

**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)

