (AG/R)

Chairman DeVinney opened the meeting at 7:15p

Approval of Draft Minutes of 7/5/12 were approved .

Board Member St. Lawrence moved to approve the minutes. Board Member Gilbert seconded the motion. All Board Members present voted in favor and the motion carried.

Site Plan Reviews:

1. **App. #091212-SPR/ Mr. Thomas Fromberger, P.E.** from the MRB Group and representing agent for owner Mr. Andrew Komarek 's (4) lot Major Subdivision on East Lake Road, (LR).

Mr. Fromberger requested Board comments from their onsite visit on September 24<sup>th</sup> from 4-5pm This included Mr. Michael Hanscom, P.E. from Town Engineer - Lu Engineers. Mr. Fromberger also mentioned the letter dated October 3<sup>rd</sup>, sent to the Planning Board by Mr. Robert Place, representing lawyer of the Komarek Subdivision.

Chairman DeVinney reminded those in attendance that tonight the Board was only reviewing a possible Preliminary Plat Approval on the (2) Site Plans submitted. This application would be a coordinated review with the Zoning Board of Appeals to determine, after reviewing the Planning Board's recommendation which would have the least significant impact on the fragile steep slope environment and after so doing could determine whether or not to grant a Special Use Permit for the purpose of using a Private Road to be built in the Lake Residential Zoning District which is currently not allowed. In order for the Planning Board to make a recommendation to the Zoning Board of Appeals, the Planning Board would first have to deem the Preliminary Plat complete. A part of this step would be to review and declare a full EAF assessment of the project. The onsite visit was part of the necessary steps for the Board to assess its determination on the EAF assessment.

Board discussion focused on the current existing slope of the Komarek Subdivision with existing gravel access to include a range of slopes from 4-18%. Reference to the intent of the Town Private Driveway/Private Road Law which was adopted approximately two years ago was to minimize slope and that 10% is currently the standard recommended on all new construction, being compatible with safe egress by emergency vehicles. Mr. Fromberger cited other dedicated Town Roads that vary from this and it was stated by the board that even though there are other percentages on Town roads, most of these were installed prior to the law.

Board Member St. Lawrence proposed that the current Komarek Subdivision slope be reviewed for a more constant slope from East Lake Road down to and including the first switchback, regardless of benching and/or retaining walls required. Chairman DeVinney added that our State and Town Laws reflect the point that the percentage of slope for safe egress/ingress on private roads was for the safety of future owners and not for the convenience of the developer.

Mr. Fromberger replied that they would indeed review this and the Boards' recommendation to reduce the percentages of slope currently proposed for the private road access as well as the radius turn at first switchback to become safer and more constant.

A Planning Board meeting summary and comments from the Board of the September 24<sup>th</sup> site visit follow:

1. Board Chairman DeVinney entertained an option to place (2) of the (4) houses with their septic systems at the top where there is a level ridge towards the road. Mr. Fromberger replied that due to measurement of offsets from the septic and the severe grades in that area, this was not an alternative design option.
2. Concern for the amount of fill required to the lay of the land which is 1:5 and 2:5 in order to provide safe access from the proposed driveways to the proposed garages off of the Private Road Site Plan option. As proposed, lot owner(s) would enter the house from the second floor from a slope of 2-5%.
3. Concern for proposed height of retaining walls and the amount of fill necessary to build up the new grade to accommodate the design both on the uphill and downhill side.
4. As proposed, the applicant's tentative footprint of the houses/garages may be difficult to navigate through Site Plan Review.
5. It is the Board's objective before making a SEQR declaration, that site visit comments from Lu Engineer be reviewed since the site visit was to allow the Board with a review from the Town Engineer to gather appropriate information firsthand in order to determine

environmental significance as proposed with both sets of Komarek's Site Plans, designed by the MRB Group for owner Mr. Komarek.

Mr. Fromberger requested a recommendation from the Planning Board on the (2) submitted plans regardless of receiving comments from the Town Engineer.

Chairman DeVinney stated that in his opinion, the board could not make a recommendation as the board had not as yet determined the plat complete. Mr. DeVinney proposed that in his opinion, he would like to wait for the Town Engineer's comments from the site visit to be part of the information necessary to make this determination. Also forthcoming are comments from Lu Engineer on which of the (2) submitted Site Plans would be the most feasible from an environmental standpoint as was outlined our work order and still forthcoming.

Board questioned what spoils, if any would be hauled off site during construction. Mr. Fromberger stated there would be little to none and what was collected would be used onsite along with fill which would be brought in.

A review of the submitted Full EAF Assessment was completed with multiple revisions to be done. Chairman DeVinney requested whether DEC approval of the SPDES permit had been received and Mr. Fromberger replied that they were still reviewing it.

Board Member John Gilbert requested that Mr. Rick Ayers, from the Yates County Soil & Water Conservation District and Mr. David Hartman, Yates County Highway Superintendent review the current alternate Site Plan for this Major Subdivision which utilized access to (4) building lots by using parking spaces and trams/stairways from East Lake Road. This request was in reference to Attorney Mr. Robert Place's letter of Oct. 3<sup>rd</sup> which cited Mr. R. Ayers, and Mr. David Hartman had approved the Private Driveway Site Plan approach (2) years ago, but as yet had not reviewed the current alternate option.

A tentative Planning Board meeting of October 10<sup>th</sup> at 7pm was proposed with Mr. Fromberger, the Planning Board and Mr. Mike Hanscom from Lu Engineers to review all information if completed by then. Newspaper deadlines for Public Notice of this meeting were discussed and it was determined that this review would best scheduled for the October 17<sup>th</sup> regularly scheduled meeting. Currently outstanding data to review the preliminary plat, prior to determination, were: the requested Site Plan revisions for a more constant and reduced slope on driveway egress from East Lake Road; DEC SPDES permit approval; a review from county resources of the resubmitted plans showing the (2) current design options for access to the subdivision.

2. Ms. Kane, CEO summarized the next Site Review for Mr. Terry DeKouski. The requested approval was for (2) ZBA Applications for a Special Use Permit. The Application originated with the Planning Board and was then referred to the Zoning Board of Appeals for a Special Use Permit since the Land Use was not listed in current zoning. The following sequence shows each applications' data history:
  - a. Planning Board App. #122011-SPR/ Mr. Jason DeKouski of FL Boat Repair & Storage requests Special Use Permit for commercial storage of boats and trailers at 843 Elwell Rd., at property owned by Mr. Terry DeKouski (A/R) Tax ID #12.04-1-10.1
  - b. Zoning Board of Appeals App. #090612-Z/Mr. Terry DeKouski, owner of property at S. Vine Valley Rd., Tax ID #12.03-1-1.9, requests approval for outside storage of commercial boats and trailers.

- c. Zoning Board of Appeals App. #080712-Z/Mr. Terry DeKouski, owner of property at 843 Elwell Rd., Tax ID #12.04-1-10.1, requests approval for outside storage of commercial boats and trailers.

The ZBA Special Use Application became (2) separate applications when the application's location changed to include (2) contiguous properties both owned by Mr. Terry DeKouski and each with its' own Tax Map ID #. Both ZBA Applications received approval for a Special Use Permit on October 2<sup>nd</sup> for the proposed land uses. According to current zoning, Article V, Section 502.2.1, these ZBA applications must now receive Site Plan Approval from the Planning Board before permitting is allowed. The original Planning Board Application #122011-SPR for Mr. DeKouski has been abandoned and will remain vacant land. The new site location was moved to South Vine Valley Road for both inside and outside storage of commercial boats & trailers as well as farm equipment.

Ms. Kane also stated that all erosion control measures had been addressed. Retention ponds, swales, berms had been graded and were not stabilized with growing alfalfa and clover until Spring 2013, Mr. DeKouski will do additional planting of two year old evergreen seedlings. This will be monitored by the Code Enforcement/Zoning Officer and inspected for full compliance by the spring of 2015.

Chairman DeVinney asked to review the plans submitted. Ms. Kane stated that all plans submitted to the Zoning Board of Appeals were available for the Board to review as well as any additional information that the Board felt necessary to make a determination. The Zoning Board of Appeals did meet with the applicant on (3) separate Public Hearings and as well went onsite to view the site to be able to come to a determination of approval.

Mr. DeKouski added that the application was referred by the Planning Board to the Zoning Board of Appeals and the ZBA was very thorough. They requested us to create the swales, berms high to obstruct view of the boats, once planted. Most of the boats were currently hidden from view. They also requested ingress/egress off of S. Vine Valley Rd., to be improved by adding another driveway to improve traffic flow and we did that. I involved the Town Highway Supervisor in the design of both driveways and will request appropriate siting signage as soon as possible.

Ms. Kane added that in making their determination, the Zoning Board of Appeals met with the Town Attorney for advisement prior to their decisions. It was determined that legally, they could not control the quantity of boats stored onsite, however they could regulate the space in which they were stored and so they accomplished that prior to their determination. The DEC had also reviewed the application and visited the site determining that no further action was required by them. Under current zoning, the construction of a pole barn, berms, swales and retention ponds are all allowed land uses in the AG District.

Chairman DeVinney inquired of those in attendance if there were any comments. Mrs. Barbara Ames inquired if this commercial land use was allowed in the AG District. Chairman DeVinney explained that the Special Use Permit application was for the purpose of determining a Land Use that was not a listed use in our ZL. The Planning Board and the Zoning Board of Appeals felt that based on Sect. 501.14 of the zoning law, they determined that if our current ZL allowed the sales of boats and trailers, it was probable that an applicant could also store them. Furthermore, a Special Use Permit requires certain criteria to be met and the ZBA in granting the approval, has determined this criteria has been met.

Chairman DeVinney asked for further comments and there was none. He then entertained a motion to approve the Site Plan Review for the (2) Special Use Permits presented. Board member St. Lawrence made a motion to approve as presented and Board Member Gilbert seconded the motion. All Board Members present voted in favor. Motion to approve carried.

3. **App. #091212/Mr. James Spelman**, requests Site Plan Approval of a reconfiguration of (2) properties (one at 771 Newago Avenue & 6366 Glenn Avenue). He is also requesting permission to demolish 614 sf structure at 771 Newago Avenue and annex the footprint of this cottage onto the property at 6366 Glenn Avenue to make it 24, 714 sf lot.

Mr. Spelman presented his application stating that in 2003, at the time of purchasing 771 Newago Avenue, he had obtained a variance to build a garage and a mother-in-law apartment above the dwelling. Since that time, he has purchased more properties to include 6366 Glenn Avenue. Due to the density of dwellings in this area, we are asking if we can add the footprint of 771 Newago Avenue, once demolished to the structure at 6366 Glenn Avenue and rebuild that structure, using the approved 2003 variance and build an apartment on top of the dwelling. I would be placing the same exact footprint on top of 6366 Glenn Avenue.

Chairman DeVinney inquired of approval from George Barden for the addition to the dwelling at 6366 Glenn Ave.

Ms. Kane, CEO interceded that the goal of tonight's approval was only to receive permission to demolish 771 Newago Avenue and to annex both parcels into one. Mr. Spelman will then come back later to obtain approval to build a second story onto the garage. These two parcels are currently pre-existing and non-conforming due to the way it sits on the lot. To further develop the property would make it more non-conforming and so would require a variance. My inquiry to the board is if he had a previous variance for that land, and he annex's that land, might he lose that variance? I am seeking legal counsel on this determination.

Mr. Spelman stated that he did not want to demolish 771 Newago Avenue if he would in fact lose the footprint. He stated that his proposed plan would decrease density in a congested area without adding a structure. All abutting properties are part of the Spelman family.

Chairman DeVinney stated that variances go with the land, so it would be appropriate to seek legal advice prior to approving any demolition or rebuilding the second phase of your project. I propose that we approve annexing the two lots tonight and awaiting legal advisement on the demolition.

Board Member St. Lawrence made a motion by resolution to approve the action to combine both lots in review and to allow the demolition of 771 Newago Avenue, once legal advisement procured on the existing 2003 variance. Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

SEQR Declaration to be reviewed and declared on Oct. 17

4. **App. # 120811/Mr. John Porter/Field's Construction**, requesting site remediation approval of construction site at 446 East Lake Road, (LR)

Ms. Kane, CEO summarized that remediation plans suggested by engineer Mr. William Grove in a letter dated 12/28/11. After reading the letter, she stated that this remediation had been

reviewed by the board and Mr. Field's has agreed to restore it, however Mr. Porter has not initiated the work.

Board Member St. Lawrence proposed a motion to have the Board send a letter to Mr. Porter and copy to Mr. Fields setting a deadline of November 1<sup>st</sup> for site restoration in order to establish vegetation before winter on steep slopes and to be monitored by the Code Enforcement Office. Board Member Gilbert seconded the motion and it carried with all Board Members present in favor.

5. **App#080112-SPR/Field's Construction** requests Site Plan Approval for a 700 sf permanent dock & (2) boat hoists to be constructed at shoreline property of owner Mr. Tom Masachi at 640 Fisher Rd., (LR)

Ms. Kane, CEO stated that referencing the UDML, all proposed construction is allowed because of the amount of lake frontage. There exists a pre-existing dock that is shared by the applicant and the neighbor to the North..

Mr. Fields stated that the linear footage at shoreline of 192.4 ft. allows him the opportunity to build multiple docks and he is well under the amount allowed with this proposed dock. In addition to this proposed permanent dock, there is an existing dock. It is actually old cribbing with piers that is built under the water. He planned to modify it but stated that it was not to be considered a "dock."

After a short discussion about referencing the Uniform Docks and Mooring Law, the board questioned if the pre-existing cribbing should be included in the formula to determine what is allowed on parcels, the Planning Board completed the short form SEQR and determined that the proposed project would have no significant adverse effect to the environment. A motion to accept the declaration was offered by Chairman DeVinney and seconded by Board Member Mincer. All members present voted in favor and the motion carried.

Approval of the Site Plan is pending further reference information necessary on the Site Map. The application was placed on hold until such time as it is available.

6. **App. # 080312-SPR/Mr. Jeremy Fields**, owner of property at 1433 South Lake Rd., (LR) requests Site Plan Approval for construction of a 1012 sq. ft. permanent dock and (2) boat hoists.

Ms. Kane, CEO requested documentation stating this property qualified for a steep slope hardship UDML waiver. She stated that his allowable amount based on linear shoreline footage was 720 sf and the hardship clause for steep slopes was an additional 400 sf which totaled 1120 sf allowed and Mr. Fields was well within this amount. She was however concerned about data missing and that the plans were unstamped from Venezia & Associates and suggested since the project would not start until next spring, that the application should be place on hold until required data was submitted correctly

Chairman DeVinney entertained a motion to place this application on hold without completing a SEQRA at this time until all information was submitted as required and Board Member Gilbert seconded the motion. The motion carried with all members present voting in favor.



7. **Application #081612/ Mr. Jeremy Fields of Fields Construction, and representing agent for Mr. Carl & Douglas Cunningham of 1288 S. Lake Rd.,** (LR) requests site plan approval, referencing UDML, to construct a 457 sq. ft. permanent dock and a hoist.

Mr. Fields' stated that shown on the plans was an existing wall at shoreline and that this installation was a minimum request based on his linear ft. at shoreline.

The Board completed a SEQRA determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member St. Lawrence made a motion to accept the negative declaration and Board Member Gilbert provided a second. The motion carried with all members present in favor.

After a short discussion, Chairman DeVinney entertained a motion to approve the application. Board Member St. Lawrence seconded the motion. The motion carried with all Board Members present voting in favor.

8. **Application #080212-SPR/ Mr. Jeremy Fields of Fields Construction and representing agent for Mr. Craig Jerabeck LLC of 90 East Lake Rd.,** (LR) requests site plan approval, referencing UDML, to construct a 907 sq. ft. permanent dock, with (2) covered boat slips/hoists and a proposed deck.

Mr. Fields presented the application stating that there was 226 linear feet of shoreline frontage. UDML allowed 1120 ft. or multiple docks. Mr. Jerabeck is requesting (1) permanent dock and double boat slips.

Board discussion focused on missing data on engineered stamped plans: a pre-existing boat house shown was not included in the formula for allowable square footage. Also the shoreline measurement and scale shown on the map did not coincide with the allowable 60 ft.

Approval of this application and the completion of a SEQRA declaration was placed on hold, pending further information required prior to determination.

9. **Application #082212-SPR/ Mr. Jeremy Fields of Fields Construction and representing agent for Mr. William Dolan of 648 Fisher Rd.,** (LR) requests site plan approval, referencing UDML, to construct a 493 sq. ft. permanent dock & boat slip/hoist.

Mr. Fields stated that shoreline measured 207 linear feet. There is an existing crib, so he would be allowed 720 feet. Applicant is requesting a minimum of 493 ft.

Board Member St. Lawrence clarified that the measurement on the plan showed 505 ft. although still allowed. Chairman DeVinney stated that because of the existing stone wall, it was not clear on the maps, as drawn, where the frontage was measured from.

Mr. Fields stated the wall was also tied into the neighbor's wall to the north, Mr. Tom Masatchi.

Chairman DeVinney entertained a motion to place the application and SEQRA declaration on hold, pending further information required to prior to the board's determination.

10. **Application #071112-SPR/Mr. John Meagher**, represented by Mr. Jeremy Fields, requests Site Plan approval for replacement of an existing stone driveway retaining wall at 1255 So. Lake Rd., (LR)

Code Enforcement Officer, Kane summarized the application for the board by stating it was a new application from a new owner who had purchased the old Wood hams' property. The house is situated on a very steep slope. The driveway is paved and the existing dry-laid man-made slate retaining wall that borders the driveway is failing.

Mr. Fields proposed that the new replacement would be pile-driven so as not to disturb the steep embankment and these piles would be driven into the existing driveway in front of the new wall.

Board Member St. Lawrence questioned Mr. Fields about his process in installing the wall and what the existing 32% driveway would be used for since proposed plans showed some widening of the radius turn at the house. He also questioned if a variance had been applied for because it seemed that the existing stone wall was beyond the abutting property line. The proposed wall was considered a structure by definition of it's' installation. Mr. St. Lawrence was also concerned with the % of slope and the storm water run-off that would clearly end up in the road. He suggested catch basins and dam checks to be considered for this site as had worked in a similar case on So. Lake Road with steep slopes as well.

Ms. Kane stated that the neighboring parcel was once a contiguous piece and it was divided out and sold, leaving the existing dry-laid stone wall tapering down into the neighbors' property line. The new wall would be considered new construction, not a replacement and would need a variance. She also shared with the Board that there was an existing deck that had been built in the Highway's ROW on the lakeside of the road.

After some discussion, the Board decided to meet onsite to discuss what would be best while determining the site plan. The application was placed on hold pending further information required prior to Board determination.

A motion to adjourn was made by Board Member Mincer and seconded by Board Member St. Lawrence. Motion carried with all Board Members present in favor.  
Meeting adjourned at 9:38p

Draft Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved: November 7, 2012

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

Minutes – Wednesday, September 5, 2012, 7pm

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

Public Present: Mr. Daniel Hare, Mr. Daniel Antocicco, Mr. Bradley A. Quayle

Agenda: Application #060612 – SPR/ Meagher/Rusin at 1217 S. Lake Rd requesting Site Approval for construction of a retaining wall and additional parking space on improved driveway; Application #071112 –SPR/Fields/ Meagher at 1255 S. Lake Rd. requesting Site Approval for a stone retaining wall; Application #081612-SPR Mr. Jeremy Fields requests Site Approval for property owned at 1443 S. Lake Rd. to construct a permanent dock and (2) Boat Hoist Slips; Application #080112-SPR/ Fields/Masachi at 640 Fisher Rd, requests Site Approval for a Permanent Dock and (2) Boat Hoist Slips and permission to remove old shoreline cribbing; Application #080212-SPR/Fields/Jerabeck LLC at 90 E. Lake Rd. requests Site Approval for a Permanent Dock and (2) Boat Hoist Slips; Application #082212-SPR/Fields/Dolan at 648 Fisher Rd. requests Site Approval for a Permanent Dock and (1) Boat Hoist Slip; #080412-SPR/Mr. Bradley Quayle requests Site Approval for a Minor Subdivision of 42 acres at the corner of Rte. #364/Pierce Hill Rd. into (2) lot parcels; Application #072612-SPR/Hare/Weidrick requests Site Approval at 1121 S. Lake Rd. for shoreline development; Application #091112-SPR/ Fromberger/Komarek requests Preliminary Site Plan Approval for a Major Subdivision on E. Lake Rd; Application #081612-SPR/Fields/Cunningham requests Site Approval at 1288 S. Lake Rd. for a Permanent Dock.

Chairman DeVinney opened the meeting at 7:12pm

Chairman DeVinney informed the Planning Board that Application #091112-SPR for Mr. Andrew Komarek's Major Subdivision on East Lake Road had been voted on August 16<sup>th</sup> to be a coordinated review by both the Planning Board and the Zoning Board of Appeals. This coordinated review pertains to Town of Middlesex Local Law #3 of the Year 2008 which allows Private Driveways and Private Roads to be constructed in the Lake Residential Zoning District by Special Use Permit which is granted by the ZBA and will pertain to the application's (4) lot Major Subdivision Preliminary Plat Review. Chairman DeVinney entertained a motion that the Planning Board vote to be Lead Agency for SEQR determination. A motion was offered by Board Member Gilbert and seconded by Board Member Robert Mincer. All present voted in favor and the motion carried.

Mr. DeVinney opened the floor to Site Plan Review:

1. Application #072612-SPR/ Mr. Daniel Hare, representing agent for owner Mr. Sidney Weidrick of 1121 South Lake Rd., requests Site Plan Approval for a shoreline project constructed without a permit. (LR District) This project included the following: a paver stone patio; a Uni-bloc Stone Retaining Wall which replaced a lower shale stone retaining wall which was damaged by Spring storms; and stone steps leading from the Retaining Wall to a stone paver walkway which was constructed on top of a 3ft. culvert recently replaced by the Town Highway Supervisor.

Code Officer, Ms. Kane stated that it was in front of the Planning Board for Site review because of the height of the structure and because it was constructed without a permit. The applicant was requested to process the application and did so correctly.

Mr. Hare stated that there had been (2) sizeable spring storms which washed away most of what was there due to a clogged culvert. Mr. Hare, family member wanted to rebuild the site for his grandparents so it would look nice upon their return from Florida. The culvert that was originally there was replaced by a much larger culvert and now extended out on top of the beach. Mr. Hare added the paver walkway and steps to his plans to make it look aesthetically pleasing and useful as well as hiding the extended culvert from view.

Chairman DeVinney explained the reason for Site Plan Reviews and the necessity for all projects, within close proximity to the lake, come under Board Review.

Ms. Kane stated that the original footprint was used for delineation of the boundaries of the project; however the side setbacks of the pre-existing retaining wall did encroach on the 15 ft. side setback under current zoning and requested of the board if the wall itself would require any further plans. After a brief discussion the Board stated that engineered plans were not necessary. She stated that the application would not need variance determination by the ZBA.

Mr. Hare stated that his closest neighbor to the South, John Mulligan as well as Highway Supervisor Reifsteck had been consulted. John Mulligan had no objections and Mr. Reifsteck's only concern was that the shoreline temporary dock was currently placed directly in front of the culvert outlet at shoreline and requested it moved to another location.

The Board completed a SEQR assessment of the project and voted to determine that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member Gilbert made a motion to accept the negative declaration as presented and Board Member Lersch seconded the motion. The motion carried with all Board Members present voting in favor.

Chairman DeVinney stated that if the property sold in the future, the side setbacks would be enforced and entertained a motion to approve the Site Plan with the condition that the temporary dock was relocated from in front of the new culvert. There was no further discussion needed and Board Member Lersch made the motion with the condition as presented. Board Member St. Lawrence seconded the motion. All Board Members present voted in favor, carrying the motion.

2. Application # 080412/ Mr. Bradley Quayle owner of property at the corner of Rte. #364 and Pierce Hill Rd. in the AG District. Mr. Quayle was requesting Site Plan Approval for a Minor Subdivision of 42 acres which included a bar n. Lot #1 would become 1.355 acres and lot #2 would become 41.090 acres after subdividing.

Code Enforcement Officer Kane stated that this application met all current zoning requirements as submitted.

Chairman DeVinney entertained a motion to begin the SEQR Determination explaining the process to those present. The Board completed a SEQR assessment of the project and voted to determine that the proposed action would not result in any significant adverse environmental impacts, providing clear reasons to support this determination. Board Member Gilbert made a

motion to accept the negative declaration as presented and Board Member Mincer seconded the motion. The motion carried with all Board Members present voting in favor. After a short discussion, Board Member Lersch motioned to approve the subdivision as submitted by Action Resolution and Board Member St. Lawrence seconded the motion. All Board Members present voted in favor. Motion carried.

After a short discussion, a motion to adjourn was entertained by Board Member Lersch because other applications on the agenda did not have applicants/agents to present. The motion was made by Board Member St. Lawrence and seconded by Board Member Gilbert. All Board Members present voted in favor. The motion to adjourn carried.

Meeting adjournment: 7:38pm.

Minutes submitted by L. Lersch/revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on October 17, 2012

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Work Session

Minutes – Wednesday, August 15, 2012, 7pm

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

Public Present: Mr. Charles Sheets, Mr. Daniel Hare, Mr. Dan Antocicco

Agenda: Draft Steep Slope Law revisions, Newsletter Draft to Town residents

Chairman DeVinney opened the floor at 7:11pm

Board Member Lersch introduced to the Board that Budget Request Forms were due on 8/24.

The Planning Board reviewed the Draft Steep Slope Law:

Board Member St. Lawrence presented his most recent revisions and requested review of the following: Section on Definitions, Sections #4-19, and reviewed the re-formatting he had done in order to obtain a clearer review status by residents. Board reviewed all resident's concerns and all revisions were discussed, and then adapted to the draft law for inclusion. The Planning Board voted to accept all revisions discussed and Board Member St. Lawrence will incorporate them into a Final Version to be copied to: Town Supervisor and Town Board Members, Town Clerk, Town Attorney, Code Enforcement Officer and the Planning Board Members.

The process for adopting a new law was discussed by the Planning Board and is as follows:

Final Draft Review by Planning Board Members, Town Board and Town Attorney prior to Yates County Planning Board Review; a Resident Newsletter mailed to all property owners for purposes of providing an introduction and the history for the purpose of the Steep Slope Law. This newsletter would include all pertinent parts of the draft law which corresponds with all real property in the Town of Middlesex with Steep Slope requirements for using best management practices as guidelines for development; Town Board decision to set a Public Hearing after YCPB review and possible approval; Town Board vote to adopt or deny Draft Law.

The most recent draft to the Resident Newsletter to all real property owners in the Town of Middlesex was distributed and reviewed for possible revisions. This newsletter included all revisions for slope requirements from the Draft Steep Slope Law. It would be printed and mailed once the Town Board reviewed and approved it. After a period of discussion, the Planning Board voted to accept it as written and approved it for submission to the Town Board for input. A motion to submit it as printed was made by Board Member Lersch and seconded by Board Member Gilbert. The motion carried with all Board Members voting in favor.

Code Officer, Ms. Kane stated that an update to the Visual Maps by the Canandaigua Watershed would be finalized this week and would be ready for review soon.

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member St. Lawrence. The motion carried with all Board Members voting in favor.

Meeting adjourned at 9:15p.

Minutes submitted by L. Lersch/revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)

Minutes approved on October 17, 2012

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

Minutes – Wednesday, August 1, 2012, 7pm

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

Public Present: Mr. Robert Samardjian, Ms. Debbie Samardjian, Mr. Gary Hoffman

Agenda: Site Plan Reviews:

Application #060612-SPR/Mr. David Rusin & Mrs. Lori-Farr Rusin, represented by Ms. Wendy Meagher, P.E., Application #07112-SPR/Mr. John Meagher, represented by Mr. Jeremy Fields; Application #122011-SPR/Mr. Jason DeKouski requests SPR for outside storage of commercial boats and trailers in AG District.

Chairman DeVinney opened the floor at 7:08pm

Chairman DeVinney entertained a motion to approve June 6 and June 20 minutes. The motion was seconded by Board Member St. Lawrence with all Board Members present. Motion carried.

Site Plan Reviews:

1. Application #060612-SPR/Mr. Jason DeKouski requesting a Special Use Permit for commercial storage of boats and trailers at 843 Elwell Rd., (A/R)

Chairman DeVinney summarized the application: Mr. Terry DeKouski, owner of the property, has given permission for Mr. Jason DeKouski to store commercial boats on his AG property. Because it is neither a permitted nor a listed use under current zoning, this application requires a variance for a Special Use Permit granted through the Zoning Board of Appeals

Ms. Kane, CEO summarized that she had been recently made aware of further development by Mr. Terry DeKouski who has requested permission to construct a 94 ft. x 108 ft. pole barn on his AG property which extends from Elwell Rd. to South Vine Valley Road and also the corner of Elwell & Route #364. Mr. DeKouski's intent is to store, approximately fifty boats inside the barn seasonally, during the winter months, from Jason DeKouski's FL Boat Repair & Storage. Mr. Terry DeKouski will also store personal farm equipment, RV Trailers and use the space to hang & dry garlic for his agricultural business. His new intention is to store commercial boats on his property both inside and outside. Under current zoning, Ms. Kane was required to advise the Planning Board that this application would be required to go to the Zoning Board of Appeals for a Special Use Permit determination.

After a short discussion, a motion was made by Board Member Lersch to recommend that this application be sent back to the Code Office for determination that the Land Use which was not listed in current zoning and so would be reviewed by the Zoning Board of Appeals for determining criteria for a Special Use Permit. Once granted, this application would then come back to the Planning Board for final determination. Board Member Gilbert seconded the motion. All Board Members present voted in favor and the motion carried.

Code Enforcement Office/PB Advisement:

Ms. Kane, CEO brought the following applications before the Planning Board for advisement: Application # #41112-SPR: Mr. James Fonzi; Application #060612-SPR: Mr. David Rusin & Mrs. Lori-Farr Rusin represented by Engineer Wendy Meagher; and a “zip line structure” constructed without a permit at the Mahar property at 967 South Lake Rd. Board advisement was offered and all applications require further board review and final determination before permitting. It was recommended by the Planning Board that the Mahar zip line structure come before the Planning Board for full Site Plan Review and a permit would be required by the Office of Code Enforcement for this Land Use before further development commenced.

Ms. Kane requested PB to request further action by Town Attorney, Alaine Espenscheid to address property concerns at the Elli property on S. Lake Rd. referencing Mr. Dan O’Brien, attorney as contact person. Board Members voted to formally request this action in order for determination of this application, currently on hold, to move forward. Board Member Lersch offered the motion and Board Member Gilbert seconded. Motion carried.

Work Session:

Chairman DeVinney stated that because the evenings’ applicants were not in attendance at this time, that the Board would enter into a Work Session for further discussion on revisions to the Draft Steep Slope Law in order to ready it for County Review.

After discussion and review, Board Member St. Lawrence and Board Member Gilbert offered to make final revisions to the draft law as discussed and forward a new revision to all Board Members for review.

Resident Mr. Gary Hoffman requested of the Board to offer an update of present research completed on our “Moratorium for Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas and Disposal of Natural Gas Or Petroleum Extraction, Exploration And Production Wastes”

Chairman DeVinney stated that Town Attorney, Alaine Espenscheid had contacted the Land Use Attorney, Mrs. Helen Slottje, who had offered her services to work with the Town of Middlesex on our Zoning and Master Plan Ordinances during the Moratorium timeframe. A meeting was scheduled sometime in August.

A motion to adjourn was made by Board Member St. Lawrence and seconded by Chairman DeVinney. The motion carried with all Board Members present voting in favor.

Adjournment was at 8:51pm.

Minutes submitted by L. Lersch/revisions to [lsammy5@frontiernet.net](mailto:lsammy5@frontiernet.net)  
Minutes approved on October 17, 2012



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

Site Plan Reviews – Board Worksession

Minutes – Wednesday, July 18, 2012, 7pm

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

Public Present: Mr. Stephen Lewandowski; Mr. Randall Peacock, Mr. Jim Fonzi, Mr. Ed Parrone, Mr. Joe Nacca, Mr. Calvin Ames, Mr. Charles Sheets, Mr. George Barden, Mr. Donald Bow, Ms. Linda Sheive, Mr. Don Sheive, Mr. Rocco Venezia

Agenda: Site Reviews:

Application #41112-SPR/ Mr. Jim Fonzi, represented by Parrone Engineering requesting Final Site Plan approval for new construction and site development for a single family residence on steep slopes at 5980 Widmer Rd., Tax Map ID #031.062-01-04 (LR District); Application # 090112-SPR/ Highlands Group of Canandaigua, LLC represented by Venezia & Associates, requests Site Plan approval for construction of a common driveway extension servicing a lot currently under development at 556 East Lake Rd., Tax Map 11.35-1-3.1,2,3 (LR District); Work session: Draft Steep Slope Revisions

Chairman DeVinney opened the meeting at 7:05pm.

After a submitted material was read by Board Members and a short discussion, Chairman DeVinney opened the Public Hearing at 7:10pm.

1. Application #41112-SPR/Mr. Jim Fonzi, owner of property at 5980 Widmer Rd, for Site Plan Approval for site development and construction a single family residence. (LR District)

Chairman DeVinney stated to those individuals in public attendance, clear reasons for the Public Hearing, the process of notification to those neighbors within 500 ft. from the Applicant's property line, and the consideration of the Town's current position of drafting a Steep Slope Law which will overlay our current Zoning Law and provide guidelines for the Town to be able to review all construction in areas of the Town that have Steep Slopes. These guidelines would provide for best management practices in developing within the (3) slope categories identified in the law, but would be considered an overlay to our present Zoning and other Town Laws.

Chairman DeVinney introduced letters from neighbors to be submitted into the minutes. These neighbors lived in close proximity to Mr. Fonzi's property line and were in support of his project, including: Mr. D. Mark Fultz of 6100 Widmer Rd., Mr. William & Sally Sanford of 5960 Widmer Rd., and Mr. and Mrs. Renier Chaintreuil.

Resident Mr. Calvin Ames questioned if a Town Emergency Fire Truck could get down to the site in the case of a fire?

Chairman DeVinney responded that due to the extremely steep slope upon which Mr. Fonzi was building, the Town of Middlesex would not guarantee emergency services to his proposed dwelling, and had been advised that fire protection would be mainly Mr. Fonzi's responsibility.

Mr. Stephen Lewandowski, representing the Canandaigua Lake Watershed Association, reviewed the business' view on protecting not only the water quality of the lake but also the quality of life of its residents. He stated that it was up to each Town surrounding the lake to decide what development restrictions they would impose on steep slopes and what would be allowed, confirming the fact that all development affected some aspect of the impact of erosion and run-off to other underlying properties and to the water quality of the lake. He stated that erosion is extremely difficult to control and could become disastrous to surrounding watershed entities once it goes awry. Even the best management practices cannot guarantee what water run-off could impact once it begins.

Parrone Engineering Firm's representative Mr. Ed Parrone, P.E. stated that the Town had scrutinized Mr. Fonzi's proposed site development on Steep Slopes, bringing their Town Engineer to provide multiple peer reviews. Parrone Engineering had brought Geo-technical engineers onsite to do soil borings to determine the stability of the soil as required. NYS DOH had approved the septic proposed onsite. He believed that this application represented a good example of the numerous revisions made to protect the lake and to minimize onsite erosion control. He stated that the dwelling in review was not a large space and would encompass 1600 sq. ft. Mr. Parrone stated in summary that he felt that this site plan had withstood the highest scrutiny and he would professionally stand behind its professional design as submitted.

Mr. George Barden, Canandaigua Lake Watershed Inspector stated his professional opinion with over 40 years in the field monitoring the impact of erosion control as it pertained to development surrounding property around Canandaigua Lake. He stated that he would not approve of this application's septic design. He stated it had been approved by NYS DOH based on a waiver requirement (#75A) relating to the application when submitted. This approval was based on a newer enhanced treatment system which included waste water on a difficult site and a non-standard leaching system which was placed on an abandoned driveway onsite. He then provided a history of shear wall failures on this site from erosion run-off which impacted the lake 12 years ago and provided the Board with photographs of the area referred to. He stated the soils in this area were highly erodible and unstable soils, called Lords Town Soils, which were made up of both sand and shale for the better part of the West side of South Hill where Widmer Road cuts down to the lake. There had not been recent construction activity in this area, but with the introduction of this project's development in an 83% slope on highly unstable soil, he warned of the possibility of new slides in the area above existing residences on Widmer Rd. He stated that Widmer Rd. is a dead end private road, creating a difficult turn-around for vehicular construction traffic to the site and would hence require traveling twice as many times because of this. He then recommended the Town of Middlesex to consider the safety of all residents using Widmer Rd. to service their property and to use due diligence in reviewing this Application for Site Plan approval because of its' possible severe consequences.

Mr. James Fonzi, owner of the proposed site stated he had photographs of the site as far back as 1998 – 2001 when he purchased the land from Mr. Loomis. He stated since that time, the road had been improved dramatically and its' drainage had been upgraded significantly. Ongoing maintenance had kept the area in good condition and there had been no further cracks in the road or cliffs in the past 11 years.

Board member Lersch asked of Mr. Fonzi how many other residents lived on Widmer Road year-round or seasonally and what development to this area had occurred in the past 11 years.

Mr. Fonzi replied that there were (27) property owners and 15-18 dwellings existed. 95% of the property owners pitched in to fund the road repair and there is currently \$20,000 in escrow. He stated that if there was a problem to anyone's property or to the road, that he would accept full responsibility. He referenced the (3) letters of support from neighboring property owners, Mr.(s) Fulz, Sanford and Chaintreuil.

Resident Mr. Nacco of 5940 Widmer Rd., stated that he lived near to Mr. Fonzi's site and requested if this proposed project had been adequately reviewed by the Planning Board using all submitted plans and all existing as well as alternate proposals?

Chairman DeVinney responded that this site development and proposed project had been referred to our Town Engineers for final release and did feel we had addressed all relevant concerns with numerous recommendations from multiple outside resources.

Zoning and Enforcement Officer, Dawn Kane was asked by Board Member Gilbert if her office had any concerns. Ms. Kane recommended that all monitoring at critical points during the installation of the shear steel piling design to be used in the retaining wall and the foundation of the dwelling itself, should be by an engineer to be decided upon by the Board and should include Parrone Engineering as well. She summarized her position and all of the concerns that had been discussed with this site tonight.

Board Member St. Lawrence suggested a Pre-Construction meeting onsite, prior to development commencement involving Parrone Engineer Project Manager, Lu Engineer, the contractor hired to excavate the site and the builder as well.

Mr. Ed Parrone stated that Mr. Steven Faulkner had been chosen as contractor and Mr. Donald Miller would possibly be the builder.

Chairman DeVinney closed the Public Hearing at 8:47pm.

After a short discussion, the board considered the submitted Full EAF Assessment for Mr. Fonzi's application. Legal time allotted to accept the Conditional Negative Declaration and/or revise it was (45) days from July 5<sup>th</sup>. All Board Members present voted in favor of accepting the Conditional Negative Declaration. A motion to accept was made by Board Member Mincer and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

A motion by Board Member St. Lawrence to approve the Site Plan as discussed, based on the premise that all revisions to all maps were currently complete as proposed and accepted and that Lu Engineer attend an onsite pre-construction meeting to set up a schedule of onsite inspections to be completed during the installation of Mr. Fonzi's site development and construction of a proposed 1600 sq. ft. dwelling. Requested would be a set of maps, copied for each pre-construction meeting attendee for careful review. Board Member Gilbert seconded the motion. The motion carried with all Board Members voting in favor.

2. Application #090112-SPR/ the Highlands Group of Canandaigua Lake LLC, represented by Venezia & Associates, requesting Site Plan Approval for construction of a common driveway extension to service a lot currently approved & under development at 556 East Lake Rd., (LR District)

Code Enforcement Officer Kane summarized this site review request to extend the approved Shared Private Road to include Lot #1 so that all (3) lots will now be serviced by the same access off of East Lake Road. Ms. Kane requested an explanation of the current use of an existing driveway which now serviced Lot #1.

Mr. Venezia of Venezia & Associates stated that originally, applicant felt it best to abandon this pre-existing driveway, however the most current decision was to leave it as it is without further disturbance to the soil in order to abandon it by remediation.

Board Member St. Lawrence asked if there might be a benefit to the applicant by retaining the driveway as it was. Mr. Rocco Venezia stated that it could be used as a circular egress for Lot #1 possibly in the future.

Board Member St. Lawrence asked if there were utility poles pre-existing in this area and it was stated by Mr. Venezia that all utilities would be parallel to the road, and all lots had a right to a power line.

Board Member St. Lawrence asked if there would be any further clearing or tree removal, and what was the amount of base necessary to upgrading the desired extension.

Mr. Venezia stated that this was the flattest area of the site, without trees and approximately 8-10" of stone would be required.

Board Member St. Lawrence inquired about water run-off to Lot #1. Mr. Venezia stated that there is little run-off due to the culvert installation which was currently under the driveway.

Board Member Mincer inquired if the extension could be extended to the middle of Lot #1. Mr. Venezia stated that once it sold, the owner could extend it.

Board Member St. Lawrence inquired about driveway maintenance agreement for all (3) lots.

Mr. Venezia stated that all (3) dwellings, once sold, would share the same % of use and the cost would also be shared.

Board Member Lersch asked if there were any plans for future subdivision of these properties as currently subdivided.

Mr. Venezia stated that the applicant could place a provision to not subdivide further.

Chairman DeVinney asked if the Board required further discussion before determining.

The Planning Board deferred discussion and completed a SEQR assessment for this project, determining that the proposed action would not result in any significant adverse environmental impacts and provided clear reasons supporting the determination. Board Member Gilbert made a motion to accept the declaration as stated and Board Member Mincer provided a second. The motion carried with all members present in favor.

Board Member St. Lawrence made a motion to approve the Site Plan with the provision that the intention of the extension of the approved shared Private Road was to use it as a primary access for all (3) lots. Also stated was the intent of the current application was not to further subdivide

any of the (3) building lots. Board Member seconded the motion. All Board Members present voted in favor. Motion carried.

The Board ended Site Plan Review and started a Work Session at 8:15pm

Code Enforcement Office:

Ms. Dawn Kane, Code Enforcement Officer brought the following development projects to the Planning Board for advisement.

- Lersch driveway repair/culvert replacement & upgrade
- Mr. Daniel Hare/Weidrick shoreline project involving a stone paver walkway Over a culvert replacement, stone retaining wall & steps, stone paver patio
- Installation of a private driveway at 996 Old Vineyard Drive for Ms. Vicki Fumia & Ms. Marilyn Tedeschi, represented by Mr. Don Miller.

The Board voted and the following projects will go to Site Plan Review in August. Hare/Weidrick shoreline project at 1121 South Lake Road, installation of a private driveway at 996 Old Vineyard Drive for Ms. Fumia/Ms. Tedeschi.

Board Member Gilbert voted in favor of site plan review and appropriate agenda placement. Board Member Mincer seconded the motion. Motion carried with all members present in favor.

Old Business:

After reviewing Application # 122011-SPR multiple times, the Planning Board voted to contact Mr. DeKouski for an updated site map that would show specific placement for the intended amount of boats to be stored onsite so we could ascertain by a site visit how to create a buffer on site to resolve neighbor concerns. The board will review the application in August.

Residents Linda and Don Sheive commented on concerns they had referencing neighboring properties on South Lake Road.

Board Member Lersch referenced re-appointment of Member Terms to be extended and that these would be referred to Kathy Pelton, Town Clerk for Town Board reappointments.

Board Member St. Lawrence made a motion that draft revisions to the Steep Slope Law would be addressed at the next Work Session. He offered to revise and adjust formatting of the draft law, which resident Mr. Bob Johnston advised was confusing. Mr. St. Lawrence also suggested a Table of Contents would allow easier navigation through the law. He suggested we add a reference point in the law to refer to our Town Zoning Ordinance for concerns of repair and maintenance.

A motion to adjourn was entertained by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor. Motion carried. Meeting adjourned at 9:27p.

Minutes submitted by L.Lersch/Revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Minutes approved on October 17, 2012

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

\*Note: Date change due to the July 4<sup>th</sup> Holiday

Minutes – Thursday, July 5, 2012, 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence  
Public Present: Dawn Kane, CEO; Ms. Amy Kendall, Mr. Ed Parrone, Mr. James Fonzi, Mr. Keith Gilliland, Ms. Wendy Meagher, Mr. Andrew Ellison, Mr. Gary Hoffman, Ms. Debbie Samardjian, Mr. Thomas D. Clutz, Mrs. Jo Ann Clutz, Mr. Dan O'Brien, Mrs. Sue Ford

Agenda: Site Plan Reviews: App. #061312-SPR/ Mr. Keith Gilliland – 1101 S. Lake Rd., Tax Map ID #21.48-1-3 (LR); App. #061212-SPR/ Mr. & Mrs. Thomas Clutz – 1385 S. Lake Rd., (LR); App. #060612-SPR/ Mr. David & Mrs. Lori Farr-Rusin -1217 S. Lake Rd., (LR); Full EAF SEQR assessment for App. #041112-SPR, Mr. James Fonzi – 5980 Widmer Rd., (LR)

Meeting came to order at 7pm

Site Plan Reviews:

1. App. #061312-SPR/ Mr. Keith Gilliland of 1101 S. Lake Rd, requests site plan approval for replacement of existing set of stairs/railings from road to lakeshore property at 1101 S. Lake Rd. (LR). Existing stairs & railing to access the shoreline property are pre-existing and in need of repair for safety reasons. Applicant will replace the existing stairs with pressure treated timber. A double wood railing will replace an existing pipe railing. The onsite grade varies from 18%-70% slope. Applicant will not be removing any trees or dirt. There are no shoreline concerns from the code office.

After a brief discussion, Board Member Gilbert moved to conditionally approve the application, and Board Member Mincer seconded the motion, with all Board Members present voting in favor. The motion carried with the following conditions:

- a. Applicant must prepare a clear site map which showed the North and South side setback measurements to the property line.
- b. Applicant must meet NYS Code when **installing foundations** for the stairs. A depth of 42" must be met.

The Planning Board completed a SEQR assessment for this project, determining that the proposed action would not result in any significant adverse environmental impacts and provided clear reasons supporting the determination. Board Member Lersch made a motion to accept the declaration as stated and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

2. App. #061212-SPR/ Mr. & Mrs. Thomas Clutz of 1385 S. Lake Rd., represented by agent Mr. Andrew Ellison of Drew's Docks, requests Site Plan approval for construction of a proposed 720 sq. ft. permanent dock at shoreline (LR)

Code Enforcement Officer, Ms. Kane summarized the application and stated there were no shoreline concerns for the project. There was a Boat House at shoreline that is pre-existing with over 170 ft. of shoreline. Ms. Kane advised the Board that Kocher Surveying had sent the Code Office an addendum that showed the North and South points to be 93.3 ft. and 56 ft. respectively. The new map measurement was added to the original file.

Without further discussion, Chairman DeVinney entertained a motion. Board Member St. Lawrence moved to approve as presented and Board Member Lersch seconded the motion. The motion carried with all Board Members present voting in favor.

The Planning Board completed a SEQR assessment for this project, determining that the proposed action would not result in any significant adverse environmental impacts and provided clear reasons supporting the determination. Board Member Gilbert made a motion to accept the declaration as stated and Board Member Mincer provided a second. The motion carried with all members present in favor.

3. App. 3060612-SPR/ Mr. David Rusin & Mrs. Lori-Farr Rusin of 1217 S. Lake Rd, represented by agent Ms. Wendy Meagher, P.E. of Meagher Engineering, requests Site Plan approval for the construction of a retaining wall and proposed new driveway parking space.

Ms. Wendy Meagher presented the application stating **that the existing** timber retaining wall **which is failing** would be replaced by a **new steel piling/ timber beam system**. The existing wall housed a septic system and propane tank which did not allow the owner to safely egress the existing driveway without backing down onto S. Lake Rd. It also housed a septic system and propane tank which would be relocated. The new design would provide the applicant additional space to safely turn a vehicle around and would also provide a safety railing around the parking space. Side setbacks which were not in compliance with current code would be reset so that the side setback would be in compliance with the 15 ft. required in Lake Residential. The front yard setback would move from an existing 9ft. side setback to a 10 ft. – 15 ft. setback. It would vary due to the slope of the land. Ms. Meagher, P.E. stated that NYS DOH was in the process of approving the new septic design.

Code Enforcement Officer stated that she had received notification that the aerobic septic design was approved and confirmed that all setbacks would become within code compliance after project completion.

After a brief discussion, Board Member St. Lawrence stated the front setback would need variance determination to be applied for prior to the Planning Board proceeding to a determination. The proposed design, as presented required rebuilding beyond the existing footprint and would be considered “new construction”, not simply a repair or replacement.

Mr. St. Lawrence suggested an onsite meeting with Highway Supervisor Reifsteck to review the transition to cross the existing 12 in. culvert. Mr. St. Lawrence referred Ms. Meagher to Lu Engineers South Lake Rd. Engineering Study for reference on the proposed Town culvert work. A Lu Engineer review was requested by the Planning Board, which would provide all map revisions, including: calculations for the proposed driveway elevations that would be load bearing, due to vehicular traffic; revisions to the 4” corrugated downspout drainage trenched into the retaining wall to indicate that it follows the design of the wall and that appropriate rip rap is added at the drain outlet.

