

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, March 3, 2021 - 7 pm

Board Members present: Chair, Martin DeVinney, Board Members: Terry Mott, Gordon Stringer, Lynn Lersch, Bruce St. Lawrence, David Adam; Dawn Kane – Code Enforcement Officer

Public Present: Nancy and Jeffrey Wolk, Anthony Venezia – Venezia & Associates, Robert & Lisa Dreste, Dean Ellison (by phone call)

Agenda: Meeting called to order at 7:01 pm

Draft PB Minutes from February 3, 2021 were reviewed. Chairman DeVinney entertained a motion to approve the draft minutes as submitted. Board Member Mott made the motion which was seconded by Board Member Stringer. The motion so carried with all Board Members present voting in favor.

Site Plan Reviews –

1. App. #011520-SPR/Robert & Lisa Dreste, represented by Venezia & Associates requests Site Plan Review for new construction of a two-story Single-family Residence, attached two car garage and expansion of an existing driveway at 1151 S. Lake Road, Tax ID # 21.56-1-2, (LR)

Dawn Kane, CEO gave a brief summary of the history of the application, stating the application had received conditional approval last October as an addition to an existing structure, however recent changes to demolish the existing cottage and starting with all new construction had brought the application back to the Planning Board for review. Town Engineer, Lu Engineer had also reviewed current changes forwarding their review to the Code Office for discussion. CEO Kane introduced representing agent for the Dreste's, Anthony Venezia from Venezia & Associates. The owners were also in attendance to answer any Board inquiries. Anthony Venezia provided the following answers with the Board to recommendations from Lu Engineer in a letter dated March 3, 2021:

#5/There are no variances required.

#8/Topographic conditions for a minimum distance of 100 ft. beyond the property boundary was not shown due to the deep gullies on either side of the proposed residence. Any water run-off would be managed with these natural gullies without impact to contiguous parcels.

#9/The proposed new construction roof peak elevation is 24.9 ft. which is well below the 35 ft. maximum height restriction required in Lakeside Residential Zoning District. The measurement must be verified as taken from Average Grade.

#11/ Existing Conditions Plan indicated on Cover Sheet will be provided as requested.

#12/Current plans show an extension of the existing garage with bonus space overhead. The Planning Board requires documentation from Grove Engineering that the NYSDOH is aware of the new construction and approves same without modification to the existing wastewater treatment system.

#17/The Middlesex Fire Chief and President have completed an onsite inspection of the proposed driveway extension and provided comments that what is proposed will not adversely affect any required fire department operations in the case of an emergency. Comment was made that a level spot at the top of the driveway, large enough to load a person for ambulance operations would be helpful. Currently there is such a flat loading spot close to the back entrance of the residence.

#18/NYS Engineer stamped Wall Plans from Fisher Associates showing required construction details for the proposed retaining wall (Diamond Pin Pro System) have been provided by owner to the Code Office and provided to the Planning Board.

#21/Grove Engineering will be required to document the limits of the 50% expansion area for the septic system leach field documenting it is appropriately sized.

#24/Venezia & Associates has reviewed the proposed electrical service relocation with the utility company and found it to be a non-issue. The installation of a new service pole for the residence has been coordinated with the utility company and shall be repositioned outside of the regraded slope along the southeast portion of the project.

Steep Slope Permit Application:

1. The total amount of site disturbance is shown on Dwg. C-1 as 17,400 sq. ft.
2. All easements are shown on the revised Site Plan
3. The driveway will not be graded but will be resurfaced only.
4. Stamped NYS structural engineer have been provided by Fisher Associates for the retaining wall and has been forwarded to the Code Office and Planning Board.
5. The existing septic design will be upgraded as an above ground system without retaining walls. Documentation of the proposed septic system approval from the NYSDOH and the Canandaigua Watershed Inspector will be submitted to the Town of Middlesex Code Enforcement Office prior to construction.

After a short discussion the following requests are required for submission prior to permitting through the Code Enforcement Office:

- a. Show silt fencing on north side of site plan to protect existing gully from all work along its north side.
- b. Provide average grade calculations & Existing Conditions Plan to the cover sheet.
- c. Coordinate estimated construction schedule with Highway Supervisor.
- d. If proposed unfinished bonus area above attached garage becomes habitable space, the proposed septic design might not be appropriate and need to be redesigned.
- e. Provide detail showing stone stabilization that will prevent erosion at discharge point of the new underground drainage into the existing gully within new revetment.
- f. Provide an onsite stake-out of location of new utility pole and possible regrading of site.
- g. Provide the Code Office with copy of letter addressed to Grove Engineering verifying current wastewater design is designed appropriately for new Site Plan.
- h. Provide the Code Office with copy of letter from Barry Zink indicating where the spoils from any excavation or tree removal will be hauled to.
- i. Provide evidence of permission from neighbor to the south for any construction encroachment activity prior to starting work.

Without further discussion Chairman DeVinney entertained a motion to approve the application with conditions as discussed with all requested contingencies to be resolved through the Code Office prior to permitting. Board Member Adam made the motion and Board Member Stringer provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

CEO Kane stated to owner, an issuance of a demolition permit from the Code Office could be obtained next week if all contingencies were resolved.

