

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, March 6, 2019-7 pm

Board Members present: Chair – Marty DeVinney; Board Members: John Gilbert, Robert Mincer, Bruce St. Lawrence; Dawn Kane – Code Enforcement Officer

Public Present: Noah Seigel, Kevin Pilcher, Jan Daum, Anthony Venezia, Robert Multer, Daniel Walker, Gordon Stringer, Michelle Blondell, Dan Blondell, Nick Minekime, Phil Trautman, Gabrielle Harris

Agenda:

Draft Minutes – November 7, 2018

Site Plan Reviews –

Old Business:

1. App. #010217-SPR/Conti Solar LLC & True Green Capital representing land owner Jeanette L. Daum requests Site Plan Review to install a (3.7 MWac) Commercial Community Solar Photovoltaic Array Facility known as “Middlesex-Yates Solar LLC” at 4450 Town Line Road, Tax ID #3.01-1-4 (A/R)

New Business:

2. App. #020919-SPR/Phillip G. Trautman of 6363 Glenn Avenue requests Site Plan Review for proposed construction of a two-story home, Tax ID #11.74-1-38 (LR)
3. App. #020919-SPR/Robert Multer of 6004 N. Vine Valley Rd. requests Site Plan Review for a Minor Subdivision of 16.402 acres of vacant land, Tax ID #12.01-1-12 (LDR)
4. App. #021119-SPR/ Daniel Blondell of 1113 South Lake Road requests Site Plan Review for new construction of a driveway & shoreline improvements (UDML) on a vacant parcel, Tax Map ID #21.48-1-5.20 (LR)
5. App. #020119-SPR/Robert & Lisa Drester of 1151 South Lake Road requests Site Plan Review for proposed shoreline improvements & new construction of an accessory structure at shoreline, Tax ID # 21-56-1-2 (LR)

Chairman Marty DeVinney called the Planning Board meeting to order at 7:03pm.

Draft Minutes from November 7, 2018 were reviewed by the Board. A motion to approve was offered by Board Member John Gilbert and seconded by Board Member Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews/Old Business:

1. App. #010217-SPR/Conti-Solar LLC/Daum – Community Solar Facility-4450 Town Line Rd. Code Enforcement Officer summarized for the Board Members that Conti Solar and True Capitol had submitted on Monday, March 4th a revised Decommissioning Plan and Agreement in response to the Planning Board Letter referring them to comments by Town Engineer -Stantec and Town Attorney – Jeffrey Graff. Stantec had been willing to expedite reviews and responded back this afternoon with a letter which Ms. Kane distributed to everyone to read and review. In summary, Attorney Graff and Stantec found all recommendations and requests to have been addressed, cost estimate and bond agreement was valid. A meeting would be arranged between the Town Attorney, True Capitol’s Attorney and the landowner’s Attorney to then finalize the agreement and all parties represented would sign off on the agreement. Next step in the process would be a recommendation from the Planning Board by resolution for the Town Council to adopt it and then file it with the county. The next Town Board meeting would be March 14th and “Middlesex-Yates Solar LLC” and it’s Bond Agreement would be presented if all parties had signed off on it.

True Capitol’s Director of Deal Agreements, Nick Minekine introduced himself to the Board Members present and stated he was requesting Ilias Gardis from Conti Solar to conference in the discussion by cell phone. Mr. Minekine stated he was available to make comment or to answer any questions from the Board. He stated he was prepared to sign off on the submitted agreement tonight and would be able to get their Attorney on the phone to do so. Ms. Kane and Chairman DeVinney stated the goal of tonight’s meeting was to determine the Planning Board’s recommendation to the Town Attorney and Town Board, once all parties had had an opportunity to legally sign-off on the submitted agreement. Ms. Kane would release contact information for all parties to be able to set up a meeting that was reasonable, timely and convenient for all. She stated she would email the Town Attorney tonight to update him on the Planning Board’s recommendation. Chairman DeVinney assured all parties, once the Town Attorney signed off on the agreement, the Planning Board would submit an action resolution recommending their approval to the Town Board which would become part of the Town Board’s agenda on March 14th. All Board Planning Board Members present stated their approval of Mr. DeVinney’s statement with the aforementioned condition. Noah Siegel of True Capitol invited all Planning Board Members to attend a ground-breaking ceremony on March 15th from 2-5 pm at the site.