Ms. Meagher added that catch basins would also be added to the map revisions.

Ms. Kane thanked the Board and advised the application would be heard by the Zoning Board of Appeals on August 7<sup>th</sup>, returning after, to the Planning Board for determination of the SEQR and the application.

4. App. # 41112-SPR/ Mr. James Fonzi of 5980 Widmer Rd. (LR) Full EAF SEQR Assessment.  
Board Member St. Lawrence summarized the current status of the application.

June 14 – Lu Engineer review – site map revisions needing resolve.

June 27 – Last Planning Board Review

July 3 – Applicant met with Lu Engineer referencing Site Map #C-2 Dosing Chamber

July 5 – Lu Engineer reviews changes without further review necessary.

Chairman DeVinney introduced the SEQR process and explained that this application required a Full EAF Assessment review. Part I was determined as a Type I. Part II determined potential impacts that might need mitigation in order for the Board to make a determination. Part III would be completed after the Board’s determination.

After the SEQR review and discussion by the Board, Chairman DeVinney requested a motion to approve the application with the condition that all engineered plans were considered by all resources to be in

compliance or could be mitigated. Board Member Gilbert moved to approve and Board Member St. Lawrence seconded the motion. Motion carried with all members present voting in favor.

Chairman DeVinney announced that a copy of the completed SEQR would be available for public review in the Town Clerk's office.

Board Member Lersch made a motion to set a Public Hearing date for public review. Board Member St. Lawrence seconded the motion. After a brief discussion, July 18<sup>th</sup> was set as a Public Hearing date with all Board members present voting in favor. Motion carried.

The Board moved to also work on the revisions to the Draft Steep Slope Law on July 18<sup>th</sup> after the Public Hearing closed. Mr. Gilbert made the motion which was seconded by Mr. Mincer. Motion carried with all Board Members present voting in favor.

CEO Review: Ms. Kane advised the Board that the Highland Group of Canandaigua LLC requests Site Approval to propose a driveway extension in order to access all (3) lots from the recently approved existing shared driveway. After Board discussion it was proposed that July 18<sup>th</sup> would be a possible review date. Also a letter was received and submitted for Board review from Attorney Dan O'Brien, representing landowners Mr. Neil Elli of 1091 S. Lake Rd., referencing his proposed project for remediating a gully.

Public Comment: Mr. Hoffman reported on a Vine Valley Community Center Potluck Dinner at which residents publicly commented on a topic entitled "Community Concerns." He stated that a resident commented that a number of residents are unhappy with the Draft Steep Slope Law, currently in revision also stating he had difficulty navigating through the Town of Middlesex online website. Mr. Hoffman advised the Board that discussion was then heard and advisement by some was introduced to be in the best interest for all concerned to attend both Planning Board and Town Board meetings, in order to voice concerns to those that could bring some sort of resolve. Mr. Hoffman also requested an update from the Planning Board on the current status of both the Draft Steep Slope Law and work to be reviewed during the Moratorium Extension for Hydro-Fracking Natural Gas.

After a short discussion addressing Mr. Hoffman's statement and request, Chairman DeVinney entertained a motion to adjourn. A motion to adjourn was made by Board Member St. Lawrence and seconded by Board Member Mincer.

Meeting adjourned at 9:45pm

Draft Minutes submitted by L. Lersch/revisions to [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)  
Minutes approved on October 3rd



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

Minutes – June 20, 2012, 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Ms. Debbie Samardjian, Mr. Gary Hoffman, Mr. Jeremy Fields, Ms. Peggy Ruscio, Mr. Donald Sheive, Mr. and Mrs. Ted Carman, Mr. Steven Faulkner, Mr. Michael Montalto, Mr. James Fonzi

Agenda:

1. Site Plan Reviews:

Application #060612-SPR/ Ms. Wendy Meagher of Meagher Engineering, representing agent for Mr. David Rusin and Mrs. Lori Farr-Rusin requests Site Plan Approval for repair of an 8 ft. Retaining Wall and proposed driveway parking space at 1217 S. Lake Rd. (LR); Application # 41112-SPR/Mr. James Fonzi, represented by Mr. Michael Montalto of Parrone Engineering, requests Site Plan Review of map revisions for proposed 3 bedroom dwelling & site development at 5980 Widmer Rd., (LR).

2. Other Business:

Local Law # 3 of 2011 for Moratorium and Prohibition of Natural Gas and Petroleum Exploration and Production Wastes within the Town of Middlesex – (6) month extension/date change

3. Office of Code Enforcement – Site Plan Review Advisement

Mr. James Spellman requests permit to install a dry-laid 36’ x 36’ retaining wall and 14’ golf cart parking space on property at 6364 Glenn Cove Drive, (LR)

Meeting came to order at 7:15p

Chairman DeVinney opened up the floor to Site Plan Reviews.

1. Application #060612-SPR/Ms. Wendy Meagher of Meagher Engineering, representing agent for owners Mr. & Mrs. David Rusin of 1217 S. Lake Rd., (LR). Applicant withdrew their request for Site Plan Review.
2. Application #41112-SPR/Mr. James Fonzi requests Site Plan Review of map revisions and Town Engineer review for proposed new construction of dwelling and site development at 5980 Widmer Rd., (LR)

Board Member St. Lawrence summarized the status of the project referencing comments from Lu Engineer review letter dated June 14, 2012.

Missing components to the Site Plan Review detailed the following:

- a. 2E/ Sizing of stone material
- b. 2F/ Reference to the minimum # of anchors for builder clarification
- c. Drawing C-4: remove drafting line in cross-section, and extra water run-off due to steep grade of slope
- d. Forward copy of revisions to Code Enforcement Officer for her record.

Board Member Lersch stated that due to the Code Enforcement Officer being not in attendance that it was important to note that even though Lu Engineer’s review intimated (re: #29) that foundation and installation inspections were the responsibility of the Town, this should not fall on the Town’s Code Office due to the complexity of the project and site development and instead should fall to an outside engineer’s inspection review.

Board Member Lersch entertained a motion to request a Public Hearing to review the project with other Widmer Rd. residents and nearby community. The Board moved to hold a public hearing and after a short discussion decided due to holiday deadlines, it would be pertinent to hold it on July 18<sup>th</sup>. Board Member Gilbert seconded the motion and all Board Members voted in favor. The motion carried.

Chairman DeVinney stated that the SEQR EAF assessment would be reviewed again at the July 18<sup>th</sup> meeting after the application was deemed to be complete.

Mr. Fonzi requested of the Board to state the current timeline of completion for the Draft Steep Slope Law. The Board stated they speculated it to be in September at the earliest.

Other Business:

1. Extension of Local Law # 3 of 2011 for Moratorium and Prohibition of Natural Gas and Petroleum Exploration and Production Wastes within the Town of Middlesex for a (6) month extension.

The Planning Board voted to change a typographical error in the Resolution voted through by the Town Board by request of Town Attorney Elaine Espenscheid and Supervisor Multer. Board Member Lersch made a motion to amend the resolution on the floor and Board Member Gilbert seconded the motion. The correction would read, "hereby extended for an additional term of six (6) months beginning September 27, 2012 through March 27, 2012. All Board Members present voted in favor of the motion to amend as read. Motion carried. Board Member Lersch stated that it would be reviewed by the Yates County Planning Board on June 28<sup>th</sup> and then sent to the Town Board for determination of a Public Hearing date.

2. The Planning Board moved to determine that Mr. James Spellman's project, at 6364 Green Cove Drive, did not need Planning Board Review. Board Member Gilbert moved to waive Site Plan Review and Board Member Mincer seconded the motion. Motion carried with all Board Members in favor.

After a short discussion with those in attendance referencing the Draft Steep Slope Law and revisions pending after meetings with concerned residents, a motion to adjourn was entertained by Chairman DeVinney. Board Member Gilbert made the motion and it was seconded by Board Member Mincer.

Meeting adjourned at 8:30pm

Draft Minutes submitted by L. Lersch/revisions to: [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)  
Approved minutes: July 5, 2012

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

Minutes – June 6, 2012, 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Mr. Randall Peacock, Mr. James Fonzi, Mr. Ed Parrone, Ms. Amy Kendall, Mr. Gary Hoffman, Ms. Deborah Samardjian, Ms. Casey Catlin, Mr. Douglas Skeet, Mr. Jeremy Fields

Agenda: Application # 41112-SPR/Mr. James Fonzi requests Site Plan Review for map revisions for a proposed 3 bedroom dwelling at 5980 Widmer Rd., (LR); Application #120811-SPR/ Mr. Jeremy Fields, representing agent for Mr. John Porter of 446 E. Lake Rd., (LR) requests review of remediation plans to existing gravel path and disturbed steep slopes; Application #052312-SPR/ Mr. Jeremy Fields, representing agent for Mr. James Alesi requests Site Plan Approval to construct (2) permanent docks and a Boat Station at 1345 S. Lake Rd., (LR); Application #091211-SPR/ Mr. Richard Bolton requests Site Plan approval to construct a two story garage at 258 E.Lake Rd., (LR);

Meeting came to order at 7:15pm.

Site Plan Reviews:

1. Application #41112-SPR/Ms. Amy Kendall, representing Attorney for Mr. James Fonzi, provided an update on project status referencing revised EAF, Town Engineer Review, and current map revisions, requesting SEQR determination by the Planning Board.

Chairman DeVinney referred to completion of the Final SEQR stating declaration of impact would be made once the application received final release from Town Engineer and the Board determined the application to be complete.

Ms. Kane stated that it was her understanding that further driveway revisions had been made to the Site Maps in a meeting with the Town Engineer.

Board reviewed Lu Engineer's review of June 5<sup>th</sup> with all professionals servicing Mr. Fonzi's project, and also reviewed some additional points of concern from Board Member St. Lawrence. Mr. St. Lawrence asked for additional silt fencing for erosion protection to be placed at shoreline where excavation would take place. Details on the Site Map legend required revision to reflect temporary and permanent silt fencing.

CEO Ms. Kane and Board Member St. Lawrence requested that the builder also be involved upfront with the construction sequencing project notes.

After a short discussion, it was agreed that all construction sequencing would be placed on notes to advise the contractor of what was expected sequentially with installing the project and to include an on-site pre-construction meeting prior to work commencing with Watershed Inspector George Barden, Town Engineer, Code Enforcement Officer, Contractor and project manager from Parrone Engineering.

Without further discussion, Chairman DeVinney entertained a motion to move forward with site map revisions to be submitted by June 13<sup>th</sup>. The next Site Plan Review would take place on Thursday, July 5<sup>th</sup>, due to the holidays.

2. Application #12011-SPR/Mr. Jeremy Fields, representing agent for Mr. John Porter of 446 E. Lake Rd., (LR) Mr. Fields summarized the history of the application to include remediation of a gravel path to an installed septic, and stabilizing a steep slope portion of the land that was disturbed due to installation of the septic.

Board Member Lersch read and submitted into the current minutes, both a copy of a letter from Engineer Mr. William Grove, referring to remediation details, and also the Conditions of the Planning Board's Determination stated in December 7, 2011 Board Minutes.

Mr. St. Lawrence inquired about a rodent trap to be installed at the discharge culvert at the road, and Mr. Fields stated he had installed it; however there was little discharge due to the county changing this watershed some time ago. Mr. St. Lawrence referred to the structural integrity of a gravel parking area installed at the beginning of the gravel path on Seely Landing still to be addressed by Engineer Mr. Grove. The board determined they would like to review written comments from Engineer William Grove on this site change since it occurred during the construction phase of the septic.

The Board moved to determine there were (2) unresolved issues remaining, so could not determine a final approval until:

1. Driveway and slope stabilization were remediated per Mr. Grove's written plans and to include additional comments from Mr. Grove on the gravel parking area at Seely Landing. This would be the responsibility of Mr. Jeremy Fields, Fields Construction, Canandaigua NY.
2. Discharge drainage to the retaining wall would include crushed stone to be added where the (2) drainage pipes discharge for the purpose of decreasing the flow of water runoff from behind the retaining wall to an existing gully to the north. This would be the responsibility of Twin Oaks Landscaping of Macedon, NY.

Chairman DeVinney stated a SEQR would be completed once the application was deemed complete and entertained a motion to move the application as approved with conditions as presented. Board Member Mincer seconded the motion with all Board Members present in favor. Motion carried as approved.

3. Application # 052312/ Mr. Jeremy Fields of Fields Construction, representing agent for Mr. James Alesi of 1345 S. Lake Rd., (LR) requested Site Plan Approval for (2) proposed permanent docks and a Boat Station. One dock was proposed to be 480 sq. feet and the other to be 600 sq. ft.

In review of the site map, it was determined by the Board that the offset measurement for both docks was missing, as well as the side setbacks to the property line. These must be submitted as a requirement prior to the Board determining final approval.

Chairman DeVinney entertained a motion to approve with conditions as presented. Board Member St. Lawrence made a motion and it was seconded by Board Member Gilbert. All Board Members present voted in favor and the motion carried.

The Board completed a SEQR assessment of the project and voted to determine that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member Mincer made a motion to accept the negative declaration once the conditions were resolved and Board Member St. Lawrence seconded the motion. The motion carried with all Board Members present voting in favor.

4. Application #091211-SPR/Mr. Richard Bolton requests Site Plan Approval to construct a (2) story garage on property at 258 E. Lake Rd., (LR)

Mr. Bolton, summarized his application. The Board requested map revisions to include a survey map delineating boundary lines, run-off and any natural swales that might daylight to existing gullies. Board recommendation was to place stone at the discharge points to drainage areas.

Chairman DeVinney motioned to approve the application contingent on the requested information as discussed. Board Member Gilbert moved to accept and Board Member Mincer seconded the motion.

The Board completed a SEQR assessment of the project and voted to determine that the proposed action will not result in any significant adverse environmental impacts, providing reasons to support this determination. Board Member Mincer made a motion to accept the negative declaration once the conditions were resolved and Board Member St. Lawrence seconded the motion. The motion carried with all Board Members present voting in favor.

Old Business:

1. Application #050612-SPR/ Mr. Jeffrey Smith of 1751 Shay Road, requesting Site Plan Approval for a Minor Subdivision of (2) Lots on approximately 10 acres. Lot #1 which is 5.005 acres will become 4.132 and Lot #2 will become 5.878 acres after subdividing,

A SEQR was determined by the Planning Board and the subdivision was declared not to have any significant impact on the character of the neighborhood or have any adverse environmental concerns. Board Member Gilbert voted in favor of a negative declaration and Board Member St. Lawrence seconded the motion.

Chairman DeVinney asked for a resolution to approve the Minor Subdivision as presented and declared. Board Member St. Lawrence voted to approve and Board Member Gilbert voted to second the motion. The motion carried with all Board Members present voting in favor.

CEO Report:

Ms. Kane, CEO reviewed with the Planning Board on a number of applications that could possibly require the Board's Site Review. The Board advised the Code Office that applications for a permanent dock and a retaining wall repair would fall into site review qualifications due to the extent of site work involved.

Next Meeting: A decision to hold the next Planning Board meeting on Thursday, July 5<sup>th</sup> due to the holidays was made by Board Member St. Lawrence and seconded by Board Member Lersch. The motion carried with all present in favor.

A letter of invitation, from the Middlesex Baptist Church, was read by Board Member Lersch. All interested parties were invited to attend a dedication service for the new Youth Center. This event will take place on Sunday, June 17, 2012 from 2-4pm in support the new building and its addition to our community.

A motion to adjourn was made by Board Member Mincer and seconded by Board Member Gilbert. All present voted in favor. Motion carried. Meeting adjourned at 9:15pm.

Minutes submitted by L. Lersch/Revisions to: [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net).

Minutes approved on July 5, 2012

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

Minutes – May 2, 2012, 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Alaine Espenscheid, Town Attorney; Dawn Kane, CEO; Mr. Neal and Kathy Elli, Mr. Scott Naramore, Mr. Gary Hoffman, Ms. Debbie Samardjian, Mr. Harold Johnson, Mr. Jim Fonzi, Mr. Mike Montalto, Ms. Amy Kendall, Mr. Randall Peacock, Mr. Nathan Sirvent, Mr. Rocco Venezia of Venezia & Assoc.

Agenda: Application # 042512-SPR/Mr. R. Venezia, representing agent for owner Mr. Nathan Sirvent requesting site plan review to construct a new permanent dock at 614 E. Lake Rd., (LR); Application #042512/Mr. R. Venezia, representing agent for owner Mr. Richard Kaplan requesting site plan review to construct a new permanent dock at 598 East Lake Rd., (LR); Application # 041112-SPR/ Mr. Jim Fonzi of 5980 Widmer Rd., (LR) requests site plan review for a proposed (3) bedroom addition onto an existing seasonal dwelling; Application # 41112-SPR/ Mr. Jeffrey Smith, represented by agent Mr. R. Venezia, for a proposed Minor Subdivision of vacant property on the east side of Shay Rd., approximately 1556 ft. north of the centerline of Upper Hill Rd. (A/R); CEO advisement for Erosion Control Management on site owned by Mr. Neal Elly of 1091 S. Lake Rd., (LR) represented by agent Mr. Scott Naramore of Sterling Excavation.

Meeting came to order at 7:10pm.

Site Plan Reviews:

1. Mr. Neal Elli of 1091 S. Lake Rd. presents site information of erosion control involving a gully/culvert placement that withstood debris and loose soil/stone deposit which created damage during repeated storm events. Mr. Neal Elli summarized the problem and submitted photographs and a deed drawing of the gully on the south side of Mr. Elli's property line. A culvert pipe, installed by owner, failed for the second time during a spring storm event causing erosion to property and lake. Mr. Elli seeks a plan to alleviate possible future damage. Ms. Kane, CEO sought Planning Board advisement for erosion control management of the site, stopping the proposed project due to the site's history and it's close proximity to the lake.

Board Member St. Lawrence requested a site plan stamped by a certified NYS Engineer to address problems, showing side setbacks from abutting neighbors, a clear footprint of the creek, a cross-section depicting installation and drainage around retaining walls and a clear picture of either an open channel, as advised by Watershed professionals Mr. K. Olvany and Mr. G. Barden or appropriate culvert placement for board determination of the best management practice for this site.

Chairman DeVinney stated that this procedure was common practice when in close proximity to the lake and the final plan would possibly be submitted to either our Town Engineer and/or Yates Co. Soil & Water Conservation District for further review at the owners' cost.

It was advised that Mr. Elli seek Site Plan Review from the Planning Board with complete engineered plans of the proposed work as stated with recommendations from the Board and the Canandaigua Watershed Council and Watershed Inspector. It was stated by the Board that the culvert pipe currently in place be removed to allow an open flow channel in case of recurring storm events and submission of the Site Plan as soon as possible to be placed on the next possible Planning Board agenda.

2. Application #042512-SPR/ Mr. R. Venezia, representing agent for Mr. Nathan Sirvent requesting Site Plan Review for a proposed 360 ft. permanent dock at 614 East Lake Rd., (LR).

The site plan was summarized by owner Mr. Sirvent including a proposed Phase I- permanent dock with Phase II to be submitted later for a hoist and attached roof.

Ms. Kane, CEO stated lake frontage was 200' with the dock placement being central to that measurement. The proposed Phases I, II was well within the allowable amount referencing the UDML. Mr. Harold Johnson would be installing the permanent dock. Mr. Johnson was advised by the Board that any changes the approved site plan would need to come before the Planning Board for additional review.

The Board completed a SEQRA assessment determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Mincer made a motion to accept the declaration without any negative impact to the surrounding neighborhood and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

3. Application #041812-SPR/ Mr. R. Venezia, representing agent for Mr. Richard Kaplan requesting Site Plan Review for a proposed 560 sq. ft.

The Board stated that a revised map showing the High Mean Water Mark, the square footage of the existing dock, and Lake Frontage calculations should be submitted for original file to document allowable amounts under the UDML requirements.

Board Member St. Lawrence entertained a motion to conditionally approve the application contingent on the submission of the following Site Map revisions:

1. Show the HMWM measurement on revised site map.
2. Show existing Dock Square Footage
3. Show the property's lake frontage calculations

Board Member Lynn Lersch seconded the motion. All Board Members present voted in favor of the motion as presented. Motion carried.

The Board completed a SEQRA assessment determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Mincer made a motion to accept the declaration that there not a negative impact to the surrounding neighborhood and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

4. Application #04112-SPR/ Mr. James Fonzi requests Site Plan Review for proposed new construction on a primary residence located at 5980 Widmer Road, Middlesex, NY (LR) Representing Agents for Mr. Fonzi included Ms. Amy Kendall, Attny; Architect Mr. Randall Peacock; Project Engineer for Parrone Eng., Mr. Michael Montalto.

Mr. James Fonzi and his agents summarized the request Site Plan Approval stating all Site Maps included setback requirements, approved utilities, Erosion Control measures, NYSDOH Septic Approval, driveway specs, excavation to be done by Mr. Steve Faulkner and would be constructed in stages to protect driveway, and to all vehicular usage. All spoils would be trucked offsite and no grading would take place at lakeside. The hill behind the house would be disturbed to update utilities and to install a 700 ft. duplex pumping system. The foundation of the house at the back will become a retaining wall constructed of sheet pilings with rock anchors, so the existing grade would not be altered. A Geo-Technical Engineer would determine all necessary components to provide protection from rock slides, earthquake etc.

Board questioned the impact of the development on the road itself and what upgrades would be necessary to handle the construction load while developing was in process as the area's steep grade had produced numerous slides in the past. A letter by Watershed Inspector, Mr. George Barden, was submitted confirming this and referencing the road's history during past storm events with color photographs depicting major hill slides and erosion control problems that had occurred.

Board reiterated concern for the safety of Widmer Rd., as vehicular passage for more than 27 properties that would be affected. Without a full upgrade, the road would be directly impacted by development and construction vehicular travel, with subsequent possible failure potentially affecting approximately 20+ neighboring residents. Also of major concern to the Planning Board was safe passage of emergency vehicle travel to dwellings on the road due to its steep grade, making it prohibitive at best even in the best of seasonal weather. The Planning Board stated that it has discretionary power to make determinations based on upholding the health, safety and well-being of it's' residents.

Mr. Fonzi related those 5-6 years ago, upgrades were made to the road drainage and K-turns were now possible, although tight. Mr. Fonzi stated that he assumes risk and legal liability of the area in which he has chosen to live.

Chairman DeVinney stated that the final plans would be reviewed by the professional expertise of the Town Engineer at applicant's expense, due to the steep slope and close proximity to the lake. The Board would expedite the process as best they could.

Board Member St. Lawrence stated that a construction sequencing schedule would be crucial to assessing staging onsite when building. He advised that any changes made to approved plans would come back to the Planning Board and would initially incur a Stop Work Order on further development until resolved.

Ms. Kane, CEO stated the town could request the presence of an engineer from Lu to be onsite during project installation at applicant's expense.

Mr. Fonzi inquired of the Town's progress in the adoption of the Draft Steep Slope Law as it pertained to the proposed development on his property. The Board referenced the procedure of law adoption, referencing time constraints.

The Board stated a review by our Town Engineer would include a work order estimate for site plan review which would be forwarded to them for approval before review work commenced. The forthcoming review would most likely be available by the next regularly scheduled Planning Board Meeting.

After a brief discussion with Town Attorney, Alaine Espenscheid and the Board referencing our Private Road Zoning Law Amendment in the Lake Residential District, it was decided that Chairman DeVinney would request clarification for use in our determinations.

Map revisions from Parrone Engineering would be forthcoming to the Board and Lu Engineer at which time a work order would be written.

#### Other Business:

Ms. Kane, CEO summarized an application pending future determination before the Planning Board for Site Plan Review of a Lot Line Reconfiguration of property at Upper Hill Rd., Tax Map ID #32/04-1-11 & 12 owned by Mr. Jeffrey Smith/Ms. Vicki Sloth of 1751 Shay Rd., (A/R)

After a brief discussion and review, the Board determined to make a motion of resolution to approve the subdivision as presented. A SEQR would be determined at the May 18<sup>th</sup> meeting at which time, maps would be stamped by the Planning Chair. Motion to approve was made by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.

A motion was made by Board Member Gilbert to adjourn the meeting and seconded by Board Member Gilbert. All present voted in favor. Motion carried.  
Meeting adjourned at 9:45pm.

Draft Minutes submitted by L. Lersch. Board approval: 6/20/12





# **TOWN OF MIDDLESEX**

## **PLANNING BOARD**

Minutes – April 4, 2012 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Ms. Dawn Kane, CEO; Mr. Phil Greene, Mr. Donald Sheive, Mr. Rocco Venezia, Mr. Mark Lapari, Mr. Donald Bow, Mr. Soumen Das, Mr. Gary Hoffman, Ms. Debbie Samardjian

Agenda: App. #031412-SPR: Mr. Phil Greene of Worden Hill, Inc./Site Plan Review for construction of an addition to an existing dock in the (LR District); App. #031512-SPR: Mr. Steve Faulkner Excavating, Inc./Site Plan Review for demolition of an existing Single Family Residence (LR District); App. #21010-SPR: Mr. Rocco Venezia, /Site Plan Review for the Highlands Group of Canandaigua, LLC Final Plat Approval of a Minor Subdivision at 556 E. Lake Road, (LR District)

Approval of Minutes: Draft Minutes for 2/1 were approved. Draft Minutes for 3/7 under review.

Meeting came to order at 7:10pm

Chairman DeVinney opened the floor for the following Site Reviews:

1. Application # #031412-SPR/Mr. Phil Greene of Worden Hill, Inc. representing the owners Mr. & Mrs. Patrick McCormick to construct an addition to an existing dock at 356 East Lake Road - (3) parcels pieced together by prior subdivision.

Mr. Greene presented the Board with thorough documentation of the project, stating that the proposed deck area would be 1778.5 sq. feet, given the allowed amount of adding 200 sq. feet for each of (3) adjoining parcels, which under the UDML (rev. June 2011) gave them 1880 sq. feet. The construction of a new set of stairs from an existing tram to the deck was also discussed as part of the project to gain safe access to the proposed dock.

After a short discussion referencing allowable amounts under the UDML as it pertained to an existing upland shed structure and what was allowed for the (3) parcels, the Board agreed that the amount proposed was in compliance with the law. It was stated by Mr. St. Lawrence that a reference to the (3) adjoining parcels should be noted on the land deed for future reference if a parcel was ever considered to be sold off. Mr. Greene stated he had referenced this in the last sentence of his intent letter and would reference it in the deed information for County filing.

The Board requested further explanation of the type and process of installing (6) permanent pilings into the lake bottom and received detailed description of the process used by Worden Hill Inc. and it was stated that all construction would be completed by water with a barge.

The Board completed a SEQR assessment for this project, determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Lersch made a motion to accept the declaration as stated and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

Board Member St. Lawrence moved to approve of the application as presented and Board Member Mincer seconded the motion. All Board Members present voted in favor and the motion to approve the application carried.

2. Application #031512-SPR: Steve Faulkner Excavating, Inc., representing agent for Mr. & Mrs. Brett Utter, requested Site Plan Review to be permitted to demolish an existing seasonal cottage at 964 South Lake Road in the LR District.

Ms. Kane, CEO summarized the application stating that Mr. Faulkner was not present to review with the Board the proposed project, however she would answer any questions that the Board might request.

It was stated the property at 964 South Lake Road had withstood a fire in early winter. Owners, Mr. & Mrs. Brett Utter of 966 South Lake Road wished to demolish the present cottage, leaving it vacant for the present time. The existing septic would be pumped and removed. Demolition material would be removed, clean fill brought in and a grading and replanting schedule with existing plants and bushes would complete the project.

The Board requested further detail on the egress/ingress off of South Lake Road without an existing driveway, existing front yard setbacks from the lake and the projected completion date of the demolition. It was stated that the cottage was 50-60 feet from the lake. The demolition was scheduled to take 2-3 days to complete, and they would be waiting for fair weather to commence demolition in approximately 3-4 weeks. Contractor would discuss the egress/ingress on road shoulder with Town Highway Supervisor Reifsteck for best approach to project.

The Board stated that due to the pre-existing clause to current zoning and the non-conforming setbacks to current code, if the Utter family were to rebuild in the future, any new construction would have to comply to current zoning setbacks and requirements, hence losing their right to be grand-fathered. Ms. Kane, CEO stated the owners had been advised of this.

The Board completed a SEQR assessment for this project, determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Gilbert made a motion to accept the declaration as stated and Board Member Mincer provided a second. The motion carried with all members present in favor.

After a brief discussion, Board Member Mincer made a motion to conditionally approve the demolition for permit stating the following conditions:

1. Disturbed ground onsite must be stabilized and replanted immediately after final grading was completed, due to its' close proximity to the lake and seasonal rain.
2. Daily care to road clean-up was essential due to returning summer residents.
3. Advisement must be procured from Highway Supervisor Reifsteck for appropriate shoulder access to site off of South Lake Road because the site did not have driveway access to the site.

Board Member Gilbert seconded the motion as stated. Motion carried with all Board Members present voting in favor.

3. Application #021010-SPR/ Highlands Group of Canandaigua, LLC represented by agent, Mr. Venezia of Venezia & Associates. Site Plan request was for Final Plat approval of a (3) lot Subdivision granted by Special Use Permit to construct a private road to service (3) building sites at 556 East Lake Road in the LR District.

The Board stated that Lu Engineer had given final release to the project and the first phase of construction would be the installation of the private road.

Ms. Kane, CEO stated that County Highway Supervisor Hartman's office had stated that a permit to install the driveway off the County Road was not required after a site visit took place over the winter.

Board Member Lersch requested that a construction schedule be given to Mr. Hartman, County Highway Supervisor so that he would be aware of when work onsite was to commence.

Mr. R. Venezia, agent stated that all excavation would be done by Victor Excavating and Mr. Rocco Venezia would oversee the project. It would be completed within a 2 week time frame, weather permitting and replanting would commence the third week. Double silt fencing barriers would surround the equipment staging. This stage of the project would include tree removal, land grubbing, installation of check dams, cutting of slope grades with immediate stoning in all disturbed areas. There would be no fill or hauling soil offsite as there was very little topsoil in this area. Lumber from trees cut would be picked up by trucks, and mulch would be used onsite. Road clean-up would be addressed daily.

Ms. Kane, CEO requested a pre-construction meeting onsite with contractors.

The Board again reviewed the original SEQR and a motion to the SEQR as completed and the Final Plat for the Minor Subdivision as presented was made by Board Member St. Lawrence and seconded by Board Member Mincer. All Board Members present voted in favor and the motion to approve the application carried.

#### Other Business:

Draft Minutes for February 1 and March 7:

Board Member Gilbert made a motion to accept the draft minutes for February 1<sup>st</sup> and further time to review draft minutes for March 7<sup>th</sup> was requested by the Board. Board Member Mincer gave a second to the motion. Motion carried with all Board Members present in favor.

Ms. Kane, CEO stated an appeal was filed by Mr. Andrew Komarek by his attorney, Mr. Robert Place to review Ms. Kane, CEO's decision that the Komarek Major Subdivision application did not meet the criteria established by Town Law to proceed for a Zoning Board of Appeals Special Use Permit.

Chairman DeVinney updated the Board of progress on the Draft Steep Slope Law. He stated that a review by the Yates County Planning Board on March 26<sup>th</sup> advised further work should be done to include resident input before approval took place. Such a meeting was requested by residents Mr. Robert Johnston and Mrs. Ann McCormick. A March 3rd meeting with these representatives from the community and some members of the Planning Board, Zoning Board of Appeals, and members from the Canandaigua Watershed Council shared input and drafting of possible new revisions to make a more cohesive document.

Board Member Lersch stated that a Newsletter describing steep slope requirements broken into (3) categories of slope would be sent to all residents of the town, once a final draft of the law was ready. A period of review would precede the Town Board setting of a Public Hearing to further review the law.

Chairman DeVinney informed the Board of an article compiled for the Canandaigua Watershed Council Newsletter referencing the environmental intent for the Draft Steep Slope Law and its' beneficial impact on Canandaigua Lake, our greatest resource.

Mid-month meeting: Agenda to be a review of Zoning Law Amendments.

Hydro-Fracking – Moratorium and possible future work with the Slottje's Land Use Lawyers.

Public Input:

Resident Mr. Gary Hoffman presented on a new process called "Gas Fracking" that was being leased in parts of Tioga County in the Southern Tier. This new process which has been used experimentally in Canada by vertical drilling, uses a combination of propane and butane to frack shale deposits underground instead of water and a composite of chemicals as in Hydro-Fracking. Mr. Hoffman spoke of the legal concerns of whether this new process could bypass our Moratorium, Zoning Law and Master Plan currently in place. It now is being attempted in Tioga County with horizontal drilling and is a huge concern. Mr. Hoffman would like to review this with Supervisor Multer over the next week.

Chairman DeVinney will discuss this with Supervisor Multer and Town Attorney, Alaine Espenscheid to review.

A motion to adjourn was made by Board Member Gilbert and seconded by Board Member Mincer. Motion carried with all Board Members present in favor.

Meeting adjourned at 9:15pm.

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

# **THE TOWN OF MIDDLESEX**

## **PLANNING BOARD**

Minutes – March 7, 2012

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Dawn Kane, Town Code Enforcement Officer, Jason DeKouski, Debbie Samardjian, Gary Hoffman, Shanna Williams, Vicki Fumia, Marilyn Tedeschi, Don Miller, Calvin Ames, Charles Sheets, Timothy O'Connor, Andrew Komarek, Tom Fromberger

Agenda: Application #102011-SPR: Mr. Donald Miller, representing agent for Ms(s). Vicki Fumia & Marilyn Tedeschi requesting a private driveway for a single family residence at 991 Old Vineyard Rd., Middlesex (A/R); Application #020512-SPR: Ms. Shanna Williams, representing agent for Dr. Timothy O'Conner & Ms. Avice O'Connell requesting an addition to an existing Single Family Residence at 1492 South Lake Rd., (LR); Application #091211-SPR: Mr. Tom Fromberger, representing agent for Mr. Andrew Komarek submitting map revisions on a preliminary plat review for a Major Subdivision of (4) lots on East Lake Rd., Middlesex (LR)

Meeting was called to order at 7:15pm

1. Applicant Mr. Don Miller requested the board's review of Application #102011-SPR. Ms. Kane, CEO, summarized the application stating the Single Family Residence and its septic design had previously been approved. An onsite visit including members of the Planning Board, the Town Board concurred that driveway installations on private driveways off of pre-existing private roads would be reviewed on a case by case basis. It was also concurred that this site would be reviewed by the Planning Board for determination after meeting requirements in our Road Standards, and Private Driveway Laws. It was agreed a 12 in. by 20 ft. entrance culvert should be increased to 24 in. by 40 ft.; a 4 in. culvert near the residence should be increased to a 12 in. and angled to better handle storm water on its' existing width and slope. The width of the driveway would be increased from 10 ft. to 12 ft. and pitched toward the uphill slope. Six inches of crushed stone would be added as base. More would be added after the house was constructed if needed to maintain the depth. The widened driveway would amply handle emergency vehicle access as concurred by Board member Robert Mincer after he made an onsite visit.

Mr. DeVinney entertained further discussion and there was none. A motion was entertained by Chairman DeVinney. Board Member St. Lawrence made a motion for the Board's approval of the request and Board Member Mincer seconded the motion. Motion carried with all Board Members present voting in favor.

The Board completed a SEQRA assessment determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Lersch made a motion to accept the declaration of negative impact to the surrounding neighborhood and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

2. Applicant Ms. Shanna Williams requested the board's review of Application #020512-SPR. Ms. Kane, CEO summarized the application as a pre-existing and non-conforming parcel including two houses. One of the houses, near a gully was within the side set-back of 15' and may need a variance to build an addition extending the porch area. Due to the fragile site and concern regarding access to the site it was requested by the Code Office that Site Plan Review be applied to this application.

Ms. Williams, Architect for the O'Connor/O'Connell property, had submitted (2) sets of plans for review. One addressed the proposed variance request if needed, and one addressed erosion control and a survey map including the proposed addition.

Roof pitch and cantilevered alterations to the design of the existing porch, and enlargement of a bedroom were reviewed, discussing that a large part of the work was grandfathered in.

Contractor Al Voss included a construction sequence which was reviewed and it was requested by the Board that it be strictly adhered to. The Board requested all construction material to be delivered by nothing larger than a (6) wheeler because of the 9 ft. width of the gravel driveway at lake level. It was discussed that footings would be hand-dug for the (1) ft. by (2) ft. addition.

The Board entertained a motion made by Mr. John Gilbert to approve the plans which included a variance request and Mr. St. Lawrence seconded the motion. The application will be heard for area variance review by the ZBA in early April. All Planning Board Members present voted to approve as reviewed and the motion carried.

The Board completed a SEQRA assessment determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Gilbert made a motion to accept the negative declaration and Board Member Mincer provided a second. The motion carried with all members present in favor.

3. Applicant Mr. Jason DeKouski requested determination by the Planning Board of Application # 122011-SPR for a permit to store boats and trailers as part of a commercial business - Finger Lakes Boats/Repair on property owned by Mr. Terry DeKouski at 843 Elwell Road, Middlesex. (A/R). Mr. Jason DeKouski stated that it was his intent to ultimately store a maximum of 250 boats onsite. Current quantity of 38 boats has raised some concerns from neighbors. Under current zoning, this request is permitted in the A/R Zoning District when Special Conditions are complied with. The Planning Board visited the site on Feb. 18<sup>th</sup> to review options of resolve referencing neighbor concerns. Special Conditions involving the height of a buffer strip with natural plantings, as well as alternative options in placement of boats, quantity of boats, whether driveway entrance radius was wide enough to provide full egress/ingress of trailered boats without infringement on neighbors' parcels, and any concerns of fluid/oil/gasoline leaking from stored boats on property, were considered and discussed with applicant per zoning requirements under Section 501.1 and 501.14. It was determined by the Planning Board

to contact Applicant to schedule a May site visit and board review to better determine the following options:

- a. A better selection of site selection that may be more conducive for all concerns.
- b. The height of a visual berm to fully buffer the maximum quantity of proposed boat storage in the best manner.
- c. The application will be placed on the May Planning Board agenda to further review the site, and Applicant will be contacted by the board.

Mr. DeKouski stated he would be removing the boats one at a time from possibly April 1- June 30<sup>th</sup> between 9am and 4pm, Monday through Friday only. There was a possibility of a delay in completion of this task which depended on the Canandaigua Boat Launch renovation.

4. Applicant, Mr. Tom Fromberger, P.E. from the MRB Group and representing agent for owner, Mr. Andrew Komarek, Application #091211-SPR requesting site review of map revisions to site plan on a preliminary plat for Major Subdivision of (4) Lots on East Lake Road, (LR)

Mr. Fromberger presented map revisions to (2) sets of site maps, presented by the MRB Group, with intent for recommendation of approval from the Planning Board to proceed to the Zoning Board of Appeals with a Special Use Permit Application based on the (2) two submitted plans, serving a Major Subdivision, comprised of (4) proposed building lots with dwellings, in the Steep Slope area of East Lake Road.

Mr. DeVinney, Chairman of the Board referred to “Preliminary Approval” as defined by Town Law as “Preliminary Plat Approval” stating it would entail the submission of a full EAF assessment SEQR before a plat approval was finalized and stated that both plans were not yet ready for Planning Board Preliminary Approval. He questioned whether it was procedurally correct for the application to proceed to the Zoning Board of Appeals at this juncture.

Mr. Fromberger stated that in reference to the Private Driveway ZL Amendment for Special Use Permit Application that it doesn't state that the Board has to approve of any of the submitted plans, only that (2) sets have to be submitted and then proceed to the ZBA, with a Planning Board recommendation to accompany the application.

After a lengthy discussion of current laws and thorough review of submitted plans, the Planning Board applied standards for reasonable argument for not approving either of the submitted plans due to concerns of erosion control, disruption of soil, the importance of safe and feasible emergency vehicle access to the proposed (4) building lots; a site visit by town, planning members, and fire department volunteers; a review of Town requirements under current law for width, slope and radius of the single driveway approach plan; advisement of alternate sites having less than 40% for the proposed building sites referencing intent of current draft Steep Slope Law in process and applying



documentation of many professional outside reviews citing best management practices of development within the Finger Lakes watershed, particularly citing the deterioration of water quality of Canandaigua Lake due to site development and disruption of fragile soils on steep slopes.

Mr. Fromberger stated that he was looking for approval and recommendation of the Planning Board to proceed to the Zoning Board of Appeals, based on the submission of the (2) site plans.

Marty Devinney asked the board if there was any further discussion.

Board Member Gilbert stated that in his opinion, and after reviewing the (2) preliminary plans submitted, on an environmental premise, he would recommend the plan with (4) parking spaces along the county road, East Lake Road over the plan showing a common driveway serving (4) lots because it contained less soil disruption and was significantly less environmentally intrusive; however since the plan had “parking spaces” instead of “driveways” it did not, in his opinion, to invoke the Special Use Permit Application and the single driveway shared driveway concept.

Board Member Lersch stated in her opinion, due to the health, safety and welfare of the intended owners of the (4) proposed dwellings cited on this Site Map, she could not recommend the plan with the (4) parking spaces on East Lake Road, as it was not feasible because of the steep slope to merely have a 300 ft., grass path to each dwelling from the road for the purpose of hauling fire hoses down the incline to the homes or carrying a gurney up the hill to an ambulance. She advised that this plan should be further reviewed by County Highway Supervisor David Hartman due to its roadside proximity to seasonal highway maintenance.

Mr. Fromberger stated that both plans, in his professional opinion, met all current Town and State Laws for Fire & Safety Codes, both had the same amount of soil disruption and both shared the same environmental impacts to the existing land.

Board member St. Lawrence and Mincer both stated they were in agreement with Board Member Gilbert’s previous statement of recommendation.

Property owner Mr. Komarek requested the opinion of the Board if they would ever consider the shared driveway approach serving the (4) proposed lots in the future. The Board stated that if the shared driveway concept was resubmitted as a more complete plan with the adequate radius turn, slope and grading to comply with current Town Laws that the Board would consider it, but neither plans submitted were currently complete enough to make that determination presently.

Mr. Fromberger thanked the Board for its review and asked for the Planning Board’s recommendation to proceed to the Zoning Board of Appeals.

Board Member Gilbert recommended a motion stating that the first of the two submitted plans, referring to those submitted on February 14, 2012 as J1 and J2, with the (4) parking spaces was more environmentally sensitive.

Board Member Lersch stated that she would like to include in the motion that the recommended plan should be resubmitted to the County Highway Supervisor for approval. A letter from Mr. Hartman dated August 2011 was offered for review by Mr. Fromberger, stating Mr. Hartmans' approval for the single driveway approach over the (4) single driveways to each dwelling.

Marty asked for the motion to be repeated.

Board Member Gilbert stated that he would recommend that the submitted plan with the (4) parking spaces had the least negative impact on the surrounding land on all considerations when considering the submitted development alternatives including an upgrade to a single common private road and widening the radius at the first turn.

Board Member St. Lawrence seconded the motion. There was no further discussion and Board Members DeVinney, Gilbert, St. Lawrence and Mincer voted in favor of the motion. Board Member Lersch declined a vote.

Chairman DeVinney stated that the Board would send a recommendation as stated to the ZBA for their April 3<sup>rd</sup> hearing.

Mr. Fromberger repeated the motion stating that this was the Planning Board's recommendation to the Zoning Board of Appeals to proceed in requesting Zoning Board of Appeals granting of a Special Use Permit.

Site Plan Reviews closed at 9:10pm

Other Business :

The Planning Board completed a SEQR full assessment EAF for the Draft Local Law for Regulation and Protection of Steep Slopes in the Town of Middlesex. Revisions to Section #12 under Conditional Uses on Steep Slopes of 40% or More were made to address revision to the law for allowance of stairs or tram to be constructed on property providing access to lake shore property in the Lake Residential District and to determine project bonding requirements in Section 16 to be a minimum amount considered by the Board on a case by case basis.

A motion was made by Board Member Gilbert to approve the proposed revisions to the Draft Law. Board Member Mincer seconded the motion and all Board Members present voted unanimously in approval.

Resident Gary Hoffman, submitted to the Planning Board, a copy of the Supreme

Court decision to award the Town of Middleton and Dryden the case referencing a Ban on Hydro-Fracking, challenged by the Natural Gas Companies involved and based on the premise of “Home Rule.”

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member Mincer. All Board Members present voted in favor and the motion carried. Meeting adjourned at 9:45pm

Minutes submitted by L. Lersch/revisions to LSammy5@frontiernet.net

# **TOWN OF MIDDLESEX**

## **PLANNING BOARD**

Minutes – February 1, 2012

Board Present: Marty DeVinney, Chair: John Gilbert, Lynn Lersch, Robert Mincer, and Bruce St. Lawrence

Others Present: Dawn Kane, CEO; Ms. Alaine Espenscheid, Town Attorney, Mr. Jason DeKouski, Mr. Rocco Venezia, Mr. Tom Fromberger, Mr. Andrew Komarek, Mr. Brenda Komarek, Mr. William Kenyon, Mr. Richard Testa, Ms. Barbara Ames, Mr. Calvin Ames, Mr. William Frohm, Mr. Mark Lapari, Mr. W. Bate

Agenda: Application #12211-SPR/Minor Subdivision at 91 Lindsley Rd. (A/R); Application #11812-SPR/Minor Subdivision/Lot Line Reconfiguration of vacant property at Rte. #364, located eastside near Elwell Rd.(A/R); Application #122011-SPR/Site review for Permit to commercially store trailered boats on property on 843 Elwell Rd. (A/R); Application #02010-SPR/Minor Subdivision Site Map Revisions of (3) lots to be served by a common driveway at 556 E. lake Rd., (LR); Application #091211-SPR/Preliminary Plat of a Major Subdivision of (4) lots served by common road access and/or multiple private driveways on East Lake Rd., (L/R)

Meeting came to order at 6pm.

### Site Reviews for:

1. Application #12211-SPR/ Minor Subdivision at 91 Lindsley Rd, Middlesex (A/R). Owner Mr. Charles Green was not in attendance - application was not reviewed.
2. Application #11812-SPR/Minor Subdivision –Lot Line Reconfiguration of vacant property at Rte. #364, located eastside near Elwell Rd., Middlesex (A/R) owned by Ms. Barbara Ames. Mr. Rocco Venezia of Venezia & Associates represented Ms. Ames and presented the application. Ms. Kane, CEO summarized the application’s history to the Planning Board and stated that there were no zoning concerns under current Zoning Law.

The Board completed a SEQRA assessment determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Mincer made a motion to accept the declaration that there not a negative impact to the surrounding neighborhood and Board Member St. Lawrence provided a second. The motion carried with all members present in favor.

Board Member Lynn Lersch made a resolution to approve the Minor Subdivision and Board Member Robert Mincer seconded the motion. All Board Members present voted in favor and the motion carried.

3. Application #122011-SPR/ Site Plan Request by Mr. Jason DeKouski, for a permit to commercially store trailered boats on vacant property owned by Mr. Terry DeKouski at 843 Elwell Rd., Middlesex (A/R)

Code Enforcement Officer summarized the application as a land use that is permitted with Special Conditions (Art. IV, Section 402B which refers to Sect. 501.14 for description of the Special Conditions. Ms. Kane stated that there had been a number of complaints referencing the placement and the quantity of boats previously stored without a permit.

The Planning Board advised the Applicant of the procedure to apply for the Special Use Permit and reviewed the applicable special conditions with Mr. Jason DeKouski, owner of Finger Lakes Boat/Repair. Mr. DeKouski stated that he would like to eventually store approximately 150 to 200 boats in an area of approximately 100 sq. feet. There would be little to no traffic except when a truck was bringing or taking trailered boats from the property. He would like to store them in winter white shrink wrap plastic to reduce visibility from October to May. He would require no lighting or signage. He stated that the property already had a natural buffer of trees when in full foliage on all three sides, but the boats were visible due to the current winter having little to no snow cover.

Ms. Barbara Ames stated her complaint appealing to the Board that she could no longer look out her kitchen window without seeing the boats quite plainly due to the upland slope of the lay of the land. She felt that there would be some difficulty determining the height of a buffer berm due to the land slope and since the quantity of boats had increased from last year, wanted to register her complaint. She invited the Planning Board to visit her home to view the site.

The Board decided that it would be beneficial for determination to visit the site and requested Mr. DeKouski to return for a possible determination next month. Mr. Jason DeKouski agreed to this proposal by the board and a site visit was to be scheduled before the next meeting.

4. Application #021010-SPR/ Highlands Group of Canandaigua LLC for a Minor Subdivision of (3) lots with Site Map revisions in order to meet requirements for a Special Use Permit for a single private driveway to served (3) proposed building lots at 556 East Lake Rd., Middlesex in LR Zoning District.

