

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 2nd 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 23rd 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 27th 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. 6th at the Town Hall, 6pm.

Meeting adjourned at 9:45pm.

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