

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**

Minutes

Wednesday, January 5, 2022 - 7 pm

Board Members present: Chair Marty DeVinney, Board Members: Terry Mott, Gordon Stringer, Dawn Kane – Code Enforcement Officer; Robert Brenner, Esq. - Town Attorney

Public Present: Peter Gorman, Jon Jones, Nate Duffy, Ted Carman

Agenda: Applications for Green and Rainaldi

Public Meeting was called to order at 7:04 pm

Site Plan Reviews

1. App. # 120321-SPR/ Linda Green represented by Jon Jones of Marks Engineering requests Site Plan Review for a Minor 2-Lot Subdivision, Single-family residence, individual driveway, and new well and onsite wastewater treatment system, Tax ID #3.01-1-1.2, (A/R).

CEO Kane announced that first on the agenda was Linda Green and Jon Jones of Marks Engineering as their representative.

Jon Jones introduced the project and stated that the applicant is requesting preliminary or final subdivision of the parcel into 2 lots and site plan approval. The development will be a single-family house, proposed onsite wastewater treatment system, new driveway, and new well. Since the last meeting the plans have been revised to include a new driveway along the full portion of the lot, so it has access onto Lindsley Road, removing the shared driveway adding a roof leader to the east side of the house. Septic approval from Tyler has been acquired.

Chairman DeVinney inquired if 50' is all they need on the road frontage.

CEO Kane confirmed 50' road frontage and she has the septic approval.

Board Member Stringer inquired about the drains at the end of the driveway where it meets Lindsley Road?

Jon Jones stated that that they are extending the driveway and adding a culvert to take care of the water.

Chairman DeVinney inquired if the house was higher than the garage and how the low spot would be handled.

Jon Jones stated that there is a low point that comes out from the garage. It splits and goes around the house where it gets picked up in the culvert to the other side of the driveway, there is also a swale on the south side of driveway as well.

CEO Kane confirmed that as of December 22, 2021, the watershed is all set.

Attorney Brenner inquired if a SWPPP will be prepared given the area of disturbance. He and CEO Kane believe it is a 1-acre threshold.

Jon Jones stated that they will prepare the necessary documents for that.

Board Member Mott expressed confusion of plan No. 2 where Lot 1 is on the west side of Linsley Road, and Lot 2 and Lot 1 on the east side. With a jagged line that they are both combined with the same lot

number. The lower subdivision plan No. 1 has the same tax account number for Lot 1 (to the north) and Lot 2 (to the south). Back up to plan 2 there is another Lot 1 on the other side of the road.

CEO Kane stated that the larger parcel is preexisting so it doesn't have a new tax map parcel id yet. This application is to subdivide this off. It's currently one parcel shares the same ID number.

Board Member Mott stated that the plans need to be signed and stamped. He also inquired how many lots there will be once final subdivision is approved and also inquired on the main parcel on the west side of the road and if it will have a new tax map number.

CEO Kane stated that one parcel will be subdivided into two parcels. Lot #2 will be the flagged lot with the single-family home. Lot #1 is split by the Road but annexed together as one parcel and that will remain agricultural land.

Attorney Brenner stated that the separate lot is not subject to a subdivision application it just happens to be owned by the same owner. The 209-acre parcel subject to the subdivision will retain its tax ID. The new flagged lot they are proposing will get assigned a new ID by the county if the subdivision is approved. The lot on the west side is preexisting and already has its own tax account number.

Board Member Mott offered that the appropriate tax map number should be included for reference on the site plan where Detail 1 is on the lower portion of the subdivision plan, on the left side of Lindsley Road.

Jon Jones confirmed that the final plans will be stamped and signed and also include the tax map number.

CEO Kane asked for comments to the site plan for the single-family home.

Board Member Mott offered that there needs to be a revision for the new driveway in the revision block with a notation that a new culvert is going in at the road. Also, he asked if the Town provides the culvert or if the applicant has to pay for it and stated that the applicant should be aware of it.

CEO Kane stated that the applicant pays for the culvert and the Town installs it.

Board Member Mott inquired who the owner is to the north and if it is still part of the green.

CEO Kane stated that it is over 300' and the break was at 150', that is typically what the Town has done to have a pull off there.

Chairman DeVinney inquired if an emergency vehicle could pull off the road.

Jon Jones stated yes that the driveway is flat enough and it makes more sense to have a pull-off near the house because that is where the action is if there was ever an emergency.

Chairman DeVinney inquired if the Town Attorney had any comments.

Attorney Brenner stated that he is satisfied and appreciates that the applicant is complying with the private road law and the common driveway issue arose last time. He recommended that a SWPPP be prepared and recommended that a condition of 150' into the property for either a grass or gravel pull-off would be appropriate. Trenching on the side of the road should be avoided that would create a depression.

Without further discussion, Chairman DeVinney opened the floor to comments from the public in attendance.

Without further comments, Chairman DeVinney closed the Public Comment portion of the Public Hearing and entertained a motion on the application. Chair DeVinney inquired if there was a second to the motion on the floor. Board Member Stringer provided a second. The motion so carried with all Board Members present voting all in favor none opposed with the following conditions.