Code Enforcement Officer, Ms. Kane summarized the application stating that the application had revised their site maps asked for the Lu Engineer Sept. 1<sup>st</sup> review, had met with the County Highway Supervisor David Hartman's approval for the single access off of East Lake Road and an onsite visit with Ms. Kane, Town of Middlesex Highway Superintendent Reifsteck and Lu Engineer spokesman had concurred that the entry apron, grade, and radius access was appropriate for vehicular egress/ingress. Emergency vehicle access was sufficient and included a spot to turn-around, and a turn-off lane was provided on the proposed private road.

Board Member St. Lawrence asked about an agreement for maintenance/repair of the private road. It was stated by Mr. William Kenyon, Attorney for the Highlands Group that before building sites were sold and titles transferred, a declaration of easement would

be signed by intended owners clarifying their responsibility for rights of way and that all vehicular parking 25 ft. either side is denied in order to maintain open passage for emergency vehicles and road maintenance.

The Planning Board felt map revisions made by the applicant were complete and signified the application was ready for a recommendation from the Planning Board to proceed to the ZBA in March for a Special Use Permit allowing a private road in the LR District.

Board Member St. Lawrence made a motion for an approval to accept the plan as submitted and make a Board recommendation, to allow a private driveway serving (3) building lots, to the Zoning Board of Appeals for a Special Use Permit application - contingent on the following conditions:

1. That the up fall drainage detail was included on the detail sheet.
2. Lu Engineer would make the final approval of the site plan before work commenced on the private road.

Board Member Gilbert seconded the motion as stated. All Board Members present voted in favor of the motion as approved with conditions and the motion carried.

5. Application #091211-SPR/ Major Subdivision on E. Lake Rd, Middlesex (L/R), represented by Tom Fromberger, P.E. of MRB Group.

Mr. Fromberger referred to Lu Engineer's review of January 31<sup>st</sup>, stating that a plan for the separate driveways and a private road to serve all (4) building lots could be submitted to meet all of Lu Engineer's requirements in the letter. Raised Septic design placement for each building lot could also meet requirements by NYSDOH as well. He also stated that both plans were submitted to Ms. Cheryl Robbins and Mr. George Barden for conceptual review and feedback stated that each plan was feasible.

The Planning Board and the Code Enforcement Officer questioned that a conceptual design would be approved by either George Barden or Cheryl Robbins and that the Planning Board would need final approval of the septic before proceeding further with the review. It was restated by Mr. Fromberger NYSDOH approved both plans as feasible and it was based solely on a conceptual review.

The Board reviewed both plans and discussed driveway slopes. Current Road Standards and Private Driveway Laws require a 10% slope and the Board stated the proposed private road plan showed a steeper slope than required by Town Laws, and as well, the radius of the first turn would need more review for emergency vehicle access. Referencing the plan showing proposed single driveways to the (4) proposed dwellings, the proposed septic placement near the cliff at lakeside and house pads placed near to the road was advised by NYS DOH Cheryl Robbins as being too steep and it was suggested flipping them on the plan to keep the septic's a further distance from the lake.

Mr. Fromberger stated that the J-1 Plan with the (4) single driveways had not been further developed as there was confusion over why they had to submit both plans with further details when it was their intent to propose the single access private road to the subdivision.

Chairman DeVinney explained the intent of the ZL Amendment, which gave the Applicant ability to apply for a private road in the LR District, was if in the submission of (2) plans (one with a single road servicing more than one dwelling, and the other showing single driveways to each dwelling) it was proven in the Preliminary Plat that it was more environmentally beneficial to the land to have a single private road access rather than the four single driveways, the applicant was then able to proceed to the Zoning Board of Appeals with an application for a Special Use Permit with a recommendation from the Planning Board. Chairman DeVinney went on to state that if the Board selected J-1 as submitted, the septic placement would not be approved by NYSDOH.

Board Member St. Lawrence stated that in the submitted plan showing a single road access to the (4) lot Major Subdivision, it was cited under the *Driveway Design Guidelines for the NYS Dept. of Transportation Residential Driveway Design Policy*, as well as in our Road Standards and Private Roads/Private Driveways Law, driveways shown were not within the recommended slope for driveway access and would not be feasible for emergency vehicle access. He advised that the driveway be graded to meet slope requirements. Mr. Fromberger was advised of the intent of the Town to adopt a Steep Slope Ordinance, sometime in the near future, that would regulate development on steep slopes and advised them to review the current draft model and it's (3) slope categories, which could be found on the Town's website, to ascertain how it pertained to their proposed development plans. Referencing being grand-fathered in by submitting conceptual plan applications, it was stated that it was possible the relevancy of vested interests might not pertain and wanted to advise them upfront that when it came to building permits, whatever law was currently on the books would be enforced.

Chairman DeVinney stated that the 40% restrictions impacted a few remaining parcels on the lakeshore to be developed, and within each parcel, more than one slope % could be found, each with separate restrictions, so development could occur but on the lesser grades on each parcel. He also stated that in looking at site plan submissions, the Planning Board would be looking at less density on steep slopes; septic's placed away from the lake, length and slope of driveway and health, safety and welfare to intended buyers of proposed building sites having appropriate emergency vehicle access. We will go to the next step once all site plan requirements under current laws are met.

Owner Mr. Komarek cited that on the (4) single driveway plan; the houses were cited on the flattest portions of the parcels. Board Member St. Lawrence showed that the building pads on areas shown on the plans were at a 42% slope or 21/22 degrees of slope.

Chairman DeVinney stated that it was the policy of the Board to approve Site Plan(s) which had final septic approval from NYSDOH. He read Ms. Robbins letter stating the NYSDOH's position on the septic design, as submitted referencing the slope, was too steep.

The Planning Board reviewed Lu Engineer's report of January 31<sup>st</sup> with the Applicant. Mr. Fromberger stated that he would make map revisions accordingly and resubmit. He asked the Board to give a ruling on "Preliminary Approval".

The Board described in full detail their understanding of "preliminary approval" and would send them a written definition stated in Town Law.

Mr. Fromberger stated that taking both of the submitted plans to full design depth is counter-productive. Mr. DeVinney replied that under the ZL Amendment to allow Private Roads in the Lake Residential District, an applicant needed to submit plans that proved that a "Private Road" would be more beneficial environmental. We, as a Planning Board cannot give a recommendation without specific details on the plans.

Owner Mr. Komarek argued that a preliminary plan would only need to show septic placement, which in their opinion was based on what is feasible. It was stated that they had brought the plans to a place which was closer to final than preliminary by definition, had stayed within the intent of the law and challenged the Board to interpret "preliminary plan approval" and what it detailed as requirements.

Chairman DeVinney stated that he would get legal clarification on this and respond back.

#### Other Business:

Board Member Lynn Lersch requested that the Board work on an outline for work to be done on our Zoning Law and Master Plan during the Moratorium placed in effect for (9) months in December 2011. The Board suggested also working on any current Zoning Law Amendments that could be readily adopted into the code without much board work. Board decision was to possibly address this topic at our mid-month meeting.

A motion to adjourn was entertained by Chairman DeVinney and seconded by Board Member Mincer. Motion carried with all Board Members present in favor.

Meeting adjourned at 8:45pm

Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – January 4, 2012, 7pm

Board Members present: Martin DeVinney, Chair; Board Members: John Gilbert, Lynn Lersch, Robert Mincer, and Bruce St. Lawrence

Others Present: Dawn Kane, CEO; Mr. Solveig Hanson, Mr. Donald A. Schneider, Mr. Eddy Clark, Ms. Linda Purdy, Mr. Jeff Pendelton, Mr. Michael P. Montalto, Mr. Jim Fonzi, Mr. Alan Knauf, Mr. Randall F. Peacock, Mr. Nancy Robinson

Agenda: App. #122111-SPR/ Mr. and Mrs. Melvin & Joan Bodine. Minor Subdivision;  
App. #121411-SPR/ Mr.(s) Michael Nash and Solveig Hanson. Minor Subdivision;  
App. #122011-SPR/Site Plan Review - Mr. Jason DeKouski for Boat and Trailer Storage

Meeting came to order at 7:15pm

Chairman DeVinney opened the floor with the following site reviews:

Ms. Kane summarized the Zoning Regulations for this application and declared that it met all necessary zoning requirements.

1. Application #122111-SPR/ Mr. and Mrs. Melvin & Joan Bodine. Minor Subdivision of 14.83 acres into (2) parcels on Dunton Road, Tax Map ID # 13.04-1-1.11. The representing agent Attny. Mr. Donald A. Schneider was present and provided maps showing Parcel B-1 shall become 6.030 acres and Parcel B-2 shall become 8.797 acres after subdividing.

The Board completed a SEQRA determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Mincer made a motion to accept the negative declaration and Board Member Lersch provided a second. The motion carried with all members present in favor.

After a short discussion the Planning Board moved to approve by resolution the Subdivision as presented. Board Member Gilbert made the motion and Board Member Mincer provided a second. The motion to approve the Final Plat of Minor subdivision carried with all members present in favor.

2. Application # 121411-SPR/ Mr.(s) Michael Nash and Solveig Hanson. Minor Subdivision of 39.12 acres into (2) parcels at 1268 West Avenue, Tax Map ID # 22.04-1-16.1. Representing agent, Mr. Eddy Clark of Realty, USA was present and provided maps showing Parcel A shall become 19.884 acres and Parcel B shall become 20.293 acres after subdividing. He also explained the HUD requirements for financing the sale of the parcels.

Ms. Kane, CEO summarized the zoning requirements for this application, stating the property fell across (3) separate zoning districts, Hamlet Residential, Low Density Residential and Agricultural/Residential. By law the requirements from the most restrictive Zoning District which is LDR governs which requirements are applied to this application. Ms. Kane stated that all necessary zoning requirements had been met.

The Board completed a SEQRA determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member St. Lawrence made a motion to accept the negative declaration and Board Member Mincer provided a second. The motion carried with all members present in favor.

After a short discussion, the Planning Board moved to approve by resolution the Subdivision as presented. Board Member Lersch made the motion and Board Member Gilbert provided a second. The motion to approve the Final Plat of Minor subdivision carried with all members present in favor.

2. Application # 122011-SPR/ Mr. Jason DeKouski. Site Plan Review for Boat and Trailer Storage for business purposes at 843 Elwell Rd., Middlesex (A/R)

This application was withdrawn from the agenda due to the applicant was not present.

3. A Conceptual Site Review of a proposed Single Family Residence submitted without application, was discussed by the board with owner Mr. James Fonzi. Proposed Conceptual plans were submitted by Architect Mr. Randall F. Peacock, RA displaying a two-story residence benched into the hillside at 5980 Widmer Rd. This property has an existing driveway to a pre-existing seasonal cottage with septic system at shoreline approximately 40 ft. from the HMWM. There were no current plans to upgrade the access road. Discussion developed whether to keep the seasonal cottage and possibly connecting it to the proposed dwelling to comply with current zoning. Board concerns focused on the time of the year that this project would commence due to fragile soils and erosion control management. The board advised what would be necessary in further submission of the plans for site plan review. Legal advisement would be sought on interpretation of the Town's Zoning Law as questioned by applicant. The board advised those present that a Steep Slope Draft Law was currently in review and might possibly be adopted soon. Further advisement on current Zoning Law regulations which pertained to the project was given.

#### Other Business:

Draft minutes from August 17, October 5, November 2 and December 7 were reviewed by the Board. A motion to approve was made by Board Member Mincer and seconded by Board Member St. Lawrence. Motion carried with all members present in favor.

A Local Law to Prohibit the Disruption of Funeral Related Events enacted by the Village of Penn Yan was reviewed by the Planning Board. After a short discussion it was recommended that the language of the law and in particular the term "disruption" be

reviewed by the Town Attorney. The Planning Board voted to recommend the Law for adoption by the Town Board by all members present. Board Member St. Lawrence made the motion which was seconded by Board Member Lersch.

SEQRA's for Unlisted Action were completed for the Moon Minor Subdivision and the Rowe Lot Line Adjustment and entered into the corresponding December 7<sup>th</sup> minutes as a revision. Both Motions were carried by Board Member Lersch and seconded by Board Member St. Lawrence. All Board Members present voted in favor of the motions as carried.

Chairman DeVinney read a letter of procedural policy submitted into the minutes by the Middlesex Hose Fire Department referencing their commitment as a not-for-profit corporate entity, as having no authority to participate in any contractual review with any applicant and to defer such action to the appropriate local governing board that has the authority to review and determine such applications. Any advisement on such issues shall be procured by the Town of Middlesex through the office of the Middlesex Fire Chief using appropriate procedure.

The board discussed possibly inviting the Fire Chief to meet with the Code Enforcement Officer in writing some guidelines consistent with interdepartmental procedure.

The 12/04/11 version of the Local Law for the Regulation and Protection of Steep Slopes in the Town of Middlesex was reviewed by the Town Attorney and a list of minor revisions was discussed by the Board. After a short discussion and board review of edits, it was decided that Board Member St. Lawrence would write up the revisions and forward them on to the Board, and our Town Attorney for further review. The Board plans to send the draft to the County Planning Board for possible January or February review after which time the Town Board shall set a date for a Public Hearing. The new revision shall be posted on the Town's website for review.

A motion to adjourn was made by Board Member Lersch and seconded by Board Member Mincer. All Board Members present voted in favor and the motion carried.

Meeting adjourned at 9:15pm

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

2011

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

Minutes – December 7, 2011, 6pm

Board Members present: Marty DeVinney, Chair; Lynn Lersch, Bruce St. Lawrence  
Others Present: Dawn Kane, CEO, Ms. Bonnie Sexton, Mr. J. Fields, Mr. and Mrs. John Porter, Mr. Bucky Lane, Mr. Robert Stevenson, Mr. Scott Hughes

Agenda: App. #112011-SPR/Site Plan for Mr. James Smith for a permanent dock and boat hoist slip at 660 Fisher Rd., represented by Mr. J. Fields (LR); App. #111811B-SPR/ Site Plan for Mr. Glen Quackenbush for a permanent dock and boat hoist slip at 416 East Lake Rd., represented by Mr. J. Fields (LR); App. #111911-SPR/ Site Plan for Dr. Jay Yates for a boat hoist roof over an existing dock structure at 708 E. Lake Rd., represented by Mr. J. Fields (LR); App.#111811A-SPR/Site Plan for Ms. Bonnie Sexton for a Single Family Residence on Bagley Rd, (A/R); App.#111711A-SPR/Site Plan for Mr(s). James and Norman Rowe for a lot line adjustment at 986 Newell Rd. and 6190 Viewboard Rd., (LDR); App.# 111711B-SPR/Site Plan for Mr. and Mrs. Melvin Bodine for a Single Family Residence on Dunton Rd., represented by Mr. Bucky Lane (A/R); App. #110911-SPR/Site Plan for Mr. and Mrs. Mark & Christine Moon for a Minor Subdivision of property at 1177 Upper Hill Rd., (A/R); App. #120811-SPR/ Site Plan for Mr. John Porter for remediation of a construction path & proposed retaining wall at 446 East Lake Rd., represented by Mr. Scott Hughes, (LR)

Meeting came to order at 6pm with Chairman DeVinney announcing commencement of Site Plan Reviews.

1. App. #112011-SPR/ Mr. James Smith of 660 Fisher Rd., and represented by Mr. J. Fields requests Site Plan Review for a permanent dock and boat station in the L/R Zoning District. Mr. Fields presented the application plan. After a discussion of the UDML allowable square footage requirements for the property the Planning Board moved to grant conditional approval of the site plan. Board Member St. Lawrence made the motion, with Board Member Lersch seconding it. All members present voted in favor of approval if the following conditions are met prior to permitting:
  - a. Revise Site Map showing accurate square footage of the project allowed under the Uniform Docking & Mooring Law. Removal of the term “Proposed Dock” so that the Site map matches the application.
  - b. Relabel Site Map “Retaining Wall” to become “Existing Retaining Wall”
  - c. Relabel Site Map to state “Proposed Boat Station”
  - d. High Mean Water Mark must be labeled on Site Map.
  - e. Steep Slope allowance must be noted on Site Map
  
2. App. # 111811B-SPR/ Mr. Glen Quackenbush of 416 East Lake Rd., and represented by Mr. J. Fields, requests Site Plan Review for a permanent dock and boat station in the L/R Zoning District. Mr. Fields presented the application plan. After a short discussion of necessary revisions to be made to the Site Map, the Planning Board made a motion to grant conditional approval of the site plan. Chairman, Marty DeVinney made the motion

with Board Member St. Lawrence providing a second. All members present voted in favor of approval if the following conditions are met prior to permitting:

- a. Relabel “Dock” as “Existing Shoreline Cribbing” and add proper dimensions to the Site Map.
  - b. Relabel “Break wall” as “Existing Break wall”.
  - c. Label “Proposed Boat Station” as such.
  - d. Site Map shows 865 Sq. Ft., however the application states 986 Sq. Ft. A revision of the Site Map is required to match the submitted application.
  - e. Label the High Mean Water Mark as such on the Site Map.
  - f. UDML Steep Slope Hardship allowance must be noted on Site Map.
3. App. #111911-SPR/ Dr. Jay Yates of 708 East Lake Rd., and represented by Mr. J. Fields, requests Site Plan Review for a roof over a pre-existing dock boat station in the L/R Zoning District. Mr. Fields presented the application plan. After a short discussion of necessary revisions to be made to the Site Map, the Planning Board made a motion to grant conditional approval of the site plan. Board Member Lersch made the motion with Board Member St. Lawrence providing a second. All members present voted in favor of approval if the following conditions are met prior to permitting:
- a. Note the application is for a “Boat Station Roof” The dock is pre-existing and should be labeled as such. Map must match the submitted application.
  - b. Remove the square footage dimensions of the existing dock as it does not pertain to project as applied for and re-label it as “Existing Dock.”
4. App. # 120811-SPR/Mr. John Porter of 446 East Lake Rd., and represented by Mr. J. Fields and Mr. Scott Hughes of Twin Oaks Lawn & Landscaping of Macedon NY, requests review for remediation of a construction path & proposed retaining wall & stair system. After a short summary by Ms. Kane, CEO and a presentation by both agents for Mr. Porter, the Planning Board made a motion to grant conditional approval of the remediation plan. Board Member Lersch offered the motion and Chairman DeVinney provided a second. All members present voted in favor of approval if the following conditions are met prior to permitting:
- Part #1/ Remediation of a construction path:
- a. Remediation plans for winter stabilization of the site shall be submitted by Mr. Fields from the office of Grove Engineering. The plans shall include hillside seeding where appropriate and returning the temporary construction road to a 6 ft. wide stone path which cannot be used as a vehicular driveway.
  - b. Mr. Fields shall install a rodent trap on the south end of the drainage pipe at roadside outlet
- Part #2/Retaining Wall and Stair System:
- a. Confirmation email from Engineer Mr. Ronald A. Samsel stating that the use of a Techo-Bloc retaining wall system will be used in the stamped plans submitted and a manufacturer’s product specification sheet shall be provided to the Town’s CEO for onsite inspection.

- b. Crushed stone to be added where the (2) drainage pipes discharge for the purpose of decreasing the flow of water runoff from behind the wall to an existing gully to the north.
5. App. #111811A-SPR/Ms. Bonnie Sexton owning property on Bagley Rd., Tax Map ID# 13.02-1-7 and represented by Mr. Bucky Lane as agent, requests Site Plan Review for a Single Family Residence to be constructed on 10.5 acres of vacant land in the A/R Zoning District. Ms. Kane, CEO summarized the application stating the application met all zoning requirements and the septic was approved by NYSDOH pending missing criteria. Ms. Kane read a letter from Ms. Cheryl Robbins, NYSDOH stating requirements for resubmission. After a short discussion the Planning Board made a motion to grant conditional approval pending NYSDOH final approval of the resubmitted septic design. This motion was made by Chairman DeVinney and seconded by Board Member St. Lawrence. Motion carried with all Board Members present in favor.
6. App. #111711-SPR/ Mr. and Mrs. Melvin Bodine owning property on Dunton Rd, Tax Map ID #13.04-1-1.11, and represented by Mr. Bucky Lane, requests Site Plan Review for a Single Family Residence to be constructed on 14 acres of vacant land in the A/R Zoning District. After a short discussion the Planning Board made a motion to grant conditional approval of the site plan. Board Member St. Lawrence made the motion with Board Member Lersch providing a second. All members present voted in favor of approval if the following conditions are met prior to permitting:
  - a. Provide better detail for driveway length and turnaround showing access to garage.
  - b. Provide detail for drainage discharge.
  - c. Site Plan Approval is pending NYSDOH approval of septic design.
7. App. #111711A-SPR/ Mr(s). James Rowe of 986 Newell Rd. and Mr. Norman Rowe of 6190 Viewboard Rd., owning 72.848 contiguous acres and represented by Mr. Rocco Venezia of Venezia & Associates requests Site Plan Review for a Lot Line Adjustment. Lot #1 at 986 Newell Rd. will become 23.524 acres and Lot #2 at 6190 Viewboard Rd. will become 49.325 acres in the LDR Zoning District. After a short discussion, the Planning Board made a motion by resolution to grant approval to the Site Plan request. Chairman DeVinney offered the motion by resolution which was seconded by Board Member Lersch to approve as presented. The motion carried with all Board Members present voting in favor. A Mylar and (2) paper prints will be submitted and signed by Chairman Marty DeVinney to be filed with Yates County within 65 days from signing.
8. App. # 110911-SPR/Mr. and Mrs. Mark & Christine Moon of 1177 Upper Hill Rd, owning approximately 27 acres in the A/R Zoning District request Site Plan Review for a Minor Subdivision. Parcel #1 will become 19.584 acres and Parcel #2 will become 7.966 acres. Ms. Kane summarized the application as meeting all current zoning requirements, having a pre-existing ROW and an existing driveway. After a short discussion, the Planning Board made a motion by resolution to grant approval to the Site Plan request. Chairman DeVinney offered the motion which was seconded by Board Member St. Lawrence. The motion carried with all board Members present voting in favor. Two paper prints were signed by Chairman DeVinney and a Mylar of the subdivision is pending signature once submitted. These are to be filed with Yates County within 65 days from signing.

Next Planning Board meeting shall be January 4, 2012. A mid-month December meeting will not be scheduled due to the holidays.

Old Business: A final draft (12/04/11) of the Steep Slope Law will be submitted to the Town Board for their review. If approved a copy will be sent to our Town Attorney, Alaine Espenscheid for review and comment before sending it to Yates County for review.

A motion to adjourn was made by Board Member Lersch and seconded by Board Member St. Lawrence. Meeting adjourned at 8:15pm.

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



**TOWN OF MIDDLESEX**  
PLANNING BOARD  
Minutes – November 2, 2011

Board Members present: M. DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Ms. Dawn Kane, CEO; Mr. Randy Cooley, Charles and Joanne Domm, Ms. Marilyn Tedeschi, Ms. Vickie Fumia, Mr. Donald Miller, Ms. Debbie Samardjian, Mr. Gary Hoffman, Mr. Bradley Quayle, Mr. Donald Sheive, Mr. Ron Rauscher of Larsen Engineers, Mr. Isaac Von Rhedey, Mr. Rocco Venezia, Mr. James Stewart

Agenda: Application #102011-SPR: Single Family Residence and Driveway Installation represented by Mr. Don Miller, agent for owners Ms. Vicki Fumia and Ms. Marilyn Tedeschi at 991 Old Vineyard Rd. Middlesex, (LDR); Application #091211-SPR: Commercial signage for business (permit request) Mr. Bradley Quayle, owner of fitness center, "Middlesex Pumpatorium," at 5628 Water St., Middlesex (HR); Application #101511-SPR: Proposed (2) lot Minor Subdivision of property at 985 Newell Rd, Middlesex, represented by agent, Mr. Rocco Venezia of Venezia & Assoc. and owned by Mr. Charles Domm (LDR); Application #092811-SPR: (2) Dry Laid Keystone Retaining Walls, project represented by agent, Mr. Randy Cooley of Finger Lakes Hardscapes, for property owned by Mr. and Mrs. William Scott of 845 S. Lake Rd. (LR); Application #101311-SPR: Single Family Residence- Site Improvements requested by owner Mr. Isaac Von Rhedey on property at 233 E. Lake Rd., project represented by Mr. Rauscher of Larsen Engineers (LDR)

Meeting came to order at 7:20pm

1. Application 102011-SPR: Mr. Don Miller representing owners Ms. Fumia & Tedeschi, owners of property at 991 Old Vineyard Road, requesting site plan review for the construction of a single family residence and installation of a driveway off a pre-existing road in the LDR District.

Ms. Dawn Kane, CEO gave a quick summary of Application #102011-SPR represented by Mr. Miller. The site is a pre-existing lot with proposed new construction of a single family residence and driveway installation off one of the town's pre-existing private roads in the LDR Zoning District. The project meets all setback requirements and has a traditional septic system. Current zoning (Sect. #703.1) dictates certain criteria when there are 2 or more lots being serviced by a private road/Old Vineyard Road.

Mr. Miller, representing agent for this project stated that he planned on upgrading the driveway up to the Town's standards with a 15 ft. width, and a turnaround for emergency vehicle access. It was his plan to put 6" stone base during the construction stage and he would place more to comply with the 8-12" base requirement after construction was complete. He also planned to bury an 8-12" culvert across the ditch onsite. The parcel is basically flat.

A lengthy discussion developed with the board's review of the applicant's request for site plan approval. The Board stated the criteria listed in the Town's Private Driveway/Private Roads Law, the Road Standards and current Town Zoning Law. It was the board's consensus to strike a reasonable balance between what is essentially a pre-existing grass pathway off of a private road to access this new home, applying what our laws dictate and at the same time providing safe ingress/egress for emergency vehicles to the dwelling. It was decided to invite legal advisement and engineering expertise from our

Town Engineers to advise on the cost of upgrading to current law's standards as well as any liabilities on site plan approval on these pre-existing lots. The board proposed allowing a construction road to the project site in order for development of the project to commence over the winter, yet due to future expansion of (2) or more vacant lots being developed on Old Vineyard Road, it was felt that it is time to address the Private Road upgrade since all development would be new construction as referred to in Sect. 703.6 of our Zoning Ordinance.

Mr. Miller was requested to submit a cross-section of driveway as proposed to show the layers of proposed base in the driveway extension to the turnaround area.

Board Member Gilbert was concerned with our approval of these pre-existing lots as buildable if they don't meet the current zoning standards. It was his opinion that if our town engineer confirmed the submitted specifications were sufficient and all safety issues were resolved, than approval could proceed.

Board Member Lersch offered a motion on the floor to enlist the advisement of Lu Engineers at the owner's expense, to make a site visit and concur with current laws, concluding advisement to the applicant within a month's time on a proposed plan to proceed.

Board Member St. Lawrence requested the motion be changed to a 2 week period before advisement could be procured and explained to the applicant that we would send all documentation submitted in the current application and request a site visit. Lu Engineers would return a cost estimate at which time, the board would request applicant's permission before proceeding. Generally the cost for such a review of this nature would be around \$250. Ms. Fumia and Tedeschi agreed to this procedure and thanked the board.

Ms. Kane, CEO offered to also get legal advisement from our Town Attorney on the matter.

A motion to amend the previous motion was offered by Mr. Gilbert with Mr. Mincer offering a second. The board voted on the amended motion allowing a 2 week period from tonight's meeting for the purpose of procuring a written review from Lu Engineers as professional advisement on this application and procuring legal advisement prior to the Town Engineer's review. The motion carried with all Planning Board members present in favor.

2. Application #091211-SPR: Commercial Signage permit for owner Mr. Bradley Quayle for "Middlesex Pumpatorium Fitness Center" located at 5628 Water St., Middlesex (HR)

Ms. Kane, CEO summarized the application stating Mr. Quayle, owner of the "Middlesex Pumpatorium" requested Site Plan Review for a permit to install a one-sided 3 ft. x 3 ft. sign for his business to be located 5-6 ft. off the ground and 30 ft. from the road frontage on Water St., Rte. #364. County review and SEQRA was not necessary to complete due to the application for the business had already received previous county approval at which time a SEQRA was completed.

After a short discussion Mr. Gilbert made a motion to approve the Sign Permit request with Board Member Mincer seconding the motion. The motion carried with all Board Members present in favor.

3. Application #101511-SPR for a proposed (2) lot Minor Subdivision of property owned by Mr. Charles Domm of 985 Newell Rd, Middlesex (LDR), and represented by agent, Mr. Rocco Venezia of Venezia & Associates.

Ms. Kane summarized the application stating it was a Minor Subdivision of 10.2 acres, with Lot #1 becoming 5.203 acres and Lot#2 becoming 5 acres. The request meets all current zoning requirements.

Mr. Rocco Venezia stated that the land parcel was predominantly flat with a ravine to the back and 10% grade at the road.

The Board completed a SEQRA which determined that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Gilbert motioned to accept the negative declaration and Board Member Mincer seconded the motion. Motion carried with all Board Members present voting in favor.

After a short discussion, Chairman DeVinney asked for a resolution to approve the proposed subdivision without conditions. A motion to approve was made by Mr. John Gilbert and seconded by Mr. Mincer.

4. Application #092811-SPR: Site Plan Review of (2) Dry Laid Stone Retaining Walls to be constructed at property owned by Mr. and Mrs. William Scott of 845 So. Lake Rd., (LR) project is being built by Finger Lakes Hardscapes, agent Mr. Randy Cooley.

CEO, Ms. Kane introduced Mr. Cooley and summarized the Site Plan request for installation of (2) retaining walls was due to both the size of the project and the slope of the land.

Mr. Cooley presented his Site Plan to the Planning Board. At owner's request the walls (1) 30 ft. in length and approximately (3) feet high and the other 40 ft. in length at the same height would aesthetically contain a perennial bed and would also serve to retain a steep slope for storm water management and control, located between the east side of the house and the detached garage/barn. For construction installation, Mr. Cooley would be accessing the site through an egress point by backhoe on So. Lake Rd. contiguous to the Scott's residence and also owned by them. The egress point with roadside culvert was recently installed with suitable base by the Highway Superintendent. Mr. Cooley was reminded to keep the road clean of any construction debris. Mr. Cooley was asked how he would be managing water runoff through the wall and he explained that the Keystone Wall was not an air tight wall and would be dry stacked allowing some seepage to continue through the wall. At the north end of the wall he intended to lay some drainage tile to further direct water flow during peak flow times. He would be using some of the spoils to grade the slope and would haul the excess offsite. Board Member St. Lawrence asked him to extend the perforated pipe to 20 feet to make sure peak water flow was directed away from the house foundation and to place appropriately sized Gabion stone at discharge point of the pipe where it daylighted. This was so noted as a revision on the site map and signed by Mr. Cooley.

The application did not require a SEQR due to its dry laid structure. After no further discussion from the Board, Chairman DeVinney made a motion to approve the Site Plan as presented and Board Member Mr. St. Lawrence seconded the motion. All Board Members present voted in favor. Motion to approve carried.

5. Application #101311-SPR: Site Plan Review for (2) Phase Development on land parcel at 233 E. Lake Rd., (LDR) owned by Mr. Isaac Von Rhedey. Project represented by agent Mr. Ronald Rauscher of Larsen Engineers. Phase I of Site Plan request was to make site improvements to land to accommodate a Freeze Thaw Septic Field for septic percolation over the winter months.

Ms. Kane, CEO introduced representing agent, Mr. Rauscher of Larsen Engineers, summarizing that Phase II of this Site Plan would be to build a Single Family Residence on 5.52 acres meeting all current zoning requirements. The land was presently a vacant lot, naturally forested. Ms. Kane introduced a letter which was read to the Board from a neighboring parcel owner which stated his concerns for downhill storm water runoff from Mr. Rhedey's upland parcel and implored the Board to make a prudent review of the plan for septic design, recommending improvements and requesting stringent analysis by a qualified licensed engineer to manage the upland flow of storm water runoff keeping the natural resources of the lake and his parcel in mind.

Mr. Rauscher presented the Site Plan requesting the Board to first look at Phase I which would be completed this fall if approved. This Phase would be to bring in fill material of granular sand material, stabilize it with stone rip rap and allow it to sit in a Freeze/Thaw cycle until Spring when it would be tested for a traditional septic percolation. The septic design would then be submitted to the NYSDOH for approval prior to its installation and after it was proven permeable. Phase II would commence after the traditional septic was installed. Phase II design was planned to create minimal site disturbance.

Board discussion initiated with concern for the proposed 100% 1:1 slope stabilized by stone rip rap on the entire bank to accomplish the cut for Phase I septic site testing. Mr. Rauscher stated that this "Freeze/Thaw System" was crucial to install now so it could sit over the winter in order to ascertain whether or not it would perk. Design submittal to the NYSDOH requesting septic design approval would happen in the Spring when it was proven permeable.

Chairman DeVinney stated that it was part of the Planning Board's process to not approve a Site Plan that involved septic designs without approval first from George Barden, Watershed Inspector and the NYSDOH. The Board would be glad to make recommendations on both Phases, however Phase I would need approval from both of these professional resources before site plan approval could be obtained. Mr. Rauscher stated that Mr. Barden had last reviewed the site in 2005 at which time the design of that particular septic system at that time proved not to perk. A Freeze/Thaw cycle was crucial for it to perk properly. We would have to wait until the following summer or fall to accomplish this, if not allowed to complete this fall.

Phase II – Site Improvements to accommodate a Single Family residence were reviewed with recommendations to contours provided, check dams, swales with rip rap at discharge points, and flow calculations to show how concentrated water runoff is managed with curtain drains. Board Member St. Lawrence requested that a complete mapping (referencing a digital LIDAR Program) of all water sources, ravines, gullies on the entire lot with existing contours and side setback dimensions was important to submit in order to see exactly what was happening onsite for the site review. The Board warned of major storm water runoff with peak flows for a 24 hr. storm in a 2 hr. period of time that occurred in this region last Spring and advised that these requests were crucial to protecting the lake and neighboring parcels. Recommendations were also requested in changing the turnaround design of the driveway adding a 20 foot radius. A copy of the Road Standards specifications was given to applicant's engineer for reference.

The Board stated that the Site Plan would be sent to the Town Engineer for review, explaining the burden of cost was on the applicant and involved approval of review cost before proceeding. It was explained that this process was common practice with steep slope parcels in gaining engineering advisement in fragile areas of the town. It was further explained that a Yates County Planning Board and Soil and Water Conservation District review would be necessary as the project was in a Steep Slope area that bordered a county road. Determinations from our Board would be made only after these reviews were completed which was consistent with our Site Plan review process. It was concluded through advisement by the Board that the applicant should wait until next Spring to start Phase I due to the unpredictability of the weather at this time of the year and the length of time it would take to get these necessary reviews completed after site revisions were made as advised. Applicant agreed to wait and thanked the Board for its time in reviewing the plan. The Application was withdrawn and will be resubmitted next year.

Next Meeting agenda: November 16<sup>th</sup>

Steep Slope Work session – Review of new edits, procured through a 10/25 Work Session with the Town Board, would be provided by Board Member St. Lawrence for the next Planning Board meeting. Work on developing a one page Steep Slopes Application, Permit and Determination Form as well as Town website posting to town residents to introduce the new law and how it's regulations may pertain to their particular property to be mailed or posted online before the Public Hearing is set. The final revision of the Draft Law will be sent to the County for review once reviewed and approved by the Town Board and Town Attorney.

Other Business: A (1) year Draft *"Moratoria Law on the Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes"* with a regulatory Appendix was sent to Yates County Planning Board for review on November 17<sup>th</sup> at 7pm. Upon county approval a Public Hearing will be set by the Town Board possibly in December.

Board decision to send a Final Draft of the Steep Slope Law to the Town Board with current revisions, taken from the October Workshop, was voted on by the Planning Board. Chairman DeVinney asked for a resolution to approve this motion. Board Member St. Lawrence made the requested motion and will send the revised draft to Lynn Lersch to forward upon completion. Board Member John Gilbert seconded the motion. All Board members present voted in favor of the motion. Motion carried. A resolution will be sent to the Town Board accompanied by the current version of the Draft Law for Town Board review on December 8<sup>th</sup>.

A motion to adjourn the meeting was made by Board Member Lersch and seconded by Board Member Mincer. All Board Members present voted in favor of the motion. Motion carried.

Meeting adjourned at 10:01pm.

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



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes - Oct. 5, 2011, 7pm

**Board Members:** M. DeVinney, Chair; J. Gilbert, L. Lersch, R. Mincer, B. St. Lawrence  
**Others present:** D. Kane, Code Enforcement Officer; Thomas Fromberger, MRB Group; Mr. Ed Kaiser, Mr. Alex Kuehne; Mr. Tom Johnson; Ms. Carolyn Ruscio; Mrs. Margaret Ruscio; Mr. Donald Sheive

**Agenda: Application # 091211-SPR/Mr. Bradley Quayle** requesting Site Review for Permitted Commercial Signage for Business at 5628 Water St./Rte. #364 (HR); **Application #091311-SPR/Mr. Ed Kaiser**, representing agent Mr. Alex Kuehne of Kuehne Construction for construction of a storage shed on shared property at Newago Avenue, (LR); **Application #071410-SPR/Dr. Jay Yates**, representing agent Mr. Tom Johnson for Site Review of map revisions for Single Family Residence at 708 East Lake Road (LR); **Application #09211-SPR/Mr. Andrew Komarek**, representing agent, Mr. Thomas Fromberger, for Preliminary Site Review of a Major Subdivision of (4) lots on East Lake Road, Tax Map ID #2.03-1-2.1 (LR).

Meeting came to order at 7:15pm

**Approval of Minutes** - Draft minutes for 8/3/11 and 9/14/11 were approved by the Board with revisions. A motion to accept with revisions was made by Robert Mincer and seconded by John Gilbert. Motion carried with all Board Members present in favor.

**Site Plan Reviews:**

1. **Application # 091211-SPR/Mr. Bradley Quayle** for a commercial sign for business at 5628 Water Street was not reviewed due to applicant not in attendance.
2. **Application #091311-SPR/** Construction of a storage shed on shared properties. Mr. Alex Kuehne of Kuehne Construction, representing agent for Mr. Ed Kaiser, co-owner of shared properties at #786, 788, & 790 Newago Avenue (LR).

Ms. Dawn Kane summarized the Site Plan stating it was a storage shed to be set on piers in a gravel base, and of minimal size which met all height and setback restrictions under current zoning.

Mr. Alex Kuehne presented the project proposal, stating it was a storage shed of pole barn style constructed on piers and set into the ground. It would be back filled with a crushed stone gravel base. Storm water runoff will be directed to the parking area. He proposed to build up the grade on one corner because of an existing water retention problem. The footprint would measure 30 sq. feet. Shed height at peak will be set at approximately 8' 11" after new grading and will not obstruct neighboring views. Pictures of the project site with surrounding buildings were offered to the Board for review. A privately owned utility pole will be removed without concerns from NYSEG.

Mr. Ed Kaiser answered a Board inquiry of how the shared ownership was legally classified, stating the legal term was 'tenant in common' meaning the parcels had all (3) names on the deed. Each of the (3) properties had separate tax bills, and each property had separate dwelling ownership. Mr. Kaiser owned #786 Newago Drive.

Chairman DeVinney inquired if the Board wished for further discussion. After no further discussion, Chair DeVinney asked for a motion to approve the Site Plan as presented. Board Member Mincer

made the motion and Board Member St. Lawrence seconded it. Motion carried as approved with all Board Members present in favor.

Ms. Kane stated that permitting paperwork would be scheduled for Wednesday, October 12<sup>th</sup>.

3. **Application # 071411- SPR/** Dr. Jay Yates – Map revisions for a Single Family Residence at 708 East Lake Rd., (LR).

Ms. Kane, CEO summarized the application stating that the site had been previously approved by the Planning Board last May and had gone through a couple of area variances for setback violations. These had been granted by the ZBA last December.

Mr. Johnson, architect for the project, stated that new house plans were designed and submitted with a foundation movement of (2) ft. from prior stamped plans. Also the septic tank plan was to move 6 ft. to the east.

The Board requested that prior to permitting, all revisions be updated on the site map to bring it to current specifications and a letter from Watershed Inspector, Mr. George Barden stating his approval of the position of the relocated septic tank.

Ms. Kane advised that the Board also request a letter stating the site revisions to be made on the application site map, and also a construction and excavation schedule from the contractor, Mr. Jeremy Fields. She cautioned the Board to be aware of the length of time remaining for site installations in reference to the stabilization of sites prior to onset of winter weather.

A motion to approve the Site Plan with conditions was made by Mr. St. Lawrence and seconded by Mr. Mincer. The Board voted in favor of the motion from all Board Members present. The application was given a conditional approval by the Planning Board. The following conditions shall be resolved prior to issuance of a permit:

1. Planning Board requests a letter documenting all revisions to be made on application.
  2. Driveway detail to be shown on site map, noting gravel as base material and width of driveway not to exceed 9 ft., with noted consideration in respect to the north boundary line.
  3. Grading contours on the west side of the house to show the correct slope of the lay of the land to reflect “outfall” from last check dam. Attention to final grade when building the wood deck, to keep to the Contour #703 shown to avoid spill over into the lake. A further revision to the check dam detail itself should reflect a “keyway trench.”
  4. Drainage to be shown around footers that tie into house foundation and new drainage system.
  5. New Erosion Control Plan of entire site with notation of appropriate maintenance sequencing until site is stabilized and vegetation established.
  6. Erosion Control silt fencing and maintenance sequence notation, referencing area(s) of onsite stockpile spoils.
  7. Due to moving the septic tank, 6 ft. to the east of previous indicated location, a letter of approval is required from Mr. George Barden, Watershed Inspector of Canandaigua Lake Watershed Commission.
  8. General Contractor is required to submit a Construction Sequence Plan, and an Excavation Sequence Plan, noting contractors used, with the general contractor responsible for implementation of the approved Site Plan on a daily basis.
4. **Application #091211-SPR/** Mr. Andrew Komarek, represented by agent Mr. Tom Fromberger



requests a (4) Lot Major Subdivision of property at East Lake Road (LR), Tax Map ID #2.03-1-2.1.

Mr. Fromberger, P.C. from the MBR Group, representing applicant Mr. Komarek, stated that this was a conceptual review for a proposed (4) lot Major Subdivision on approximately 8.5 acres on East Lake Road which would be serviced by an existing gravel driveway to be used as a single road access with shared driveway extensions to the (4) lots. The parcel also had an existing easement providing lake access to upland parcels east of East Lake Road which now is serviced by a long set of stairs from road to lake.

Chairman DeVinney clarified that this existing gravel driveway should not be defined as such on the plans as shown, because the owner, Mr. Komarek had only been permitted to improve a path from East Lake Road to a site for “tram” installation purposes only. Any further improvements made were not to be considered “grandfathered”, nor used for vehicular access to a dwelling and were made without a legal permit by the town. When it is defined as an “existing driveway/road” on engineered plans, it implies more than is legally allowed. Applicant was asked to label it as “gravel path”.

Mr. Fromberger presented the proposed plan as conceptual only. The application had been through (2) NYSDOH reviews with some revisions still to be made before approval was obtained, but the plans had met with George Barden’s erosion control management requirements as submitted. The Drop Box system is an aerobic treatment system which would be pumped to an upper tier with retaining walls.

The Board referred to the review from the Yates County Planning Board which had voted to approve the proposed action with the condition that the applicants address all concerns listed in the 9/21/11 letter from Rick Ayers of Yates County Soil and Water. The (4) concerns from Mr. Ayers review were:

1. a referral to Develop Contact Dixon Rollins at Region 8 DEC to discuss compliance with NYS regulations because of the soil types in this extremely steep parcel and the possibility of the need for an individual SPDES permit.
2. A more complete review of erosion control in storm water management was needed showing more detail of how concentrated flows will be managed onsite, pre and post hydrology calculations as well as sizing data must still be completed.
3. Retaining wall design plans for the home sites, and the plan for lake access for the proposed homes still need to be submitted.
4. Mr. Ayers felt a single point of vehicular access from East Lake Road would be beneficial for this site as multiple driveways would cause more erosion and storm water management concerns.

Board Chairman, Mr. DeVinney explained the procedure for permitting a single access for more than one dwelling. To be in compliance with current local zoning, any vehicular access that services (2) or more dwellings is considered a “private road”, and in the Lake Residential District these “private roads” are not allowed for any new construction. Any that previously existed were “grand-fathered” in and are now listed in our present zoning code. In certain steep slope fragile areas, such as the High-Bank area of East Lake Road, it was understood by the Board that if access by use of a single driveway per dwelling was proposed in a multiple dwelling subdivision, and such plan could be engineered and proven to be less of a detriment to the existing environment pertaining both to the amount of soil disturbance and the best management practices for erosion control, it would be beneficial to the Town to consider such a plan. So an amendment to current zoning was adopted, which allows by Special Use Permit, single access with shared driveways, if it can be proven by the applicant that a single driveway access plan is indeed better

for the environment and emergency access to each dwelling. This Special Use permit requires the applicant to submit (2) preliminary plans for subdivision approval. After all necessary reviews are conducted, a determination of which plan would be more feasible, the Planning Board could recommend approval of the Private Road Preliminary Plat upon the condition that the Zoning Board of Appeals grant a Special Use Permit. The ZBA shall then consider the Planning Board's recommendation to grant the Special Use Permit. If granted, the application is then referred back to the Planning Board for final subdivision plat approval.

Board Member Mincer discussed with applicant the technicalities of constructing the access road and individual driveways to provide ample room for appropriate emergency vehicle access and vehicular passing and parking during a fire event.

A copy of the Standards for New Roads (Local Law # 2 of 2007) was handed to Mr. Fromberger which showed appropriate radius of emergency vehicle access and turnaround clearances.

Mr. Fromberger was advised by the Board of required filing of driveway plans to County Highway Dept., Supervisor David Hartman, once a Special Use Permit is obtained because the Subdivision accesses a county road.

A September 30<sup>th</sup> written review by Town Engineer, Lu Engineers was discussed point by point with Mr. Fromberger.

Tree removal for site clearance was discussed by the Board and applicant was advised that even the clearing of small trees in this fragile area could hinder the storm water management of the parcels and so would need review. Applicant answered that minimal cutting would be required for the driveway sections, foundation drainage, and plans for a "tram" for owners to access the lake.

The Board advised Mr. Fromberger of an amendment to our Zoning Law (Local Law#5 of the Year 2008, referencing the addition of "tram systems" to the definition of "Structure" and provision of regulations for the installation and replacement of "tram systems" located in the Town of Middlesex. (Section #609: 609.1, a-b: Application for permit) This section allows permission of a tram system to be permitted to serve only a private single-family residence in accordance with ASME Standard 17.1, section 5.4) Advisement focused on using a single tram system to service more than one dwelling would not allowed. A copy of this amendment was given to the applicant.

To conclude the review, it was noted by the Board that this Site Plan was to be considered a Preliminary review as it was more than merely conceptual. Mr. Thomas Fromberger stated that their next step would be to address comments made in all reviews, revise the Site Maps, submit them to Lu Engineer and then request to be placed on the Planning Board agenda.

**Other Business:**

Code Enforcement Officer, Ms. Kane discussed with the Board the sensitivity of the current Cunningham site on South Lake Road. Her concern was the need to stabilize the site before onset of winter. The board commented on enforcing the remediation plans advised by Lu Engineer and the suggestion of some type of erosion control product if grading does not take place until Spring. due to its' close proximity to the lake.

Chairman DeVinney reported on the position of the Town Board on Hydro-fracking concerns. A motion to offer a resolution to the Town Board to recommend the adoption of a (1) yr.

Moratorium Law on all activities pertaining to the acquisition of natural gas by method of Hydro-fracking and putting this Moratorium Law in place to commence once the state GEIS review period has expired to receive maximum benefit of the time to research any edits/additions to our Master Plan, Zoning Ordinance and Local Laws. A motion to approve by resolution this recommendation and subsequent request of the Town Board to set a Public Hearing, was made by Board Member John Gilbert and seconded by Board member Mincer. All Board Members present voted in favor of the motion.

Chairman DeVinney opened the floor up to residents Mr. Donald Sheive, and Ms. Peg and Carolyn Ruscio who invited members of the Board to attend a workshop in Dundee on October 17<sup>th</sup> at which prominent speakers Coffin, and the Slottje Land Use Lawyers would be speaking on the topic and how local communities could best be educated on what could be done legally to be prepared. Mr. Sheive was invited to make a short presentation on November 2nd of key points derived from the Dundee workshop after attending.

**Next meeting agenda:** October 19<sup>th</sup>, 7:30pm:

Draft Steep Slope Law - Board Member St. Lawrence summarized an outline for a proposed Saturday work session at the end of October among Town Board Members, Planning Board Members, Kevin Olvany, George Barden, Rick Ayers and Scott Prior from Lu Engineers. The key points to this workshop would be to include the edits from Town Board Member and Planning Board Member comments from the previous work session. Lynn Lersch will send out an invitation which includes topic goals to be completed by session end.