Site Plan Reviews/New Business:

2. App. #020919-SPR/Phillip G. Trautman of 6363 Glenn Avenue requests Site Plan Review for proposed construction of a two-story home, Tax ID #11.74-1-38 (LR)

CEO Kane summarized the application to the Board stating the application was complete and met all zoning area requirements. The site had an approved septic, and the parcel was vacant as Mr. Trautman had applied for a demolition permit and readied the parcel for the proposed installation- a two story 22 x 48 ft. single-family residence. The footprint of the 1056 sq. ft. dwelling was shifted to align with the eastern side setback. A variance for the 30 ft. front setback had been granted by the Zoning Board of Appeals on February 7th.

After careful review, Board Member St. Lawrence inquired of the 16 ft. western side setback referencing the roof's overhang and stated it to be 4 inches beyond the setback. Zoning measures from the outermost part of a structure to the property line. Mr. Trautman stated he would be glad to move it to 17 foot off the western property line to be in compliance with zoning. In addition, the survey map would need to be resubmitted to correct the setback dimensions for the new build.

Without further discussion, Board Member Gilbert moved to approve the application with this minor tweak and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor. None opposed.

3. App. #020919-SPR/Robert Multer of 6004 N. Vine Valley Rd. requests Site Plan Review for a Minor Subdivision of 16.402 acres of vacant land, Tax ID #12.01-1-12 (LDR)

CEO Kane summarized the application stating Mr. Multer was subdividing a portion, 111.010 acres of his rear parcel located in the Low-Density Residential District to be conveyed to the Finger Lakes Land Trust, who also owned a contiguous parcel to the east. Mr. Multer intended to retain 5 acres of the 16.402-acre parcel. Ms. Kane stated the proposed subdivision was in compliance with all lot area requirements as well.

A mylar and two large paper prints would be necessary for sign-off by the Planning Board Chairman prior to filing with the County.

Without further discussion, Chairman DeVinney entertained a motion to approve the application as submitted. Board Member St. Lawrence made the motion, and Board Member Gilbert provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

4. App. #021119-SPR/ Daniel Blondell of 1113 South Lake Road requests Site Plan Review for new construction of a driveway & shoreline improvements (UDML) on a vacant parcel, Tax Map ID #21.48-1-5.20 (LR)

Ms. Kane summarized the application's details for the Board. This vacant parcel was part of the original Lakeshore Ventures LLC application, and subdivided off as the last lot to the south with the District's required 100 ft. of lake frontage. The applicant is intending to build a residence sometime in the future was now requesting site plan review to install a private driveway upland and construct a permanent dock and boat house at the shoreline. Amber Docks was constructing the shoreline improvements, and Venezia & Associates was the representing the Blondell's with a stamped site plan. Anthony Venezia, was in attendance to answer any questions.

Board Member St. Lawrence commented that the Town would like to hold to 15% grade on all new driveway construction. The proposed driveway was 17% and could possibly be graded slightly to the north to create a gentler slope and be in compliance with that request. It was also requested to pull the driveway back some as shown on the map to be in compliance with side setbacks. Also, it would be to Mr. Blondell's advantage to coordinate the roadside curb cut with the Town's Highway Supervisor to make sure the culvert size was sized right for storm run-off. Current advisement was to go with a 15" minimum culvert size instead of 12" as shown on site map.

The Planning Board inquired if a stair design would be submitted to access shoreline and advised this would require certified NYS Engineer stamped plans to protect lake and landowner. Anthony Venezia and Mr. Blondell replied that Phase II of this project site would include steps, house design, septic and stormwater management plan for the property to be applied for at a later time. Anthony also stated a proposed tiered septic system, once approved, was to be located in the back of the property by the facility lines. Utility conduit at roadside would contain both electric and water, installed by directional bore system for the Boat Hoist at shoreline and eventually access to the residence.

