

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 4th was discussed point by point and the following Site Map revisions were agreed upon before County Planning Board Review on May 27th:

- 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 27th 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

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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 19th - 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