A motion to adjourn was offered by Marty DeVinney and seconded by Board Member Gilbert. Meeting adjourned at 9:15pm

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

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – September 14, 2011 7pm

**Board Members present:** Marty DeVinney, chair; John Gilbert, Robert Mincer, Lynn Lersch, Bruce St. Lawrence  
**Others present:** Dawn Kane, CEO; Sue Warren, Tracy Mancini, Crystal Campfield, Rocco Venezia, Donald Bow, William Kenyon, Mark Lipari, Phil Greene, Keith Gilliland, Soumen Das

**Agenda:**

**Old Business:** App. # 120408-SPR: Mr. Steven Cunningham-Driveway Remediation Final Map Review for Approval w/conditions for property at 1265 South Lake Rd.

**New Business:** App. #021010-SPR: Highland Group of Canandaigua, LLC for preliminary application of private driveway serving (3) lots at 556 East Lake Road; App. #082211-SPR: Mr. & Ms. Jac and Susan Quin-Minor Subdivision of property at 6071 Wolfanger Rd.; App.# 081211-SPR: Ms. Kay Brugler for Lot Line Reconfiguration of property parcel at 618 E. Lake Rd.; App. #081811-SPR: Mr. & Mrs. Mancini - Site Plan Review for a Single Family Residence at 1788 Shay Rd.; App. # 081511-SPR: Mr. Keith Gilliland requesting Site Plan Review of Site Plans for Phase II development at 894 S. Lake Rd to include: Retaining Wall, permanent dock, parking area at roadside, drainage plans.

Meeting came to order: 7:15pm

Chairman DeVinney opened the meeting and offered a motion for board approval of draft minutes from July 20, 2011. Board Member St. Lawrence made a motion to approve the minutes as read and Board Member Gilbert seconded the motion. Motion to approve carried with all board members present voting in favor.

**Old Business:**

1. **Application #120408-SPR/Mr. Steven Cunningham** – Driveway Remediation Review of Final Map revisions for property at 1265 So. Lake Rd., Tax Map ID # 21.71-1-2. Revisions presented by agent, Mr. Rocco Venezia of Venezia & Assoc.

Agent Mr. Venezia stated that the RECP Product selected would be North American C-125. This temporary erosion control measure will be reviewed for proper vegetation root growth by the Code Enforcement officer after a (2) year period to monitor appropriate stabilization of the embankment as set forth in the Board's conditional approval; a Construction Sequence Plan would consist of first removing the jute mesh which is presently onsite, and as construction commences, they would start at the base of the driveway and work gradually uphill; drainage will be established by placement of silt fences, check dams and catch basins as shown on Site Map. These additions will be placed before bank grading commences and will be maintained throughout until bank is stabilized and vegetation in place.

The Planning Board reviewed Lu Engineer Review with Site Map revisions, and requested that a clarification of the RECP Product selected be noted on Site Map and as an Installation Specification Sheet, for the selected RECP Product, be submitted to Code Enforcement Officer prior to permitting. Mr. Venezia stated he would produce a letter as well as noting all requests by the Board on the Site Map.

Code Officer, Ms. Kane stated that an approval had already been given; however, permitting would be based on a letter from Venezia & Assoc., clarifying RECP product selected, the submittal of a Product Installation Specifications Sheet; and a detailed Construction Sequence Plan with current contractor selection for the project.

**New Business:**

1. **Application # 021010-SPR/ Highlands Group of Canandaigua LLC of 556 East Lake Road (LR)** Tax Map ID# 11.350-1-3.000, requesting a conceptual, instead of a preliminary plat review for servicing a (3) lot parcel with a single private driveway. Project plans were presented by Mr. Rocco Venezia of Venezia

& Associates as agent. Mr. Venezia referred to Lu Engineer's review of September 1, 2011 with the following responses:

- a. Most review points referred to would apply to a Final Site Plan Review and would be addressed at a later submission.
- b. Review reference #18: Should comply with NYS DOT standards for driveway turnout to County Road #505 (E. Lake Rd.). Some of these standards would make the driveway as currently designed very difficult. Board discussions incurred with agent, owner and client lawyer referencing the grade of slope and vehicular line-of-sight at turnout point from the proposed private driveway, and safe egress crossing over road centerline into north-bound traffic. The Board made a recommendation to review this onsite with Town and County Highway Superintendents to review the plan feasibility and safety concerns.
- c. Review reference #4: Drainage - Agent Venezia stated they would be addressing water runoff by piping the water under the road and adding some check dams. Calculations taken, show very little water coming off East Lake Rd. due to its' grading.
- d. Review reference #10: Emergency Vehicle Turnaround was pointed out and discussed though not shown in detail on map due to its' conceptual stage.
- e. Review reference #6: Surface material of driveway - Discussion reviewed plans to use gravel. Board advisement referencing the Canandaigua Watershed strongly recommending pavement of waterfront driveways to alleviate the movement of gravel during high velocity storm events as experienced this spring when gravel from sloped driveways filled roads impeding emergency vehicle access. Client prefers impervious surface for specific driveway and plot layout, less impact on trees, seasonal ease of use and maintenance.
5. A Declaration of Driveway Easement will address maintenance fees and/or other extenuating costs that equities involved from the (3) lots receiving benefit from the private driveway. The easement will be signed by all prospective owners before lots are sold.

Mr. Kenyon inquired what the process would be for filing a Special Use Permit Application with the Zoning Board of Appeals and what fees were due. Board discussion reviewed the process stating the Highland Group had filed a Building Permit for the Private Driveway and next, a Special Use Permit Application would need to be filled out to be placed on the Zoning Board of Appeals October 4<sup>th</sup> agenda so that this proposal could be reviewed by this Board. Agenda approval would be decided by Chairman Radin of the ZBA. After this step, the Yates County Planning Board would review it in October if submitted by deadline. It was recommended by Board Member John Gilbert that an advisement decision on the proposed driveway design by County and Town Highway Superintendents, referencing access to East Lake Road, should be noted before the ZBA and the Yates County Planning Board reviews. It was requested by the Board that notice of the above mentioned meeting be given to Planning Board so that Marty DeVinney, Chair could attend.

**2. Application # 082211-SPR/ Mr. & Mrs. Jac and Susan Quinn of 6071 Wolfanger Rd. (LDR)**

Agent Mr. Rocco Venezia of Venezia & Associates requested a Minor Subdivision of 55.575 acres into (2) Lots, Tax Map ID # 32.03-1-20.

Ms. Kane summarized the application as a large parcel on Wolfanger Rd., with an existing single family residence including a septic. The owners would like to split off the parcel with the house and septic. The other lot consists of vacant land and both lots meet all current zoning requirements.

Mr. Venezia presented the request to divide 55.575 acres into Lot #1 to become 48.350 acres, and Lot #2 to become 7.185 acres. Lot #2 has a two story framed house with a septic onsite that is within code. Board discussion focused on current Zoning Law requiring 300 feet of minimum frontage on the road. Lot #1 has 176.26 feet. It was recommended by Ms. Kane, CEO that the application qualified to be considered as a Flag Lot and met all the current zoning requirements. Mr. Venezia requested approval based on the consideration that Lot #1 be defined as a Flag Lot. The Board requested the road frontage of Lot #2 to be noted on the Site Map. It was also noted that there could be no further division of Lot #1 if approved as a Flag Lot. This decision made both lots more in conformance with current zoning.

\*A SEQRA was declared determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Chairman DeVinney motioned to accept the negative declaration and Board Member Gilbert seconded the motion. Motion carried with all Board Members present voting in favor. \* (Note: completed at 10/5 Planning Board Meeting)

Lynn Lersch made a motion by resolution to grant approval to this minor subdivision as a Flag Lot in the LDR District with the understanding that under current law there cannot be further division of either of these (2) parcels under current zoning. Ms. Kane requested that this also be noted in the file. Board Member Gilbert seconded the motion to approve. Motion carried with all Board Members present voting in favor. A copy of the resolution will be placed on file.

3. **Application # 081211-SPR/ Ms. Kay Brugler of 618 East Lake Road (LR)** requests Site Plan Review for a Lot Line Reconfiguration of 3.666 acres. Land parcels sited were:
  - Tax Map ID # 11.42-1-1 would become 2.561 acres after subdivision
  - Tax Map ID #11.42-1-3 would become 0.961 acres after subdivision
  - Tax Map ID #11.42-1-4 would become 0.244 acres after subdivision

Agent, Mr. Rocco Venezia of Venezia & Associates presented application as a Lot Line Reconfiguration of (3) lots totaling 3.666 acres.

It was noted by Board Member St. Lawrence that the Lot with Tax Map ID# 11.42-1-1 which borders East Lake Road (County Rte. #505), but the other (2) lots are accessed by an existing Private Road under current Zoning labeled as Genundewah Drive.

Ms. Kane, CEO stated that the lots are previously pre-existing and non-conforming lots. The proposed reconfiguration would make the reconfiguration more conforming under current zoning.

Board Member Lersch noted that it should not be assumed that the smallest bottom lot, might not be a buildable lot due to its size which was less than the 20,000 sq. ft. minimum for building in LR District.

Board Member Gilbert requested clarification on the status of the shared driveway to Lot, Tax Map #ID 11.42-1-1. On the Site Map, it appeared that the existing Dock and Boat House seems to be shared by a stairway accessing the other lot as well as the top (2) lots as well. This shared access to the lake may need improvements to service the other lots. Board Member St. Lawrence inquired about the shared driveway with the (2) upper lots and possible improvements to the third lot. It was noted that the private driveway off East Lake Road servicing these lots was listed as a pre-existing Private Road, known as "Genundewah Drive" in our current zoning.

Board Member Lersch noted that this application did not need to have County review due to the Town's Exempt Agreement currently filed with the County.

A SEQRA was declared determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member St. Lawrence motioned to accept the negative declaration and Board Member Gilbert seconded the motion. Motion carried with all Board Members present voting in favor.

Chairman DeVinney made a motion to approve the Lot Line Reconfiguration as presented. Board Member St. Lawrence seconded the motion and the motion carried with all Board Members present in favor.

4. **Application # 081811-SPR/ Mr. and Mrs. Michael Mancini** requests Site Plan Review for a Single Family Residence at 1788 Shay Rd., Tax Map ID# 044.02-1-8.000 in the Ag/Res. District.

Ms. Kane summarized Site Plan and stated to the Board that the proposed site plan was for a manufactured home on 10 acres which met all current Zoning setbacks, and the septic plans had been approved by G. Barden, Canandaigua Watershed.

Board Member St. Lawrence inquired about the driveway extension on the Site Map and it was noted that it a construction driveway created prior to installation of the home. The property is flat and the permanent private driveway will meet our Town specifications. It was also requested that Grove Engineers show documentation of the rear setback measurement similar to what they had done with the side setbacks. Foundation notes #9 and #10 on Erosion Control Notes are conflicting information for builder clarification. These should be clarified before permitting.

Ms. Kane inquired if the Board would accept a letter from Grove Engineers noting changes to be resolved and Board agreed this was acceptable

A SEQRA declaration was determined by the Planning Board that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member St. Lawrence motioned to accept the negative declaration and Board Member Gilbert seconded the motion. Motion carried with all Board Members present voting in favor.

After a short discussion a motion was made by Chairman DeVinney and seconded by Board Member St. Lawrence to accept Site Plan as approved with conditions that Grove Engineers submit a letter with changes discussed. Motion carried with all Board Members present in favor.

5. **Application # 081511-SPR/ Mr. Keith Gilliland** requests Site Plan Review for Phase II of development at his property at 894 South Lake Rd. to construct a retaining wall and permanent dock at shoreline, a roadside parking area, drainage site work, and modification of architectural plans approved by Planning Board last year as part of Phase I.

Mr. Gilliland presented a summary of his plans beginning with a modification to his house plans. Mr. Gilliland stated that due to the significant elevation changes of the raised sand leach field, he would like to create an exposed walk-out, lower level basement facing lakeside to replace the original basement concept and add 2" onto the back yard footprint of the house to widen the garage plans. Mr. Gilliland professed that such modification would still lie within all setback requirements and not require variances.

Mr. Gilliland presented the plans for a roadside parking area, stating that Mr. Reifsteck, Town Highway Supervisor had given him approval to place gravel for parking two cars at roadside.

Drainage, to alleviate roadside storm water runoff at driveway, was planned to place a 12" drop box at roadside with a 12" drainpipe from road to lake. This was to alleviate drainage problems experienced during seasonal flow times, and during the past spring which eroded away the embankment at lakeside between Mr. Maddox's property and Mr. Gillilands. Mr. Gilliland had made a request for the Town of Middlesex to absorb the cost of this drainage concern due to neighboring upland parcel culvert and ditching problems; however he would still choose to install this storm water runoff measure to protect his property and others no matter what the outcome was.

Mr. Gilliland presented his permanent Dock plans, which consisted of a permanent dock, covered boat hoist and (2) proposed boat slips referencing UDML requirements. He may reduce this to (1) boat slip and the Planning Board suggested that he come back with plans on this part once it was decided.

Mr. Gilliland presented his Retaining Wall plans for a 100' bulkhead/retaining wall along the base of the bank approximately 10' from the upland side of the High Mean Water Mark. It would be constructed out of Versa-Lok Standard Modular Concrete Units (6x6x12" in size) that are deep pre-cast solid blocks with fiberglass pins to join the units and the use of a geo-grid as a tieback and dead man system per manufacturers' specifications. This application will be installed by Mr. Phil Greene of Worden Hill, Inc., on the landside within 6 ft. of the High Mean Water Mark. A mini excavator will be used for installation. The NYSDEC has been notified of his plans and include their specific requirements. Mr. Gilliland produced photographs of a minor landslide that occurred in April of a section of this bank. Excavation of this material from the landslide is proposed to stabilize and prevent further erosion into the lake returning this area to its original condition. Plans submitted show a 15' high wall, however this measurement has been reduced to approximately 12' high with vegetation at the top to stabilize the remaining footage. Sides

of the proposed retaining wall step back into the northern boundary lines abutting the shoreline embankment at a width of 15 ft., yet will return at approximately 10 feet, even though it is shown on plans right to the property line and open at southern boundary line. This 10-15 ft. retaining wall is hidden from view to the neighboring southern parcel because of (2) existing willow trees and considerable vegetation currently present there. The neighbor's wall at this area is some feet away and 3-4 ft. high. The proposed retaining wall doesn't have a northern boundary line tieback because that neighbor has stated that he eventually wants to tie into mine with some sort of wall to keep his bank from future sloughing of material. The last storm event placed approximately 5-10 yards of clay at the bottom of the lake close to shoreline. Without definite plans, I am left with erosion with storm water runoff cutting into the back of the wall so I may possibly step down the wall to north also.

Board Members stated their concerns the massive vertical height of the retaining wall and it's appearance from the shoreline, advising Mr. Gilliland to possibly taper or terrace it back into the upland parcel to blend it at shoreline into the upland parcel. Discussion developed on what other products or option had been considered to retain the embankment. Mr. Gilliland stated he had considered the natural look of timbers but was concerned with losing trees and root systems by cutting back into the embankment with footers. The Gillilands also chose to minimize steep slope maintenance that would be required of a terraced embankment retaining wall.

The Board advised Mr. Gilliland that under current Zoning, structures are not to be constructed within the setbacks and if the wall returns on the sides, the wall would be within the front yard setback at waterfront and side setbacks as well as the concerns raised with the base of the proposed retaining wall being so close to the High Mean Water Mark at shoreline. Inquiry from the Planning Board of the color of the stone used in the wall and Mr. Gilliland stated that he had selected a limestone color which would blend with neighbor's wall at shoreline and with the proposed house colors.

Drainage concerns were discussed. The Board wanted to know how storm water runoff would be managed through or around the retaining wall and requested contours to be shown on the Site Map to show how drainage day lighted at points around the wall and stairs where water runoff would be conveyed.

Board questioned how the stairs would be built integral to the wall and requested it to be shown more clearly detailed. Plans should show the exact rise of the step, calculating where the first step would be in relation to the dock height at shoreline.

Grading on the driveway portion of the lot, between the property to the north was discussed and the possibility of a retaining wall to transition the slope differences. Board Member St. Lawrence advised that this also should be placed on site map prior to commencement of development.

The Planning Board summarized its request for additional information to be added to Site Plan to better clarify what was to be reviewed once final decisions were made. Such additions for the present work at shoreline would include grading contours, detail of how stairs tied into dock at shoreline and to wall, depicting where they would daylight to contours of land, and a decision on how the north corner of wall at shoreline would be managed to prevent erosion potential. Later, Site Plans could be submitted to show house modifications within the footprint, and a final plan of the permanent dock and boat slips. The Board would need a Final Site Plan to include everything that was to be done onsite and to clearly sequence the construction so that the builder would be able to follow specific construction sequencing. The Code Enforcement Officer could then verify correct installation procedures at timely intervals. If there were revisions to be made, as the plan proceeded, these could be reviewed by the Planning Board as Site Plan revisions at that time. A Final Determination on Site Plan Review could not be given without complete final plans showing what was proposed on property, and prior to commencement of site development. Mr. Gilliland stated that he intended to provide the Board with an "as built" plan at project completion. It was suggested that he could provide house modifications at a later time, but intent should be clear now on the lakeshore project plans in order to reach a determination on Site Plan Approval.



Ms. Kane explained the concept of Site Plan Review, based on the Town's Zoning Law, and how it involved the Planning Board stating the importance of detailed engineered stamped plans depicting all proposed site work, erosion control management.

After a short discussion, the Board proposed an onsite visit to expedite determination of this site plan. During this time, the applicant could make plan modifications and could come back for the October 5<sup>th</sup> Board meeting for review and final determination.

Mr. Gilliland withdrew his Site Plan Application. The Board advised review at a future time when plans could be finalized if he chose to do so. The board withdrew their onsite meeting time.

It was noted that our Work Session on the 21<sup>st</sup> for Steep Slope has been pushed to a later date.

Next PB meeting will be October 5<sup>th</sup>. Agenda applications will include:

1. Application #091411SPR/Mr. Bradley A. Quayle requests Site Plan Review for Commercial Signage for Middlesex "Pumpatorium" located at 5618 Water Street/Rte. #364, Middlesex (HR)
2. Application #091211-SPR/ Mr. Andrew Komarek requests Site Plan Review of a Major Subdivision on East Lake Road, Tax Map ID# 2.03-1-2.1 for (4) parcels utilizing a pre-existing shared driveway to access parcels from East Lake Rd.(LR)
3. Application #071410-SPR/ Mr. Tom Johnson for Mr. Jay Yates and Heidi Piper for Site Plan Review of a Single Family Residence with Site Map revisions at 708 East Lake Rd. (LR)
4. Application #091311-SPR/Mr. Alex Kuehne of Kuehne Construction, agent for shared owners at #786, 788, and 790 Newago Drive (LR)

A motion to adjourn was made by Board Member Gilbert and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.  
Meeting adjourned at 10:45pm.

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

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

**MINUTES - WORK SESSION**

**August 17, 2011, 6-6:30pm (Kevin Olvany)**  
**7-8pm (Lu Engineer – Steep Slope Development Standards & Other Business)**

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence,

Others present: Dawn Kane, CEO; Kevin Olvany

Agenda: Work Session/Draft Steep Slope Maps from Canandaigua Lake Watershed Council, and Draft Book of Standards from Lu Engineers; Other business

Meeting came to order with Chair Marty DeVinney introducing Mr. Kevin Olvany, Program Manager for the Canandaigua Lake Watershed Council. Mr. Olvany presented a series of visual maps depicting various steep slope grade percentages by parcel in the Town of Middlesex. These maps would serve as a visual tool in identifying steep slopes by parcel. Each slope was depicted by a differentiating color and broke the slope percentages into (4) categories as requested: 0-15%, 15-25%, 25-40%, and 40% and above.

Board discussion focused on enforceable regulations in the proposed Draft Steep Slope Law and how these maps would bring a clearer picture in illustrating where these varying slopes fall within the Town. Mr. Olvany supported our draft law stating that the Town of Middlesex is currently considered the leading edge with a proactive Steep Slope Law including specific regulations based on grade slope. This provides residents a clearer picture on what can be developed on their parcels and suggestions for managing appropriate development design before an application comes for Site Plan Review with required NYS Certified Engineered Stamped Plans. Mr. Olvany also stated that the regulations for 40% and above, although stringent are necessary in protecting the Canandaigua Watershed and he is in support. He also stated that there is room for review in the 15-25% category and gave suggestions, also stating that variances to the law could be applied for by the applicant.

Steep Slope Regulations in surrounding townships currently enforceable:

1. Town of Bristol – Simple regulations on 15% and above. Regs do not involve Planning Board review. All plans must meet NYS requirements for Certified Engineered Plans.
2. Town of Gorham – addresses steep slopes in their Zoning Ordinance.
3. Town of Naples – Code Enforcement Officer has the ability to enforce, or waive what is 15% or over per current Zoning.
4. Town of Italy – does not have any. They just adopted zoning codes.

Lu Engineer Standards for Development on Steep Slopes (Addendum to Draft SS Law)

Board Member St. Lawrence introduced the Steep Slope Standards, ST-1 through ST-6 developed by Lu Engineers, Town Engineers which shows typical house and foundation plan views on the following land slopes:

- ST-1> Type 1: Typical House Plan View on 15%-40% Steep Slopes
- ST-2> Type 1: Typical House Foundation on 15%-25% Moderately Steep Slopes
- ST-3> Type 1: Typical House Foundation on 25%-40% Very Steep Slopes
- ST-4> Type 2: Typical House Plan View on 15%-40% Steep Slopes
- ST-5> Type 2: Typical House Foundation on 15%-25% Moderately Steep Slopes
- ST-6> Type 2: Typical House Foundation on 25%-40% Very Steep Slopes

Planning Board Discussion on submitting our draft to the Town Board for agenda review this next month. If no revisions, our recommendation was to have the Town Board set a Public Hearing for public review prior to adopting the Draft Law, the Standards for Development on Steep Slopes Addendum and Visual Steep Slope Maps of the entire town. It was decided to set up a separate meeting as a work session with the Town Board Members, date to be announced.

Other Business:

Board Member Lersch inquired what the ruling by Town Attorney Elaine Espenscheid, was on whether “Dry Laid “steps with risers would be considered a “structure” per current zoning definition, Art. II Sect. #200.101 and its Side Yard Setback definition in Sect. 200.119. The Planning Board had reviewed on August 3<sup>rd</sup>, site revisions to an approved Site Plan at the O’Brien property at 1183 So. Lake Road and sought legal advisement due to the “stair design” partially was within the parcel’s side setbacks. It was noted by Code Enforcement Officer, Dawn Kane that it was determined by the Town Attorney that the Dry Laid Stairs were not considered a “structure” due to the fact that it was not “fixed” to the ground, did not have “footers” and could be disassembled at any point in the future. In determining “structures” within setbacks, our current zoning does not define “structures” placed within setbacks.

The Planning Board reviewed a list of proposed amendments to our zoning law to be adopted in the future.

A vote by resolution followed a motion by John Gilbert, requesting that during Planning Board meetings designated as work sessions, the Planning Board would not allow, in the future, any Site Plan Reviews, or public input at work sessions. The Board would, however, allow the public to submit written topics to be placed on upcoming agendas if so desired. A second to this motion was made by Board Member St. Lawrence and all Board Members present voted in favor of this motion by resolution.

The Board reviewed their department budget to be submitted to the Town Board for adoption in Year 2012, the details of which will be presented at the Annual Budget Public Hearing to be announced.

Next month’s meeting on September 7<sup>th</sup> Agenda was reviewed with the following applications submitted:

1. App. #071410- SPR: Dr. Jay Yates/Revisions to Single Family Residence at 708 E. Lake Rd., (LR)
2. App. #021010-SPR: Highlands Group of Canandaigua LLC/Venezia & Assoc.  
Lu Engineer review of Preliminary Site Plan for Common Driveway for (3) lots at  
556 East Lake Road (LR)
3. App. #081211-SPR: Ms. Kay Brugler/Venezia & Assoc.  
Lot Line Reconfiguration of 3.666 Acres at 618 East Lake Rd. (LR)  
Land parcels - #11.42-1-1: 2.561 Acres after subdivision  
                  #11.42-1-3: .961 “ “ “  
                  #11.42-1-4: .244 “ “ “
4. App. #080811-SPR: Mr. & Mrs. Michael Mancini/Grove Engineering  
Single Family Residence at 1788 Shay Rd (A/R)
5. App. #081511-SPR: Mr. Keith Gilliland/Worden Hill Inc.  
Site Plan Review: Retaining Wall, Dock, Parking Area, Drainage at 894 S. Lake Rd., (LR)

A motion to adjourn was made by Board Member Mincer and seconded by Board Member St. Lawrence. All Board Members present voted in favor. Motion carried.  
Meeting adjourned at 8pm.

Minutes submitted by L. Lersch/Revisions to: LSammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – August 3, 2011, 7pm

**Board Members:** M. DeVinney, Chair; John Gilbert, Robert Mincer, Bruce St. Lawrence  
Others present: Dawn Kane, CEO; Mr. Steven M. Rippey, Mr. Andrew Ellison, Mr. Dan O'Brien, Mr. Doug Skeet-YCPB Member

**Agenda:**

**New Business:** Application #70611-SPR/ Mr. Steven M. Rippey of 5956 So. Vine Valley Rd., Middlesex (LDR) Site Plan Review for a two-story addition to an existing Single Family Residence; Application #070611-SPR/Mr. Andrew Ellison, Drew's Docks-representing agent for Mr. James Fox of 1223 So. Lake Rd., Middlesex (LR) requests Site Plan Review for installation of a permanent dock;

**Old Business:** Stop Work Order on property at 1163 So. Lake Rd., Middlesex (LR) owned by Mr. Dan O'Brien. Review of new site revisions from previous Site Plan approved by the Planning Board.

Meeting came to order at 7pm

Chairman DeVinney opened the meeting and invited a review summary from Code Officer, Ms. Dawn Kane:

1. **Application #70611-SPR/ Mr. Steven Rippey** of 5956 South Vine Valley Rd., Middlesex in the (LDR) Zoning District, requesting site review of a proposed two-story addition to an existing single family residence.

Ms. Kane stated the application was a proposed addition to an existing 2-story Single Family Residence at the corner of Dinehart Crossing and South Vine Valley Roads. The proposed addition will be constructed on flat land. It was necessary to move the existing septic and leach field and the new design has been approved by Canandaigua Watershed Inspector, George Barden. All setback requirements have been met.

Board inquired what the estimated time of project completion would be. Mr. Rippey stated that Mr. Walter Zimmerman, a local contractor, planned to start in September with the project wrapped up by snowfall. Board requested that all storm water runoff provisions should be noted on the site map, due to potential concerns in the front and side yards. Applicant stated that roof water runoff would be funneled through downspouts and tied into curtain drains that surrounded the foundation managing surface water. Construction spoils will be collected in various areas to the north. An onsite visit was noted as being made by Board Member Mincer.

Board requested that setbacks should be shown on the Site Map.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the declaration was offered by Mr. Gilbert and seconded by Mr. Mincer. All Board Members present voted in favor and the motion carried.

A motion to approve the Site Plan was made by Board Member St. Lawrence and seconded by Board Member Mincer. The motion carried with all Board Members present voting in favor. All maps were given back to applicant at the end of the review and Mr. DeVinney signed and dated the Site Map as approved.

1. **Application #070611-SPR/ Mr. Andrew Ellison of Drew's Docks**, representing agent for owner Mr. James Fox of 1223 South Lake Rd., (LR). Site Review is for installation of a permanent dock.

Ms. Kane gave a summary of the application stating the review was for a dock and not for a boat accessory structure at this time. Mr. Ellison, agent for the owner, confirmed the statement as true. Plans distributed, showed some additional information missing on the initial site plan submitted.

The plans showed (2) docks and a shoreline deck. Chairman DeVinney referenced the UDML, stating all structures lake ward of the High Mean Water Line are referred to as a dock, any structure upland of the mark is referred to in definition as a deck. This definition from the UDML would be used to review the application.

After a short discussion on the existing' water rights' line, Ms. Kane stated that according to the UDML it assesses who has water rights, lake ward from the property lines at shoreline. It determines the lake ward boundary of the parcel. She added the UDML sets a 10' setback on this invisible line in the water. A tie line is drawn from the parcel which is proposing construction, through parcel boundaries to the north and south. This tie line is then bisected to create the water rights boundary determination.

Board Member St. Lawrence was concerned that the square footage allowed for both docks shown on the site plan and the deck were not accounted for correctly and read from a UDML definition that stated that in categories where (2) or more docks are permitted, the consolidation of the (2) docks into (1) dock is permitted, however the consolidation can be no more than a maximum of 1080 or 32 sq. feet. It also specifies that any part of the dock that provides access to a dock is to be considered part of the dock's square footage.

Ms. Kane, explained that these were (2) pre-existing separate docks. In measuring the 1120 square feet allowed ( $720+400=1120$ ), she considered it as (2) docks, not a consolidation. Ms. Kane stated the UDML permitted adjacent upland parcels in a steep slope parcel, the ability under a hardship clause to exceed the maximum 720 sq. feet of dock space, in the amount of an extra 400 sq. feet. hence the calculation of 1120 sq. ft.

Board Member St. Lawrence inquired what the intent of the proposed action was. If the intent is for the (2) docks to remain separate, utilizing the existing dock system as built with one set of stairs accessing the shoreline, and with a pre-existing boardwalk tying into the dock system, than he would agree with the proposed sq. ft. calculation.

Agent, Mr. Andrew Ellison believed that the existing dock system was built by a previous owner. He confirmed that it would be kept separate.

Ms. Kane informed the Board; the property also had a pre-existing cottage and lake house on it.

Board Member St. Lawrence questioned if there was to be a proposed permanent boat station? His query, in reference to the UDML, was if one is allowed (2) docks and (4) slips, than does the law also allow a boat station also? He stated that the Boat Station was listed on the application, but not on the Site Map. It was his opinion that anything permanently installed on a boat slip or a dock, should be required to be noted/drawn on the Site Map. He would like to see it defined in the Town's Zoning Law, what is regulated as a structure if it is proposed as a permanent installation either lakeside or lake ward.

Mr. Ellison stated that the existing stairs would not change. A Permanent Boat Station would be installed in (1) of the (2) Boat slips shown. There would be a lift in the Station. Criteria for a Boat Station was discussed and it was requested that Mr. Ellison provide height, roof pitch and dimensions of the proposed Boat Station on the Site Map. Chairman DeVinney signed off on this additional data, given by applicant, and referencing UDML regulations.

Board Member St. Lawrence inquired how the quantity of boat slips allowed was determined by the UDML. He read the definition of both a "boat slip" and a "cleat" questioning how cleat(s) were measured off and if it was considered a temporary cradle or a permanent dock fixture? For example, if the UDML allowed a parcel, (4) boat slips, would this be considered for permanent storage or temporary use? Does this pertain to what is registered for each parcel?

Chairman DeVinney agreed the inquiry was pertinent and suggested referring the question to Mr. Kevin Olvany of the Canandaigua Watershed Council, who would be attending our next work session meeting on the 17<sup>th</sup>.

Board Member Gilbert inquired what the foundation of the docks consisted of. Mr. Ellison responded that each steel piling measured 8” diameter and would be pounded in to the lake floor.

Board Member St. Lawrence requested a notation made on the Site Map and/or permit, that the installation of a Boat Accessory Structure would require another permit with Site Plan Review by the Board to regulate further action. It was his opinion that an applicant should take home a document stating such, as well as also noted on plans.

The Planning Board completed a SEQR determination, based on the application information and the analysis made, and declared the proposed action will not result in any significant adverse environmental impacts and provided the reasons supporting this determination. A motion to accept the declaration was offered by Mr. Mincer and seconded by Mr. Gilbert. All Board Members present voted in favor and the motion carried.

Chairman DeVinney offered a motion to approve the Site Plan. Mr. Mincer made the motion to approve the Site Plan with revisions as discussed and Mr. St. Lawrence seconded the motion. The motion carried with all Board Members present in favor.

### **Old Business:**

1. Site Revisions on previously approved Site Plan, at property owned by Mr. Dan O’Brien, Application # 31309-SPR, at 1163 South Lake Rd., (LR).

CEO, Ms. Kane summarized reasons for a Stop Worker placed on the site, which has been an extremely challenging site from the beginning having gone through various variances and numerous site plan reviews. After a site visit inquiry referencing setbacks, it was learned that some revisions had been made to the previously approved Site Plan, which necessitated another Planning Board review. Revisions include the placement of a propane tank and septic pumping system in the front of the house. These were stamped as approved but due to the lay of the land, when installed, are now quite close to the foundation of the house. New site work involved restoning and replacement of the check dams, having been upset during installation procedures. There is a roadside parking area for (2) cars. It is dug out and the retaining wall is completed, meeting the required 15’ setback. Previous plans approved by this Board clearly showed a proposed walkway to the house which would be graveled due to the steep slope. This walkway now has been reconfigured into a dry laid stair system with risers. The proposed walkway of gravel was not considered a structure under current zoning and was shown on the plans to be primarily within setbacks; however it clearly is a stair system, complete with risers. It also does not meet the required setbacks and the stairs might need railings placed for safety. The house is nearly complete. The stairs provide the access to the dwelling.

After a discussion involving the installation procedures of a Dry Laid Stone System, it was interpreted by the Board that the stairs were not set in mortar, but placed on sand and gravel and could be removed, therefore as defined by current code, was not a “structure”. It was also stated that the railings, if affixed to the ground, would be required to be within setback; however defining the ‘stair system’ did not resolve the setback concern.

Chairman DeVinney noted that in future reviews on these small steep slope lots, it should be discussed that there just is no easy place to position walkways to access a dwelling. He read from the Zoning Ordinance that “structure” is defined in Sect. 200.101 as “anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground...to include but not limited to ...steps, retaining walls” etc. , however he understood as the access to the dwelling, it was necessary.

Mr. Dan O’Brien inquired where in the zoning it stated that you can’t place a structure within the setback. He referred to past definement of measuring side setback from the eaves of a house vs. the foundation, however when it applies to a fence line which is usually affixed to the ground right on a boundary line, it doesn’t seem to apply.

The Board discussed the interpretation of “affixed” meaning a fixed location on the ground or “dug into” Fence lines are not clearly defined in zoning but would be addressed in current Site Reviews as meeting setback requirements especially in a residential area.

Board Member St. Lawrence inquired of other options for the stair system to be redesigned to meet current side setbacks such as coming out to the side of the house, stepping to the side of the brick patio and then down.

Mr. O'Brien stated that because of the placement of the front entrance to the house, it was necessary to exit on that side to a brick patio and then down. Water lines and drainage pipes were on the north side, so the tanks had to go where they were placed. It was also stated that part of the previously proposed walkway was approved outside of the setbacks, however Mr. Fladd had only drawn in the steps, and it may not require as many as shown, however to place them coming straight down would be too steep a grade to navigate.

Board Member Gilbert suggested seeking legal advisement as a clear way to settle defining it as a structure and if the stairs are allowed as defined within the side setbacks.

Mr. O'Brien stated that the application for this house was submitted in October of 2008 and is now approximately two weeks to completion. He has been trying to obtain a Certificate of Occupancy by the third week in August. The Dry Laid Stone has not been placed yet. It can be done within a week. Mulching and clean-up are the only work left to do, after the stairs are completed.

The Board stated that there also unapproved extra excavation onsite was completed making it necessary to place a Stop Work Order on the site. Setbacks in our zoning protect neighboring parcels, and are important to be adhered to in tight parcels being developed in a residential setting. If a proposed action is in violation of code, than a variance appeal would be required. If it is deemed a violation of zoning, an amendment to our zoning may apply to specify clearly what is allowed within boundary setbacks.

Ms. Kane stated that she would acquire a legal interpretation on Thursday. If a variance is required, she will then place the application on the Zoning Board of Appeals for the September 6<sup>th</sup> agenda. If interpreted legally as only a technicality, the Stop Work Order will be lifted and the steps may be constructed.

Next meeting agenda: August 17<sup>th</sup>: Work session with Kevin Olvany to review Steep Slope Maps; Lu Engineers Steep Slope Standards as an addendum to the Draft Law; list of possible ZL amendments; and 9/7 agenda.

Chairman DeVinney requested a motion to adjourn. Motion was made by Board Member St. Lawrence and seconded by Board Member Gilbert. Motion carried with all members present voting in favor. Meeting adjourned at 9:15pm.

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

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes - July 20, 2011 7pm

Board Members Present: Marty DeVinney, Chair; John Gilbert; Lynn Lersch; Robert Mincer; Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Mr. Burnell Rieff, Ms. Linda Sheive

Agenda: Work session on Steep Slope Draft Law; Final Map Review of Application #60811-SPR for Mr. Burnell Rieff of 217 Bare Hill Rd., (A/R)

Meeting came to order at 7pm

Draft minutes from May 18<sup>th</sup> and July 6<sup>th</sup> were approved with a motion on the floor from Mr. DeVinney which was then seconded by Board Member Mincer and all members present voted in favor. Motion carried. Board member Lynn Lersch made a motion to amend a portion of the 7/6 draft minutes. Mr. Gilbert seconded the motion and the amendment was approved by all Board Members present in favor.

Ms. Kane presented App. #60811-SPR/Mr. Burnell Rieff's request for map revision to allow a pre-existing equipment shed to move 10' closer to the nearest boundary line. This shed will be used to store supplies for the proposed Greenhouse business and now stands 50' from the boundary line. Mr. Rieff is requesting to move the shed to 40' from the boundary line where it on more level ground. A question was posed by the Board if Mr. Rieff's property and this shed would be exempt under a Farm exemption from zoning regulations. Mr. Rieff's proposed business does not qualify for NYS Farm Exemption but does qualify for request. The nearest neighbor Mr. Bowerman states that he is in concurrence with the proposed setback shift. Mr. Rieff stated that the building is pre-existing, with a 440' setback from Bare Hill Road and he meets the side setbacks with enough frontage bordering Townline Road.

Board Member St. Lawrence requested (1) Final Map with all revisions noted and to include: Setback changes pertaining to Equipment Shed; storm water runoff distribution from overflow of water collection tanks on parcel as well as new position of equipment shed.

Code Enforcement Officer, Ms. Kane requested that Mr. Rieff present plans for Business signs over the winter to be readied for permitting in the spring. It was noted that Mr. Rieff will comply.

A SEQRA was determined that the proposed project will not have any significant adverse impacts and a motion to this effect was offered by Mr. St. Lawrence and seconded by Mr. Mincer. The motion on the floor carried with all Board Members present voting in favor.

Mr. Rieff made changes as requested to his Final Site Map and submitted it to the Board before the end of the Planning Board Meeting. A motion to accept and approve all map revisions was made by Mr. Gilbert and seconded by Mr. Mincer. All Board Members present voted in favor of the motion. Motion carried.

Resident Ms. Linda Sheive asked for the floor to discuss a timely topic of concern with the Board, announcing a seminar to be offered on the topic of Hydrofracking at Hobart William Smith Colleges on July 21<sup>st</sup> and 22<sup>nd</sup>. Costs will be covered by the Vine Valley Community House for interested members. A conference at Keuka College sponsored by the Town of Jerusalem will be on Tuesday, July 26<sup>th</sup> with (2) keynote speakers on Hydrofracking. This conference is geared to the local municipalities vs. state and



nation levels. She also announced August 9<sup>th</sup>, as “Local Officials Night” at the Vine Valley Community House at 7pm. Wed., August 10<sup>th</sup> will be a session by the Gas & Oil Companies/Law Enforcement Regs.

Work Session on Draft Steep Slope Law (rev. 5/16)

Ms. Kane submitted new maps from Kevin Olvany, Canandaigua Watershed Council. These maps more clearly showed a greater color definition between slopes, with each parcel showing tax map ID #'s. These maps have been submitted to Supervisor, Robert Multer for viewing and will be viewed by both Town Boards at a work session to be scheduled at a later date.

Board Member St. Lawrence presented (3) Standards of Development on Steep Slopes that had been developed by Lu Engineer as a general overview of appropriate building construction on varying steep slopes. These standards marked ST-1, 2 and 3 will become part of a Book of Standards to be used as a conceptual tool with the applicant to indicate what the board will be looking for in siting proposed projects in the preliminary stages of development on Steep Slopes. The Standards are meant to stand alone from the Steep Slope Law for ease in amending. Legal separation of the Standards will be discussed with Town Attorney.

The Board reviewed some changes to these (3) Standards for Lu Engineers to revise with possibly more standards to be added after refinement. A box on the Permit Application will be added to state: “Steep Slope Law compliant”

Next months’ agenda to include:

Old Business:

1. Application #120408-SPR / Mr. Steven Cunningham but will submit his Final Map Revisions on the regularly scheduled Planning Board meeting on August 3<sup>rd</sup>. Code Enforcement Officer, Ms. Dawn Kane will request all map revisions as noted in conditional approval given on July 6<sup>th</sup>; Rocco Venezia of Venezia & Associates to be onsite during installation of product used to stabilize embankment as well as an “as built” upon completion of the project and a confirmation letter denoting that the project is complete as built.
2. Application # 050411-SPR/Mahar residence at 968 South Lake Rd., agent Mr. Jon Schick will be submitting his Final Site Map revisions.

New Business:

1. Application #70611-SPR/ Mr. & Mrs. Steven Rippey of 5956 S. Vine Valley Rd., requesting Site Plan Review for an addition to their Single Family residence. CEO, Ms. Kane stated that the septic has been approved and the setbacks are within regulations.
2. Application #070611-SPR/Drew Ellison of Drew’s Docks, agent for Mr. James Fox of 1223 South Lake Rd., submitting a request under the 2004 UDML for a permanent dock at shoreline. Engineer Paul Kocher will be submitting water rights lines this week to add to site map as submitted.

A motion to adjourn was offered by Mr. Robert Mincer and seconded by Mr. John Gilbert. Motion carried with all Board Members present in favor. Meeting adjourned at 9:15pm

Minutes submitted by L. Lersch/revisions to: LSammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes July 6, 7pm

Board Members present: M. DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Mr. and Mrs. Burnell Rieff, Mr. Scot Rowles, Mr. Steven Cunningham, Mr. Jon Schick, A.I.A; Ms. Linda Sheive, Mr. Donald Sheive, Mr. Kelli Furnare, Mr. Kris Schultz, Mr. Douglas Skeet

Agenda: App. #60811-SPR: Mr. Burnell Rieff of 217 Bare Hill Rd. (AR) requests Site Review for constructing a Greenhouse Wholesale/Retail business on his property to sell flowers, produce and maintain cropland on parcel Tax ID # 2.04-1-1.1; App. #60911-SPR: Mr. Scot Rowles requesting a Minor Subdivision of lot line deed change on parcel located at 1730 West Ave., (A/R), Tax ID #32.03-1-19; App. # 120408-SPR: Mr. Steven Cunningham of 1265 So. Lake Rd. (LR) requesting Site Review for remediation of a private driveway on parcel Tax ID #21.71-1-2; App. #050411-SPR : Mr. Jon Schick, AIA ,representing agent for Mr. & Mrs. Dan Mahar of 968 South Lake Rd., requesting Site Plan Review for site map revisions to their residential property in the (LR) district, Tax ID# 21.33.1-2.

Chairman DeVinney opened the meeting at 7:32pm commencing Site Reviews after board members had an opportunity to read material submitted by Mr. Jon Schick pertaining to his application. This material included letters from neighboring property owners, Mr. Rath and Mr. & Mrs. Utter; Drainage area/runoff calculations by Mr. Bernard G. Pulver, P.E. for the onsite diversion ditch; letter from the NYS DEC from N. Saavedra, Fish and Wildlife Technician to Mr. Robert Fladd referencing shoreline breakwall permits specifying the permitted work at the Mahar property. This material was submitted into the minutes.

New Business:

1. App. #60811-SPR: Mr. Burnell Rieff of 217 Bare Hill Road, Middlesex presented his site and survey maps with a letter of intent to open a Wholesale/Retail Greenhouse operation on his property. He wishes to construct a 90' x 96' greenhouse with 42" steel pipes set in concrete on grade with a gravel base floor. The greenhouse design would be of pole barn dimensions with gravel placed in front for ample parking. The lay of the land in the proposed spot is flat terrain. The pre-existing driveway leading into the pre-existing flag lot parcel has a good sub base appropriate for emergency vehicle access. A pre-existing well is available onsite and septic would be maintained by use of a portable toilet. Lighting used for the Greenhouse will be contained inside. Future signage plans will state business name and direct traffic flow to location. Before installation, Mr. Rieff was directed to discuss plans with the Code Officer due to a need for a possible permit. Mr. Rieff was given a copy of the signage requirements from our Zoning Code. The greenhouse top was made by a Canadian firm and is able to withstand snow loads. Mr. Rieff plans on selling produce from his own cropland and flowers produced from seed in the Greenhouse. Irrigation would come from (2) 1200 gallon tanks that would hold rain water produced from the greenhouse roof gutters and transported by 6" pipes to the tanks. Overflow from these tanks will be directed to existing waterways to drain and remain contained on property. Neighbors have been notified on business plans without any negative response. All fertilizers and pesticides will be contained and safely stored within the building.

Board members stated they would like to see all plans as discussed to be drawn on (1) map and sent back to us for original file purposes before permitting occurs. Mr. Reiff will submit the final site map for board approval and SEQRA declaration.

2. App. # 60911-SPR: Mr. Scot Rowles, owner of property at 1730 West Avenue, (A/R) Middlesex requests a Minor Subdivision of lot line. He has plans to sell off Lot #1 with a pre-existing cabin on 13.26 acres. Lot #2 will become 42.696 acres of which he will retain as Tax Map ID #32.03-1-19. Chairman DeVinney signed (1) Mylar and (2) paper prints for county filing and Board Members declared the project not to have any negative environmental impacts. A resolution was initiated by Board Member John Gilbert and seconded by Board Member St. Lawrence to approve the Minor Subdivision. The motion carried with all board members present voting in favor.

Old Business:

2. App. # 120408-SPR: Mr. Steven Cunningham of 1265 South Lake Road, Middlesex (LR) District presented his plans for private driveway remediation. Stamped engineered plans, submitted by Venezia & Associates including the following remediation plans: (2) root damaged oak trees will be removed from the top of the grade to allow excavation to ease back the top of the 2:1 embankment slope. Along the length of the driveway, check dams will be added as well as silt fencing at inlet protection. These were noted by Board Member St. Lawrence to be added along with notation that all silt fencing be maintained until bank stabilized was established. An erosion control fabric, North American Green C125 was proposed on slope from 1 to 1.5:1. Board member St. Lawrence would like Lu Engineer to confirm that this fabric is suitable up to slopes 2:1 to maintain stability in major storm events such as the region experienced in the springtime. Another revision requested by the Board was to show a check dam detail that would be placed along the diversion swale. A keyway notation with reference to Lu Engineer's Steep Slope standards would be required. It was noted that excavated dirt and the (2) trees removed will be hauled offsite. The board would like applicant to discuss products for erosion control with Town Engineer, Lu Engineers and send a product specification sheet of RECP selected to the Code Enforcement Officer use during installation. A final release from Lu Engineers would be required and will be communicated to applicant in a timely fashion. A motion to approve with the following conditions was made by Robert Mincer and seconded by John Gilbert. All Board members present, voted in favor of the motion as approved with the following conditions:

1. Final submission of site map revisions to the Planning Board and Code Office after final release from Town Engineer, Lu Engineer.
2. Proposed Erosion control fabric, jute mesh to be confirmed for approval with Town Engineer, Lu Engineers. Board requested Town Engineer to provide recommendations as to the RECP product to be used on slopes up to 2:1 and advised a RECP North American Green C-125 for temporary stabilization while vegetation is establishing. Any other proposed RECP other than what is recommended by Lu Engineers must first be approved for use by the Planning Board before its application.
3. A copy of the installation specification sheet for the selected RECP shall be provided to Code Officer, Ms. Kane prior to starting work.
4. Add Site Map revisions to the Inlet Protection Detail showing staked straw bales around the screening fabric, all to be maintained until vegetation growth is well established.
5. Correct Site Map to indicate a keyway or "cut-off trench" for the Check Dam Detail.
6. Do not remove any erosion control measure unless authorized by the CEO.

A SEQRA form, completed by the board, was determined not to have any adverse environmental impacts with the proposed action.

2. App. #50411-SPR: Mr. Jon Schick, AIA and representing agent for property owners Mr. and Mrs. Dan Mahar of 968 South Lake Road, (LR) requests Site Review of Site Map revisions to proposed site work on Parcel ID #21.33-1-1-2. A June 9<sup>th</sup> review from Lu Engineer and subsequent decisions since that time were discussed with applicant in great detail. Further revisions were advised by Board Member St. Lawrence and Mr. Schick was advised to contact Lu Engineer in reference to the size stone to be used as outlet rip rap, the dimension of side slope and depth in the diversion ditch. Discussion of the cross drainage culvert size at roadway (north property line) should be coordinated and approved by Town Highway superintendent. Pipe sizing for discharge downstream of the road crossing must also be sized proportionately to fit with proposed South Lake Road Study. Erosion control silt fencing was advised to be maintained until vegetation occurred on upland parcel. Water from the Main House to the accessory structure at shoreline was advised to be deleted on map. The Planning Board further advised that the drawing must provide (1) detail #4 to all check dams whether temporary or permanent and to delete the other options. Further explanation of back yard setback of 48' from road centerline which was granted by the Zoning Board of Appeals in April 15, 2010 was discussed. It was explained that the variance granted was for other building plans which were not used. Board members requested the Town's Code Officer to be onsite during

installation of pipe laid for a Dry Hydrant from lake to road. Finally it was noted that determination on the Shoreline Accessory Structure in violation of the Town's Zoning for setback infringement will come from the Town of Middlesex Town Board. It was noted that on the most recent site map submission of 6/12/11, did not include the note stating that the Boat Accessory Structure, docks, and shoreline break walls were "not to be included in Site Review in this application" which appeared on Site Map of 8/17/10.