1. Prepare a SWPPP.
  2. Maintenance of the pull off area located 150' from the shoulder of Lindsley Road with either grass or gravel.
  3. Revision of the plans to include the signature from the licensed land surveyor on page 2 (the plat) as well as updating the revision block to specify provisions made to the driveway.
  4. Tax account number labeling should be cleaned up.
  5. Include appropriate tax map references.
2. App. #122221-SPR. Diana Rainaldi of 662 Fisher Rd., represented by Peter Gorman of Marathon Engineering requests Site Plan Review for new construction of sidewalks in conjunction with two lift stations and other minor site improvements, Tax ID # 11.50-1-11, (LR)

CEO Kane introduced application for Diana Rainaldi, a lake front property at 662 Fisher Road. The applicant is trying to make the property ADA guidelines, handicap accessible. The property owner is currently doing a remodel inside the house due to his health issues. They are doing ADA upgrades on the interior of the house through the code office. They want to have access on the outside of the property which will require 2 lifts and sidewalk updates to accommodate his mobility.

Peter Gorman with Marathon Engineering presented the proposed project stating that Rick suffers from multiple sclerosis, so he has mobility issues. The project will improve access around the house so he can access different levels of the exterior and to the lake. A sidewalk will begin at the driveway go down along the north side of the house to the main entrance along with a landing flush with the main entrance and a garden wall. They are installing a new set of stairs that goes down to the patio and allows access to the existing stairs that will remain in place. A second sidewalk goes across the east side and down along the south side of the house which will lead to the 1<sup>st</sup> lift and then down to a patio. That first drop is 5' 10". They are replacing the patio surface to make it smoother. The entrance to the 2<sup>nd</sup> lift drops down about 7' to the lake level and will allow access to the rear yard and the dock. Other options were looked at such as ramps or a tram but is more invasive to the property and didn't fit into the natural character and is more visible from the lake. Three variances are required from the Zoning Board of Appeals. Mr. Gorman provided letters of support from the neighbors to the north and south.

CEO Kane inquired about variances, for example where the staircase comes off that west side deck stating that the variance is less than what is existing.

Peter Gorman stated that the variance is required because the structure will be 4' from the property line where 15' is required. The stairs and proposed retaining wall are within the original footprint but they are increasing the distance from the stairs so the variance will be less. The second lift is only going to be 25' from the mean high water mark a variance is required for that.

The stairs and the lift will be further away from the lake than the existing stairs which are actually a little closer to the lake than what the lift is going to be so the variance is required for the structure, but we are increasing that distance from the lake. And the third variance is for the garden wall which is 30" high, technically not a retaining wall but more of a garden wall which is a structure.

CEO Kane stated that they are making it more conforming than what was previous. They are removing it for accessibility and then it is being pulled back from its current location.

Ted Carman stated that it will end up being less non-conforming than it is today when the project is finished.

Chairman DeVinney inquired if all the sidewalk was new.

Peter Gorman stated yes, they are removing the existing sidewalk and replacing with all new concrete 4' wide.

Chairman DeVinney asked if there is a problem with coverage.

CEO Kane stated no, they have plenty, the sidewalk counts as coverage.

Chairman DeVinney inquired on the map contour if it should be 710 instead of 2709 as shown. Also inquired about the steep slope information.

Peter Gorman confirmed that the map should be 710 and there are not any disturbances of the steep slope.

Board Member Stringer questioned if the excavating for the sidewalk will be going outside. And also inquired about construction of the sidewalk.

Peter Gorman stated that not a lot of excavation or material needs to be trucked off. Materials will need to be hand-carted in.

Board Member Stringer inquired if a variance is required for the sidewalk itself or garden wall.

CEO Kane stated that the sidewalk on the north end is existing.

Board Member Stringer asked if the new sidewalk would be going to the north of the one being removed.

Peter Gorman confirmed that it will be a little north of the current sidewalk.

CEO Kane stated that a setback for the sidewalk is not required as it is at grade concrete pad.

Board Member Stringer Gordy inquired if the 4' for the sidewalk is the only variance required.

CEO Kane stated that variances are required for the lifts, and for the 30" garden wall, which is a structure.

Board Member Mott stated that the two plans have same scale, but they are not. The site plan on the bottom says its 20 scale but should be 10.

Peter Gorman state that was correct.

Board Member Mott inquired if the Town has construction detail for sidewalks.

CEO Kane confirmed that they do not.

Board Member Mott suggested that the engineer add detail as far as the thickness, concrete type (is it going to have mesh in it), expansion joints, and to make sure as far as finish goes, (there is many different types of broom finish, a light broom finish, heavy broom finish) to make sure that it is ADA guidelines and to include this with the approved plan.

CEO Kane stated that she will have the applicant expand on the details of the sidewalk. There is a 4" base and 4" pour with broom finish.