2. App. #091320-SPR/Dean Ellison requests Site Plan Review for construction of a 2-story 24' x 32' pole barn at 989 Old Vineyard Road, Tax ID # 21.28-1-2, (LDR)

CEO Kane summarized the application stating the owner had met all Planning Board requests from the February meeting. A complaint fielded through the Code Office had been resolved through the two contiguous neighbors, a site visit by each Board Member on an individual basis had occurred and the application was ready for further review. The applicant stated he had moved the current location of the proposed Pole Barn a total of 20 ft. from its original location to resolve a contiguous neighbor's concern as requested.

After a short discussion with owner, the Board Member Stringer made a motion to approve the application as submitted and Board Member Adam provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

3. App. #021421-SPR/Jonathan & Lydia Hahn of 670 Fisher Road, represented by Venezia & Associates requests Site Plan Review for construction of a 720-sf permanent dock with boat slip at shoreline, UDML, Tax ID # 11.50-1-9 (LR)

CEO Kane provided the Board with a summary of the application, stating the UDML, Tier 1 – provided for a minimum depth standard of 686.6 ft. in Canandaigua Lake for the Mean Low Water Line, which if met allowed the parcel owner an additional footage in dock length due to shallow depth to allow a boat to be brought in and out from the dock's proposed location.

Anthony Venezia of Venezia & Associates, representing agent for the applicant, stated due to this site's Mean Low Water Line which was instrumentally calculated to be 3 ft lower at the end of the dock, verified it as 683.6 ft, allowing the owner to locate the length of the dock 7.3 feet further out than the standard 60 ft. allowed in the Tier 1 UDML requirement. This extra feet in length however, is still calculated as part of the total sf allowance of the total dock which is 720 sf in this application.

After a short discussion, it was recommended but not required by Board Member St. Lawrence to design the dock's configuration with the boat station at the furthest point out into the water to allow best depth for the boat to navigate.

Board Member Mott provided a motion to approve and Board Member DeVinney provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

4. App # 010121-SPR/Jeff & Nancy Wolk, represented by Scott Hartar, P.E. requests Site Plan Review for a two-story Single-Family residence and attached garage at 894 S. Lake Road, Tax ID # 21.26-1-4, (LR)

CEO Kane provided Board Members with a summary of the application, stating the parcel had an existing leach field which had been installed by a previous owner. The engineer of record, Scott Hartar, PE of Professional Engineering Group had submitted site, grading and erosion control plans to the town with the latest revision in February. The Code Office was expecting a NYSDOH letter for the pending approval. Applicant and owners, Nancy and Jeff Wolk were introduced to present the application.

Nancy Wolk stated the proposed two-bedroom seasonal Adirondack style home had a walk-out basement and attached garage with a total 2, 550 sq. ft. on a 0.415 Acre parcel. An existing gravel drive partially accessed the parcel. The pre-existing absorption field had been designed to accommodate a proposed 2,762 sq. ft. residence which received approval in 2010 but site plans for the residence were abandoned prior to Board approval.

Site challenges were discussed by parcel owners with Board Members referencing the parcel's lot requirements. The owners discussed having made site changes, reducing the house footprint and location on the parcel to allow for meeting required septic setbacks. The driveway width had been reduced to meet the setback from the septic's endcap leach lines; however, a turn-around at driveway end was necessary for ease of egressing safely from the site from both building and driveway which encompassed 11% of the total lot coverage requirements for Lake Residential Zoning District. Variances for the parcel's lot coverage and driveway northern side setback were still to be appealed through the Zoning Board of Appeals.

Board Member St. Lawrence proposed inquiring about any minimum required separation distance between leach line end caps and the edge of the driveway which would present a better argument for the driveway

setback variance. Another suggestion was reconfiguration of the area at the proposed turnaround at the west end of the driveway.

After Board discussion, the following recommendations for revisions were made for resolve prior to the next agenda's review by the Planning Board prior to approval:

- Prior to Zoning Board of Appeal's application deadline, revise plans as recommended to reduce driveway dimensions/angle and lot coverage % in order to request the minimum variance possible prior to the April hearing.

Dwg. #1 of 2 of :

- The proposed variable height retaining wall running parallel to the north property line at driveway-end would need a variance, as well as NYS Stamped Engineer's section detail showing dimensions, and drainage if over (3) three feet in height.
- Clarify the management of upland water run-off from the driveway slope of 15% at first 20 feet of driveway away from north property line and house foundation.
- Provide foundation drainage and roof run-off control management details.
- Revise drafting error showing west front setback. Minimum setback is 40 feet; as drafted it is 50 feet. Show the High Mean Water Mark line at shoreline property line.
- Revise Erosion Control Construction Sequence #2 to provide a temporary containment section detail on site plan if temporary swales are needed to intercept surface water from work area. Sequence #3 complete the sentence for grade and vegetation to include the Seed Mix for specific slopes listed on the Town's website: www.middlesexny.org
- Provide notation on Site Plan of location where topsoil and site debris will be hauled to.
- Final Site Plan must be stamped by surveyor on record.

Dwg. #2 of 2:

- Revise Permanent Seeding notation #3, and Temporary Seeding #2 to provide instructions without phosphorus (10-10-10) due to the site's proximity to the lake.

Without further discussion, Board Member Mott made a motion to adjourn the meeting and Board Member DeVinney provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 9:12pm
Next Meeting: April 7
Draft Minutes submitted by L. Lersch
Minutes approved on 4/7/21