A recommendation was made on advisement by the Planning Board but not required, for owners to secure easement rights with the neighbor to the north for drainage site work on upland parcel and between properties.

Applicant will contact Town Engineer, Lu Engineers to submit further revisions as discussed in order to submit (2) final maps in large paper format for Planning and Code Office original files before final release from Lu and the Town Planning Board.

A motion was entertained by Chairman DeVinney to move to approve the Mahar site work with specific conditions which follow. Board member St. Lawrence moved to approve with conditions and Board Member Gilbert seconded the motion. Vote carried with all Board Members present in favor. These conditions are:

1. All further site work on the Shoreline Accessory Structure will be at builders/owners risk. Determination forthcoming from The Middlesex Town Board on existing code violations will be binding.
2. Code Enforcement Officer must be onsite during installation of Dry Hydrant Pipe from roadside to lakeside.
3. Submission of (2) final sets of full size plans after final release from Lu Engineers is determine
4. The following revisions were recommended by the Board to be added to the final map and discussed with Town Engineer:
  - a. Drawing C.1-5 shall use only Detail #4 for all check dams whether temporary or permanent.
  - b. Show the size of the riprap stone to be used at all drainage discharge points.
  - c. Revise Detail #4 on Drawing C1-4 to delete reference to pipe size. Use as a typical outlet detail for buried drain pipe.
  - d. Discharge detail to be added to northwest corner drainage from the Guest House.
  - e. Add side slope indication at Curtain Drain Detail on Drawing C1-4.
  - f. Cross drainage culvert size at roadway (north property line) must be confirmed with Town Highway Superintendent. This same pipe size must be coordinate with piping used for discharge piping downstream of the road crossing as well.
  - g. All water service to Boat Accessory Structure must be deleted.

Mr. Kris Schultz introduced his request for information on what process was necessary for the purpose of permission to rebuild/fortify the pre-existing Widmer Road which currently serves multiple properties. This private road is extremely steep and is located at the south end of Canandaigua Lake. Chairman DeVinney stated knowledge of many town, county and state departments that would need to be involved in such a decision. All plans would start at the Town level with the Office of Code Enforcement and be referred to our Town Engineer at owner's expense and was referred to our Stormwater Management and Erosion Control Laws and Private Driveway/Private Road Law which can be accessed through the Town's website, [www.middlesexny.org](http://www.middlesexny.org). Mr. Schultz thanked the board.

Next meeting Agenda 7/20: Draft Steep Slope Law work session. Chairman DeVinney will invite Mr. Olvany to attend for discussion of Overlay Steep Slope Parcel Map.

A motion to adjourn was offered by Board Member Gilbert and seconded by Board Member St. Lawrence. Motion carried with all Board Members in attendance in favor.

Minutes submitted by L. Lersch/revisions to LSammy5@frontiernet.net

## **TOWN OF MIDDLESEX**

### **PLANNING BOARD**

June 1, 2011, 7pm

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

Public Present: Mr. Donald Sheive, Ms. Linda Sheive, Mr. Steven Cunningham, Mr. Todd Nellis, Mr. Terry DeKouski, Mr. Luke Dekouski, Mr. Rocco Venezia of Venezia & Associates.

Agenda: Site Plan Reviews for:

App. #50511-SPR: Owner Mr. Terry and Luke DeKouski requests Site Plan approval for construction of (2) Greenhouses at 843 Elwell Rd. (HB); App. #111308-SPR: Owner Mr. Steven Cunningham requests board approval of site plans to remediate a driveway at 1265 So. Lake Rd., (LR); App. #42911-SPR: Middlesex Ambulance Corps requests approval for construction of a new Ambulance Corps Building at 817 Rte. #245, Middlesex (HB)

Meeting came to order at 7pm.

Draft Minutes from May 4<sup>th</sup> were reviewed, Board Member Mincer made a motion to approve and Chairman DeVinney seconded the motion. All members present voted in favor. Motion carried.

Chairman DeVinney opened the floor to Site Plan Reviews:

1. App# 50511-SPR/Mr. Terry & Luke DeKouski of 843 Elwell Rd., requests approval to install (2) Greenhouses at the above location (HB)

Ms. Kane summarized the first application to the Board with the following information: The Dekouski's would like to install (2) Greenhouses. One would be a structure 20x24 ft. and the other would be a bit larger measuring 30 ft. x 40 ft. made of galvanized fiberglass.

Mr. DeKouski stated that the Greenhouses would be located on the flat area east and in front of the existing sawmill which currently operates a few jobs per year. Parking would be adequate in this location. Proposed 2 sided colored signage by a professional sign painter would be approximately 4 x 8 ft. using 6 x 6" posts. A landscaped location would be selected on Elwell Road.

Ms. Kane advised the applicant that a sign application with a drawing is required through the code office to obtain a permit and would require adherence to meet the front yard setbacks for current zoning and could be no larger than 6 sq. feet.

The Board reviewed traffic egress through the Saw mill's Elwell Road entrance which has been approved by the Town Supervisor. Route #364 would be a problem. It was noted by the Board that the footers of the greenhouses would be hand dug using galvanized pipe in concrete, and shale for the base floor of the greenhouses.

Chairman DeVinney asked for further discussion and requested a motion to approve contingent on the Site Plan Review of the proposed commercial signage when ready. Board Member St. Lawrence made the motion to approve with conditions as stated and Board Member Mincer seconded the motion. All Board Members present voted in favor and the motion carried.

2. App. #111308-SPR: Owner Mr. Steven Cunningham requests board approval of site plans to remediate a driveway at 1265 So. Lake Rd., (LR)

Representing agent, Mr. Rocco Venezia of Venezia & Associates presented the application for owner Mr. Cunningham. Request of the board was for map revisions to remediation plans to stabilize an embankment, and grade work to improve the driveway access to owner's property.

After a discussion the Board decided to have Town Engineer, Lu Engineering review the plans and we would continue review mid-month on the 15<sup>th</sup> to determine.

3. App. #120408-SPR: Middlesex Ambulance Corps. seeks Site Plan Approval to demolish the existing Ambulance Building which was 2,160 sq. ft. and construct a new building decreasing the footprint to 2,000 sq. ft. Mr. Todd Nellis presented the application as representative.

The building would utilize existing utilities: public water, existing septic and leach field, and electric.

Yates County Planning Board Review on May 26<sup>th</sup> was read and submitted into the minutes. Board Member Lersch made a motion to approve the application based on prior board review, Yates County Planning Board review and suggested the Board to waive the \$25 PB meeting fee.

Board member Mincer seconded the motion and all present voted in favor. Motion carried.

Chairman DeVinney made a motion to close the Public Hearing and to start working on Old Business. Board Member Mincer seconded the motion. Motion carried with all Board Members present in favor.

Chairman DeVinney opened the work session at 7:30p.

Agenda item: Draft Steep Slope Law/Visual mapping

Board discussion on visual mapping submitted by Mr. K. Olvany from the Canandaigua Lake Watershed Council. It was decided that revisions were necessary and Chairman DeVinney would proceed with making necessary changes with Mr. Olvany.

Mid-month Agenda:

App. #111308-SPR: Mr. Steven Cunningham of 1265 So. Lake Rd., Remediation of Driveway

App. #050411-SPR: Mr. Jon Schick, representing agent for Mr. & Mrs. Dan Mahar, owner of property at 968 So. Lake Rd., Site Map Revisions

Draft Steep Slope Law (rev. 5/16)

Chairman DeVinney entertained a motion to adjourn. Board Member John Gilbert made the motion and Board Member Mincer seconded the motion. All present voted in favor of the motion. Motion carried.

Meeting adjourned at 9:35pm

Minutes submitted by L. Lersch/please submit revisions to: LSammy5@frontiernet.net

# **TOWN OF MIDDLESEX**

## PLANNING BOARD

Minutes - May 18, 2011, 7pm

Board Members present: Marty DeVinney, chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence, Dawn Kane, CEO

Public present: David Harrington, Todd Nellis, Jason Johnson, Wayne R. Warren, Sue A. Warren, Mike Mancini, Tracy L. Mancini, William Whitney, Jon Schick, Linda Sheive, Donald Sheive

Agenda: App. #32311-SPR: Mr. Wayne Warren-Minor Subdivision of property at 1828 Shay Rd., (A/R); App. #42911-SPR: Site Plan Review for building construction for Middlesex Ambulance Corps on property at 817 Rte. #245, (HB); App. #50411-SPR: Site Plan Review for property owned by Mr. Dan Mahar at 968 So. Lake Rd., (LR) for site revisions & septic; SPR Conditions determined on Mr. Patrick Dimpfl single family residence driveway (527') at 5786 Underwood Hill Rd., (A/R) for emerg. Vehicle access; Draft Steep Slope (Rev. 5/16)

Chairman DeVinney opened the meeting at 7:15pm

### Site Plan Reviews:

1. App. #32311-SPR: Mr. Wayne Warren. Minor Subdivision of 10 acres from property located at 1828 Shay Road (Agriculture/Residential Zoning District, Tax Map ID #44.02-1-8.1 bordering Shay Rd. with 250 ft. of road frontage.

Chairman DeVinney reminded applicant that the term Minor Subdivision allows up to (3) parcels to be subdivided. Mr. Warren has currently applied for (2) such subdivisions and will be allowed (1) more. A motion to approve the Minor Subdivision as presented was made by Mr. Mincer and seconded by Mr. St. Lawrence. The motion carried with all board members present voting in favor. A SEQRA determination was completed with board voting to declare a Negative Determination for environmental impact. Chairman DeVinney stamped and signed a Mylar and (2) paper prints for filing with the County Clerk's Office in Penn Yan.

2. App. # 42911-SPR: Middlesex Valley Ambulance Corps Site Plan Review of new building construction at 817 Rte. #245, Middlesex. Mr. Todd Nellis, representing agent presented the site plan. (Highway Business Zoning District).

Dawn Kane, CEO updated the Planning Board that engineered stamped plans from Hanlon Architects had been received just prior to the meeting for the proposed new Ambulance building. Ms. Kane stated also that she had procured legal advisement from Town Attorney, Espenscheid and explained to the Planning Board that stamped plans are a requirement by General Municipal / Education Law and the only exemption from this requirement are residential homes under 1500 sq. ft. and agriculture

buildings.

Chairman DeVinney asked the board for discussion. There was none and declared the application complete. A SEQRA declaration of negative environmental impact was determined by the board. A motion was made by Board Member John Gilbert and seconded by Bruce St. Lawrence to accept the declaration and approve the application, pending Yates County Planning Board review on the 26<sup>th</sup> of the month. All members present voted in favor. The motion carried.

3. App. #50411-SPR: Mr. and Mrs. Dan Mahar -Site Plan Review for site revisions and new septic approval for residential property at 968 South Lake Road - Lake Residential Zoning District.

Mr. Jon Schick, Architect, representing agent, presented the Site Map revisions. These revisions included tree removal for the purpose of placing a peat module leaching system; a water diversion swale and grade work on the upland parcel across the road; a septic pumping station to be installed between the two dwellings on the lakeside parcel; a dry laid stone wall placement at roadside; and the replacement of an 12" culvert pipe with an 18" at roadside.

Septic & Pumping Station Plans/Erosion Control: Mr. Schick stated that a new septic design by Bernie Pulver, P.E. will replace an existing inferior one and Canandaigua Watershed Inspector, Mr. George Barden had already approved the design and will be onsite during installation. Detailed information about the Peat Module System was provided by Jon Schick to the Planning Board. The system will be inspected annually by the firm Aqua Source. The leach system for the septic will be located on the upland parcel and requires some tree removal. It was stated these trees are presently either dead or in poor condition due to a viral blight and the dense wet condition of the land. Stumps will be ground to grade leaving the root ball intact, the ground will be scarified and the leach system will be placed above existing grade.

Chairman Devinney inquired if George Barden was aware of an underground cistern possibly creating water flow since the area was once a vineyard. Schick replied that Barden was aware of it.

Board Member St. Lawrence voiced concerns about the septic sliding without being benched in and inquired if this was a certified installation and Mr. Schick explained that the system was designed to adhere to the ground once scarified and thus allowed the tree roots to remain intact. Mr. St. Lawrence stated that the process should be duly noted on plans.

Mr. Schick stated an upland parcel water diversion swale was planned for the northern property line. It's purpose was diverting water offsite into a culvert that ran under road and requested Board approval for grade work to begin as soon as possible in order to divert current storm event water existing onsite into the swale. Board member St. Lawrence inquired about check dams placed at intervals within this swale and at a 90 degree turn where water empties into the culvert, stating that it should be noted on the plans.

Resident Linda Sheive asked if there was a swale to the south of the property which bordered the old Adriance residence. Mr. Schick replied that there was none there.



### Shoreline Seawalls/ Structure:

Mr. Schick stated that Mr. Bob Fladd had done a wonderful job of rebuilding the existing seawalls and they were very professionally done with imported stone and an existing shed had been refurbished for a 10' x 12' Boat Accessory Structure. Roofwork was still to be done.

Chairman DeVinney inquired whether the seawalls and the indicated 10' x 12' Structure were on the original site map, the board had reviewed on Sept. 7, 2010? Mr. Schick replied that both had been indicated.

Chairman DeVinney inquired if there were any existing water or electric lines coming in or out of the structure, referencing the accessory structure on the plans in the southwest corner of the property at shoreline. Mr. Schick replied that the company Aqua Source would be bringing waterlines in for a hose bib. Chairman DeVinney stated that it was probable that neither electric or waterlines were allowed to go into the structure but would refer to the Uniform Dock and Mooring Line for definition. Mr. Schick stated that an existing water line was being utilized from an existing pump house structure that now garaged a hose bib. Board member St. Lawrence stated that the plans showed waterlines from house to boat accessory structure that was not allowed per our UDML. The drain line from the house that daylight at the southwest corner should have stone added at the discharge point and noted as such on the plans.

### Landscaping and wall design:

Mr. Schick explained that due to a 4 ft. change of grade from roadside to the house, Dry Laid Stone Walls at a maximum of 30" high were planned by Bob Fladd and would terrace down to the house. Full Landscape Plans by Mr. William Whitney were designed and hydro-seeding and landscape plantings would further stabilize the site. A detail on the structural design of the Dry Laid Stone Walls was requested by the Board for Lu Engineer review referencing load bearing weight, the gravel base, drain to daylight etc.

Concern was that these walls were a new structure that were being built into the road setback and might need a variance for proposed placement.

Mr. Schick requested approval as soon as possible because the owners would like to utilize the property this summer. The Planning Board reminded Mr. Schick that the Town Engineer would need to review the recently submitted plans after further detail discussed was added. The process would be expedited as fast as possible. Meanwhile, plans to start the septic installation could start immediately. Mr. Schick was reminded to obtain permission to access neighbor's land to the north, if necessary, to work on diversion swale. Mr. Schick stated that construction sequencing would keep all parking on the upland hillside parcel and the road would be kept as clean as possible. Road closing would be coordinated with Mr. Reifsteck, Town Highway Supervisor and all necessary materials needed for the culvert installation would be kept handy for ease of installation.

A SEQRA was determined to have a Negative Declaration to environmental impact by the Board and a

motion to approve plans for the septic was made by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Board Members present in favor. The Site Plan will be sent to Lu Engineer for review and a determination of such will be reviewed at a later date.

Old Business:

App. #033111-SPR: Mr. Patrick Dimpfl of 5786 Underwood Hill Rd, (A/R) requested Site Plan Review for construction of a single family residence with a 527 ft. access driveway. Board requested advisement from the Town's Fire Department as an expert resource for emergency vehicle access to the residence.

Advisement was procured from the Middlesex Fire Dept. The Board then reviewed the Town's *Standards for New Roads* which is referenced by our *Private Driveway/Private Road Law*. The radius of driveway turn-around referenced in the reviewed laws was 20 ft. , with a 15 ft. driveway width. A midway pass lane was recommended by the Board, but not required, because the driveway has a clean line of vision which would define a vehicle already on the driveway. The angle of the plans drawn up by D. Marks, Inc. for the construction access drive and turnaround created a problem for emergency vehicle access because of an existing tree. (It was later determined by reviewing the building plans from CEO Kane by Board Members Lersch and Mincer that building plans drawn up by Architect Hintenach III, would allow appropriate radius, width and appropriate access to the residence). Board determined that required driveway standards will be adhered to. A copy of the referenced law shall be sent to applicant and contractor with determination of approval.

Board member St. Lawrence reminded the Board that with the adoption of the Draft Steep Slope Law, a passing lane will be required on any driveway 200 ft. or longer.

CEO, Ms. Kane asked for board advisement on waiving residential greenhouses for private use from Planning Board Site plan Review. The board agreed with request, however will still review Greenhouse applications for retail and commercial purposes.

Next month's agenda: Steep Slope Draft Law Review (5/16 rev); Site Plan Review of Mr. DeKouski's property at 843 Elwell Road for the construction of (2) greenhouse structures. Application is currently under County Review on 5/26. Ambulance Corps Bldg determination currently under YCPB review on 5/26; Mr. Jon Schick/Mahar Site Plan of property at 968 S. Lake Rd., currently under Lu Engineer review; Steve Cunningham Site Plan for driveway remediation of property at 1265 S. Lake Rd., representing agent-Venezia & Assoc. currently under Lu Engineer review.

Motion to adjourn was made by Board Member Lersch and seconded by Board Member Gilbert. Motion to approve was voted in favor by all Board Members present and motion carried.

Meeting adjourned at 9:35p. Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net

**TOWN OF MIDDLESEX**

**PLANNING BOARD**

Minutes May 4, 2011, 7pm

Board Members Present: Marty DeVinney, Chair; John Gilbert, Robert Mincer, Lynn Lersch, Bruce St. Lawrence, Dawn Kane, CEO

Also present: Rocco Venezia, Erin Joyce of Venezia & Assoc.; Mr. Jeff Bagley, Mr. Richard Osgood, P.E. Mr. Todd Nellis

Agenda: Site Plan Review:

- App. # 071410-SPR: Mr. Rocco Venezia, agent for owner Dr. Jay Yates of 708 East Lake Road, (LR) for the purpose of determining approval of revised Site Plan with NYSDOH approval of septic for a Single Family Residence.
- App. # 33011-SPR: Mr. Jeff Bagley, agent for Middlesex Baptist Church, West Ave. (HR) for the purpose of determining approval for Site Plan revisions for excavation and retainment of site embankment for the construction of a Church Activity Center.
- App. # 32311-SPR: Mr. Wayne Warren, owner requests Minor Subdivision of land.
- App. # 33111-SPR: Mr. Patrick Dimpfl, owner of property at Underwood Hill Rd; (A/R); Board determination of Site Plan Conditions on driveway specs to access Single Family Residence

Chairman Devinney opened the meeting at 7:15pm

Board moved to approve Draft Minutes 10/19/10, 2/16, 3/16, 4/06, and 4/20/11. The motion was made by Mr. Gilbert and seconded by Mr. Mincer. Motion carried with all Board Members present in favor.

Board deferred determination on applications #32311 and 33111-SPR due to applicant not appearing.

Site Plan Review:

- App. # 071410-SPR: Mr. Rocco Venezia, agent for owner Dr. Jay Yates of 708 East Lake Road, (LR) CEO, Dawn Kane stated the application had revised their construction schedule and were planning to start construction of the Single Family Residence next year.

Applicant Rocco Venezia stated they had received County Site Plan approval and NYSDOH septic approval. In addition, all matters of site revisions had been resolved. A motion by Board Member Lersch to approve the application was seconded by Board Member St. Lawrence. Motion carried with all members present in favor.

- App. # 33011-SPR: Mr. Jeff Bagley, agent for Middlesex Baptist Church, West Ave. (HR)

CEO, Dawn Kane stated this application had received County approval on April 28<sup>th</sup>.

Mr. Richard Osgood, P.E., and Mr. Jeff Bagley, agent for the Church presented site map revisions for embankment excavation utilizing the east wall of the building as a retaining wall and benching in the soil, grading the slope by

taking off the overburden and keeping all soil onsite.

After discussion about site parking, drainage, and storm water run-off, a motion to approve was made by Board Member Mincer and seconded by Board Member Gilbert. The motion carried with all Members present in favor. None opposed.

Board advisement was requested from Code Enforcement Officer, Dawn Kane on request from the Middlesex Ambulance Corps on 817 Rte. #245 for a waiver of Site Plan Engineered Stamped Plans to reduce funding costs for plans to construct a new building within the same footprint. Agent for the Corps, Mr. Todd Nellis presented a short summary of the project, citing original decision to use Architect Clark Paterson to draw plans, and Corps decision to request a waiver of Engineered Stamped Plans of the Town of Middlesex for the purpose of reducing funding cost. Instead they would be using plans drawn up by Mr. Jerry Hoover, a local CEO. Mr. Nellis submitted these plans along with manufacturer's compliance data for Board review.

After short discussion, board members requested time to seek legal advisement and requested the Ambulance Corps to submit a copy of the letter that the builder had requested from the engineering firm indicating that they had reviewed the submitted drawings of the building plans.

Board member Lersch made a motion to also request State advisement from NYS Code Officer, Mr. Thompson. After a short discussion by the Board, member Lersch withdrew her motion and further review for determination was deferred until Site Plan Review was completed on May 18<sup>th</sup> and County review was completed on the 26<sup>th</sup>.

Code Enforcement Officer Dawn Kane reported to the Board that during the most recent flooding storm event and all the damage South Lake Road residences incurred, the O'Brien site on So. Lake Road did not fail. Ms. Kane stated that this was in part due to the board's and the Town Engineer's multiple reviews of the site and multiple requests for revision. Ms. Kane also stated that a review of stormwater events as they impact paved or gravel driveways on steep slopes was currently in progress by the Canandaigua Lake Watershed Council. It was advised by the Watershed that additional drainage systems, diversion swales, and catch basins be introduced whenever possible to help optimize storm water runoff during storm events.

#### Next Meeting Agenda:

Conditional Board Determination of Mr. Dimpfl's driveway pass lane and turnaround on Underwood Hill Road after advisement by the Fire Dept; Middlesex Ambulance Corps, 817 Rte. #245; Site Plan Review of Mr. Dan and Kirsten Mahar's property at 968 So. Lake Road for site revisions and septic (LR); Site Plan Review of Minor Subdivision of Mr. Wayne Warren of 1828 Shay Road (A/R).

A motion to adjourn was made by Member Lersch and seconded by Member St. Lawrence. Motion carried with all Board Members in favor. Meeting adjourned at 8:57p

Minutes submitted by L. Lersch/Revisions to: LSammy5@frontiernet.net

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

Draft Minutes - April 20, 2011 – 7:30pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer

Code Enforcement Officer: Dawn M.E. Kane

Public Present: Donald Sheive, Linda Sheive, Larkin Ryan, Joyce Magin, Jeffrey Bagley, Richard Osgood, P.E.; Patrick Dimpfl

Agenda: Site Plan Review for: Middlesex Baptist Church Activity Center, 1168 West Avenue (HR); Mr. Patrick Dimpfl - Underwood Hill Road -Single Family Residence AF/RES)

Meeting came to order at 7:25pm

Chairman DeVinney introduced Student Auditor, Ms. Larkin Ryan from Geneseo College, Urban Planning Course and explained the Site Plan Review Process, the criteria involved and the reasons behind the procedure the Zoning Law of the Town provides applicants during a review, determination and NYS SEQR documentation of each applicant's Site Plan.

1. Site Plan Review for the Middlesex Baptist Church, at 1168 West Avenue, Middlesex, NY. (Hamlet/Residential Zoning District)

Code Enforcement Officer (CEO) Dawn Kane gave a brief summary of the application. The application has received a Demolition Permit to demolish a pre-existing building on the property and received from the Zoning Board of Appeals (ZBA) an Area Variance from the Town's Zoning Law in February to set a new and larger building 2ft. closer to the road's centerline setback; the applicant had revised their plans for the rear of the building to excavate a portion of the embankment and to fit the new building into the embankment using the back west wall as a retaining wall. Jeff Bagley, of JB Builders is the agent representing the Church, and Richard Osgood is the P. E. for the project. It was stated that the building would be the Baptist Church Activity Center for private and future community use.

Chairman DeVinney stated that the Town of Middlesex's Planning Board would be reviewing the application tonight but would not be coming to a determination until the next regularly scheduled

meeting on May 4<sup>th</sup> due to the Yates County Planning Board reviewing and determining this application on Thursday, April 28<sup>th</sup>. The reason for County review is because the parcel the building sits on is within 500 ft. of State Route #364. The Town of Middlesex will take the County's determination into consideration when it makes its final determination on May 4<sup>th</sup>.

Board discussion during review addressed drainage for the project, stormwater runoff plans and erosion control perforated pipe, straw bales and reseeded plans to control runoff during and after project installation, retaining wall design which will be of a cantilevered design with a keyway at the bottom to act as a footer to keep the wall from moving. Questions of how much dirt would be excavated and where this dirt would be placed. Discussion of slope grade was discussed and the aesthetic design of the exterior of the building with height pitch of 6:12. More board discussion on project's holding tank(s) placement and approval of septic/well.

Letters from George Barden, Canandaigua Lake Watershed Inspector, Town Highway Supervisor Thomas Reifsteck, Mr. Dennis McNabb, Pastor, Mr. Richard Osgood, P.E. were submitted into the minutes after board review.

Board completed a SEQR for Unlisted Action and it was determined by Board majority vote of 4-0 to declare by resolution a determination of the project to be a Negative Declaration. The resolution was offered in a motion of acceptance made by Board Member Robert Mincer and seconded by Board Member, John Gilbert.

2. Site Plan Review: Mr. Patrick Dimpfl, parcel owner, Tax Map ID # 022-04-1-9.0 on Underwood Hill Road, Middlesex (Agricultural/Residential Zoning District) requests Site Plan Review for the purpose of building a Single Family Residence.

Code Enforcement Officer Dawn Kane gave a brief summary of the property at Underwood Hill Road which is located above the Baptist Church on land previously owned by Mr. Thomas McAnn. It is presently vacant land, and a 527 ft. access drive to dwelling serviced a cornfield previously. Septic and well approval have been cleared through G. Barden.

Letter from Town Highway Supt. Reifsteck stating approval was submitted into minutes.

After a short Board discussion and review of the submitted plans from D.C. Marks, Inc., which included Driveway specs, septic, utility and grading plans, Mr. Dimpfl was advised by Planning Board to contact Mr. Gary Oppelt or Mr. Jason Bassett with concerns for emergency fire access. Driveways over 150 ft. long require a turn-around at end. Regulations were cited through our

Private Driveway/Private Road Law, Sect. 4.5, 4.6, and Sect. 5.1 (n), Sect. 8, 8.1.

Board Member Gilbert suggested placing a condition upon determination that due to the length of the driveway, it be stipulated that not only the emergency access restrictions be placed on this application, but the grade material (gravel) for the driveway should be up to regulated specs.

CEO, Dawn Kane suggested the Board could determine this application next week after the Fire Dept. has been contacted , and send us back a reply email.

Chairman DeVinney completed a SEQR for Unlisted Action for this application. A Negative Declaration by resolution was suggested. Board Member Gilbert moved to accept and Board Member Mincer gave a second. All Board members present voted to accept the SEQR as declared with a Vote 4-0.

Chairman DeVinney closed the Site Plan Review.

#### New Business:

CEO Kane spoke to the board about the proposed plans for a new Ambulance Corps Bldg. on Rte. #245. They are requesting that the building permit and the requirement for stamped engineer plans be waived to save approximately \$7-8,000. Plans would be designed and time and effort donated by Mr. Jerry Hoover. The new building will be a light framework in a pole barn design, energy efficient & insulated, with manufactured trusses individually stamped. They will use the existing concrete slab on which the frame will set. Funding to-date has been in-house but they are at their limit. They will be providing community demonstrations of the demolition of the building and all materials will be donated for reuse within the community. The total cost of this building is approximately \$177,000. The project will be inspected throughout its' installation by Mr. Jerry Hoover, and Town Code Inspector Dawn Kane. NYS Inspectors could also be required to be available. Chrisanthenum, Inc. will be constructing the building and have a great community reputation. A decision to waive the requirement of Engineered Stamped Plans by the Board was put on hold until input from Bruce St. Lawrence (absent tonight) could be acquired.

Chairman DeVinney reviewed to those assembled, the status of the Draft Steep Slope Overlay Map. A sample, on the wall for review, showing (3) categories of Steep Slope referenced in the proposed Draft Steep Slope Law, currently in draft form. These slope categories are: - 15%, 15-25% and 40%+. Each category will have different criteria for Site Plan Review when developed.

The criteria gets more restrictive, the steeper the slope. The Ontario County Planning Board and Kevin Olvany, Watershed Program Manager of the Canandaigua Lake Watershed Council have offered to collaborate and compile this draft map. The final will have each tax map parcel evident for review. A sample of this may be seen on Ontario County's website: [www.co.ontario.ny.us](http://www.co.ontario.ny.us). Through OnCor resources.

Resident Linda Sheive requested the Town's position on Hydrofracking, asking if it was a concern here. Chairman DeVinney stated that Town Board Member Wayne Dunton was on the Task Force which was made up of Board Members from different municipalities. It seems that it is exempt from local government placing restrictions. It appears to be exempt from SEQR. We are looking into possible road restrictions to slow it down, but basically local government is out of the picture. Linda and Don Sheive announced the Vine Valley Community Center Summer Program will be hosting a panel discussion & film presentation on the subject this summer.

Agenda for 5/4: Wayne Warren, Shay Road (AG/RES) Minor Subdivision; R.Venezia , Venezia & Assoc. agent for property on South Lake Road (LR) New Driveway

Motion to adjourn was made by Board member Mincer and seconded by Mr. Gilbert. Motion carried with all Board Members present in favor. Meeting adjourned at 8:35pm

Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net



# **TOWN OF MIDDLESEX**

## **PLANNING BOARD**

Minutes – April 6, 2011, 7pm

Board Present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence, Dawn Kane, CEO

Public present: Donald Sheive

Agenda: Draft Steep Slope Law review

Meeting came to order at 7:25pm

### Draft Steep Slope Review:

Board Member St. Lawrence sent to Board Members the most recent draft of the law (Rev. 4/1) which included revisions to Sect. 1F; Table 2.3D; Sect.'s 3.2, 3.4, 3.5, 3.39, 3.41; Sect.'s 4.2(bottom), 4.4, 4.15; Sect. 5.1(bottom); Sect. 6.1A; Sect.'s 13.1.1.2 and 6, 13.2; Sect. 14.1.Z; and all of Sect.'s 15, 16 and 17.

### Board discussion:

Board member St. Lawrence has sent the complete "Book of Standards" referenced in Sect. 1F to Mike Hanscom of Lu Engineers with deadline of May to complete for our review. Changes to the Table 2.3D were made and to Sect. 3.2 adding "APPLICANT" as a definition which was suggested by Alaine. Sect. 3.4 clarifies that a written narrative is now required so that contractor/architect are working together on a step plan that the code office or town engineer can monitor. Sect. 3.5 clarifies the Conceptual stage by the Planning Board as no fee first step review with Planning Board. The Preliminary stage shall be charged (\$50), and all reviews thereafter. Sect. 3.38 Introduction of a Steep Slope Permit Application and Sect. 3.39 Steep Slope Conditional Use Permit was recommended by all Board members to each become a separate document to each other and to any other document currently in use. The Conditional Use Permit could first be issued for site clearing etc., and then a separate structural building permit to be filed when this stage is ready to start; Sect. 3.41 "STRUCTURE" definition was taken from Zoning Ordinance definition and was added at Alaine's suggestion; Sect. 4.2: permit is essential to have;

Sect.4.4 contains revised language suggested from TB review on 3/20. Sect. 4.15 added pass lane to driveways longer than 200ft. and with obstructed line of vision; Sect. 5.1 added the requirement for a Steep Slope Conditional Use Permit to be issued by CEO; Sect. 6.1A added a vehicle parking restriction;

Sect. 9.1A added a reference to existing Private Driveway/Private Road Law; Sect. 13.1.I.2 added a requirement for stepped building foundations and reduced basement height for steep slope sites; Sect #13.1.I.6 to add gravel as an impervious material to construction of access footpaths; Sect. 13.2 to clarify

the distinction that an approval on a Concept Plan does NOT give approval for site improvements; Sect. 14.1.Z to confirm the requirement of a construction entrance maintenance plan throughout site improvement; Sect. 15 was discussed at length to still need some clarification to what % of entire site would be referencing. Board Member St. Lawrence will refer it back to Town Attorney for more specific language; Sect. 16.5 includes a step by step explanation of fees that would be incurred in Steep Slope Review. The Planning Board suggested that the definition of Sect. 3.39 could also be added here to better describe what is expected by applicant; Sect. 17.2 included a typo change; Sect. 17.8 included language from Town Attorney. Double check alignment with other laws.

Board discussion of open items to be worked on within the Board was set as the following:

- ~ Sections of Prohibitions - Board decided not to change.
- ~ Steep Slope Application Form – Chairman DeVinney
- ~ Steep Slope Conditional Use Permit form – Chairman DeVinney and Dawn Kane
- ~ SSPA Mapping-Kevin Olvany/Ont. Co. Planning – Chairman DeVinney
- ~ Revisions to Draft Law – Bruce St. Lawrence

Revisions to Law – 50% (PD/PR Law)>40%(SS Law) for maximum angle of cut

10% (PD/PR Law) > 12% (NY State and Manual for Rural Roads – D. Orr)

10% (Road Standards) “ “

15% Highland Group of Canandaigua LLC Site Plans – R. Venezia

Board was in agreement that Town’s Local Laws should match with NYS Road requirements.

Board Member Lersch will confirm process to change laws with Kathy Pelton, Town Clerk and submit to Bruce St. Lawrence

Chairman DeVinney announced that a meeting to review the Draft Steep Slope revisions, scheduled for the 12<sup>th</sup> with the Town Board, would be rescheduled. The Overlay Map with tax parcel information on it had not been completed. A partial version would be available for Town Board review at their meeting on the 14<sup>th</sup>.

Old Business: Chairman DeVinney asked for a motion to accept Ms. Loretta Henrie’s resignation of March 31, 2011. Mr. Gilbert made the motion and Mr. Mincer seconded the motion which carried with all Board members present in favor.

A motion to extend Mr. St. Lawrence’s current year term from 2012 to 2014 was made by Mr. Gilbert

and seconded by Mr. Mincer with all Board Members present in favor of the motion, which carried.

Next Meeting agenda: Site Plan Review for Single Family Residence, Mr. Patrick Dimpfl, Site Plan Review for Middlesex Baptist Church Activity Center for onsite embankment excavation.

Motion to adjourn was made by Board Member Mincer and seconded by Board Member Gilbert. All Board Members present in favor. Motion carried. Meeting adjourned at 8:50pm

Minutes submitted by L. Lersch/Revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

## **TOWN OF MIDDLESEX**

### **PLANNING BOARD**

#### **Minutes – March 16, 2011 7pm**

Board Present: M. DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence, Dawn Kane (CEO)

Agenda: Board review of Current Laws in process:

Draft ZL Amendment of Private Driveway/Private Road Laws-YCPB review 3/24  
Draft Steep Slope Law Revision (3/6/11 version)-Meeting w/TB 3/26 9am  
Draft UDML – changes at County Level/SEQR-Ontario County  
March 22<sup>nd</sup> – Yates County Training Session – Master Plan, SEQRA, County Review  
PB List of Unresolved Topics  
Old Business: Lu Engineer Invoices – O'Brien, Cunningham, Highland Group

Meeting came to order 7:25p

Chairman DeVinney stated a special meeting was held on March 9th – with board members Bob Mincer, Lynn Lersch, Marty DeVinney to create a Resolution for Board recommendation of the Final Draft of the Steep Slope Law (Rev. 3/6) for review by the Town Board as lead agency on March 10th. The Town Board has decided to review the Draft with the Planning Board along with an Overlay Map showing the (3) categories of slopes in the Town of Middlesex by parcel. This meeting was scheduled for March 26<sup>th</sup> at 9am. Chairman DeVinney entertained a motion for the entire Board to vote on a new resolution: Board member Mincer made the motion and Board Member St. Lawrence seconded the motion. Motion carried with all Board Members present in favor of recommendation. Board approved special meeting minutes from March 9<sup>th</sup>.

A letter from Mr. D. O'Brien was read stating he had submitted required Site Plan map revisions of his reflecting current status of his site. He also submitted full payment of Town's reimbursement for Lu Engineering services - Invoice date 12/8. Board accepted Mr. O'Brien's correspondence into the minutes. Board Member St. Lawrence offered to verify site map revisions with what is onsite.

Draft ZL Amendment to the Private Driveway/Private Road Law – Board member Lersch stated that the ZL Amendment to Section #703 Private Roads as a Special Use Permit issued by the Zoning Board of Appeals and reviewed by the Planning Board is currently under review by the Yates County Planning Board to be determined on March 24<sup>th</sup>. It is expected to pass. Next step is for the Town Board as Lead Agency to set a Public Hearing possibly in April on the 14<sup>th</sup>.

Draft UDML was stated to be under revision before being accepted by the separate municipalities. Ontario County will complete the SEQR as Lead Agency. The Planning Board will recommend to the

Town Board their Tier choice upon revision completion.

Draft Steep Slope Law (revision 3/6) will be reviewed by Town Board and Planning Board and Dawn Kane, CEO with legal advisement from Alaine Espenscheid on Saturday, March 26<sup>th</sup> at 9am. Board would like to see the Overlay Map showing tax parcels within the different slopes that is being developed in coordination with the Canandaigua Watershed Management and the Ontario County Planning Board to provide the Town with a user-friendly document that can be easily used in the Code Office with applicant's seeking Site Plan Review.

Board member St. Lawrence indicated that driveway slopes on steep slopes that require multiple switchbacks often create a higher % than the 12% grade that is NYS Road Standards. The switchback itself poses a problem in cutting up and requiring soil benching for access roads/driveways on these steep slopes. That in itself is environmentally hazardous when it is near a natural resource such as the High Banks or Lake tributaries.

Chairman DeVinney provided the board members with a hand-out of Growth Management Guidelines from the Trancik Study to read before the Mar. 26<sup>th</sup> meeting with the town. He stated the Trancik Study is a great resource and cites parcels at 25% slope throughout Yates County should be protected by controlled development as they often contain erodible soils and many are close to lakes and streams. Slope information included in the study can be found on pages 93, and 106 (Special Guidelines for Natural Resource Protection Districts.)

Board member St. Lawrence commented on the advantage of including community members as focus groups to review tax parcels that fit within the 25-40% and the 40%+ range which might have greater concern for environmental restrictions on development to better protect our natural resources.

Board member Lersch reminded everyone to attend the Yates County Training Session facilitated by County Planner Shawna Bonshak on 3/22, 7pm at the Fire Hall. Hours can be used for Annual Training for Member requirement.

CEO, Dawn Kane informed the Planning Board of a few sites in the Town which show development which might come for future review.

Board Member St. Lawrence stated that Lu Engineers has been released to work on (4) out of the (10) Book of Standards for an addendum to the Draft Steep Slope Law and reviewed current estimate of contacted \$2800 cost to the Town.

A motion to adjourn was made by Board Member Mincer and seconded by Board Member Gilbert. All present voted in favor. Motion carried. Meeting adjourned at 9:27pm

Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net

## TOWN OF MIDDLESEX

### PLANNING BOARD

Minutes – February 16, 2011 7:15pm

Board Members Present: Marty DeVinney, Chair; Dawn Kane, CEO; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Public present: Soumen Das, Rocco Venezia, Mark Lipari, Donald Bow, Donald Sheive, William Kenyon, Richard Testa

Agenda: Site Plan Review: Highland Group of Canandaigua Lake LLC

Chairman DeVinney opened the meeting at 7:15pm

Mr. Kenyon and Mr. Venezia summarized Plan Revision for the Minor Subdivision at 556 East Lake Road in the High Bank area (LR District). Due to the length of time it has taken and the possibility of the Town of Middlesex not passing the proposed Draft ZL Amendment for allowing Private Driveways in the LR District by Special Use Permit, the Highland Group would like to seek site plan approval for constructing (3) dwellings on (3) lots and (3) separate driveways for each lot as is currently allowed in Zoning Code.

Chairman DeVinney summarized where this Draft is currently in the process and said that it would be May at the least, before the Law would be set for a Public Hearing and determined by the Board due to County Review and the normal process in filing a law with the State of New York.

The Highland Group has a prospective buyer for Lot #2 and is concerned with the length of time this could take, and requested that they proceed with a temporary approval to access Lot #2 through Lot #1 pre-existing access road.

Board discussion over conditions of a temporary approval stating that Lot #1 would need a temporary ROW agreement and Lot #3 could not be extended for access by this existing access road. It was decided that the Planning Board would recommend approving a single driveway to the Lot #2. This site approval would include a separate driveway approval for each of the Lots and the legalities of each would be the responsibility of the Highland Group, not the Town of Middlesex.

Board gave Final Plat approval by Resolution to approve the Highland Group of Canandaigua Lake LLC Site Plan for a Minor Subdivision of (3) Lots and (3) separate driveways. Chairman DeVinney entertained a motion which was made by Mr. Mincer and Mr. St. Lawrence gave a second. The motion to approve was voted on by all Board Members present and motion carried with a vote of 6-0. The Highland Group was advised to submit a Mylar of the Site Plan plus (4) prints for signing-(County Clerks' office (2 prints), Town (1) print, (1) applicant).

Chairman DeVinney closed the Site Plan Review at 8:15pm

Board discussion of UDML Draft Law for Town review. Planning Board decided to review draft submitted and recommend Tier choice to Town Board in March.

Draft Steep Slope Law (Rev. 2/4/11) developed by Lu Engineer was reviewed by the Board. Board Member Bruce St. Lawrence summarized that he felt they had developed it to be fairly close to what the Board wanted, however he felt the format could be tightened up. Board went through draft review and recommended revisions which Board Member St. Lawrence will incorporate into the document. He also will finish up reviewing Lu Engineers' proposal contract to the Town of Middlesex of \$6600.

Board approved Minutes from 2/2/11 by a motion made by Mr. Gilbert and seconded by Mr. Mincer. Motion carried with all Board Members present in favor.

Next month's agenda: Review of Draft Steep Slope Law, Review of Draft UDML & SEQR

Motion to adjourn was made by Mr. Gilbert and seconded by Mr. St. Lawrence. Motion carried with all Board Members present in approval. Meeting adjourned at 9:35pm

**TOWN OF MIDDLESEX**  
PLANNING BOARD

Minutes – February 2, 2011, 7pm

Board Members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Agenda: Review of Draft Steep Slope Law, Review of Highland Group of Canandaigua LLC application referencing applicant's request for extension of Resolution for Final Plat Approval w/conditions.

Meeting came to order at 7:15pm

Current Board Members Terms: A motion by Board Member St. Lawrence to extend Chairman DeVinney's term from 1/8/ 2011 to 1/8/2016 was met with a second by Board Member Robert Mincer and motion carried with all Board Members present in favor.

Approval of Minutes: Board approved draft minutes submitted for January 19, 2011. A motion by Board Member Gilbert was seconded by Board Member Mincer. Motion carried with all Board Members present in favor.

Old Business: Application #021010-SPR, Highland Group's Minor Subdivision of property at 556 East Lake Rd, Middlesex. Board discussion centered on request for extension of timeline set forth in a 7/8/10 Resolution with Final Plat Approval w/conditions. The Board will meet with applicant at the start of the Feb. 16th meeting to discuss the extension. Since the application has changed, referencing Lot #2 to be developed, the Applicant will be required to present their Site Plan, as revised with all required documentation in order for the Board to make a determination on the request. Mr. Venezia and Mr. Kenyon, representing agents for this application will be notified.

New Business: Chairman DeVinney invited Board discussion in review of Draft Steep Slope Law from Lu Engineer (version 11/1/10):

Board Member Bruce St. Lawrence summarized current status of the Draft Steep Slope Law and proposed splitting information contained in Section #4 which now is entitled "Standards and Requirements for Approval" into (2) sections. He proposed a separate section, possibly entitled "Steep Slope Requirements" that would include all the general requirements and procedural information on what the Law and submitted application would be expected to address. Another section, possibly entitled "Design and Drawing Plans" would include all the project design applications.

Board Member Gilbert suggested a section of itself on Governing Documents that stated what the law was (referencing Sect. 4.4, 4.7) Chairman DeVinney felt it important to include and differentiate the different soil types in this area when referencing steep slopes in order to ascertain whether a parcel is environmentally fragile when considering site development. Board Member St. Lawrence stated he



could foresee the Overlay District mapping, to be coordinated between Kevin Olvany and Lu Engineers to also be a separate section. This section would trigger the Law at the time application was made in the Office of Code Enforcement. Board discussion centered on the permit itself and it was decided that the Planning Board would develop a new permit for Steep Slopes or redesign the present Building Permit to include both possibly in two phases. Phase I would be site development. Phase II would be structural development . A Book of Standards with separate visual graphs and drawings (Lehigh Valley Steep Slope Module referenced from Lu Engineers.) The board felt it important to designate slope grades into (3) Divisions: Moderately Steep (15-25%), Very Steep (25%-40%), Extremely Steep/Unbuildable (40% +). Discretion on the part of the Planning Board to decide what designated " unbuildable" if project scope could not be revised to fit the law.

The following possible revisions to the draft law were discussed:

Section #1: Purpose

#3.1 : Authority. Add this section currently in Sect. #3 to be placed after 2<sup>nd</sup> paragraph Sect. #1.

Section #2 : Definitions: add the following: "Structure", "Creep", "Steep Slope Building Permit", Differentiate between "Disturbed and Disturbed Area" (possibly take out the latter ?)

Section #3: SPOD Authority, Jurisdiction and Applicability becomes " Applicability"

#3.2 Jurisdiction. Take out

#3.3 Currently too general. Board felt it should state clearly "any structure" to include such as shed, yurt etc.

Section #4: Standards and Requirements for Approval - could be redrafted and split into (2) sections:

1. Steep Slope Development Requirements:

This section would include all general process requirements such as #4.1, 4.3, 4.8, 4.9, 4.10, 4.12, 4.13, 4.14 (take out the following paragraph and place "The Town of Middlesex Planning Board may allow.....when the proposed fill depth is greater than 3 feet.", 4.15, 4.22 ("Public Road Access, ROW....sight distance" move into Design Sect.)

2. Design and Drawing Specifications: would include all data specific to Site work detail. Such as 4.5, 4.6, 4.11, 4.12, 4.13, 4.14, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, Section # 4.23 (add a section on Performance & Payment requirements).

Discussion over certain sections within Section #4 followed:

#4.2, 4.4, 4.7 would become part of Section #5 (Governing)

#4.11 - What was its' purpose?

#4.12 - Reference to Temporary Stabilization Measures: suggested to be put in as a standard , adding more authority....."as determined by.....CEO or Planning Board etc ?

#4.14 : term "non-developable" what does it mean? Take out "The Town of Middlesex Planning (pg. 11) Board may allow.....depth is greater than 3'" (pg. 12) and place in section with

#4.19, 20, 21, 22 : Move into Section on Design & Drawing Specification Requirements

#4.22: "Parcel's limits": Does this reference boundary line? Should read clearer.

"Public road access, ROW.....distance" could combine this with Section on Design and Drawing Specs.

#4.22 (2) should become #4.23 and become a separate section on Performance & Payment or Bonding Requirements are.

Section #5: Permit Procedures - could become the Governing properties of the law. It could include Sections # 4.2, 4.4, 4.7. A reference to an addendum with visuals on explaining grade, slope etc. possibly at end or in a separate document. This document should be easily accessible to the Code Office and include Overlay District mapping (K.Olvany) so it would trigger the law when applicant first submits. It should state definitively that the Planning Board has the discretion over whether a site is build able. Reference to addendum visuals possibly at end of section?

Section #6 : becomes Permit Forms & Fees.

Section #7: Enforcement and Penalties as it is.

After lengthy discussion it was decided that Board Member St. Lawrence would review and reorganize the draft and send it off to Board Members to review again for a February 16<sup>th</sup> review. The new draft would include a section on General Process Requirements, Governing Documentation, Categories of Slope into (3) Divisions, Detailed Design Requirements, and a Book of Standards. After the Board reviewed this, he would compile and send it to Lu Engineers to review. Also he would list what specific work the Planning Board would review and designate areas that engineering expertise would indicate Lu's review. This would set in motion a financial estimation of proposal to be submitted to the Town Board on February 10<sup>th</sup>.