Board Member Mott stated that typically, in construction detail, you look at the width, thickness, the class of concrete (is it 3,000 lbs. and does it require mesh). Also, for the finish, it should be ADA guidelines finish for traction of the mobility vehicles and in terms of walking. He also noted that the bottom site plan has the incorrect scale. Where the pump tank is on the south side of the house, there are two 709 contours, and one should be 710.

Peter Gorman stated that they are doing a 4" and 4" and including a note on there with the broom finish.

Attorney Brenner made a statement in request to the timing of a Planning Board approval verses Zoning Board of Appeals variances. If the Planning Board wishes to approve a project and the Zoning Board of Appeals has not acted it ties the hands of the Zoning Board of Appeals if the Planning Board approves and the applicant wants to get variances.

Chairman DeVinney stated in most cases they like to hear what the Zoning Board of Appeals says. The Planning Board approval can be contingent upon the Zoning Board of Appeals and approve it at their next meeting.

CEO Kane stated that it typically goes to the Zoning Board of Appeals. This project was intentionally before the Planning Board due to the applicants timing and health to get this done for the family. So, this can be contingent on the approval of the Zoning Board of Appeals or whatever is decided. If the Zoning Board of Appeals does not approve, then they will have to come back with a redesign.

Chairman DeVinney stated that the Planning Board is voting to approve the site plan and the contingency is if the Zoning Board of Appeals comes back with no problems, then this goes through.

Peter Gorman stated that there is long lead times on elevators and lifts so getting this approved quickly is helpful and they would like to request that it is contingent on ZBA approvals.

Chairman DeVinney opened the floor to comments from the public in attendance.

Ted Carman stated that he did a site visit in anticipation of the Zoning Board of Appeals meeting.

Without further comments, Chairman DeVinney closed the Public Comment portion of the Public Hearing and entertained a motion on the application. Chair DeVinney inquired if there was a second to the motion on the floor. Board Member Stringer provided a second. The motion so carried with all Board Members present voting all in favor. None opposed with the following conditions.

1. That the Zoning Board of Appeals approve the three required variances without modification. If there is a modification the application needs to come back to the Planning Board for reapproval.
2. We should include the recommendation that the applicant look to ADA standards for sidewalk designs and use those in selecting their final product recommending that applicant explore alternatives for sidewalk finish and thickness.; and
3. Corrections to scaling and notations on the site plan.

Without further discussion, Chairman DeVinney entertained a motion to approve the draft minutes from December as submitted. Chairman DeVinney made the motion which was seconded by Board Member Mott. The motion so carried with all Board Members present voting in favor. None opposed.

CEO Kane distributed a letter in response to the application for Jeremy Fields in regard to his application for East Lake Road which will be coming back to the Planning Board in February. Ted Carman is the abutter on the east side of road and there is a 6' right-of-way that was discussed regarding the property. CEO Kane is circulating the Applicants attorney's response to the 6' right-of-way for review in preparation for the February meeting. She is submitting back to Jeff Graff for his review. Ted Carman said it encroached on their 6' right-of-way. The project should not move forward until taken care of. In order to do that CEO Kane contacted Jeff Graff, who said that he had input on that as well which will also be circulated. Applicant Fields has hired an attorney. There is title insurance on the property and their claim is that there is a right-of-way based on the deed it goes down the middle of the gully and his project does not impede Ted Carman's access to the lake.

Chairman DeVinney requested any legal instruments from Ted Carman to better inform the Planning Board.

Ted Carman stated that he doesn't think it showed detail on some of the deed transactions that have taken place previously, it is in there and recorded in Yates County because it was well researched when he purchased the property.

CEO Kane stated that the Applicant has some interesting information that calls out the right-of-way in the gully and they have title insurance on it. They did very comprehensive and detailed and research on this. Ted Carman should be able to provide the Board with something tangible and that is by the request of the Middlesex Town Attorney.

Ted Carman stated that previously sent a copy of the deed and it records detail on it. It is in the property file in the Town of Middlesex.

Board Member Mott stated that they have title insurance for that right-of-way. He suggested asking the Town Attorney if it is our best interest to make sure that this matter is taken care of prior to site plan approval so it doesn't bog down any future development of that area between the two different owners.

CEO Kane met with David Adam, the new Town Supervisor. They talked about a recommendation for two new board members and the Town Board would like the Planning Board to move forward with the recommendation for Nate Duffy and Case Smink. Also, to choose an alternate for the Planning Board. The CEO Kane has the letter written up to David Adam and the Town Board requesting to be reviewed and voted upon at their next meeting. They are waiting on a decision of the residency issue.

Board Member Mott suggested getting together for an in-prompto meeting with Dave Adams to discuss and see what direction and ideas he has so everyone is on the same page and moving in the same direction.

CEO Kane stated it is a great idea and suggested requesting a work session from the new Town Board where everybody can come together and do a meet and greet and talk about ideas.

Chairman DeVinney invited further discussion. There was none. He entertained a motion to adjourn. Chairman DeVinney made the motion which was seconded by Board Member Stringer. The motion so carried. All in favor. None opposed.

Meeting adjourned at 8:05 pm

Draft Minutes submitted by Laura Ann Chamberlain

Minutes approved on 3/2/2022