

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 5th shall consist of board review of draft edits of laws in review.

Minutes submitted by L. Lersch. Revisions to: Lsammy5@frontiernet.net