Next meeting agenda: Feb. 16 - Review of Steep Slope Draft Law, review of Uniform Dock and Mooring Draft Law, Site review of Revisions from the Highland Group of Canandaigua LLC of Minor Subdivision on property at 556 East Lake Road (LR District), Middlesex.

A motion to adjourn was offered by Loretta Henrie and seconded by Lynn Lersch. All Board Members voted in favor. Motion carried.

Meeting adjourned at 9pm.

Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net.

**TOWN OF MIDDLESEX**  
PLANNING BOARD  
Minutes – January 19, 2011, 7pm

Board Members present: Marty DeVinney, chair; John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Dawn Kane, CEO; Mr. Donald Sheive, Mr. Rocco Venezia (Venezia & Assoc.)

Agenda: Site Plan Review: Application #072110-SPR: Mr. & Mrs. Philip Edgerton, represented by Venezia & Assoc. Property located at 1519 So. Lake Road, Middlesex, NY (LR District)

Meeting came to order at 7:15pm

Chairman DeVinney invited discussion for approval to decrease membership at the Town Board's recommendation from a (7) to a (6) member Planning Board with the sixth member acting as alternate, since there had been a vacancy on the Planning Board for sometime. After a short discussion, Chairman DeVinney entertained a motion to approve, seconded by Bruce St. Lawrence. Board members voted to approve this decision and the motion carried with all Board Members present in favor.

Board opened floor at 7:30p to Site Plan Review:

Application # 072110-SPR: Mr. and Mrs. Philip Edgerton, represented by agent Rocco Venezia of Venezia & Associates, requested approval to construct an access driveway to dwelling at 1519 So. Lake Road. Applicant had received an Area Variance from the Zoning Board of Appeals on 12/16/10 to construct this driveway. The ZBA came to this determination after consulting with outside resources - Lu Engineer and Yates County Soil and Water District. Requested revisions were resolved on a new site map presented to the Planning Board.

Concerns over storm water runoff onto South Lake Road were discussed. It was requested by the Board that the driveway material remain pervious instead of paved. Guardrails on lakeside of the road across from the driveway were suggested for safety due to the driveway grade and would become the decision of the Town Highway Superintendent to do so.

Chairman DeVinney entertained a motion to grant the Site Plan with a stipulation that use of the existing driveway as a construction entrance be allowed until construction is complete in order to keep construction vehicles and debris off South Lake Road.

Board Member St. Lawrence moved to approve as stated and Board member Gilbert seconded the motion on the floor. The motion carried with all Board Members present voting in favor.

Old Business:

The Highland Group of Canandaigua LLC requested an extension of Final Plat Approval by Resolution on 7/7/10 of the Minor Subdivision application of property located at 556 East Lake Road. Applicant would like to revise the Site Plan as presented in July to now sell off only Lot #2 utilizing the existing road frontage which comes off of East Lake Road until such future time as Lot #1 and/or Lot #3 may be sold. Chairman DeVinney will seek legal advisement on this. Pending this advisement, the Board shall discuss procedural actions at Feb. 2<sup>nd</sup> meeting.

Steep Slope Draft Law Information:

Board Member St. Lawrence summarized the current status of project and Lu Engineer's work on the Draft Steep Slope Law. After a review with Director Scott Prior with the entire Board Members, it was decided that the following action points would be worked on:

1. The Planning Board would reserve the February 2<sup>nd</sup> meeting for a work session on the law and

complete their review, listing what areas Lu Engineers would complete and what areas our Board would continue reviewing. All Board Members are asked to review the latest draft (11/01/10) and bring their comments, concerns and ideas to this meeting.

2. Feb. 16<sup>th</sup> - worksession with Lu Engineer to establish a reasonable timeline for Law to be completed and set a proposal request to the Town Board for services rendered.
3. Marty DeVinney will research Steep Slope websites to compile a list of usable language and bring to Feb. 16<sup>th</sup> meeting.
4. Kevin Olvany will be contacted by Scott Prior for overlay district mapping.
5. Bruce St. Lawrence will coordinate follow-through to completion with a project time-frame, list of tasks to be completed and a fee remittance process with Lu Engineers.

Minute approved:

Board approved Draft Minutes from 11/19/10 and 1/05/11. Board Member Mincer made a motion to approve with Board Member Gilbert offering a second. The motion on the floor passed with all Board Members present in favor.

Next meeting agenda:

- Feb. 2<sup>nd</sup>: Board Work session on Draft Steep Slope Law
- Feb. 16<sup>th</sup>: Board Work session with Lu Engineer on Draft Steep Slope Law

Motion to adjourn the meeting was made by John Gilbert and seconded by Bruce St. Lawrence. Motion carried with all Board Members present in favor.

Meeting adjourned at: 8:48 pm

Minutes submitted by L. Lersch/Revisions to: LSammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
PLANNING BOARD

Minutes – January 5, 2011, 7pm

Board Members Present: Marty Devinney, Chair; Loretta Henrie, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Agenda: Board Minutes for November 9, 2010; Work Session on EAF Assessment for Draft ZL Amendment for Special Use Permit Allowing Private Roads in Lake Residential District. YCPB Review on 1/27/11, Deadline Jan. 18<sup>th</sup>; Draft Town Fee Schedule and initiation of Fee Reimbursement Form; Planning Board Process Review.

Meeting came to order at 7:15pm

Marty DeVinney invited discussion on agenda items.

Board Minutes for November 9<sup>th</sup> will be approved on January 19<sup>th</sup> Work Session Meeting

The Planning Board worked on a SEQR EAF Assessment for the Draft ZL Amendment for Special Use Permit allowing Private Roads in LR District. This SEQR will follow YCPB Review of the Draft Law on January 27<sup>th</sup> and TB Review in order to set a public hearing on February 10<sup>th</sup>. Parts of the document still to be completed include: Informational Details (Part D) to include a summary of the reason for the Draft Law , L/R District data for area acreage, predominant soil types in L/R District; endangered or unique species of vegetation and wildlife; check to see if Robeson Store is included in State Register for historical buildings.

Board discussion on developing Site Plan Checklist for Code Enforcement and Site Plan Review Process so that all aspects of Site Plan are selectively reviewed on each application before and during review meetings. Lynn Lersch will work with Dawn Kane on developing a simple form that can be reviewed with applicant and at Planning Site Reviews.

Board discussion to allow the County to facilitate a training meeting between the Zoning Board of Appeals, Code Enforcement and the Planning Board to support inter-board process since many current applications are reviewed by both. Possible agenda items for this meeting could first be reviewed by each board separately with Shawna Bonshak, County Planner.

Next Meeting Agenda: January 19<sup>th</sup> Work Session with Lu Engineers on Resource material for Draft Steep Slope Law currently in progress; Schedule of Fee Revisions – research input from Dawn Kane, CEO.

A motion to adjourn was made by Chairman DeVinney and seconded by Board Member St. Lawrence with all Board Members present voting in favor. Meeting adjourned at 9:45pm

Minutes submitted by L. Lersch/Revisions to: LSammy5@frontiernet.net

2010

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – November 9, 2010, 7 pm

Board Members Present: Martin DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer

Public Present: Dawn Kane, CEO; Ted Carman, Frederick Shelley of Shelley & Assoc., P.E., L.S., P.C.

Agenda: Site Plan Review: Application #100710-SPR/Minor Subdivision of property owned by Mr. Alan Krautwurst and Mr. Peter DeMarco, represented by agent - Mr. Frederick Shelley of Shelley Associates

Meeting came to order at 7pm

Minutes approved: Board approval of Minutes from September 7th, October 5<sup>th</sup>

Chairman DeVinney opened the floor to discussion on Site Plan Review for property owned by Mr. Krautwurst , Tax Map ID # 21.26-01-8 (Parcel B) across from 928 So. Lake Road. This lot is vacant and is approximately 4.063 acres. Mr. Krautwurst would like to split off a portion , 3.889 acres, to deed to Mr. DeMarco, Tax Map ID # 21.25-01-2 who neighbors to the south for a septic system. When added this will make the lot more conforming to present code.

A notation was made by Code Enforcement Officer, Dawn Kane that because Mr. DeMarco's property includes a shoreline and an upland parcel, it is important for the Board and Mr. DeMarco to understand that the zoning will not allow the septic system on the shoreline property to become the septic for the upland parcel if subdivided in the future. The septic on the shoreline parcel is currently functional.

Chairman DeVinney entertained a motion to approve. Board Member Gilbert made the motion and Board Member Mincer seconded it.

Chairman DeVinney amended the motion on the floor, stating the application would require County Review on the 18<sup>th</sup> of November accompanied by a SEQR. The amended motion further stated it would determine approval after Yates County Planning Board Review took place. Board Member Mincer seconded the amendment and all Board Members present voted to accept the amendment as stated.

The Board, as Lead Agency completed a SEQR. A motion was placed on the floor to accept a Negative Declaration on the completed SEQR by Robert Mincer and seconded by John Gilbert with all Board Members present, voting in favor.

The Board advised Mr. Shelley that he might attend the YCPB Review and was given contact information.

Old Business:

Application # 081319 SPR - Minor Subdivision of property owned by Mr. Thomas McCann. The Board completed a SEQR on Mr. Thomas McCann's Application reviewed at the October 5<sup>th</sup> meeting. A Negative Declaration was determined by the Board. Chairman DeVinney motioned to accept the declaration and Mr. Gilbert seconded. All Board Members present voted in favor.

Application # 082510 SPR - Minor Subdivision of property owned by Mr. & Mrs. Floyd Grover. The Board completed a SEQR on Mr. Grover's Application reviewed at the October 5<sup>th</sup> meeting. A Negative Declaration was determined by the Board. Chairman DeVinney entertained a motion to accept the declaration. Board Member Lersch made the motion to accept. Board Member Mincer seconded the motion and all Board Members present voted in favor.

Application #071410-SPR - The Board discussed Dr. Jay Yates application, represented by Venezia & Associates for a New Home Construction of a Single Family Residence at 708 East Lake Road. (LR District) It was noted that NYSDOH had not as yet approved the septic system and the application would be requesting (2) Area Variances from the Zoning Board of Appeals. The application would also be required to be reviewed by the Yates Co. Planning Board since it bordered a county road. Chairman DeVinney will ask for Town Attorney advisement of which of the (2) Town Boards should review the application first. It was determined to schedule it for October 19<sup>th</sup>, pending NYSDOH approval of the septic.

#### Public Notice - 8pm- 9pm

During this time frame, the Planning Board entertained public questions and concerns of the Draft ZO Amendment which would allow Private Driveways and Private Roads in the Lake Residential District by Special Use Permit only. Such draft was being considered for adoption by the Town Board and a Public Hearing will be scheduled sometime in the future.

Resident Ted Carman questioned whether the draft law would open up any loopholes in the present Town Zoning Codes. Chairman DeVinney explained the Board's position of attempting to plug any loopholes that were currently in the Zoning Code. He further stated that the Draft Law, if passed, would make placing private roads in the LDR District more restrictive than the code presently allowed. The code already states that shared driveways are not allowed, nor are Private Roads in the LR District, however in some instances it is better for the environment and character of the community to allow a private road with shared driveways. Chairman DeVinney referred to the Highland Group of Canandaigua LLC Minor Subdivision Application as an example. In this Site Plan, all consulted experts gave advisement that a single driveway/road cut into the embankment off of a main road would be more advantageous environmentally and aesthetically than (3) driveway cuts into the (3) lots the driveways would serve. He explained that as stated in the draft law, the applicant would need to present proof to the Planning Board and the Zoning Board of Appeals that a Private Road Site Plan would be a better choice both for the environment and character of the neighborhood than an individual Driveway(s) Site Plan. The Planning Board would still have to approve the Site Plan as a Minor Subdivision as they currently do, but the ZBA would hear the application as a Special Use Permit request.

Resident Ann Flax voiced her concerns against the Draft Law and requested the Board to keep pristine South Hill protected at all costs. She felt Private Roads would cut into the hill allowing development in.

The PB responded that it was their sincere objective that the proposed ZO Amendment, by permitting a Private Road by Special Use, would be more environmentally restrictive, creating conditions that would indeed restrict development on South Hill to the greatest extent possible.

Chairman DeVinney summarized that the Draft Law would be discussed further in a Public Hearing set by the Town Board and that the Planning Board was sympathetic to all concerns and wanted to keep development reasonable and at a minimum in this fragile area.

Motion to adjourn was made by Mr. Mincer and seconded by Mr. Gilbert. All Board Members present voted in favor. The meeting adjourned at 8:30pm

Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net



## TOWN OF MIDDLESEX

### PLANNING BOARD

Minutes – October 19, 2010, 7pm

Board Members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert; Robert Mincer, Lynn Lersch, Bruce St. Lawrence; Dawn Kane (CEO)

Public Present: Carol Williams, Linda Sheive

Agenda: Worksession on Draft Steep Slope Law (Lu Engineer)

Meeting came to order at 7pm

Chairman DeVinney opened the meeting by asking the Board their vote on either holding our Nov. 2<sup>nd</sup> meeting at the Fire Hall next door due to Elections taking place at Town Hall or we could move the meeting to November 9<sup>th</sup> at Town Hall. The Planning Board moved to change the meeting to November 9 at Town Hall. Motion to approve was made by Ms. Henrie and seconded by Mr. Gilbert. Clerk Lersch will place a Public Notice in the paper for the change of meeting time.

Board discussion to propose a portion of the 11/9 meeting for resident discussion of Town's position to amend our Zoning Ordinance to allow Private Roads in the LR District under Special Conditions – Special Use Permit to be issued by the Zoning Board of Appeals and only after Applicant demonstrates there is good environmental reasons to do so. Board decided it would be important to hear from interested residents any concerns and to state the Board's reasons for recommending the amendment to the Town Board for adoption.

Resident Williams stated she would like to know who would be presenting so that she could prepare her concerns and questions.

Chairman DeVinney explained that it would include the Planning Board and possibly the Town Attorney to answer any legal concerns anyone might have. It would not be anything formal, however it was important to the board to hear "real" concerns from residents so that the Board could address them.

#### Steep Slope Law Edits:

Board reviewed the Draft from Lu Engineers and made revisions which Board Member St. Lawrence will include these edits before sending back to Lu to review again in November on the 16<sup>th</sup>.

Board questioned whether the current regulations for New Private Roads was too restrictive and a possible establishment of a minimum and a maximum standard should be put in place for Rural settings.

Board member St. Lawrence stated that our definitions come from State Regulations given to us in a compilation of Documents from Mr. Orr from Cornell. Our Standards for Roads came from these and regulations for setting minimum widths, emergency vehicle traffic turn-arounds, radius' all came from these. These could be pulled out and given to Lu to develop a standard for Residential Access Roads.

Board suggestion to advise the Zoning Board of Appeals to use Lu Engineers as a valuable resource when hearing any ZBA Applications for Variances that may need technical definition.

Board moved to approve a Resolution to the Town Board to recommend amending our Zoning Ordinance for the purpose of allowing Private Roads in the LR District by Special Use Permit issued by the Zoning Board of Appeals in certain instances if Applicant can prove environmental necessity to do so. Mr. Gilbert made the motion and Ms. Henrie seconded the motion. Chairman DeVinney will write up the resolution and give it to Town Clerk, Kathy Pelton. The process will include a County review and notice to surrounding municipalities.

Next Meeting 11/16 agenda: Draft Steep Slope Law review with current edits. Sections 4.12-4.14 were to be benchmarked with other municipalities and reviewed by Lu Engineer. Public Notice (8-9pm) for public discussion of Zoning Law Amendment for Private Driveways/Private Roads in Lake Residential District by Special Use Permit; Site Plan Review: Application #100710-SPR/Minor Subdivision of property owned by Mr. Alan Krautwurst and Mr. Peter DeMarco on South Lake Road (LR District)

A motion to adjourn was made by Mr. Gilbert and Mr. Mincer gave a second.

The meeting adjourned at 9:15pm.

Minutes submitted by L. Lersch/Revisions to LSammy5@frontiernet.net

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

Minutes – October 5, 2010

Board Members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Robert Mincer, Bruce St. Lawrence  
Others Present: Scott Hartar, Ty Allen, Vicki Fumia, Don Miller, Rocco Venenzia, Erin Joyce, Linda Sheive, Tom McAnn, Debra McCann, Richard DeMallie, Marilyn Tedeschi, Jay Yorssen, Ann Flax

Agenda:

Site Plan

Reviews:

1. Application #071410-SPR, Dr. Jay Yates - owner of property at 708 East Lake Road, Middlesex (LR District), and represented by Ms. Erin Joyce, P.E. of Venezia & Associates. Applicant requests Site Plan Review of New Home Construction of a single family residence on property with non-conformance of side and front yard setback codes (ZBA hearing 10/21);
2. Application #091310-SPR, Ms. Fumia/Ms. Tedeschi – owner of property at 991 Old Vineyard Road, Middlesex (LDR District), and represented by Mr. Don Miller, agent requests Site Plan Review of New Home Construction of a single family residence on property;

Minor Subdivision Site Plan Reviews:

3. Application # 081310-SPR, Mr. Thomas McCann – owner of property at 1168 West Avenue, Middlesex (HR, LDR District) requests a Minor Subdivision.
4. Application #082510-SPR, Mr. & Mrs. Floyd & Sylvia Grover of 96 Route #245, Middlesex (HR District) requests a Minor Subdivision to split residential/commercial property.

Old Business: 5. Site Plan Review of new revisions to Mr. O'Brien's property at 1163 South Lake Road, Middlesex (LR District) referencing a Stop Work Order placed on property.

Meeting came to order at 7:30p

Board determined Site Plan Reviews on the following applications:

1. Application #071410-SPR: Dr. Jay Yates of 708 East Lake Road, Middlesex.

Areas of Concern resolved:

- a. Drainage - So. Side: swale, stone check dam added.
- b. Drainage from watershed sheeting to So. Side: expanded topographic area to include contour information which creates a natural swale draining to underground catch basin (oil drum). c.

Relocation of secondary electric line: Once electric put in, pole will be relocated or underground service provided to resolve concerns with overhead interference and with neighboring property.

Chairman DeVinney will attend the Zoning Board of Appeals on 10/21 to advise Board of areas resolved by the Planning board. Applicant was advised to proceed with Septic Approval from DOH before Site Plan Review could be determined by the Planning Board.

2. Application # 091310-SPR: Ms Fumia/Ms. Tedeschi owners of property at 991 Old Vineyard Road, Middlesex (LDR), represented by Mr. Don Miller, agent. Applicant requests preliminary review of New Home Construction on pre-existing, non-conforming lot with new dwelling to stay within existing

structure's footprint. Board determined that proposed structure met all setbacks as presented and approved preliminary plans. Site Plan is pending final approval before development proceeds.

3. Application #081310-SPR: Mr. Thomas McCann; Minor Subdivision of property at 1168 West Ave., Middlesex (HR & LDR). Property is proposed to be divided from (2) existing lots. Parcel A: 8.220 acres (Tax Map ID # 22.04-1-4, vacant land parcel, to be conveyed to Debra McCann and combined with her property which borders West Ave. ( Tax Map ID # 22.04-1.5) and Parcel B: 1.038 acres (Tax Map ID # 22.04-1-4) to be split from Parcel A (Tax Map ID #22.04-1-4) and sold with existing pole barn to neighboring Baptist Church. Board approved the Subdivision with Conditional Determination pending signing by the Board Chairman DeVinney of a revised Mylar showing clearer indication by survey of proposed subdivision for Town and County records.

Motion to approve was made by Board Member Gilbert and seconded by Robert Mincer. Motion carried with all members present in favor.

4. Application #082510-SPR, Mr. & Mrs. Floyd & Sylvia Grover of 96 Route #245, Middlesex (HR District) requests a Minor Subdivision to split property at 96 and 100 Rte. #245 from a pre-existing, non-conforming lot which combined residential and commercial structures into separate parcels. Parcel A: at #100 Rte. 245 , commercial property - Rushville Motors Garage on 3.728 acres and Parcel B: at #96 Rte. 245 residential property on 1.062 acres. Board determined request for Minor Subdivision approved as presented.

Motion to approve was made by Robert Mincer and seconded by Loretta Henrie. Motion carried with all members present in favor.

Old Business:

5. Application # 052109-SPR:Site Plan Review of new revisions to Mr. O'Brien's property at 1163 South Lake Road, Middlesex (LR District) referencing a Stop Work Order placed on property.

Board determined temporary release to a Stop Work Order placed on property development to include the following to be redrafted on Final Map revisions:

- Rework swale excavation site
- Silt fencing redrafted as
- Placement of appropriate
- Onsite

south to north on uphill side of septic area to keep drainage from reaching by re-stoning and reshaping to keep drainage away from site excavation (foundation). added in (4) places to accommodate onsite drainage/erosion control management and such on map revisions.

Foundation Block wall to a point whereby the excavation site maybe safely backfilled as for site stabilization.

placement of check dams, as originally proposed for drainage concerns, will be reviewed by Kevin Olvany, George Barden and Lu Engineers to provide final determination to the Planning Board. - Code plans

Office will be called for interim inspection once site stabilized. Code office will review final with Planning Board before final release from Stop Work Order.

Motion to provide applicant with temporary release from Stop Work Order with Board placed conditions was made by Board Member Robert Mincer and seconded by Board Member St. Lawrence. Motion carried with all board members present in favor.

Public comment on ZL Draft Amendment for the Regulation of Private Driveways/Private Roads Law. It was decided that the Planning Board would post Public Notice in the paper and on the website as well as Richard DeMallie's SOS News Online for an invitation for Public comment at November's Planning Board Meeting,

Page 3 of 3

November 9<sup>th</sup> from 8-9pm, during which time the Planning Board will allow, those with specific concerns or questions to come for a Q & A information session.

Next Meeting agenda: October 19<sup>th</sup> to work on Draft Steep Slope Law in Board review.

Motion to adjourn was made by Chairman DeVinney and seconded by Loretta Henrie. Motion carried with all members present in favor.

Meeting adjourned at 10:15pm / Minutes submitted by L. Lersch. Revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)

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

Minutes - September 21, 2010 - 7:30pm

Board Members present: Marty Devinney, chair; Loretta Henrie, John Gilbert, Lynn Lersch; Robert Mincer; Bruce St. Lawrence

Public Present: Dan O'Brien, Linda Sheive

Agenda: Site Plan Review of 1163 South Lake Road, Middlesex - Site Revisions  
Lu Engineer Review; Summary of Draft Zoning Law Amendment to address changes to sections that permit private roads in the Lake Residential District by Special Use Permit.

Board reviewed current status of site issues that created a stop work order onsite the O'Brien project. A 9/21 letter of summary review provided by Lu Engineers was jointly reviewed with property owner, Mr. O'Brien.

Board determination recommended a partial Stop Work Order release, allowing for the following work activities to take place to provide for site stabilization:

- . Remove cobblestone and drain pipe from the northern property swale and reshape / rebuild to match design drawings, to include check dams. Complete to roadside.
- . Install (2) new catch basins along roadside per drawings.
- . Tie in existing roadside drain piping, and provide new drain piping as necessary, to complete the catch basin and drainage system along the west side of the property. Provide for proper collection and transition of discharge from lower end of northern swale into new catch basin.

No other site work is being recommended for release from the stop work order at this time. The base stop work order should remain in force until the following has occurred: survey information showing as-built conditions of foundation and septic system is submitted for review; the results of a pending site meeting between Owner's engineers and Lu Engineers to address foundation integrity are presented and evaluated; and there is a final review of the issues cited in the Lu Engineering letter dated 9/21/10. An easement shall be filed with the County for specific grading activities showing time sequences with neighbor Mr. Donald Sheive, as well as any encroachment of property to the south, once a new survey determines waste water system and foundation placement. Mr. O'Brien will oversee that project engineers shall meet with Town Highway Superintendent for advisement on appropriate road connection of (2) catch basins to be installed for site water drainage. A letter stating all conditions for the temporary release shall be sent to all involved parties.

Board will seek legal advisement of Town Attorney on appropriate data submission by Engineer Mr. Ray Teeter to address all liability concerns.

Board Chairman, Marty DeVinney provided the Board Members a review summary of the Draft Zoning Law Amendment that is to be posted on the Town's website for public review before the Town Board's Public Hearing on October 14<sup>th</sup>. After discussion, the Board determined that the process summary should be more clearly defined before posting. It will be sent to our Town Attorney for advisement of law definition.

Page 2 of 2

Next Meeting agenda - October 5: Site Plan Reviews for the following applications:  
Minor Subdivision for applicant Mr. Thomas McCann of West Ave., Middlesex; Minor Subdivision for applicant Mr. Floyd Grover of 96 & 100 Rte. #245, Rushville; Site Plan revisions from Venezia & Associates, agent for New Home Construction for property owner Dr. Jay Yates of 708 East Lake Road, Rushville; New Home Construction for Mr. Don Miller, agent for property owners Ms. Fumia & Tedeschi at 991 Old Vineyard Road, Middlesex.

Agenda for Work Session -October 19: Process Review for Site Plan Applications, and Review of Draft Steep Slope Law with Town Engineer, Ken Hurley, P.E.

Motion to adjourn was made by Chairman DeVinney and seconded by Robert Mincer.  
Meeting adjourned at 9:20pm

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

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

Minutes – September 7, 2010 – 7:30pm

Board Present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Robert Mincer, Lynn Lersch, Bruce St. Lawrence

Others Present: Jon Schick, Linda Sheive, Scott Hartar

Agenda: 7-7:30pm: Worksession with Lu Engineers; 7:30pm: Site Plan Review for New Home Construction of property at 968 So. Lake Road, Middlesex (LR District) owned by Mr. Dan & Kristen Mahar, and represented by agent Jon Schick, architect; Site Plan Review for a Stop Work Order placed on New Home Construction of property at 1163 So. Lake Road, Middlesex (LR district) owned by Mr. Dan O'Brien and represented by Engineer Scott Hartar, P.E.

Worksession: Ken Hurley, P.E. of Lu Engineers, Town Engineers, read a review letter (9/7) of Mr. Dan O'Brien's property at 1163 So. Lake Road. Advisement of conditions to place on property in order to resolve the following concerns: Erosion Control, Drainage, Grading, Survey to reshoot location of Septic and Foundation Footers, as well as Construction Sequencing of Erosion Control.

Site Plan Reviews:

1. Application # 052109-SPR: Mr. Dan O'Brien property at 1163 So. Lake Rd., Middlesex (LR District)  
Discussion and review of points of resolve in order to proceed with permitting process was generated from Lu Engineers letter of 9/7 with Engineer Scott Hartar representing agent for Mr. O'Brien. A letter summarizing the specific response requested from Mr. Hartar and his firm, Professional engineering Group, shall be sent by the Planning Board within the next few days. Stop Work Order will remain in place until resolve of the following conditions:
  - a. Sequential response to Lu Engineers letter of (9/7) by Scott Hartar
  - b. Certified Structural/Geo-Technical Engineer verification after onsite investigation of current onsite placement of foundation footers & appropriate soil preparation prior to placement.
  - c. Survey to be re-shot to verify septic/distribution box and foundation placement.
  - d. Drainage issues to include: catch basins, spring effect, swales, erosion control and site stabilization with appropriate long-term permanent covers.
  - e. Grading easement with neighbor to be filed w/County and copied to the Town of Middlesex
  - f. Foundation 2' step change should be appropriately reflected in architectural plans.



- g. Construction sequencing schedule stating development timelines w/regular inspections and CEO notification/involvement to verify site plan approval
2. Application # 080410-SPR: Mr. and Mrs. Dan Mahar property at 968 So. Lake Rd., Middlesex (LR District). Mr. Jon Schick, representing agent and Architect for this application requested from the board permission to start the renovation of New Home Construction after demolition of present structures on property. Property was pre-existing to present Zoning and is also a non-conforming lot which is grand fathered in. The house plans will be to rebuild within the existing footprints and shall include some stone breakwall work to be done by Fladd's Creative Stone.

The Planning Board moved to approve the Site Plan as presented. Board Member Robert Mincer made the motion to approve which was seconded by Board Member John Gilbert. All present voted in favor of the motion. Motion carried.

New Business: Planning Board discussion for a change in time, date and meeting site from next meeting until December due to scheduling conflicts. Possible site is the Fire Hall next door. A decision will be made and voted on in October.

Next meeting agenda: Site Plan Review: Mr. Dan O'Brien pending revisions requested by 9/14 and Lu Engineer review before 9/21.

A motion to adjourn was made by Board Member John Gilbert and seconded by Bruce St.Lawrence. Motion carried with all present in favor.

Meeting adjourned at 9:15pm

Minutes submitted by L. Lersch. Revisions by [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)

**TOWN OF MIDDLESEX**  
PLANNING BOARD  
Minutes - August 18, 2010

**Board Members present:** Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

**Public Present:** Dr. Jay Yates, Rocco Venezia, Erin Joyce, Kevin Welsh, Brian LaRocca, Tim Tyskiewicz, Donald O'Brien, Ty Allen, Donald Sheive

**Agenda:** Site Plan Application for Dr. Jay Yates of 708 East Lake Road, Rushville for New Home Construction & represented by Erin Joyce, P.E. of Venezia Associates; Site Plan Application for New Home Construction for Mr. Dan O'Brien of 1163 So. Lake Road, Middlesex presenting Site Plan Revisions to approved application. (Application withdrawn – Stop Work Order issued, Town Engineer review 8/17 submitted.)

Site Plan presented by agents, Venezia & Associates P.E., Erin Joyce and Rocco Venezia. Site map shows 105' front yard frontage x 386' with 98.39 road frontage and 69' on road. Survey was taken from tie line with setback measured from the High Mean Watermark. Discussion by the board requested a more defined swale with rip rap to resolve drainage concerns to the southern portion of the site near the foundation and also an enlarged image of the area which pertains to a catch basin that will hold water flow underground. It was determined that the following revisions would be presented at the next planning board meeting:

- Provide more detail from adjoining lots, driveways, drainage & structures as they relate to impact on neighboring lots.
- Address the area between the driveway to the garage as it relates to the adjoining lot.
- Revised drainage to the southern side of the house to avoid erosion.
- Show how the driveway ties into East Lake Road by providing an inset view on site plan.

Planning Board meeting date, time and place was reviewed by the Board. A motion was made by Bob Mincer and seconded by John Gilbert to change our meeting to the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month at 7:30pm to be at the Middlesex Fire Hall until further notice.

The Planning Board submitted their budget proposal for 2011 for review.

Board discussion suggested recommendations to the Zoning Board of Appeals for consideration by the P

Board to access use of Town Engineer for technical and feasibility advisement of certain applications to the Zoning Board of Appeals.

Board discussion of a recommendation to the Town Board for amendment of a section of the Zoning Law to allow application of Private Roads in the Lake Residential District by Special Use Permit. This

recommendation once reviewed will be drafted by the Town Attorney, Alaine Espenscheid.

A motion was made by Board Member John Gilbert and seconded by Board Member Loretta Henrie. Upon the review of the draft law amendment, written by the Town's Attorney Alaine Espenscheid, it will be sent to the Yates County Planning Board for review after which time a public hearing will be set.

**Other Business:**

Town Supervisor, Multer submitted a copy of a Driveway Installation & Replacement Permit form adopted by Yates County to be considered by the Planning Board. The purpose of this form is to establish consistent, standard procedures for the installation and replacement of driveway pipes and driveways that intersect Town of Middlesex roads.

Submittal of an Agreement between the Yates County Planning Board and the Town of Middlesex exempting certain minor land use actions from County Review. This document was adopted by the Town Board on July 8<sup>th</sup>.

**Agenda for next meeting** on Tuesday, September 7<sup>th</sup> – 7:30pm:

Site Plan Reviews for Mr. Jon Schick, agent for the Mahar Family at 968 So. Lake Road (LR) requesting review for New Home Construction; Mr. Dan O'Brien of 1163 So. Lake Road (LR) submission of site plan revisions for release of Stop Work Order with a review by Lu Engineer, Ken Hurley; Review of Draft Zoning Law Amendment for the application of Private Roads in the Lake Residential District by Special Use Permit – Town Board Review 9/09.

Motion to adjourn was made by John Gilbert and seconded by Robert Mincer.

Meeting adjourned at 9:15pm

Minutes submitted by L. Lersch. Revisions to: lynn.lersch@gmail.com.



**TOWN OF MIDDLESEX**  
PLANNING BOARD

Did not meet on Wednesday, August 4<sup>th</sup>, 2010

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – July 14, 2010 7pm

Board Members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Ken Hurley, P.E. Lu Engineers

Agenda: Work session with Lu Engineers – Draft Steep Slope Law

Board discussion surrounding language to state intent: If an application can prove that the installation of a private road vs. private driveway in LR District would create the least negative impact to the existing environment it would be allowed only after the acquisition of a Special Use Permit which would require criteria compliance and a final determination from the Zoning Board of Appeals as well as a recommendation from the Planning Board.

Upon advisement from Ken Hurley, it was recommended that an application would first come to the Planning Board in a Preliminary Design format and once approved would progress to a Full Site Design Plan.

Board discussion on defining a “private road” as well as the various categories of dwelling access (farm path, vineyard road, that might be included in such a definition yet might not fit the standard width and length. Emergency access restrictions for standard 200’ length and a minimum of 14’ in width must apply as well as pull-off allowance in areas of steep slopes.

Board decides to draft a board statement of intent to our Town Attorney for her to draft an amendment to the existing Zoning Ordinance in Section 703. This draft law will be sent to the Town Board in the form of a resolution for board review and discussion. A motion was made by Board Member Gilbert and seconded by Board Member Robert Mincer.

A motion to add specific language to amend current Zoning Ordinance in Section #703 and send to Town Attorney Elaine Espenscheid was made by John Gilbert and seconded by Robert Mincer.

Draft Steep Slope Law was reviewed with the Board and Ken Hurley, P.E.:

- Sect. 1 was designated ok.
- Sect. 2 , #2.3 to be reworded and take out bracketed phrase.
- Sect. 3, reword 1<sup>st</sup> paragraph referencing “standards”.
  - #3.1 to allow the board the right to establish escrow agreements.
  - #3.2 reword paragraph, especially (e)
  - #3.3 review wording with Dawn Kane, CEO referencing site clearing.
  - #3.5 reword to include Planning Board involvement of wastewater system approval along with NYSDOH.
  - #3.7 reword “final” to “any”.
  - #3.11 – 3.13 reword definition of “slopes” and research NYSDOS for specific language referencing town authority to judge a lots development capabilities by % of of slope.
- Move definitions in front of the “PURPOSE” section to become Sect. #2.

Review of Draft Steep Slope Law shall continue in August.

Discussion of possible meeting time, and date change will be decided at next meeting.

Board member Mincer moved to adjourn the meeting with Board Member Loretta Henrie providing a second.

All board members present were in favor and the motion carried.

Meeting adjourned at 8:50m.

Minutes submitted by L. Lersch. Revisions to LSammy5@frontiernet.net.

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

Minutes – July 7, 2010, 7pm

Board Members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others Present: Mr. Gerald R. Harris, Douglas M. Harris, John R. Fulkrod, Donald Sheive

Agenda: Resolution by Board to draft an amendment to current Zoning to allow certain criteria to be used in certain cases referencing the use of Private Roads/Private Driveways in the Lake Residential District;

Application #061610-SPR – Applicant Mr. Gerald Harris is requesting a Minor Subdivision of property at 1384 West Avenue, Middlesex (AG/R and LDR Districts); Application #061510-SPR – Applicant Mr. John Fulkrod of 1918 Shay Road, Middlesex (AG/R District) is requesting Site Plan Review for New Home Construction of a Single Family Residence; Application # 090209-SPR for Major Subdivision of property owned by Mr. Andrew Komarek on East Lake Road, Middlesex (LR District).

1. Application #090209-SPR for a Major Subdivision was withdrawn by request from Mr. Robert Place, attorney for Mr. Komarek. This request will be in effect until Town's resolve of proposed Amendment to Zoning Ordinance, Section #703 Private Roads.

2. Application #061610-SPR for a Minor Subdivision of property at 1384 West Avenue, Middlesex was denied due to Zoning Law Minimum Road Frontage Requirements required 200 ft. and proposed subdivision had 114.09 feet making it a non-conforming lot. Mr. Harris was advised to keep both parcels as they are or merge both lots into one parcel to bring them into compliance with current zoning.

3. Application #061510-SPR for Site Plan Review of Single Family Residence to be constructed at 1918 Shay Road was determined as approved with no concerns. An Unlisted Action for SEQR determination was made. Chairman DeVinney proposed a Negative Declaration for environmental impact. Board Member Henrie motioned to accept and the motion was seconded by Mr. Gilbert and passed with all members in favor.

Old Business – Application #021010-SPR for Minor Subdivision for the Highland Group of Canandaigua LLC of property at 556 East Lake Road (LR District). Board resolution for acceptance of Final Plat of Minor Subdivision with the following stipulations noted at June 2<sup>nd</sup> meeting.:

1. All erosion control measures, retaining wall design and matters of each parcels lake access, as recommended in the review by Rick Ayers of Yates County Soil & Water Conservation District, shall be noted as revisions on Final Plat Site Map and subject to Site Plan Approval by the Planning Board prior to any site building improvement.

2. Written plan of temporary construction staging to be filed with Yates Co. Highway Dept. and copy of such filing to be sent to Town Planning Board and Code Office.

3. Town Zoning Law Amendment must be amended prior to issuance of a second site development permit using a one road access point design.

4. Once the Planning Board Chairperson's signature is affixed to the Final Subdivision Plat Mylar plus four (4) prints, the Final Plat Mylar Map and two (2) certified paper prints are to be filed with the Yates County Clerk's Office along with a Tax Search within 62 days of signing. The remaining two (2) signed paper prints are to be filed with the Town's Planning Board and Code Enforcement Offices.

5. The Final Subdivision Plat Approval is valid for a period of 180 days from today and shall expire unless all

requirements have been certified as being completed, or unless extended by the Planning board at a later date and by separate resolution.

The above Resolution was offered by Lynn Lersch and seconded by Robert Mincer. After short discussion, the Resolution was passed by all Board Members present and recorded.

Chairman DeVinney made a motion to enact an Action Resolution to draft an amendment to current Zoning which would allow Private Roads in the Lake Residential District in the Town of Middlesex by Special Use Permit granted by the Zoning Board of Appeals whereas the applicant must demonstrate that a Private Road would be environmentally more feasible than individual driveway access from a public street as required by the current Zoning Ordinance. Board member Mincer seconded the motion on the floor and the Resolution carried with all members present in favor. This resolution will be sent to the Town Board for review.

Draft Minutes for June 2<sup>nd</sup> were revised and a motion to approve as amended was made by Chairman DeVinney and approved and seconded by Board Member St. Lawrence. All Board Members present voted in favor and the motion carried.

Motion to adjourn was made by Loretta Henrie and seconded by Robert Mincer. All Board Members present voted in favor and the motion carried.

Meeting adjourned at 8:45pm.

Minutes submitted by L. Lersch. Submit revisions to: [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – June 2, 2010, 7pm

Board members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Public Present: Justin DeMity, Katie Tomion, Keith Gilliland, Douglas Skeet, Robert and Jan Barkstrom, Pat and Rocco Venezia, Mark Lipari, Douglas Bow, Doug Negley

Agenda:

Old Business: Application #021010-SPR, Minor Subdivision - Highland Group of Canandaigua Lake LLC.  
Representing agent Rocco Venezia requests Final Plat approval

New Business:

Site Plan Review for applicant Keith Gilliland – new home construction at 894 South Lake Road, Middlesex. (LR District)

Site Plan Review for Mr. and Mrs. Michael and Susan McCrobie - new home construction at 737 East Lake Road, Rushville (LDR District)

Site Plan Review for Mr. Justin DeMity – approval to operate a leased business at 877 Rte. 364, Middlesex (HB District) for small engine repair and retail sales.

Meeting came to order at 7:05pm.

Chairman DeVinney opened the floor with Old Business – review reports from Yates County Planning Board dated May 27<sup>th</sup> referencing a Minor Subdivision application from The Highland Group of Canandaigua LLC. They recommended approval based on the board addressing review report from Rick Ayers of the Yates County Soil and Water Conservation Services.

The board proceeded to address all points of discussion in the letter with Rocco Venezia as representing agent. He accepted recommendations and will comply.

Discussion developed referencing the Town's Private Driveway/Private Road Law, referenced in the Town's Zoning Code (Article VII, Sect. 703.0 – Private Roads) that does not allow private roads in the LR Zoning District.

Placing the following considerations on the approval, Board Member Henrie made a motion to accept final plat for the (3) lot subdivision of the Highland Group. Board Member Gilbert gave a second and the board moved to an unanimous vote & the motion carried.

The following conditions were placed:

1. All erosion control measures, retaining wall design and matters of each parcels lake access, as recommended in the review by Rick Ayers of Yates County Soil and Water Conservation, and discussed at this meeting shall be noted as revisions on Final Plat Site Map and subject to Site Plan Approval by the Planning Board prior to any building improvements.
2. A written plan of temporary construction staging to ensure no damage to the county road be filed with the Yates County Highway Department and a copy of such filed with the Planning Board and Code Enforcement Offices.
3. Town Law must be amended prior to issuance of a second site development permit using the one road access point.

New Business:

1. Site Plan review for Mr. and Mrs. Keith & Nancy Gilliland requesting approval for a new home construction at 894 So. Lake Road in the LR District. Mr. Gilliland presented his request for overall Site Plan approval. He will start by installing an approved septic, development of a pre-existing driveway and site grading. Home construction and removal of a pre-existing deck will commence next year.

The board recommended working with Scott Hartar, project engineer to make sure water run-off from the driveway is checked prior to building garage and to seed as soon as possible before fall after grading.

A SEQR for Unlisted Action with the Planning Board acting as Lead Agency, the board declared this project to be a Negative Declaration as to any substantial impact to the surrounding neighborhood and/or environment. Loretta Henrie made a motion to accept the SEQR Declaration and Robert Mincer seconded. The motion carried with all board members present in favor.

Board Member Mincer made a motion to accept Mr. Gilliland's application as complete and approved with Board Member St. Lawrence giving a second. The motion carried with all board members present in favor.

2. Site Plan Review for Mr. Justin DeMity who requests Site Plan Approval for a Special Use Permit in order to operate a leased business from owner Mr. Douglas Negley at 877 Rte. 364, Middlesex (HB District) for small engine repair and retail sales of accessory items. After a presentation by Mr. DeMity and approval from owner Mr. Negley, the board moved to grant the Site Plan approved and placed the following conditions as required before permitting occurs:

1. Pending Yates County Planning Board approval on 6/24
2. Zoning Board of Appeals Special Use Permit Hearing on 6/17 and final approval on 7/1
3. Site Plan requirements to include:
  - a. Test ride hours to be within the hours of 9am to 5pm Mon. – Sat.
  - b. Firewall and proper rating for such between repair business and retail parts of building.
  - c. Adequate ventilation noted on site map
  - d. Landscaping providing buffer to be large enough to cover dumpster and business entrance.
  - e. Property must be visually clear of debris, unregistered cars and continue to abide by Zoning requirements
  - f. All lighting must be contained onsite and noise and/or odor to be kept to a minimum.

A motion to grant Site Plan Approval with conditions as listed was made by Loretta Henrie and seconded by John Gilbert. After a short discussion, a motion to amend was made by John Gilbert to state the approval was subject to all representations presented in the application process and including those specifically listed above. This amended motion was seconded by Loretta Henrie and carried after all board members present voted in favor.

4. Site Plan Review for Mr. and Mrs. Michael and Susan McCrobie for new home construction at 737 East Lake Road, Rushville (LDR District). In exception to the Site Plan requirements, the board waived the necessity of the applicant being present due to factors beyond their control and all board members present voted in approval of the motion made by board member Mincer and seconded by board member Henrie.

Dawn Kane, CEO presented the application and after a short discussion noting all factors, the board moved to conditionally approve the site map. Chairman DeVinney made the motion with all board members in favor of approval and placed the following conditions prior to permitting:

1. Pending Yates County Planning Board Review on 6/24
2. To include the specifications of the 4" French drain to state what it is doing, where water discharge terminates on property and how run-off will be accommodated during peak flow.

3. Indication of driveway access to garage and subsequent grade work with appropriate contours to show drainage discharge away from building.
4. Silt fence as the required erosion control technique with possible straw bale reinforcement should be noted on site map particularly where it will tie in to the 4" drain/trenches and uphill property to contain runoff from stockpile or spoils area.
5. Notation of the location of existing shared well on property.

All board members present voted in approval of last month's minutes. The motion was made by Loretta Henrie and seconded by Robert Mincer.

A motion to adjourn was made by Chairman DeVinney and seconded by Robert Mincer. All board members present voted in favor. The motion carried and the meeting adjourned at 9pm.

Minutes submitted by L. Lersch. Submit revisions to [LSammy5@frontiernet.net](mailto:LSammy5@frontiernet.net)

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – May 5, 2010 7pm

Board Members Present: Marty DeVinney, Chair; John Gilbert, Loretta Henrie, Lynn Lersch, Bob Mincer, Bruce St. Lawrence

Public Present: Donald Sheive, Mark Lipari, Donald Boaw, Richard Testa, Rocco Venezia, William Kenyan, Thomas Valesko, Andrew Ellison, Sue Sage, Jan Barkstrom, Bob Barkstrom, Sandra Fusco, Thomas Fusco, Wendy Meagher

Agenda: Old Business: Final Determination of the following applications:

1. Major Subdivision – Application #031010-SPR for Mr. Thomas Valesko, agent for the estate of Ms. Pauline Valesko
2. Minor Subdivisions – Application #031110-SPR for Mr. Wayne Warren and Application #031510 for Ms. Darlene Schwartz

New Business:

1. Site Plan Review – Application #040410-SPR for Mr. and Mrs. Thomas Fusco for a new home on Mertz Road (AG/R District)
2. Minor Subdivision – Application # 021010-SPR for the Highland Group of Canandaigua LLC of 552 East Lake Road (L/R District)
3. Site Plan Review – Application #121609-SPR for Ms. Sue Sage. Retaining Wall at 1315 So. Lake Road (L/R District)

Meeting came to order at 7:15pm with Final Determination of the following applications:

Old Business:

1. Application #031010-SPR for Mr. Thomas Valesko  
The Board proceeded with a SEQR Unlisted Action as Lead Agency and only interested party. A motion was made by Board Member Robert Mincer to accept a Negative Declaration of Environmental Impact for this application. The motion was seconded by Board Member St. Lawrence and carried with all members present voting in favor. A motion to approve the Final Plat of this application was made by Board Member Loretta Henrie and seconded by Board Member Robert Mincer. The motion carried with all board members present in favor.

Mr. Valesko received a stamped & signed mylar copy of his Site Map, and a copy of the Final Determination of Site Plan approval from both the Town of Middlesex and Yates County Planning Boards.

2. Application #031110-SPR for Mr. Wayne Warren  
A motion to approve Final Plat was made by the Board Member Gilbert and seconded by Board Member Mincer. The motion carried with all board members present in favor.

Mr. Wayne Warren received a stamped & signed copy of his Site Map with a copy of the Final Determination of Site Plan approval from both the Town of Middlesex and Yates County Planning Boards.

3. Application #031510-SPR for Ms. Darlene Schwartz.  
The Board proceeded with a SEQR Unlisted Action as Lead Agency and only interested party and made a motion by Board Member Loretta Henrie to accept a Negative Declaration of Environmental Impact for this application. The motion was seconded by Board Member Lersch and carried with all members present voting in favor. A motion to approve the Final Plat was made by the Board Member Gilbert and seconded by Board Member Mincer.

The motion carried with all board members present in favor.

Ms. Schwartz shall receive a stamped & signed Site Map with a copy of the Final Determination approval from both the Town of Middlesex and Yates County Planning Boards.

New Business:

1. Application #040410-SPR - Mr. and Mrs. Thomas Fusco requesting approval for placement of a 1983 Liberty trailer on vacant parcel #22.01-1-13, Mertz Road in the (AG/R District). A short discussion highlighted the following points of interest:
  - The length of the driveway prompted discussion of emergency access capabilities for the dwelling. Mr. Fusco stated that he was advised by Mr. Gary Oppelt of the Middlesex Hose that the Fire Department would be accessing the dwelling from the road and Ambulance turnaround was adequate.
  - Repositioning of the dwelling at a 45% shift was suggested to better follow the contour of grade of slope onsite. A site map redesign was agreed upon which would reduce both slope grade and amount of excavation.
  - Board request for Town Highway Supervisor Reifsteck approval of the driveway cut and size of culvert at road.

A Negative Declaration was completed by the Zoning Board of Appeals as Lead Agency on 3/18 for an Area Variance Application for the same parcel.

Board Member Gilbert made a motion to conditionally approve the site plan. These conditions are to include a revised Site Map and approval by the Highway Supervisor Reifsteck for the a driveway cut & culvert size. Board member St. Lawrence seconded the motion to accept as stated. The motion carried with all Board members present voting in favor.

2. Application #021010-SPR The Highland Group of Canandaigua LLC  
Minor Subdivision on 552 East Lake Road in L/R District.