Without further discussion, the Board gave Final Conditional approval to Phase I of site improvements with resolve to the following conditions and revised site map to be submitted back to Code Office prior to permitting:

- a. Installation at curbside of a 15" culvert rather than 12" as shown on map. Driveway access to be scheduled through the Town Highway Supervisor.
- b. Driveway to be redesigned to comply with a 15% slope grade and pulled back to comply with side setback to the south as required by Town Laws.
- c. Dock and Boat Hoist were advised to be designed flush with each other, within the requirements of the UDML for dimension measurement allowed per lineal feet of shoreline.
- d. Certified NYS Engineer stamped plans for all Dock and Hoist plans are required.
- e. Silt fence added at road topside of shoreline project site to protect lake from stormwater run-off and debris during storm events.

Board Member St. Lawrence made the motion to conditionally approve Phase I with requested revisions resolved prior to permitting. Board Member Mincer provided a second. Motion so carried with all Board Members present voting in favor.

5. App. #020119-SPR/Robert & Lisa Dreste of 1151 South Lake Road requests Site Plan Review for proposed shoreline improvements & new construction of an accessory structure at shoreline, Tax ID # 21-56-1-2 (LR).

Ms. Kane summarized the application stating there was a pre-existing and non-conforming storage shed located at shoreline. Since it was pre-existing, the applicant was allowed to repair and/or replace with new materials on the same footprint which included the height. If the applicant wished to remove, expand or change the height of the structure, they would need to apply for a variance from the law. The Drestes, are represented by landscape architect Gabrielle Harris, who is here to present the application and answer any questions.

Ms. Harris stated the Drestes decided to implement some shoreline improvements to include two retaining walls, a gravel off-street parking area for a golf-cart between the shed and road curb. Metal railings & stone dry-laid steps would lead to a landscaped fieldstone patio and grass area bordered by the existing seawall. Ms. Harris stated they would like to realign the existing storage shed a foot to the west, as shown in red on the maps, making it parallel to the seawall. They would like to increase the outside dimensions of the shed to become 7.1 ft. by 16.2 ft long or 115.02 sq. ft. They also would like to raise the shed roof three feet with a 4:12 roof pitch. The

foundation would be poured concrete. It was felt the increase in height would not impact neighboring parcel's lake view.

The Planning Board stated under the Uniform Docking and Moorings Law, this structure would not be allowed at the shoreline. Since it was pre-existing under law, the applicant could only repair it if the original footprint and height was maintained. The law was very clear about only allowing a Boat Accessory Structure at shoreline due to the site being within a Steep Slope Area. Since this was not the case, the Planning Board would have to deny the application due to the proposed shed plans as currently presented.

Ms. Harris was advised the applicant could seek a variance from the Zoning Law for the non-compliance to the setbacks from the proposed new structure.

The Planning Board provided the following advisement for the two proposed retaining walls:

- a. Site Plan Review by Stantec, Town Engineer for both the timber and stone retaining walls due to height and proximity to South Lake Road. Curbside parking along South Lake Road is discouraged by the Town Highway Department as the road is narrow and any space allocated for parking would create the potential of a vehicular pull-off from oncoming traffic by commercial and privately-owned vehicle use whether intentional or not.
- b. Retaining walls over 3 ft. in height need to be stamped by a licensed NYS Professional Engineer.

Ms. Kane stated the process for Town Engineer review and Ms. Harris stated she would speak to the applicant to see what they proposed to do, getting back to the Code Office with next steps.

Ms. Kane offered board advisement on a couple of submitted applications requesting permission to bring them to the Planning Board for future Site Plan Review. Also, in January 2019, the Town Council adopted the proposed new Fee Schedule.

Board Member Gilbert stated he had submitted his resignation as Planning Board Member to become effective at the end of May. Interested applicants to fill a 5-year term are to invited to apply with a letter of intent to the Town Supervisor, Wayne Dunton and copy to Martin DeVinney, Planning Board Chairman to be interviewed.

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

Next meeting on April 3rd

Meeting adjourned at 8:45 p.m.

Draft Minutes submitted by L. Lersch

Minutes approved on May 1, 2019