

**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)