A review by Town Engineer, Lu Engineering dated May 4<sup>th</sup> was discussed point by point and the following Site Map revisions were agreed upon before County Planning Board Review on May 27<sup>th</sup>:

- a. Erosion Control on slopes 2H:1V to 3H:1V to be mitigated with a 'North American C-125' geo-technical erosion fabric in lieu of jute mesh.
- b. Step/terracing the existing grade at areas of 4' of fill or greater to minimize the chance of runoff water to get between the existing grade and fill possibly dislodging fill downhill. It was discussed that this be required on larger areas of fill, but not necessary for small areas of fill or cut areas.
- c. A pre-construction meeting for the Developer, the Consulting Engineer, Health Department, Canandaigua Watershed Inspector, associated utility companies and the Code Enforcement Officer along with a representative from the Planning Board to discuss the requirements and importance of the erosion and sediment control measures to be used, limiting the amount of site disturbance and tree clearing and to present an anticipated construction schedule.
- d. Retaining Wall Design and Details will be designed and certified by a Structural Engineer and submitted to the Town of Middlesex Planning Board (and/or any appropriate outside consultant review) for review and approval, prior to the signing of a Final Plat or at a minimum of each lot's building permit issuance, at the discretion of the Planning Board. This is due to the proximity of the walls to the septic system and the additional weight forces from it.

After a short discussion on Site Plan Review process, Mr. Kenyon waived his right for requirement of the Town of Middlesex Planning Board obtaining written authorization per Zoning Law Sect. 700.4.3 (d) prior to proceeding with outside review which might attach separate fees necessary in determining Final Determination of the application.

Mr. Venezia, supporting agent for the applicant, stated that a SWPPP is being filed and he will be keeping track of weekly reports to stay current and submit a copy to the Planning Board

It was discussed that the County Highway Department, Supervisor David Hartman will need to be informed of the project and a project permit filed before Final Plat Determination is made. Applicant will be informed of proper procedure to do so by the Planning Board . as it pertains to construction of Driveways off Highways per Zoning Law Sect. 700.12.3 and any such development on a county highway obtaining appropriate supervision in Sect. 700.4.3 (c ).

Board Chair Mr. DeVinney entertained a motion to waive the necessity for a Public Hearing in determining Final Application approval. Board Member Mincer made the motion and Loretta Henrie seconded it. Motion carried with all members voting in favor.

The Board determined an Unlisted Action SEQR appropriate as Lead Agency and a Negative Environmental Impact Declaration was made to follow the Yates County Planning Board application for Site Plan Review. A motion to accept was made by Board Member Gilbert and seconded by Board Member St. Lawrence. Motion carried with all members present in favor.

Chairman DeVinney asked for a motion to accept the application as discussed with revisions made prior to Yates County Planning Board review on May 27<sup>th</sup> if all Site Plan revisions are made and submitted to the Planning Board by deadline of 5/18.

A motion to accept as stated was made by Lynn Lersch and seconded by Robert Mincer , and the Board voted in favor of the motion on the floor with all present in favor.

3. Application # 121609-SPR – Ms. Sue Sage requests Site Plan approval to construct a retaining wall at 1315 So. Lake Road shoreline parcel #21.79-01-003 in the L/R District.

Project engineer Ms. Wendy Meagher presented applicant's project plans. Board discussion highlighted the following conditions:

- a. Sequence of a Dewatering Plan should specify plan notation to remove water fill from construction site during installation. Noted on plans that water is to be pumped up to the road and then removed offsite.
- b. Permanent Erosion Control measures and Bank Stabilization procedures to be noted at South End Wing Wall and all discharge points.
- c. Notes of documentation of all project spoils must be removed from site.
- d. Construction will be hand dug. Any revision to plan shall be brought to the attention of the Planning Board and CEO before commencing action.
- e. Verify when engineer onsite by contacting CEO to accompany, and specifically before concrete pours are made.

Chairman DeVinney entertained a motion to proceed to an Unlisted Action SEQR Short Form as Lead Agency and only interested party. A motion was made by Loretta Henrie and seconded by Lynn Lersch to declare a Negative Impact and the motion carried with all board members in favor.

Project Engineer Ms. Meagher stated she would make revisions on plans and submit to Town of Middlesex CEO for original file. Board Member St. Lawrence made a motion to grant

Page 4 of 4

conditional approval of the Site Plan as listed above. Board Member Gilbert seconded the motion. The motion carried with all members present in favor.

Next meeting: May 19<sup>th</sup> - work session to review Steep Slopes Draft Law and the Town's Zoning Law Edits.

Motion to adjourn was made by Board Member St. Lawrence and seconded by Board Member Gilbert.

Meeting adjourned at 9:15pm

Minutes submitted by L. Lersch/Revisions to [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)

**TOWN OF MIDDLESEX**  
PLANNING BOARD  
Minutes - April 7, 2010, 7pm

Board Members present: Marty DeVinney, chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence, Dawn Kane, CEO

Public present: Ms. Darlene Schwartz, Ms. Mary Beth Schwartz, Mr. Quentin Schwartz, Mr. Thomas Valesko, Mr. Rocco Venezia, Mr. Wayne Warren, Mr. John Fulkrod, Donald Sheive

Agenda: Site Plan Reviews of the following applications: #031510-SPR, Minor Subdivision for Applicant Ms Darlene Schwartz; #031610-SPR, Minor Subdivision for Applicant Ms. Darlene Schwartz; #031010-SPR, Major Subdivision for Applicant Mr Thomas Valesko, representing agent for Ms. Pauline G. Valesko's estate; #031110-SPR, Minor Subdivision for Applicant Mr. Wayne R. Warren; #022510-SPR, Minor Subdivision for Applicant Mr. Rocco Venezia, representing agent for Ms. Betty J. Shaefer's estate

Site Plan Reviews:

1. #031510-SPR: Applicant Ms. Darlene Schwartz is requesting a Minor Subdivision of property at 1185 Church Street, Middlesex to move property lines, combining 1.281 acres into (2) lots: Tax Map #22.68-1-6 and #22.68-1-7 in the Hamlet Zoning District.
2. #031610-SPR: Applicant Ms. Darlene Schwartz is requesting a Minor Subdivision of property at 1183 Church Street, Middlesex to move property lines creating a Lot with .979 acres, Tax Map #22.68-1-2 in the Hamlet Zoning District.

After a short discussion referencing that these two site plans would actually make the original (3) lots into a more conforming (2) lot configuration with current zoning code. Board Member John Gilbert moved to grant approval for #031510-SPR. The Planning Board completed a SEQR for Unlisted Action and Negative Impact Declaration for Mrs. Schwartz' application #031610-SPR. Chairman DeVinney asked for a motion to accept the determination. Board Member Gilbert moved to accept and Board Member Mincer seconded the motion which carried with all members present in favor. Chairman DeVinney signed the site map for #031610-SPR, and conditional approval pending County review of #031510-SPR scheduled for 4/22. Board member Loretta Henrie seconded this motion. All members present voted in favor.

3. #031010-SPR: Applicant Mr. Thomas Valesko, representing agent for Ms. Pauline Valesko's Estate. Mr. Valesko is requesting a Major Subdivision of (4) lots out of the 25.8 acres of vacant property, Tax Map #23.02.1.1, on the west side of Roach Road, Middlesex (AG District).

After a short discussion referencing future plans for these (4) vacant lots and the chairman's wish to seek legal counsel, it was decided that a determination would be made after County Planning Board review on the 22<sup>nd</sup> of April and advisement from our Town Attorney by the YCPB deadline of April 13<sup>th</sup>. Mr. Valesko will be advised of a date for determination of final plat and map approval after County review is received.

4. # 031110-SPR: Applicant Mr. Wayne Warren of 1828 Shay Road, Middlesex is requesting a Minor Subdivision of 12.429 acres of undeveloped land on Shay Road to be divided from a 199 acre family parcel (Tax Map #44.02-1-8, Lot #17).

After a brief presentation by Mr. Warren, the board decided an Unlisted SEQR determination of Negative Declaration appropriate. This SEQR determination was put in motion Board Member Mincer and seconded by Board Member Loretta Henrie. A motion of Conditional approval



pending County Planning Board review was made by Board member Bruce St. Lawrence and seconded by Board Member Mincer. All board members present voted in favor of both motions on the floor and it was stated that Mr. Warren would be notified of the County's determination as well as final approval by the Town of Middlesex Planning Board at which time maps will be signed as approved.

5. #022510-SPR: Applicant Mr. Rocco Venezia, representing agent for Ms. Betty J. Shaefer. Applicant is requesting a Minor Subdivision of approximately 87.5 acres on the west and 75.4 acres on the east side of Rt. #245 located approximately 2002' south of Pierce Hill Road, Middlesex, Tax Map #13.03-1-1. This proposed property division is for residential mortgage purposes in the AG/R Zoning District.

Mr. Venezia presented the proposal to subdivide. Explanation of the ROW - old Railroad Bed and separating the lot line from this ROW for mortgage purposes was discussed. These (2) parcels are currently separated with a house on one parcel. Chairman DeVinney asked if there was a separate deed for each side and it was stated there was. Completion of an unlisted SEQR was done with a motion to accept a negative impact determination by Mr. Gilbert and seconded by Mr. St. Lawrence. All board members present agreed with this motion. A motion for conditional approval pending County review on the 22<sup>nd</sup> of April was made by Ms. Henrie and seconded by Ms. Lersch and the board voted with all present in favor. Notification of County approval and date of final determination will be stated in writing to the applicant.

The board approved draft minutes from March 3<sup>th</sup>.

Next meeting will be scheduled on April 14<sup>th</sup> at 7 pm. It will be an educational meeting with our Town Engineer, Lu Engineering who will be presenting a Draft of our Steep Slopes Law.

A motion to adjourn was made by Loretta Henrie and seconded by Bruce St. Lawrence. Meeting was adjourned at 9pm.

Minutes submitted by L. Lersch/Revisions to: Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – March 3, 2010

Board Members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Public Present: Mark Lipari, Donald Bow, Susan Cunningham, Steve Cunningham, Richard Testa, Rocco Venezia, William Kenyon

Agenda: Site Plan Reviews for App. #021010-SPR -Minor Subdivision for the Highland Group of Canandaigua Lake LLC for a (3) home Subdivision at 556 East Lake Road (LR District) and App. #120408-SPR for Mr. Steven Cunningham for a driveway remediation plan at 1265 South Lake Rd., Middlesex (LR District)

Chairman DeVinney opened the meeting at 7pm with an invitation to Mr. Rocco Venezia and Mr. William Kenyon, representing agents for the Highland Group of Canandaigua Lake LLC to present to the board their revised site map for a (3) lot minor subdivision. Mr. Kenyon asked for an approval on both a preliminary and conceptual site review. The board gave contingent site plan approval which includes the following conditions:

1. Site Map should be presented with a drawing scale consistent throughout.
2. Lot # 1's access driveway to be reshaped as it's width overlapped onto Lot #2 and should be redrafted to maintain setback requirements.
3. Water run-off and erosion concerns should be clearly defined referencing a natural gully to the south bordering the Obourne property: Lot #1 water run-off on driveway should be contained on Lot #1 so as not to impact the gully traversing down to shoreline.  
Lot #1 and Lot #2 parcel runoff shall be diverted between the two.
4. Final plat shall clearly define shoreline access of Lots#1, Lots#2 as separate from each other and not shared.
5. ROW deeded to Carmens shall be further defined in collaboration with owners. Once defined, this ROW shall be shown on the final plat and will be protected/maintained as deeded.
6. All lot septic designs shall be approved by the NYS BOH in conjunction with George Barden prior to final determination by the Town of Middlesex Planning Board.
7. Final Plat shall show driveway placement in relation to driveway placements on the east side of E. Lake Road and may require County Highway review.
8. All Subdivision requirements for Final Plat and recommendations from Lu Engineer's report dated Mar. 1, 2010 shall be met before final determination is made by the Town of Middlesex Planning Board.
9. The Planning Board reserves the right for external review by any and all resources deemed necessary in making their final determination.

Site Review for Steven Cunningham of 1265 South Lake Road, Middlesex began with a review of the letter submitted by Lu Engineers dated 3/1/10 regarding their inspection of the Cunningham property. This letter made further recommendations for site remediation at 1265 South Lake Road. After some discussion, a request was made from the applicant for board approval to move forward with his engineer in meeting these recommendations. Board requested time to seek legal advice in reference to the Private Driveway/Private Road Law currently in effect and will send a letter to applicant referencing counsel advisement.

Old Business: Minor Subdivision Applications for Mr. Carter/Robert Vanderberg for a Minor Subdivision at 689 E. Lake Rd. and for Ms. Nancy Robinson at Viewboard and South Hill Roads are filed as approved. Due to inclement weather, review by the Yates County Planning Board on 2/25 could not take place.

New Business: Board Member St. Lawrence noted that on March 15 at 2pm, a meeting would take place at the Gould property on South Lake Road referencing bank/road stabilization and erosion control measures devised by Lu Engineers. All are invited to attend.

A motion to adjourn was made by John Gilbert and seconded by Lynn Lersch. All board members present voted in favor. Motion carried and the meeting adjourned at 8:45 pm

Next month's agenda: April 7<sup>th</sup>: Minor Subdivision Site Plan Review for applicant Mr. Wayne Warren of 1828 Shay Road, Middlesex (Ag/Res District); (2) Minor Subdivisions for Ms. Darlene Schwartz of 1183 Church Street, Middlesex (Hamlet District) requesting property line reconfiguration on separate parcels: Map ID# 22.68-1-6 & 22.68-1-7 to be combined and Map ID # 22.68-1-22 for property lines to be reconfigured; Minor Subdivision Site Plan Review of applicant Betty Schaefer and represented by Rocco Venezia, agent for a subdivision of (2) lots on the east and west side of Rte. #245, south of Pierce Hill Rd.(AG/Res District); and a Major Subdivision Review for applicant Thomas Valesko representing agent for owner Pauline Valesko for subdivision of wooded acreage on the west side of Roach Rd, Middlesex, Map ID # 23.02.1.1 (AG District) to be divided into (4) lots.

Board approval of Draft PB Minutes from February 3<sup>rd</sup>.

Minutes submitted by L. Lersch/Revisions to Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – February 3, 2010

Board Members Present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence

Others present: Dawn Kane, CEO; Mr. Lou Carter, Mr. Daniel Paddock

Agenda: Site Plan Reviews:

1. Minor Subdivision application for Mr. Lou Carter/Mr. Robert Vanderberg of 689 East Lake Road, (LR District).
2. Minor Subdivision application for Ms. Nancy Robinson, representing agent, Dan Paddock . Property located on South Hill Road/View Board Rd. in (AG District.)
3. Minor Subdivision application for Mr. James Smith of 118/120 East Lake Rd. (LR District).

Chairman DeVinney opened the meeting at 7:20pm.

A Minor Subdivision application was presented by Mr. Carter for a reconfiguration of property deed lines between Mr. Robert Vanderberg and himself. Mr. Carter presented his application which has been referred to the Yates County Planning Board for review. A SEQR for an Unlisted Action was determined to have a negative declaration in relation to the project's impact on the environment. A motion to accept this declaration and a conditional approval of the application pending County approval, was made by Robert Mincer and seconded by Loretta Henrie. A vote carried the motion with all present in favor.

A Minor Subdivision application for Mr. James Smith of 118/119 East Lake Road, pending Yates County Planning Board approval has been determined approved and hence conditional approval by the Town of Middlesex Planning Board was approved by the Planning Board. Chairman DeVinney signed off on the site map.

A Minor Subdivision application presented by Mr. Daniel Paddock, agent for Ms. Nancy Robinson of 1431 South Lake Road. Application to subdivide a 52 acre parcel on South Hill/ViewBoard Roads into a 42.324 acre and 10 acre parcel to be retained by owner, Ms. Robinson . Mr. Paddock reviewed the proposed subdivision with the board. A SEQR for an Unlisted Action was determined to have a negative declaration in relation to the project's impact on the environment. A motion to accept this declaration and a conditional approval of the application pending County approval was made by Board Member Mincer and seconded by John Gilbert. A vote carried this motion with all present in favor.

Chairman DeVinney reported on updates of the Steep Slope Draft Law. Mr. Kevin Olvany will proceed to procure funding for the proposed law through the Canandaigua Lake Watershed Council. Other funding resources are being reviewed and once procured will be presented to the Town Board by Councilman Paddock. Discussion developed on the process of providing overlay mapping for the law and will be explored.

Councilman Paddock reviewed new changes in the Uniform Dock and Mooring Law referring to Marina's defining Tier I as residential and Tier II as commercial in reference to limiting boat slips/mooring on the shoreline.

At the request of the Office of Code Enforcement, the Planning Board reviewed the Town of Middlesex Fee Schedule for clarification and editing. These changes will be reviewed again before presenting to the Town Board for final review.

The board approved draft minutes from January 6<sup>th</sup>. Motion to approve was made by John Gilbert and seconded by Robert Mincer. The motion was carried to a vote with all present in favor.

Next meeting's agenda – February 17<sup>th</sup>: Steep Slope Draft Law review

Minutes submitted by L. Lersch/revisions to Lsammy5@frontiernet.net.

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – January 6, 2010

Board Members Present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane, CEO, Dan Paddock, Town Board Member

Public Present: Sue Sage, Andrew Ellison

Agenda: Site Plan Review Update of Ms. Sue Sage of 1315 South Lake Road (LR) Application includes a permanent dock, accessory boat structure and a retaining wall design at shoreline.

Chairman DeVinney opened the meeting at 7pm

Ms. Sage's application update was presented to the board, with CEO Kane, and applicant/agent present. Discussion of timeliness of project determination followed. Compliance was discussed concerning projects applied for. Determination that the permanent dock permitted for 696 sq. feet and built to 856 sq. feet was not in compliance with the UDML hardship clause after reading a letter dated 9/29/09 from Kocher Surveying, P.C. referencing elevations of Ms. Sage's property. Setback violations also rendered it not in compliance with local zoning. The 10 x 16 boat accessory structure had been built without a permit with an additional 4' overhang. This structure was determined by the board to be in non-compliance with the Town's Zoning Code.

Chairman DeVinney made a resolution that all structures that were not in compliance with both the Zoning Regulations and the Uniform Docks & Mooring Law should be removed and owner must reapply for a boat accessory structure on the shoreline. An acceptable configuration of permanent dock square footage must be submitted to CEO and to the Planning Board for Site Plan Review. The application for the retaining wall at shoreline will be addressed when current applications in violation are resolved.

Lynn Lersch made a motion to accept Chairman DeVinney's resolution. John Gilbert seconded it and a vote followed the motion with all present in favor. Chairman DeVinney invited discussion and the board decided that a time limit for removal of the building and dock part of the project should be added to the resolution.

Lynn Lersch made a motion to amend the previous motion to add a time limit of May 15<sup>th</sup> for the building and dock to be in compliance. John Gilbert seconded the motion to amend. The motion of determination carried to a vote with all present in favor.

Bruce St. Lawrence summarized what qualified for a structure to be in compliance. It was noted that an 8 x 10 structure had been there before and is grand fathered in for future building possibilities at the shoreline if kept to that same footprint. In reference to

complying to zoning, a new dock no wider than 8' and no bigger than 720 square feet could be built to be within compliance.

It was stated that an accessory boat structure can only be built on the shoreline, not on the dock. Applicant must meet with Code Enforcement Officer and apply for dock reconfiguration, and a boat accessory structure. The retaining wall shall be reviewed once the dock and accessory structure has been brought into compliance. Board requests that all projects should be presented on one site map conclusively.

Next on the agenda was a review of the Draft Moratorium Law from our Town Attorney. Board discussion followed summarizing the timeline and concerns putting a Moratorium Law in place during the winter months. Possible placing a Steep Slope Law in place seemed more important a focus than placing the Moratorium in place to do so. The Board decided to invite LU Engineers to review the Model Steep Slope Law, the Draft South Bristol Steep Slope Law, Town of Torrey Steep Slope Law, Town of Jerusalem Steep Slope Law and come up with a composite of Steep Slope Regulations for the Town of Middlesex to review. Board member St. Lawrence will request this for our January 20<sup>th</sup> meeting. Lynn Lersch will provide all necessary documentation.

The Board reviewed minutes for November 4, and 18th and December 2<sup>nd</sup> and Board Member St. Lawrence made a motion to accept them as read. Robert Mincer seconded the motion and a vote with all present in favor followed.

A motion to adjourn the meeting at 9:15 pm was made by John Gilbert and seconded by Loretta Henrie.

Next meeting's agenda on January 20th: Review of Steep Slope Regulations with LU Engineering and possibly Mr. Kevin Olvany of Canandaigua Lake Watershed Council.

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net

2009



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – December 2, 2009

Board Members Present: Marty DeVinney, chair; Loretta Henrie, John Gilbert, Lynn Lersch, Bruce St. Lawrence, Dawn Kane, CEO

Public Present: James H. Smith, Stephen J. Smith, Linda Sheive, Donald Sheive

Agenda: Site Plan Review Final Determination for a Minor Subdivision for owner, Mr. James Smith of 118/120 East Lake Road, Middlesex for reconfiguration of property deeds

Marty DeVinney opened the meeting at 7:15pm by summarizing the application of Mr. James Smith. He invited Mr. Smith to present his new application boundary plans that have changed since his first application of 7/23/09. This new plan redraws the boundary line of 118/120 so that the parcel with the northern orientation (#118) will now border the access gravel accessway from the south which ends up at East Lake Road. This allows access to the lot without needing to upgrade or extend it.

Discussion followed questioning building plans in the future.

It was noted that if the applicant plans to expand the footprint of the existing cottages on the property, the grand-father clause is lost. Future plans to develop steep slope areas of the property could become problematic with future pending laws that restrict such action. Mr. Smith stated his tentative plans to build on #120 parcel possibly 5 yrs. from now.

A short form SEQR determination was completed by applicant and sponsor being the Planning Board as Lead Agency. It was determined that this project was an Unlisted Action and was a Negative Declaration. A motion was made by Lynn Lersch to accept the SEQR Declaration as determined, John Gilbert seconded the motion and the vote carried with all present in favor.

A motion was made by Lynn Lersch to conditionally accept the application as proposed. Board member St. Lawrence seconded the motion. Conditions would be:

- Yates County Planning Board approval
- new survey with reconfigurations as discussed

A vote sealed the determination with all present in favor with discussed conditions.

Another SEQR Declaration was determined by the Planning Board for application for a Single Family Residence on Bare Hill, Rushville represented by agent Win Harper. This application for a Site Plan Review was determined conditionally approved with SEQR. The board determined a Negative Declaration. A Negative Declaration was determined. Loretta Henrie made a motion to accept this declaration and John Gilbert seconded it. The motion carried to a vote with all present in favor.

Part 2 of 2

Marty DeVinney reported that the G/FLPC had responded to his request for assistance with review of steep slope laws and our Master Plan. Mr. David Zorn advised the Board to contact the Yates County Planning Board as a start in funding this process. Chairman DeVinney will contact Mrs. Shawna Bonshak in reference to our request. It is important to prioritize the areas of concern within this request.

Marty reported that Alaine Espensheid will have a draft Moratorium Law this week for us to review at our next meeting.

The board voted to not meet on the 16<sup>th</sup> as many members will be on vacation. A motion was made by Chairman DeVinney and was seconded by everyone. A vote carried with all present in favor.

Next month's agenda: January 6<sup>th</sup>

1. Mr. Lou Carter/ Mr. Robert Vanderberg of 689 East Lake Rd. – Minor Subdivision (reconfiguration of property deeds) LR District
  2. Ms. Sue Sage of 1315 S. Lake Road represented by Drew's Docks – application includes review of entire project to-date: permanent dock, accessory boat structure and retaining wall at shoreline. (LR District)
  3. Review and Resolution for Draft Moratorium Law to be sent to the TB
- Motion to adjourn was made at 9:15pm by Loretta Henrie and seconded by Lynn Lersch. Motion carried with all present voting in favor.

Minutes submitted by L. Lersch; Revisions to: Lsammy5@frontiernet.net.

**THE TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes - November 18, 2009, 7pm

Board Members present: Marty DeVinney, chair; John Gilbert, Robert Mincer, Lynn Lersch, Bruce St. Lawrence

Others Present: Dawn Kane, CEO; Linda Sheive, Donald Sheive; Don Miller

Agenda: Site Plan Review – Applicant Don Miller, representing agent for Mr. Win Harper – Bare Hill Rd. (AR District) Single Family Residence, New Construction

Meeting came to order at 7:10p

Chairman Mary DeVinney opened the meeting with a brief discussion explaining the Site Plan Review Process, it's regulations and legal constraints for due process.

Site Plan Review, Application #103009-SPR: Mr. Win Harper, Bare Hill Rd, (LR)

Mr. Donald Miller, representing agent for Mr. Harper presented the site plan – which will include a new (2) story - Single Family Residence of which the ground floor measures 1295 sq. ft.; with adjoining garage and basement walk-out. Driveway will measure out to over 200' driveway and will include a vehicle turnaround within acceptable standards. Septic will be a raised bed configuration and is still awaiting approval through George Barden and the Dept. of Health. Engineered Stamped Plans were presented. SEQR – short form was completed for an unlisted action. Chairman Martin DeVinney called for a motion for a vote for negative declaration on impact assessment. Motion was given by John Gilbert and seconded by Bruce St. Lawrence. All present voted in favor and the motion carried that the proposed action will not result in any significant adverse environmental impact. Reason given it is a single-family residence being constructed on a flat plot of woody land.

Bruce St. Lawrence, board member advised Mr. Miller to include the following as revisions to his current Site Map:

1. Add new topography contours to show where runoff disbursement will go, particularly around the structure perimeter
2. Add property line setbacks dimensions.
3. Narrative of long term erosion control of site during winter to protect disturbed soil such as mulching, straw, silt fence etc.

Motion was made by Board Member St. Lawrence and seconded by Robert Mincer to approve site plan with the above listed conditions. Motion carried with all present voting for conditional approval of the Site Plan.

CEO Report: Dawn Kane, CEO reported that the Pigula Tram Replacement Installation at 198 E. Lake Rd., is completed and electric is in. The diversion swale has been built and the chain link fence at shoreline will remain in place to check additional shale sloughing until spring.

Workers onsite will be cleaning up onsite and removing construction equipment tomorrow. They would like to create a buffer zone between neighboring parcels by planting trees. Topsoil will be brought in and stockpiled to do so in the Spring. This project has been thoroughly documented from start to finish.

The board advised that it would be best to protect this topsoil stockpile with silt fencing all around it and to plant in the spring when the lower portion of the platform at shoreline will commence, for which a separate permit will be applied.

Dawn advised the board in reference to our regular Site Plan Review checklist, it would be wise to ask the applicant the destination of any earth removal or site debris to make sure that it is properly remediated from storm water runoff once delivered. Rick Ayers from the Yates County Soil and Water Conservation Services will be on advisement for such in the future.

Board discussion referencing Site Plan Review deadlines and checklist of items necessary for Site Plan Review to be on the application when presented to applicant would streamline the process.

Motion was made by Marty DeVinney and seconded by John Gilbert to close the meeting at 9:15pm. Motion carried with all present voting in favor.

Next month's agenda: Site Plan Review – Minor Subdivision (final determination) for applicant Mr. James Smith, 118/120 East Lake Road (LR District)

Review of Final SEQR Determination for Site Plan Review of New Home Construction, owner Mr. Win Harper of Bare Hill Rd. Mr. Harper is represented by contractor, Mr. Don Miller.

Minutes submitted by L. Lersch/Revisions to Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – November 4, 2009

Board Members Present: Marty DeVinney, Chair; Loretta Henrie, Lynn Lersch, Robert Mincer, Bruce St. Lawrence, Dawn Kane, CEO

Public Present: Vincent A. Pigula; Edwin Button; Gerry Colf; Terry & Brandi Deeds; Ulf Kintzel, Robert Gunderman; Linda Sheive; Donald Sheive; Doug Skeet

Agenda: Site Plan Review Applications for Mr. Terry & Brandi Deeds for a Minor Subdivision; Mr. Vincent Pigula for installation of a replacement Tram System

Marty DeVinney opened the meeting at 7pm.

1. Site Plan Application - Minor Subdivision application for reconfiguration of property deeds between Mr. and Mrs. Terry Deeds on the corner of Bagley/Dunton Road, Middlesex (AG District) and Mr. Ulf Kintzel of Bagley Road to obtain additional acreage to expand his sheep farm. Mr. Deeds and Mr. Kentzel presented the application. A short discussion followed concerning turnaround capabilities referencing the Private Driveway Law. It was established the path was pre-existing before the law, making it conforming. PB determined that a SEQR was not necessary. Board Member Bruce St. Lawrence made a motion, seconded by Robert Mincer to accept the plat. A vote carried with all board members present in favor. It was determined by the board that the application was approved and site map was signed by the Chairman of the Board and returned (3) maps to Mr. Kintzel upon his request.

2. Site Plan Application - reinstatement of permit to install a replacement Tram System. The board shall consider reinstatement of Mr. Pigula's permit #052709 revoked on July 6, 2009 by the Office of Code Enforcement-Town of Middlesex . This revocation was due to site failure because of significant deviation of site installation methods previously approved by the Planning Board.

Chairman DeVinney advised all those present of civil responsibilities in communicating disputes between neighboring parcels. He stated that any determinations made would be based on professional reports requested from outside sources, and the culmination of over 21 months of research. Resources used to make this determination include the following:

Marine Innovations Tram Installers of Michigan; NYS Code Division, ASME A 17.1 – American Society of Mechanical Engineers – Safety code for incline elevators. (Sect.5.4); State of Washington Dept. of Labor/Industry Elevator Division; State of Michigan Mechanical/Elevator Division & Chief Code Engineer; Review by LU Engineers, representing Town Engineer; Geotechnical Engineering Reports from Foundation Designs, P.C. and Fisher Associates; Marathon Engineering as contract engineer; Presentations by ANKOM Development, Inc.- Finger Lakes Tram Installer; Rick Ayers of Yates County Soil

and Water Conservations Services, Inc.; Kevin Olvany of Canandaigua Watershed Council; George Barden, Canandaigua Lake Watershed Inspector; Yates County Planning Board; NYS OSHA site review; NYSDEC review and final report; Full SEQRA Environmental Assessment 617.20 prepared by client with the Town of Middlesex Planning Board as Lead Agency, Site Plan Reviews by Planning Board of the Town of Middlesex dated 10/16/08 to 11/4/09. This research began on 2/14/08 when property owner, Mr. Vincent Pigula, represented by Finger Lakes Tram, Inc. applied to the Town Board of Middlesex for a waiver from a Moratorium Law #1 of 2008 on Tram System Installations placed while the Planning Board of the Town of Middlesex did research on human transport systems on the cliff banks of East side of Canandaigua Lake.

A motion was made by Marty DeVinney and seconded by Bruce St. Lawrence that the application to date was complete and ready for determination. A vote carried with all those on the board present and in favor of this motion.

Chairman DeVinney opened the floor to discussion in response to letter from neighbor Mr. Robert Gunderman, dated 10/23/09. This letter was in response to a final report by Marathon Engineering to the Planning Board of topics of concern. Mr. Gunderman's letter was read and the board discussed topics of concern in response.

Review of project to-date followed from CEO, Dawn Kane of the Town of Middlesex.

Chairman DeVinney entertained a motion to initiate the SEQRA process as lead agency. Board member Bruce St. Lawrence made the motion to proceed and Robert Mincer seconded it. The board completed Part 2 in public and determined reasons for the extent of project impact and its magnitude. The following were determined to be potential large impacts to the environment's site features:

- Impact on Land/Water: Tram installation in a fragile steep slope environment next to public drinking source and community natural resource.
- The bedrock onsite is exposed with potential continued eroding of shale face terminating in the lake (may be mitigated by chain link fence at shoreline)
- Unique/unusual land forms found on site threatened by site construction.
- Known objections to project as potential for subsurface failure and damage to neighboring buildings – potential unknown based on professional geo-technical resources reviewed by board.

Part 3 was completed by the Planning Board as follows: the proposed action - the replacement of a tram system that drops approximately 100' down a 40 degree cliff face to the shoreline of Canandaigua Lake, is by definition in SEQRA Regulations, Section 617.13(d)1 a Type II Action. However, because the project is situated on and along this unusual cliffside land form, which by its nature is sensitive to development, there is potential for large negative impacts during construction. Therefore, the sponsor was

required to complete PART 1 of this EAF and the Town of Middlesex Planning Board as Lead Agency, determined that Questions #1 and 2 of PART 2 should be determined as having a potential for large impact.

In an attempt to determine if these impacts could be mitigated significantly through changes in the project, the Planning Board consulted the following agencies and professional services:

- The Canandaigua Lake Watershed Inspector
- The Canandaigua Lake Watershed Council
- Yates County Soil and Water Conservation Services, Inc.
- NYSOSHA
- Marine Innovations, Inc. of Michigan
- NYS Code Division – ASME 17.1, Sect. 5.4
- State of Washington Dept. of Labor/Industry Elevator Div.
- State of Michigan Mechanical/Elevator Div.

In addition, the Planning Board hired LU Engineering as Town Engineer to review information and documents submitted by:

- Marathon Engineering
- Fisher Associates
- Foundation Designs, P.C.
- Finger Lakes Tram, Inc.
- NYS DEC
- NYS Erosion and Sediment Pollution Control Narrative
- NYS SEQRA Full Environmental Assessment
- Robert Gunderman, neighbor

The Site Plan Review process involved reviewing much information contained in the original file lasting 21 months. Based on the submitted information and the changes in the project scope, the Planning Board determined that the mitigation measures implemented at the request of the Planning Board and Lu Engineering would minimize the potential impacts to such a degree that allowed it to make a “Conditioned Negative Declaration” for the project. The SEQRA process was completed and Chairman DeVinney entertained a motion for declaration determination. Board member Robert Mincer made a motion to declare a “Conditioned Negative Declaration” for this action. Board member, Bruce St. Lawrence seconded the motion.

Vote was taken as follows:

Marty DeVinney	aye	Robert Mincer	aye
Loretta Henrie	aye	Lynn Lersch	aye
Bruce St. Lawrence	aye		

Motion carried with conditional approval by the Planning Board. The following conditions were placed on the approval:

- \*proper remediation of the site as discussed would take place
- \*onsite daily supervision during installation by Geo-technical Engineer

\*Final Inspection by Code Officer, Dawn Kane and sign-off when scheduled as appropriate.

Meeting continued with a detailed report by chairman DeVinney referencing a draft Moratorium Law to be recommended by the Planning Board to be placed on all building in the LR Steep Slope Districts of the town for the winter months. A motion was made by Lynn Lersch and seconded by Bruce St. Lawrence and board voted all in approval of motion. It was noted that a law had been drafted by our Town Attorney for bringing to the Town Board in January for review.

Board member St. Lawrence made a motion seconded by Loretta Henrie to approve minutes for October 7, 28<sup>th</sup> , 2009.

Board discussion followed for a recommendation by the Planning Board to be read to the Zoning Board of Appeals at their November 19<sup>th</sup> hearing of The Highland Group of Canandaigua Lake LLC. This recommendation would reflect the board's position on an area variance requested by the applicant in approving access to (4) building lots on East Lake Road as it applies to the Private Road/Private Driveway Law and the concern of the board that if a variance is procured, the inference may be implied that such lots were deemed buildable by the Town. The Planning Board has many concerns in reference to building on the high bank cliffside area of the LR District.

Motion to adjourn at 10:15pm was made by Loretta Henrie and seconded by Lynn Lersch.

Next meeting: November 18<sup>th</sup> Agenda: Site Plan Review for applicant Don Miller, representing agent for Mr. Win Harper of Bare Hill Rd. (AR District) Single Family Residence, New Construction

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net







**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – October 7, 2009

Board Members present: Marty DeVinney, Chair; Lynn Lersch, John Gilbert, Robert Mincer and Bruce St. Lawrence

Present: Alaine Espenscheid, Dawn Kane, applicants plus Robert Place, Robert Bringley, PE, Linda Sheive, Doug Skeet, Rocco A. Venezia, Donald Bow, and Mark Lipari

Agenda: Site Plan Reviews of the following applicants: **Mr. Dan O'Brien** of 1163 S. Lake Rd., applying for a New Home Construction in LR District; **Mr. Vincent A. Pigula** of 198 E. Lake Rd., applying for a Replacement Tram System in LR District; **Mr. Terrence M. Klee** of 344, 350 E. Lake Rd., applying for a Minor Subdivision of his properties with those at #358 E. Lake Rd, and demolition of outbuildings and an access road to do such on #350 E. Lake Rd. in LR District **Mr. Griffith Shelley** of 5615 Williams St. in HR District applying for a Minor Subdivision of his properties; **Mr. Keith Gilliland** of 894 S. Lake Rd. applying for gradework and the removal of trees on his property; Mr. William Kenyon representing the **Highlands Group of Canandaigua Lake LLC** applying for a Major Subdivision on East Lake Road in the LR District; **Mr. Andy Komarek** represented by Architect Tom Fromberger applying for a Major Subdivision on East Lake Rd., in the LR District; **Mr. Steven C. Robeson** of East Lake Rd., represented by Mr. Eugene Weaver Contractor applying for a Single Family Residence in the LR District.

Meeting came to order at 7:10p

Chairman Marty DeVinney introduced board members and opened the floor:

1. Site Plan Review for Mr. Dan O'Brien applying for a single family residence demolition and new construction at 1163 S. Lake Road. (LR District) Mr. O'Brien submitted revised Engineered House plans resolving side setback concerns. A project-surety was set in the form of an "escrow agreement" between the Town of Middlesex and himself to ensure his project during stages of construction to completion. Chairman DeVinney asked the board for a motion, Robert Mincer made a motion to approve the Site Plan with conditions stated in Mr. O'Brien's letter of 10/2/09 which included: an escrow agreement in the amount of \$5,000 to be executed by the applicant and reviewed by the Town attorney, Town Highway Supervisor; a Construction Execution Plan Submission signed by the Contractor once hired and reviewed by the Town Attorney, Planning Board and Town Highway Supervisor; and proper site remediation upon completion to be in compliance with the Town's Stormwater Mgmt. & Erosion Control Law. Board member Bruce St. Lawrence seconded the motion and a vote carried with all present in favor.

2. Site Plan Review for Mr. Vincent Pigula who is applying for a replacement Tram System on his property. Remediation conditions verbally stated by Mr. Kevin Olvany of the Canandaigua Watershed Council were discussed. Mr. Bringley of Marathon Engineering presented a revised set of materials dated October 8<sup>th</sup> to the board in response to Lu Engineers recommendations. The board stated that they would refer to Lu Engineers review of the revised plans, send the application with a full EAF SEQR assessment to the Yates County Planning Board to review on October 22<sup>nd</sup>. Applicant asked for a conditional approval of the board pending their review. Board denied request but assurance of a speedy review was given and a possible date of November 4<sup>th</sup> for final determination was intimated. Mr. Robert Bringley, Engineer of Marathon Engineering asked for Board waiver of Lu Engineers recommendation of a topographic overlay of the project site. Motion by Board member Bruce St. Lawrence was made to waive the topographic data and Robert Mincer seconded it. The motion carried with a board vote with all present in favor.

3.4 Site Plan Reviews for Mr. Terrence M. Klee, not present, determined the following:

Yates County Planning Board approved of both Mr. Klee's applications to subdivide his property at #344, #350 in agreement with neighbor, the McCormick's, at #358 East Lake Road to reconfigure property deeds, and to demolish outbuildings at #350 East Lake Road with permission to build an access road to execute demolition as long as Stormwater Management and Erosion Control measures were carefully adhered to. Board determined that both Site Plan Reviews were approved and a motion to grant w/conditions for the demolition review was made by Lynn Lersch, seconded by Robert Mincer and a vote carried with all present in favor of both applications.

5. Site Plan Review by Mr. Griffith Shelley of 5615 Williams Street in the Hamlet Residential District of Middlesex for a Minor Subdivision of his property deeds was approved with a motion made by John Gilbert and seconded by Board Member Bruce St. Lawrence. Deed Transfer papers stating Planning Board Site Plan Approval were signed by Chairman, Marty DeVinney for Mr. Shelley.

6. Site Plan Review by Mr. Keith Gilliland of 894 S.Lake Rd. in the LR District, who applied for a review of his new home construction of a single family residence. The project shall include a driveway, new septic, retaining wall as well as deck work at the shoreline which will be staged throughout this Fall and next Spring. The board approved grade work to begin this Fall for removing a mound of dirt and the removal of some trees leaving the root system intact except where the septic will be placed. Code Enforcement Officer commented that it was important to note for future reference that the existing deck even if demolished is "grand-fathered in" and the new deck will stay within the dimensions of the old deck. Motion to grant the first phase of this project was made by Robert Mincer and seconded by Bruce St. Lawrence. Board members voted with all present in favor of the motion.

7. Site Plan Review of the Highlands Group of Canandaigua Lake, LLC represented by Mr. William Kenyon for a Major Subdivision on East Lake Road, Middlesex (LR District.) An advisory review was given on site map submitted for later Area Variance to the Zoning Board of Appeals. A request for relief from the Private Driveway and Private Road Law was presented to the Board by making (2) instead of (4) driveway curb cuts bisected at the north and south boundary lines to be used for access points leading to the (4) proposed lot parcel sites. Board deferred proceeding until after the Zoning Board of Appeals hearing which is scheduled for November 19<sup>th</sup>. Board stated a definement of the following was pertinent to determination: County Planning Board Review, Full EAF Assessment, an onsite visit with board members and a referral to Rick Ayers of the Yates County Soil & Water Conservation Services and possible Canandaigua Watershed Council Project Manager, Kevin Olvany.

8. Site Plan Review of applicant Mr. Komarek, represented by Architect Tom Fromberger, applying for a Major Subdivision of property on East Lake Road in the LR District. Mr. Fromberger presented his site map, history of the parcel and a pre-existing accessway which served as town and county approved ROW easement for parcels on eastern side of East Lake Road for lake access. This accessway has been upgraded and widened over the past couple of years. Discussion between Board, Town Attorney and those representing Mr. Komarek developed in reference to variance requests to the ZBA to provide relief from the Private Driveway/Private Road Law in using the pre-existing access road to driveways for (4) proposed homes. It was determined that a zoning change would need to be amended to do so as it was the Town's intent that there be no relief from this law. Applicant was advised to provide with conceptual overlays to better visualize what they were proposing and to proceed within compliance of the town's laws. No determination was made.

9. Site Plan Review of applicant Mr. Stephen C. Robeson of East Lake Road (LR District), represented by builder Eugene Weaver who is applying for construction of a new home, single

family residence. He is asking permission to access a ROW easement from off of East Lake Road (Co. Rte #505) owned by Mrs. Deborah Wood for construction of his new home. Town Highway Superintendent Reifsteck and Fire Chief Rodney Bassett will be asked to confirm safe accessibility for this use. The Yates County Planning Board will review his application on October 22. A short form SEQR, Unlisted Action with a negative declaration of impact from board members will attach to the application. Mr. Robeson, as owner, agreed to a sign off with the Town on the possible necessity to upgrade this ROW to specifications in our current Road Standards and Private Driveway/Private Road Law if required. A motion to grant the Site Plan Review, pending County approval was made by Lynn Lersch and seconded by John Gilbert with conditions that a review of the road for its intended use is completed by Mr. Reifsteck and Mr. Bassett as well as a letter from Mr. Robeson stating agreement to possibly upgrade the road if necessary. Motion carried with all present voting in favor.

Minutes were approved by the Board for September 2<sup>nd</sup>.

Motion to adjourn at 10pm was made by Robert Mincer and seconded by John Gilbert. All present board members voted in favor. Motion carried.

Next meeting was officially changed from October 14 to the 28<sup>th</sup> at 7pm at which time the board will be reviewing our Zoning Law edits and possible Site Plan Review Determinations pending from Yates County Planning Board review.

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net

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

Minutes – September 2, 2009, 7pm

Board Members Present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Public present: Andrew Ellison, Terrence Klee, James Baker, James Storrie, Joseph McCue, Linda Sheive, Vincent A. Pigula, Steve Cunningham, Mike Daly, Mary Daly, Sue Sage, Bridget DeRollo, Bob Gunderman, Bob Bringley

Agenda: Site Plan Reviews for: Ms. Linda Sheive, Mr. Terrence Klee, Ms. Susan Sage, Mr. Vincent Pigula, Mr. Steven Cunningham, Mr. Joseph McCue

Meeting came to order at 7pm.

Site Plan Reviews:

1. Ms Linda Sheive (LR District) South Lake Road – application for a retaining wall to stabilize shoreline embankment/walking path improvements for access to shoreline. Motion made by board member St. Lawrence and seconded by Robert Mincer. Vote carried with (5) votes in approval and (1) vote against. Determination: approved
2. Mr. Terrence Klee (LR) East Lake Road – application for the demolition of a structure and the construction of an access road. Mr. Rick Ayers from Soil & Water Conservation Services has conducted an 8/26-onsite review and reported on 9/2 his recommendations for erosion and remediation of the site. The Yates County Highway Superintendent, Dave Hartman requested applicant to file a work permit with the county and to heed road safety regulations during time of construction. Motion was made by Chairman Marty DeVinney and seconded by Board member Robert Mincer for approval with conditions that follow: pending Yates County Planning Board review on 9/24, with revised plans with project scope and execution, and erosion control plan as recommended by Rick Ayers. Determination: Conditional, pending.
3. Mr. Terrence Klee (LR) East Lake Road – applicant requests a Minor Subdivision for reconfiguration of property deeds. Board received submittal of a new deed reconfiguration and will seek Yates County Planning Board review on 9/24. Determination: pending.
4. Ms. Susan Sage (LR) South Lake Road – application review of a permitted 696sq. ft. dock, and an accessory boat structure that was built w/o a permit. Discussion of definition of UDML Code and the local Zoning Codes as they pertain to High Mean Water Mark and square footage allowed. Board Chair, Marty DeVinney made a motion to seek counsel from Maria Rudzinski of the Ont. Co. Planning Board and our Town Attorney on what was built vs. the original building permit before coming to any determination. Board member, John Gilbert seconded the motion and it carried with all in favor. Determination: pending
5. Mr. Vincent Pigula (LR) East Lake Road – application for reinstatement of revoked building permit to install a tram system replacement. Reviews were heard from Mr. Bringley-Project Engineer from Marathon Engineering and Mr. Baker- Geo-tech Engineer from Foundation Design. Geo-tech reports from Fischer Associates and the Town's Engineering firm- Lu Engineers were distributed. Mr. Bringley submitted a revised project Site Plan to be reviewed by Lu Engineers. The Planning Board determined that the following information must be received before the review of this project can proceed:

- a. Legal counsel from Town Attorney regarding correct legal review procedure.
  - b. NYS DEC – report of site failure, violations cited from HWM lakeward
  - c. Full SEQR Environmental Assessment to be completed by applicant
  - d. Recommendation by Lu Engineers referencing the following:  
environmental and structural concerns of Tram System installation procedures as they pertain to the site, lake, neighboring parcels and the local Zoning Law Article VI, Sect. 609 specific to Tram Systems.
  - e. Review of onsite remediation recommendations from Kevin Olvany, Canandaigua Lake Watershed Council
  - f. Plans submitted for review to Lu Engineers must show structural and environmental plans of tram system landing detail at shoreline as it pertains to the Mean High Water Mark.
6. Mr. Joseph McCue (LR) Newago Cove – application for a replacement foundation system to re-support a house on a lake level parcel. Project will be hand-dug with engineered stamped plans. Board motion by John Gilbert and seconded by Bruce St. Lawrence to conditionally approve the foundation project Site Plan once a letter signed by engineer Mr. Carmichael has been submitted stating his approval of any further revisions to the original Site Plan as discussed. This revised Site Plan should accurately reflect all work to be done.
  7. Mr. Steven Cunningham (LR) South Lake Road – application for the construction of a private driveway to access a vacant upper buildable lot. Pending determination from 12/4/08 in regard to building without a permit and remediation of erosion control concerns addressed by Town Engineer – Lu Engineers recommendations (8/14) Determination pending site remediation plan and inspection by the Office of Code Enforcement.

Board approval of draft minutes from August 19, with minor revisions were made by Chairman, Marty DeVinney and seconded by Loretta Henrie.

Agenda for next month's meeting on September 16: Review of Zoning Law draft edits and Steep Slope Model Law, Town of Torrey and Jerusalem Steep Slope Laws.

Motion to adjourn Planning Board meeting was made by John Gilbert and seconded by Bruce St. Lawrence. Vote carried with all in favor. Meeting adjourned at 9:45p.

Minutes submitted by L. Lersch/revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – August 19, 2009

Board Members Present: Marty DeVinney, chair; Loretta Henrie, John Gilbert, Lynn Lersch  
Robert Mincer, Bruce St. Lawrence

Others present: Dawn Kane, CEO; Linda Sheive, Happ (Mr. Lionel Metiver)

Agenda: Site Plan Review for applicant Ms. Linda Sheive of 1193 South Lake Road, Middlesex requesting a "walking path" from road to shoreline and retaining wall.

Meeting came to order at 7:15pm.

Applicant Ms. L. Sheive presented her plans to stabilize an existing embankment on her shoreline that has eroded since removal of a large willow tree. Engineered plans to strengthen this steep embankment with paled cobble stone/boulder fit with #2 crushed washed stone to compact the retaining wall were drawn by engineer William Grove. The existing beach path will be evened out and widened to 6' maximum with compacted crushed stone replacing existing pea gravel on the existing 25% slope which is hard to walk on. Disturbed soil to be removed from site is approx. 20-50 yards and will be hauled by truck off site.

Board noted that they would like some revisions added to the site map to include the following:

- Measurement of distance from HWM to base of retaining wall at shoreline
- Option of adding a railing or pile boulders higher than 12" at path entrance for safety
- Repositioning of silt fence at lakeside HWM to allow for construction of retaining wall
- Addition of site map reference marks of measurement to show property line boundaries at roadside, lake frontage and distance to side setbacks.

Ms. Sheive will submit these revisions at the September 2<sup>nd</sup> meeting.

Agenda for next month: Dawn Kane, CEO summarized applicants for Site Plan Review on Wednesday, September 2<sup>nd</sup> as follows: Mr. Terrence Klee of #344 East Lake Road (LR) requests review for a demolition of a vacated structure and the construction of a road to access this demolition; Mr. James Smith of #118/119 East Lake Road requests a Minor Subdivision review to reconfigure existing land deeds; Mr. Andy Komarek of East Lake Road (Tax Map # 2.03-1-2.1) requests a Major Subdivision of his property with (4) homes; Ms. Sue Sage of 1315 South Lake Rd. requests review for building a 4'x 26' retaining wall, a 606 sq. ft. dock and a boat accessory structure at shoreline exceeding code regulations; Mr. Vincent Pigula of 198 East Lake Road requests review for the remediation of site failure on his cliffside property and to start the process for replacement of a tram system to access his shoreline; Mr. Steven Cunningham of 1265 So. Lake Rd. requests review for plans for remediation/stabilization of existing gravel driveway constructed on property without a permit and final determination by the board; Mr. Joseph McCue of 783 Newago Cove requests review for placing foundation support under his house at lake level.

Discussion on the Town of Torrey and the Town of Jerusalem adopting Steep Slope Laws and possible funding to support an outside source such as Genesee Finger Lakes Planning Council used as technical assistance in review for the Town of Middlesex. Board noted work could commence on Sept. 16<sup>th</sup> if Lynn would get copies.

Brief discussion of budget submittal to Supervisor Multer by September 1<sup>st</sup>.



Page 2 of 2

The board voted to accept August 5 minutes with revisions. Motion made by Mr. St. Lawrence was seconded by Loretta Henrie and carried.

Motion to adjourn was made by Chairman Marty DeVinney and seconded by Lynn Lersch. Voted and carried at 9pm.

Minutes submitted by L. Lersch/Revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – August 5, 2009

Board Members Present: Marty DeVinney, chair; John Gilbert, Loretta Henrie, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Public present: Linda Sheive, Donald Sheive, Jon Schick, Sue Sage, Andrew Ellison, Terence Klee,

Agenda: CEO Summary on agenda items for September and advisement of projects for Sue Sage's dock & storage shed, Mahar residence (Jon Shick, representing agent) both on South Lake Rd.; Site Plan Review of Minor Subdivision of Mr. James Smith's property on 118/120 East Lake Rd. (LR District); and of Minor Subdivision of Mr. Terence Klee's property on 344/358 East Lake Rd. (LR District); Site Plan Review of Mr. Donald Sheive's property on 1159 South Lake Rd. request to construct a (4) posted canopied carport, (LR District); Review of Draft Stormwater Management and Erosion Control Law.

Meeting came to order at 7:15pm

CEO, Dawn Kane summarized (2) current cases before the Office of Code Enforcement for advisement from the Planning Board.

1. Andrew Ellison of Drew's Docks, representing contractor for property owner Sue Sage, presented a shoreline project at 1315 South Lake Rd., including plans for a dock, retaining wall and accessory boathouse structure built w/o a permit and exceeding code regulations. Both the UDML and Town Law regulations are involved in this project. Advisement from Maria Rudzinski from Ont. Co. Planning Board and Town Attorney, Alaine Espenscheid was recommended by the board for clarification of questions in the permitting process.
2. Jon Shick, representing agent for the Mahars of So. Lake Rd, requested advisement on their plans to increase the footprint of (2) existing dwellings on their pre-existing non-conforming lot. The board advised that a ZBA Use Variance would be needed to determine "multi-family use" within the LR district which currently allows only single-family use with no special conditions. Definitions of front yard, back yard and road setbacks were discussed per ZL code as this property is dissected by South Lake Road.
3. Current Agenda for September 2<sup>nd</sup> includes:
  - Applicant Mr. Vincent Pigula of 198 E. Lake Road (LR District) requests Site Plan Review of a re-application for replacement of tram. Board will review outside referrals for recommendation.
  - Applicant Mr. Andy Komarek owning property on E. Lake Rd., LR District (Tax Map # 2.03-1-2.1) is requesting application for a major subdivision for the construction of (4) houses.

A Site Plan Review was heard from Mr. Terence Klee of #344/#358 E. Lake Road. (LR District). Applicant is requesting to subdivide (2) properties and a portion of a neighboring parcel belonging to the McCormicks, in order to reconfigure the property lines, and demolish an uninhabited dwelling that spans the existing property lines. It was recommended by the board to get the Town Attorney's advisement whether legally it was possible to re deed the properties before demolition takes place. The McCormick's were present and stated approval of the reconfiguration. It was noted by the board that a letter stating executor of the estate is Mr. Klee as well as final determination should require a new survey map showing the final configuration of these properties.

Mr. Klee also requested a road to be constructed for purpose of demolition material removal from the site. This road would then be reworked back to a "walking path" in order to access the property. Payne Construction designed this plan. Because of the steep slope environment, the board will review the site on Sat. the 8th and most likely will ask the Soil & Water Conservation Services, Inc. of Penn Yan to review the site plan before final determination.

Site Plan Review for a minor subdivision for applicant Mr. James Smith of 118/120 East Lake Rd. (LR District). A request for reconfiguration of land deeds was heard on July 23<sup>rd</sup> by a partial board and continued in tonight's review. It was noted that Mr. Smith's property is partially serviced by a gravel road that accesses a neighbor's property to the south. Plans to extend the road to service Mr. Smith's #118 lot would make it a "private road" which is not allowed per zoning. Chairman, Marty DeVinney would like more time to review this request. A letter of explanation will be sent to Mr. Smith after a review by Mr. Ayers of the Soil & Water Conservation Services of Penn Yan.

Site Plan Review for applicant Mr. Donald Sheive of 1159 South Lake Road, (LR District) for a (4) posted canopied carport to be built within the perimeters of an existing, grand fathered-in retaining wall. Highway Superintendent, Thomas Reifsteck reviewed the plan and has approved of the design. After a lengthy discussion involving the design of the structure and consulting the Lu Engineer's study of the road recommendations, Chairman Marty DeVinney asked for a motion to approve of the site plan. Lynn Lersch made a motion to approve contingent on receiving a letter of confirmation from Mr. Reifsteck of his approval of the site plan. Loretta Henrie seconded the motion. The motion of conditional approval carried with all in agreement.

Following a brief discussion of our Town Attorney's comments on the draft edits of the *Stormwater Management & Erosion Control Law*, a resolution was offered by chair, Marty DeVinney and seconded by John Gilbert. The following roll call vote was taken to accept all changes except for Sect. #15, Item "C" which would remain as previously drafted by the Planning Board. The vote carried with all in favor:

Marty DeVinney	aye
Loretta Henrie	aye
John Gilbert	aye
Lynn Lersch	aye
Robert Mincer	aye
Bruce St. Lawrence	aye

Lynn Lersch will send the above stated Draft Law to the Yates County Planning Board for their August 27<sup>th</sup> review

8/19 - Agenda : Site Plan Review for applicant Linda Sheive of 1193 South Lake Rd., (LR District) requesting to construct a safe "walking path" on her property from the road to shoreline and to stabilize the embankment.

A reminder was noted to all board members wishing to attend annual training requirements on Thurs. Aug. 6<sup>th</sup> at the Town Hall, 6pm.

Meeting adjourned at 9:45pm.

Minutes submitted by L. Lersch/Revisions to: Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – July 23, 2009

Board Members present: Loretta Henrie, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Public Present: James Smith, Linda Sheive, Donald Sheive, Terence Klee, Eldon W. Payne, Paul Zachman

Agenda: Pre-application Site Plan Review for applicant Mr. James Smith of 118/120 East Lake Rd., Middlesex who is requesting a minor subdivision to reconfigure property deed boundaries for both parcels; Pre-application Site Plan Review for applicant Mr. Terence Klee of 344/358 East Lake Rd., Middlesex who is requesting a minor subdivision to reconfigure property deed boundaries; Preliminary Site Plan Review for applicant Mr. Terence Klee of 344 E. Lake Rd, Middlesex requesting to build a golf cart path.

Mr. James Smith presented his site plan for an initial Site Plan Review of properties in the LR District amounting to about (5) acres. Mr. Smith would like to reconfigure these parcels so that the smaller piece at #118 would be deeded to his younger brother and wife and #120 would be used sometime in the future to build a year-round retirement home.

Board discussed laws currently in effect and those slated for adoption possibly in the near future that would be of interest to Mr. Smith. A copy of the edited Subdivision Law and Private Driveway/Private Road Law was given to Mr. Smith. Determination shall be considered possibly at the next board meeting on August 5<sup>th</sup>, if all members vote to approve.

Mr. Terence Klee presented his site plan for an initial Site Plan Review of properties at 344 and 358 E. Lake Road, (LR District) of Middlesex. Mr. Klee requests a reconfiguration of his (2) properties and an adjoining parcel belonging to Mr. McCormick(Tax Map #1.76-1-3) in order to enlarge both parcels. Board discussed current and draft laws that would be of interest to Mr. Klee now and in the future. A copy of the edited Subdivision Law and Private Driveway/Private Road Law was given to Mr. Klee. The following documentation is needed for the next Site Plan Review set for August 5<sup>th</sup>, 7pm: A letter of permission from Mr. Patrick McCormick accepting such plans for reconfiguration, letter of proof that Mr. Klee is executor of estate in order to demolish a 1 story frame uninhabited cottage on property listed as #340 E. Lake Road. Mr. Klee also requested the board to review plans received tonight from Payne Construction to improve a pathway to road specs for the purpose of demolishing a (1) story frame structure on property at #340 East Lake Road. This pathway would be increased in width to 5-6' in width for the purpose of navigating a mini-excavator to remove demolished material from the site up to East Lake Road for removal. After demolition was completed this pathway would then be reverted to a golf-cart path to allow access to the lake. The board discussed the need to establish a "site visit" before determination could be made in order to determine slope and topography of the land. The date of this onsite visit will be determined at which time Mr. Klee will be contacted. A copy of the town's Stormwater Management and Erosion Control Plan will be sent to Mr. Klee for his review. If documentation requested by the board is received within (10) days of the next Site Plan Review, this application will be again reviewed on August 5<sup>th</sup>, at 7pm.

Page 2 of 2

Board members were asked to consider community residents to be nominated as a Planning Board member to fill the vacancy on the board.

Board will approve minutes and review scheduled draft edits for the Town's Zoning Law at the next scheduled meeting since (2) members of the board were absent.

Bruce St. Lawrence presented LU Engineering Firm's bill to the Town of Middlesex for Site Plan Review of the O'Brien property at 1163 South Lake Road, Middlesex, NY.

Board member St. Lawrence was also asked to represent the board in review of Ann Flax property in conjunction with LU Engineer and shared this review with the board. It was felt that the damage was due to natural sloughing of shale embankments due to natural erosion occurrences. Mr. St. Lawrence will pass this review on to the Town Supervisor, Mr. Multer.

CEO, Dawn Kane invited the board to attend a training session on Thursday, August 6<sup>th</sup> at 6pm, Town Hall. This training, sponsored by Yates County Planner, Shawna Bonshak will be part of annual training for the ZBA, PB and the TB members and will be associated with Zoning and the Purpose of Variances as they affect Town Planning. All are encouraged to attend.

Next month's agenda: Mr. James Smith and Mr. Terence Klee have requests for minor subdivisions to reconfigure their property deeds; Mr. Donald Sheive of 1159 South Lake Road, Middlesex (LR District) requests a Site Plan Review to construct a (4) posted canopied carport within the footprint of a grand-fathered retaining wall. On 7/16, Mr. Sheive was granted an area variance by the ZBA for this proposed construction.

Minutes submitted by L. Lersch / Revisions to LSammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – July 2, 2009

Board Members Present: Marty DeVinney, chair; Loretta Henrie, John Gilbert, Lynn Lersch  
Robert Mincer, Bruce St. Lawrence  
Other Staff Present: Dawn Kane, CEO; Town Councilmen: Wayne Dunton, Dan Paddock  
Public Present: Mr. Robert Gunderman, Linda Sheive

Meeting came to order at 7 pm

CEO, Dawn Kane opened the meeting with a slide presentation documenting the site failure and cliff shale slide on Sunday 6/14 at 198 East Lake Road property of owner Vincent A. Pigula. A summary of the current status of the failure and the DEC's involvement with the site was noted. Correspondence from DEC, Keith Levanway was read. A certified letter from our Town Attorney outlining Town's current position and plan for remediation was mailed to owner, Vincent Pigula of 198 East Lake Road, Middlesex, NY.

Resident and neighbor, Mr. Robert Gunderman presented a current summary of site failure—continued plumes of muddy water which affect their water filter system, continued minimal shale slides. Provided board with Geo-tech Engineering firm for referral.

Board discussion of plan for remediation and geo-tech involvement and also possible NYS Planning Federation.

Councilman Dunton advised board that if they felt a moratorium necessary to provide proper Regulations, that they could state their case to the Town Board for possible approval.

Dawn Kane gives site summary of future PB Site Plan Review: O'Brien, Cunningham, Klee, Smith.  
\*Suggestion of need for a Town Tri-Board Meeting of current priorities to work towards.  
\*ZBA/PB/TB Training sponsored by Yates County Planner date to be set in August.

Resolution vote was taken to recommend the current draft edits of the *Stormwater Management and Erosion Control Law* to the Town Board for final review before adoption. The following roll call vote was offered by chair, Marty DeVinney and seconded by Robert Mincer:

Marty DeVinney	aye
Loretta Henrie	aye
John Gilbert	aye
Lynn Lersch	aye
Robert Mincer	aye
Bruce St. Lawrence	aye

Board discussion on changing our next meeting date in July from the 3<sup>rd</sup> Thursday, 7/16 to the 4<sup>th</sup> Thursday, 7/23. Board vote on permanently changing our meeting date starting in August to the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of the month starting at 7pm. Board member John Gilbert made the motion, and Bruce St. Lawrence provided a second. The vote carried with all in favor. Our next meeting date shall be Wednesday, August 5<sup>th</sup>. A Public Notice of such shall be put in the Town's Newsletter, the Town's website, and the Daily Messenger.

Next meeting's agenda for 7/23: (2) Site Plan Reviews, Draft edits for Zoning Law and Site Plan Review, Sect. 700.12.15  
Meeting adjourned at 9:30p/Minutes submitted by L. Lersch. Revisions:Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – June 18, 2009, 7pm

Board Members present: Marty DeVinney, chair; Loretta Henrie; John Gilbert; Lynn Lersch; Robert Mincer; Bruce St. Lawrence

Others present: Dawn Kane, CEO; Mr. Vincent Pigula, Mr. Andy Komarek, Mr. Robert Gunderman, Mr. Richard Bolton, Ms. Linda Sheive, Mr. Donald Sheive

Agenda: Approval of 5/21 and 6/4 minutes; Motion to change July 16 meeting date to July 23; Board recommends *Stormwater Management and Erosion Control Law* draft edits to the Town Board for review; discussion and presentation by CEO, Mr. Pigula and Finger Lakes Tram Mgmt., Andy Komarek with comments from neighbors of bordering parcels

Meeting began at 7pm with board discussion and approval of minutes. Bruce St. Lawrence made a motion to approve minutes and Robert Mincer gave a second. Vote was taken and the motion carried with all in favor.

Dawn Kane, CEO gave a brief review of the site failure at 198 East Lake Road, owned by Mr. Vincent Pigula and onsite visit of Wed., June 17. Points made were:

- Stop Work Order would be placed on site work and permit # 052709 dated 5/27 is revoked due to significant deviation from approved Site Plan which may have contributed to a site failure and shoreline debris which entered the lake causing silt plumes extending outward. A letter stating specific points of deviation will be sent to Mr. Pigula, owner.
- DEC will be working in tandem with the Office of Code Enforcement to review specific plans to remove excavator and debris from site and lake.
- Remediation plan would be expected from the Komarek's for site stabilization of all disturbed soil stating specific steps to stabilize site. The board shall review such plan with certified NYS Geo-tech and Town Engineer on advisement.

Neighboring property owners Mr. Rick Bolton, and Mr. Robert Gunderman spoke to concerns of on-going shale slides, property damage and diminished lake quality in front of the site and around their property at shoreline also.

Resident, Linda Sheive asked the Planning Board, the Office of Code Enforcement and the Vine Valley Beach to submit any community information for the Town Newsletter, deadline which is next Tuesday, June 23<sup>rd</sup>.

Board discussed Draft edits of the *Stormwater Management and Erosion Control Law* and motion was made by John Gilbert and seconded by Lynn Lersch to recommend edits to the Town Board for review next month.

Marty DeVinney, chair entertained a motion to reschedule July 16<sup>th</sup> meeting to be held this month on July 23<sup>rd</sup>, due to scheduling conflict with the Zoning Board of Appeals. The motion was made by Robert Mincer and seconded by Lynn Lersch. Lynn shall place a public notice in the Daily Messenger and post it on the Town's website and Town Hall bulletin board.

Next month's agenda shall be reviewing edits from the Town's Zoning Regulations for adoption as well as reviewing and possibly editing the Site Plan Review process as recommended.

Minutes submitted by L. Lersch / Revisions to Lsammy5@frontiernet.net





**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – June 4, 2009, 7 pm

Board members present: Lynn Lersch; Robert Mincer; Bruce St. Lawrence

Public Present: Donald Shieve, Keith & Nancy Gilliland

Staff Present: Dawn Kane, CEO

Meeting opened at 7pm with internal board discussion on agenda items to review.

Agenda – Stormwater Management & Erosion Control Laws, Board process for transmitting internal document flow.

Mr. And Mrs. Gilliland inquired about the Site Plan Review process and the expected time frame for Site Plan Review. Board member Bruce St. Lawrence explained the process and referred them to the Office of Code Enforcement for direction of what steps to take to get on the Planning Board's agenda for Site Plan Review.

Board members reviewed process with Dawn Kane, CEO. Board discussion on using a "Notice of Referral" as an inter-office transmittal form to streamline internal document flow. Lynn shall send it to Bob Multer for review.

Board discussion on Site Plan Review determination with "Conditional Approval" was discussed. A referral to our Town Attorney was suggested for clarification as to when permitting begins. Also clarification of the process whereby the Town of Middlesex may format a "letter of surety" or approval of bond and what those perimeters are for use in specific applications.

Dawn Kane, CEO reported that a determination was made by our Town Attorney stating that side yard setback measurement is from any point on the structure wall whether above or below grade. This would include any type of overhang or cantilevered structural designs.

Next month's agenda: Draft Stormwater Management & Erosion Control Law. Priority workshop on this topic on June 18<sup>th</sup> to make sure it is ready to recommend to the Town Board for review.

Draft minutes for approval next month: May 21<sup>st</sup> and June 3<sup>rd</sup>.

Meeting adjourned: 9:15pm

Minutes submitted by L. Lersch; Revisions to Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – May 21, 2009, 7 pm

Board members present: Marty DeVinney, chair; Loretta Henrie; John Gilbert; Lynn Lersch; Robert Mincer; Bruce St. Lawrence

Public Present: Dan O'Brien, Tim Tyskiewicz, Donald Shieve  
Staff Present: Dawn Kane, CEO

Meeting opened at 7pm with internal board discussion on agenda items to review.

Agenda – Site Plan Review – Applicant, Mr. Dan O'Brien of 1163 South Lake Rd, Middlesex ZD: LR

Site Plan Review: Board reviewed revised review and recommendations from Lu Engineering on the applicant's Engineered Site Plan. Chairman, Marty DeVinney entertained a motion to approve site plan with conditional approval status. Board member Robert Mincer seconded the motion and the board voted. The motion carried with all in favor.

The following (4) conditions were cited as the next step in the applicant's Site Plan Review and Determination process and it was further stated that any permit allowed through the Office of Code Enforcement is conditional on these (4) conditions being met before onsite construction commences:

1. Posting of a "Letter of Surety" to cover possible site failures during the stage of construction until site completion and stabilization of soil has been applied.
2. Resolve of open issues/recommendations by Town Engineer as discussed.
3. "Construction Execution Plan" to be reviewed by Planning Board, Town Engineer and signed by Contractor and filed with the Office of Code Enforcement.
4. Resolve by the Code Enforcement Office and Town Attorney of the site's roof eave overhang and cantilevered chimney as they pertain to the LR Zoning Districts Side Yard Setback of 15'.

Board discussion followed on Site Plan Review process and internal documentation flow.

Agenda next meeting: Review of Draft Stormwater Management & Erosion Control Law and report from the Office of Code Enforcement.

Meeting adjourned: 9:10p

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – May 7, 2009 7pm

Board Members present: Marty DeVinney, chair; Loretta Henrie, John Gilbert, Robert Mincer, Bruce St. Lawrence

Others present: Dan O'Brien, Tim Tyskiewicz, Dan Paddock, Donald Shieve

Meeting opened at 7pm with internal board discussion on site plan review, Keith Scholes official resignation letter, letter from George Barden on review of revisions submitted by Mr. O'Brien, letter from Keith Hurley of Lu Engineer, and review by Rick Ayers of Yates County Soil & Water Conservation Services Inc.

Site Plan Review – Mr. Dan O'Brien of 1163 South Lake Road, Middlesex, NY:

Board reviewed revised plans referencing Lu Engineers and Ricky Ayers comments. Resident and neighboring parcel owner to the north, Donald Shieve referenced water runoff as it may affect his property. Discussion on revision of check dams to concur with NYS guidelines as well as shared responsibility by Dan O'Brien, Donald Shieve in reference to study S. Lake Rd. culvert redesign by Lu Engineers in conjunction with Town Highway Supervisor. A letter of such plan should be filed with Code Enforcement Office. Revisions to site plan would be forthcoming and to be delivered to the Office of Code Enforcement on Wednesday during hours of office. Plans to be delivered to board members, Lu Engineers and possibly Rick Ayers for additional review. Site Plan Final Determination could possibly take place on May 21 with approval or approval with conditions depending on revision and review process.

The board determined that a Public Hearing was not necessary and Final Site Plan Review would include a determination vote by board members possibly on the 21<sup>st</sup>.

Councilman Dan Paddock advised those present that the Town Board remains concerned about adequate site plan oversight for any development as there are currently (2) failure sites pending that address financial burdens on the town due to owners financial hardship to maintain and fix these failures.

Mr. Dan O'Brien offered to place a letter of credit or security bond on the site until a time after site completion because of the % of soil disturbance and hoped this action might designate his position of responsibility. He assured the board that his main concern is site stabilization from environmental impacts.

Agenda next meeting:

Site Plan Review for Mr. Dan O'Brien, Planning Board Process Review and checklist with Office of Code Enforcement, read through Stormwater Mgmt. & Erosion Control draft edits for discussion, approval of draft minutes for April 2, 16 and May 7.

Meeting adjourned 9:30pm

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net

# **TOWN OF MIDDLESEX**

## **PLANNING BOARD**

Minutes – April 16, 2009

Board present: Marty DeVinney, chair; Robert Mincer, Lynn Lersch, Bruce St. Lawrence

Public Present: Dan O'Brien; Matt Sinacola from Scott Harter Prof. Engineering Group), Rocco Venezia from Venezia Assoc., Bill Kenyon, Mark Liposi, and Mr. D. Bow from the Highland Group; Richard Testa; Tim Jensen

Agenda: Site Plan Review: Mr. O'Brien of 1163 South Lake Road, Middlesex ZD: LR for development of a 1500 sf single family residence; Informal review - the Highland Group for a major subdivision on 556 East Lake Rd., Middlesex ZD: LR

1. Site Plan Review: In determining conditions for revision of site plan, the board made an onsite visit on 3/25 with George Barden, Kevin Olvany and LU Engineer on advisement.

The following recommendations were discussed with Mr. O'Brien, and representing agents, Matt Sinacola:

- a. Silt fencing should be installed utilizing properly staked and entrenched silt fence.
- b. Submitted plans should be revised into (1) version showing the complete scope of the project plans and including:
  - sequence notation of proposed temporary type erosion plan as it affects vehicle egress and ingress onto lot.
  - 3<sup>rd</sup> party licensed engineer representing the town to review site plan
  - Yates County Soil and Water Conservation Services to review plan

A correspondence was read by the board from George Barden, Watershed Inspector stating his review of Mr. O'Brien's current Erosion & Sediment Control / Site Plan revisions. Mr. O'Brien and his representing agents were given a copy of this letter and a summary follows: revisions made were minimal and Mr. Barden's determination: there was not a significant change in the proposed development site plan as revised. He recommended that a redesign be considered to fit the site instead of the development changing the site. He felt it critical that a balance was reached in minimizing ground disturbance on this site and reminded the board of past developments that had failed on steep slope sites.

Mr. O'Brien and the representing agents for this site submitted their revisions last Thursday to the Office of Code Enforcement. Discussion between the board and the applicant culminating in a decision to make some adjustments as recommended to the overall house and site plan to include: a step foundation plan to reduce amount of dirt to be disturbed, a sequence notation of onsite plan development in relation to the erosion plan and temporary silt fencing maintenance schedule.

Mr. O'Brien asked if the board could come up with appropriate language for a Construction Execution Plan indicating the sequencing of erosion control measures in relation to plan for construction events before construction begins. Board agreed to provide suggestions of such.

It was noted that a 3<sup>rd</sup> party engineer still would need to review revised site plans and the board shall initiate this process and estimation of cost to applicant. The above recommendations are to be satisfied before a final determination can be made.

2. Informal review of major subdivision: The Highland Group representing a (4) lot major Subdivision of property on 556 East Lake Road summarized their position in moving forward with plans. Another informal meeting had taken place on Dec. 4, 2008 and the group requested current steps necessary in Site Plan Review process. Board recommended a complete application submitted that would show dedicated driveway entrances off East Lake Road as the law currently dictates. An overlay showing grading improvements for use of the existing frontage road to serve the four lots (one entrance off East Lake Rd.) This second approach would require a variance and would have to go to the Zoning Board of Appeals. Drawing(s) would need to indicate the "buildable perimeter" for each lot drawn in after septic, well, utilities, and driveway access to each were planned before the Planning Board could review further.

Board discussion with Mr. Jensen from the Ontario County Planning Board on process review.

Board minutes will be approved next month when all members are present.

Meeting adjourned at 9:45p

Minutes submitted by L. Lersch/ Revisions to: Lsammy5@frontiernet.net



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

Minutes – April 2, 2009, 7pm

Board Present: Marty DeVinney, Chair; John Gilbert, Loretta Henrie, Lynn Lersch, Bob Mincer, Bruce St. Lawrence

Others Present: Tim O'Brien, builder for Mr. Steve Miller and father, Matt Sinacola, and Tim Tyskiewicz, architect and engineer representative agent for Dan O'Brien owner; Donald Sheive, resident

Agenda: (2) Site Plan Reviews – Mr. Steve Miller, with representing agent-Tim O'Brien, builder for property on 690 East Lake Road for a single-family residence. Site review for approval to lift a Stop Work Order placed due to erosion/site failure. Site Plan Review for Mr. Dan O'Brien of 1163 South Lake Road for a 1500sf single-family residence. Review presented by Engineer representative, Matt Sinacola, and Architect designer, Tim Kavanitz.

Meeting came to order at 7:15p

1. Site review: Miller site/690 E. Lake Road: Mr. Steve Miller and representing agent, Tim O'Brien builder presented a revised site plan with updated site map for development of a single family residence in the LR District. This site had a Stop Work Order placed on it due to erosion from failed drainage issues, which caused site failure. The Planning Board visited the site on 3/25 with George Barden, Kevin Olvany and Robert Hutterman, a structural PE from LU Engineers who was there to observe. Recommendations from that visit included: replacement of upland drainage culvert and ditches, and improved site stabilization via use of silt fencing to encompass the perimeter of the property lines where soil is and will be disturbed. Footers need to be filled in after CEO inspection, and Site Map revised to include building contours and erosion control revisions.

CEO's summary: Soil disturbance has now been leveled off. Footers have been filled in and though this office was not called for the appropriate inspection, the owner has legally signed off on this inspection by sending pictures of this fill-in procedure to site Engineer Tim Grove and a letter signed by him will state his legal responsibility. A silt fence has been added up to the northern property line only. Point of egress and ingress to the site has been reworked and failed culvert replaced as well as storm ditching along the side of the driveway added. Site project is still on hold until letter received from attorney and any possible further revisions from the board.

Board recommended the following revisions: On site footings were to be inspected by a certified engineer with a letter stamped by the same engineer for the structural integrity of the footings. Primary erosion control via straw bales to be removed and a silt fence to be placed around entire perimeter of the property line wherein erosion could occur. Rip rap stone to be placed where culvert replacement daylight to surface to regulate further erosion possibilities. Revisions must be added to Site Map by Tim Grove, Engineer. A reminder was stated of site reparation and re-vegetation deadline within 2 weeks from final grade-work stage on site.

Chairman DeVinney entertained a motion for conditional approval with recommendations. Board member Gilbert seconded the motion. Motion was carried to a vote with all members present in agreement.

2. Site Review continued from March 19: Mr. Matt Sinacola, civil engineer and Tim Tyskiewicz, architect designer presented revisions to their Site Plan for property owned

By Mr. Dan O'Brien of 1163 South Lake Road, Middlesex. Mr. O'Brien's application is for a 1500sf single-family residence in the LR District. After a 3/25 onsite visit and advisement from outside resources, the Planning Board made the following recommendations for site plan revision before approval:

O'Brien site review:

- A. Silt fencing should be installed utilizing properly staked and entrenched silt fence fabric. The use of straw bales is no longer an approved practice.
- B. The (2) submitted plans should be revised into (1) site map showing:
  1. Raised mid-point of house to fit into the hill grade
  2. Contour lines around retaining walls onsite
  3. The intent of discharge from downspouts around foundation day-lighted into property swales on sides.
  4. Sequence notation of proposed vehicle egress and ingress in direct relation to soil and erosion site provisions on this 50' lot. (silt fencing, soil stabilization and reparation)
- C. A calculation of the % of soil to be hauled offsite and the total % of soil to be disturbed.
- D. A third party licensed engineer representing the Town as well as the services of Rick Ayers' office should review this plan for final recommendations based on the above concerns.

The site review will be continued and reheard on April 16 if revisions are completed by said date. The board will review SEQR and the Stormwater Management and Erosion Control Law as its regulations pertain to this site's unique qualities.

Board Member St. Lawrence reviewed edit changes from the Town Board for a comprehensive inter-law consistency as it pertained to updating penalty clauses. A motion was made by Chairman DeVinney and seconded by Bob Mincer to change the Subdivision Land Use Regulations, Art. #7, Sect. 7.1 penalty clause in Section to reflect the same wordage as in the Private Driveway/Private Road Law, Sect. 7.1. Motion carried and was brought to a vote with all members in favor.

Next month's agenda:

Site Plan revisions from O'Brien; Informal review for major subdivision on 556 East Lake Road represented by Mr. Kenyon from the Highlands Group of Rochester. This property is located in the town's LR District and consists of 5.6 acres with 684' of shoreline frontage with plans to divide into (4) building lots.

Meeting adjourned at 9:30pm

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD MINUTES**  
March 19, 2009, 7pm

Board Members present: Marty DeVinney, chair; John Gilbert, Loretta Henrie, Lynn Lersch, Keith Scholes, Bruce St. Lawrence

Others present: Dawn Kane, CEO; Donald Sheive, resident; Dan O'Brien, owner; Scott Harter, Engineer-Professional Engineer Group

Agenda: Site Plan Review-initial meeting for applicant, Mr. Dan O'Brien, property owner of 1163 South lake Road, Middlesex, NY, ZD: LR. Site: Tax Map ID # 21.56-1-10, which is a 50' x 350' depth non-conforming lot on which a 1500sf single residence cottage is to be built.

Meeting came to order at 7pm

Letters from George Barden, Watershed Inspector; Kevin Olvany, Canandaigua Watershed Council Program Manager were read with information pertaining to the board's site plan review Process on lakeside/hillside development sites wherein they may impact the watershed.

Site Plan Review - Source of Reference used: LU Engineering Study of South Lake Road- culverts D35 and D36 recommended to be replaced.

Mr. Dan O'Brien introduced his architect, Tim Kazawitz from the Scott Harter Professional Engineering Group and presented his site plan scope to the board. Plans for an onsite waster water treatment system have been approved through a permit applied for by previous owner, Walter Kuc from the DOH. The Zoning Board of Appeals granted a variance on 1/29 for 10' on either side of a retaining wall that ran the perimeter of an aerated septic system to satisfy the 15' LR side setback requirements of that district.

George Barden worked with Scott Harter, engineer to review the Site/Soil Erosion and Sediment Control Plans in combination with the previously approved onsite wastewater treatment system plans designed previously by another firm. His recommendations were based on these (2) plans as a "Site Plan Review." He recommended improvements where steep slope concerns of water drainage from the upland septic system design might impact watershed issues. Such suggestions were to be revised into the site plan and included: demolition notes in the Sequence of Construction Notes (note #11) and to show a swale with finish contours along both the north and south property lines with stone check dams.

Mr. Barden's concluded this review by saying, he " had serious reservations for the overall design concept of this proposal." He summarized that this design was basically creating a flat site concept on a 35% slope and required more excavation of disturbed ground than was necessary and environmentally responsible due to it's proximity to the lake as well as a concern for heavy truck traffic on an already compromised South Lake Road due large quantities of excavated material being hauled offsite. He noted (2) areas of 6', and 10' cuts on the proposed site design had been documented as reason for site failure on another South Lake Road property because of similar site designs. He recommended a redesign of the plan to fit the natural contours of the site instead of developing the site to fit a proposed plan.

Mr. Olvany concurred with Mr. Barden's recommendations and added that a proposed revision in site plan would still allow building development into the steep slope onsite and minimize the proposed excavation.

Dawn Kane stated that the original design submitted on this property showed less excavation and less impact on the site as the house went into the hill with an absorption field above. Also, the site was staked for a 10' cut into the hill in and proposed 12' retaining wall in back, behind the house, ending in a 3-tiered wall into the slope which was not shown on the site map.

Mr. O'Brien stated that the design was changed to include a 4' crawl space underneath the house rather than a full basement to reduce excavation and to allow a raised floor for warmth as well as an area to place the hot water heater and ductwork.



The board concluded the following:

General:

- rethink our process to incorporate that each site is unique with it's own set of requirements instead of using a generalized review process to fit all sites.
- a review of proposed concept in relation to the slope of the site and the % of disturbed soil. A calculation of % of soil disturbance was requested. (Total cut and fill quantities for the project)

O'Brien site:

- An onsite review of the O'Brien property and upland conditions of slope and drainage to the South Lake Road and lake is needed.
- Silt fencing should be installed utilizing properly staked and entrenched silt fence fabric. The use of straw bales is no longer an approved practice.
- Site Plan revisions:
  - A. Show where drainage on outlet would intersect with culvert design on S. Lake Rd. and how the drainage outflow will affect properties to the north and to the south as well as the road itself and drainage to the lake.
  - B. A review by Mr. Reifsteck, Town Highway Supt. in respect to the LU Engineering culvert recommendations for D35 and D36.
  - C. Provide an east-west section view through the project site to show depth of foundations for all new structures, and the extent of cut and fill activity.
  - D. Show 3-tiered retaining wall design in back and proposed material to be used in design on the plan.
  - E. A third party licensed engineer representing the Town should review this plan for final recommendations based on the above concerns.

Marty DeVinney will call Shawna Bonshak, Senior Planner for the Yates County Planning Board for confirmation of necessity of their review of this proposed plan and Rick Ayers of the Yates County Soil and Water Conservations Services to provide consultation on this design concept.

Marty also reported that he would report on the process of revising the Universal Dock and Mooring Law (UDML) on April 2 meeting.

The following draft changes to laws reflecting Steep Slope regulations were forwarded on 3/21 to the Town Board for review: Private Driveway/Private Roads Law and the Subdivision Land Use Regulations

The Town's process for drafting changes to existing laws and regulations will be: The Planning Board will make recommendations to the Town Board regarding law edits. After Town Board review, the Town Clerk forwards the information to the Town Attorney for inclusion in a proposed local law. Once drafted into a proposed law and filed as a draft with the Town Clerk, a public hearing may be publicly advertised.

Minutes for March 5<sup>th</sup> were approved with a unanimous vote which began with a motion by Mr. Gilbert and a second by Ms. Henrie.

April 2 Agenda: Dan O'Brien would present his first Site Plan with revisions to the board. Stormwater Management and Erosion Control drafted edits will be sent email to board members to review. Revision comments send back to [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net) .

April 16 Agenda: Bill Kenyon of the Highland Group will present their initial site plan review of their major subdivision application for 556 East Lake Road, Middlesex.

Meeting adjourned 9:30p

Minutes submitted by L. Lersch. Revisions to [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)



**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
March 5, 2009, 7pm

Board Members Present: Loretta Henrie, John Gilbert, Lynn Lersch, Bob Mincer, Keith Scholes, Bruce St. Lawrence

Others present: Dawn Kane, CEO; Resident Donald Schieve

Meeting came to order at 7:15p

The board spent much discussion on review of the following Town Laws pertaining to Steep Slopes and areas of the District that had environmental impact on lake quality: Zoning Regulations, Subdivision Land Use Regulations, Private Driveway/Private Road, Standards for New Roads, and began their review of the Storm water Management and Erosion Control Law.

Next month's agenda:

Board will continue the editing process of Town Laws in review.

Site Plan Review in it's Preliminary stage for applicant Mr. Dan O'Brien of 1163 South Lake Road, Middlesex. ZD: LR. Applicant presenting his plan for construction of a 1500sf single family residence.

Approval of outstanding minutes for 2/2, 2/19, and 3/5

Meeting adjourned at 9:20p

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Feb. 19, 2009, 7pm

Board Members present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Robert Mincer, Lynn Lersch, Keith Scholes, Bruce St. Lawrence

Others present: Dan Paddock

Board member John Gilbert presented his edits for Zoning Law review based on the recommendations from board selected review team. Board discussion followed over Minimum Lot Requirements criteria to be added in direct relation to % of lot density concerns triggering Site Plan Review, particularly in environmentally sensitive districts such as LR, LDR or steep slope areas within the Town.

Board member Bob Mincer presented his edits for Site Plan Review Process currently in Section #700 of our Zoning Law. A discussion developed over including specific criteria in disapproving Site Plan Review. We will edit and republish Section #402, page 20A, and Sect. #403, page 20G and will review it with proposed changes next meeting. Sect. 700.12 should be cross-referenced with the Private Driveway/Private Road Law for consistency.

Board member Lynn Lersch will submit edits of Storm water Management and Erosion Control Law next month for board review.

Marty DeVinney, Chair will call Rick Ayers and clarify his comment on 1:3 vs. 1:2 slope grade Being too aggressive in reference to the NYS Standards and Specifications for Erosion and Sediment Control Regulations and what special considerations are in place for 1:3 slopes as well as his feedback on reviewing our Zoning Regulations. He will also contact Shawna Bonshak to do the same, as we did not get this review at the present time.

Next month's agenda: Review of edits from board members will continue.

Meeting adjourned at 9:30pm

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net

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

Feb. 5, 2009, 7 pm

Board Members present: Loretta Henrie, John Gilbert, Bob Mincer, Keith Scholes, Bruce St. Lawrence

Others Present: Dawn Kane, CEO; Kevin Olvany-Canandaigua Lake Watershed Council; George Barden-Canandaigua Lake Watershed Inspector; Shawna Bonshak, Senior Planner-Yates County Planning Board; Rick Ayers-Yates County Soil & Water Conservation Services, Inc.

Meeting came to order 7:15p

The Planning Board received recommended changes to the documents listed below after a professional review team consisting of valuable resources from our local community. This group of individuals brought together by the Town of Middlesex Town Board to review the Town's Laws and Ordinances that pertain to steep slope development and the protection of water quality within the watershed area of the Town of Middlesex. A 60-day moratorium was voted in place at the December 11, 2009 Town Board meeting to provide the time for a committee to review these laws and establish appropriate editing where necessary to provide the best protection of our lake quality and our natural resource base.

The following Laws/Ordinances were reviewed:

- \*Subdivision Land Use Regulations
- \*Private Driveway/Road Law
- \*Stormwater Management and Erosion Control Law
- \*Zoning Regulations
- \*Site Plan Review Process

A summary of this review follows:

Subdivision Land Use Regulations:

1. Sec. 4.6A Build able Lots – to strengthen the constraints that affect what can be allowed as "build able" on a lot especially in LR & LDR Zoning Districts.
2. Increase green/open space from 8% to 20%
3. Preservation of natural features should be in minor/major subdivision regs.
4. Requirement of a Natural Resource Inventory – Phase I Subdivision layout to include aerial photography showing detail of current land conditions such as vegetative cover, soils, canopy lines of trees and proximity to existing natural landmarks.
5. Hydrology evaluation should be calculated the complete build out of the development
6. Time frames for re-vegetation and stabilization of disturbed ground must be clearly stated.
7. All project scopes (including retaining walls) must include a certified PE reviewing and stamping site-specific plan.
8. Site Plan submittals should follow NYS Standards and SWPPP if not stated.

9. Increase penalties for non-compliance.
10. Add a stop-work clause component for non-compliance concerns.
11. Tighten up inconsistencies between other town laws. One should refer back to another consistently. Definitions that apply should be consistent.

Private Driveway/Private Road Law:

1. All steep slope development or those containing retaining walls must have stamped approval from a certified PE after an on-site review.
2. Time frames clearly stating re-vegetation and stabilization of disturbed ground.
3. Site Plans submitted should follow NYS Standards and SWPPP.
4. Increase penalties for non-compliance.
5. Add a stop-work clause component for non-compliance concerns
6. Strengthen constraints to better regulate what can be allowed as "build able" on a lot especially in LR & LDR Zoning Districts.
7. 1:3 slope requirement is excessive and would trigger special consideration, referencing the NYS Standards & Specifications for Erosion and Sediment Control.
8. Tighten up inconsistencies between other town laws. One should refer back to another consistently. Definitions that apply should be consistent.
- 9.

Stormwater Management and Erosion Control Law:

1. Section 7a3: Applicability – reduce the disturbance threshold from 10,000 sf In the LR/LDR Districts of the town and/or on slopes of 15% or greater.
2. Exemptions should clarify timber harvesting and which agricultural activities Require a site plan especially if a specific law regulating these doesn't exist.
3. Site Plan submittals should follow NYS Standards and SWPPP.
4. Increase penalties for non-compliance.
5. Time frames clearly stating re-vegetation and stabilization of disturbed ground.
6. All steep slope development or those containing retaining walls must have stamped approval from a certified PE after an on-site review.
7. Add a stop-work clause component for non-compliance concerns.
8. Regulations that restrict variances granted that adversely affect neighboring properties.
9. Strengthen constraints to better regulate what can be allowed as "build able" on a lot especially in LR & LDR Zoning Districts.
10. Tighten up inconsistencies between other town laws. One should refer back to another consistently. Definitions that apply should be consistent.
- 11.

Zoning Law Regulations:

1. LR District classification to include LDR description – sections that need to strengthen constraints to better regulate what can be allowed as "build able" on a lot especially in LR & LDR Zoning Districts.
2. New construction/development should be further defined to include improvements of 50% or more.
3. Sect. #403, pertaining to grand-fathered non-conforming lots should be

expanded to provide regulations to place septic, wells, driveways, and utilities in proper compliance.

4. Sect. #403 schedule to include setback requirements from "edge of cliff and water courses such as gullies/ravines/ditches.
5. All steep slope development or those containing retaining walls must have stamped approval from a certified PE after an on-site review.
6. Time frames clearly stating re-vegetation and stabilization of disturbed ground.
10. Site Plans submitted should follow NYS Standards and SWPPP.
11. Increase penalties for non-compliance.
12. Add a stop-work clause component for non-compliance concerns.
13. Tighten up inconsistencies between other town laws. One should refer back to another consistently.
14. Future consideration for "overlay district" for LR and environmentally sensitive areas for special consideration and integrate the critical components into the current Zoning Regulations.

Site Plan Process:

1. Enhancement of this process in review of development in the LR/LDR District Is recommended. #2,3,6,10, and 15 should require site plan approval by the Planning Board for the all watershed and steep slope areas if not already amended in 2008.
2. Establish specific criteria to be used to when rejecting a site plan. (e.g. the Town of Gorham's SPR criteria)
3. Cross reference the Private Driveway/Private Road Law in Sect. 700.12 of in the Zoning Law pertaining to Site Plan Review.

The meeting concluded at 9:45pm with draft revisions to be edited by the Planning Board to ready a review by the Town Attorney, Town CEO and Town Board for final editing before inviting public input at a later date. The Town Board will be advised of the Planning Boards process.

Minutes from January 8, 2009 were approved

Next meeting on Feb. 19 and March 5<sup>th</sup> shall consist of board review of draft edits of laws in review.

Minutes submitted by L. Lersch. Revisions to: [Lsammy5@frontiernet.net](mailto:Lsammy5@frontiernet.net)

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
**Minutes - January 8, 2009**

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Robert Mincer, Keith Scholes, and Bruce St. Lawrence

Code Enforcement Office: Dawn Kane

Public Present: Robin Hargrave, architect; Nancy Robinson, Mr. Vincent Pigula, Mr. Robert Bringley, PE

Agenda: Site Plan Review for Ms. Nancy Robinson of 1431 S. Lake Road, Middlesex, Tax Map: # 31.01-1-7, presented by architect Ms. Robin Hargrave. Zoning District: LR

Meeting began at 7pm

Marty DeVinney opened the floor to a Site Plan Review Presentation from Robin Hargrave, architect for Nancy Robinson of 1431 S. Lake Road. Site Plan & maps were reviewed. Proposed plan included constructing a new dwelling within the original 20' x20' footprint. A few design improvements were discussed. One of these improvements was adding a vertical 25' to the height of the dwelling. Another addition included an enclosed porch on piers which replaced part of the second floor portion of the old dwelling. The plan was approved by George Barden, Canandaigua Lake Watershed Inspector. A motion was made for YCPB exemption by Chairman DeVinney and seconded by board member St. Lawrence. Vote taken was all in favor and the motion carried. Board's final determination: plans were approved.

A lengthy discussion followed involving the board, Mr. Vincent Pigula and his Structural PE, Mr. Robert Bringley, President of Marathon Engineering. Concerns from 12/18 Public Hearing of Site Plan Review for Mr. Pigula's proposed tram system were addressed in a letter written by Bringley with definition of the conceptual design objectives and a review of (3) critical points: Ground disturbance, Soil stability, and Safety. He invited the board to contact his firm if any more concerns arose. The board will review Mr. Pigula's case again at such time as Mr. Rick Ayers confirms approval of the revised Site Plan and an Emergency Access Plan and Site Location Review is filed with Rodney Bassett, Middlesex Hose Fire Chief. A brief discussion followed referring concerns by the board of the 3" diameter aluminum pilings that will be driven plumb into the embankment at intervals down the cliff bank and not at a horizontal plane to the ground as was previously stated at the onset of the project. This concern will be referred to Mr. Ayers of the Yates County Soil and Water Conservations Services for recommendation.

Dawn Kane reported that all documentation was delivered to a committee of professionals to be reviewed for the (60) day moratorium on all development in the Town of Middlesex reflecting a grade slope of 20% or more. This committee will be comprised of Kevin Olvany, Program Manager for the Canandaigua Lake Watershed Council; George Barden, Canandaigua Lake Watershed Inspector; and Shawna Bonshak, Senior Planner from the Yates County Planning Board to review our laws and ordinances that pertain to steep slope references. This committee shall report back to our board in approximately two weeks. At that time, Alaine Espenscheid, Town Attorney, Town Board members and the Planning Board will be brought in for final review.

Dan Paddock, Town Board Councilman relayed the board's intent to help by responding as needed to the above process and that Rick Ayers of Yates County Soil and Water Conservation Services, Inc. had expressed interest in the project and possibly could be part of the review. Dan relayed that the TB understood the holiday schedule slowed the moratorium schedule some and questioned when the (60) day window moratorium was initiated. Marty will call Alaine Espenscheid to clarify.

Minutes from 11/13, and 12/4 were approved. Draft minutes from 12/18 were approved with revisions.

Meeting adjourned at 8:45p

Agenda for next month's meeting, 2/5: will be a review of the (60) day Moratorium Review Report



Minutes submitted by L. Lersch; Revisions to Lsammy5@frontiernet.net