

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

Minutes

Wednesday March 7, 2018- 7 pm

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

Public Present: Daniel C. Hackett RLA, Mike Volpe, Buod Kuenen, Tammy McDonough, Terry McDonough, Josh Fleig, Shawn Ashley, Charlie Peters, Don Sheive

Chairman DeVinney called the Planning Board meeting to order at 7:01 pm.

Draft Minutes from February 14<sup>th</sup> were reviewed by the Board. Board Member Gilbert made the motion to approve as written with Mincer providing a second. Motion carried with all Board Members present voting in favor. None opposed.

Agenda:

Site Plan Reviews:

App. # 011518-SPR/Boudewyn Kuenen of 1513 South Lake Road, requests Site Plan Review to install a residential wastewater system on property at Tax ID #31.01-1-12 (LR)

App. #011718-SPR/Daniel C. Hackett, Architect and representing agent for owner, Michael H. Messina of 344 East Lake Road, requests preliminary review for the installation of an enclosed deck addition and porch roof to a pre-existing single-family residence, Tax ID #001.076-1-1.1, (LR)

Meeting Minutes:

1. App. #011518-SPR/Buodewyn Kuenen:

Dawn Kane, CEO provided the Planning Board with a summary of the application, stating that the representing engineer, Brennan Marks could not attend, yet had responded with comments by email to concerns posed by Board Member St. Lawrence and owner Buod Kuenen was in attendance to answer any questions.

After review of the response comments from Marks Engineering, the Board entered into discussion with applicant and without needing further review, Board Member Gilbert offered a motion which was seconded by Board Member Mincer to approve the application contingent on revisions to be noted on the Final Site Plan and submitted to the Office of Code Enforcement prior to permitting. The motion so carried with all Board Members present voting in favor. None opposed. These revisions are:

- a. Coordinate an onsite pre-construction meeting with the Code Office to include Engineer and all contractors prior to start of construction. Points of discussion are to include: control of site access, erosion control plan and location of silt fencing, destination of any spoil removal offsite if

necessary, any onsite temporary stockpiling of excavated material, leach fill sand and construction materials for the project.

b. Dwg. C100:

- Site Plan must match Detail on Dwg. C503 in regard to force main line size. Owner states that 2" is preferred, pending any design issue.
- Also reconfigure the retaining wall so that skew of south wing wall complies with zoning requirements for a 15 ft. setback to avoid application for an area variance.

c. Dwg. C501:

- Delete Note 6 referencing the temporary diversion swale if not going to be designed. Contractor shall be responsible to control all surface run-off during and after construction.
- Note 2 – Provide design mix for seed that is suitable for slopes and soil type in the project area. Code Enforcement Office has a sample mix. Note that disturbed areas are not considered stabilized until 80% density vegetation coverage has been obtained. Any site work disturbance left dormant for more than (3) days must be stabilized using erosion controls standards required by the Town of Middlesex for the period of October 1<sup>st</sup> - April 1<sup>st</sup>.

d. Dwg. C502, Detail 2:

- Show the horizontal spacing of 4 ft. vertical rebar pins for bottom tiers as none were provided.
- Wall Design drafting needs to show deadmen at every other course vertically, not every third course, as specified in the note at the top to the detail. Provide clarity for the Contractor if that is not the design intent.
- There is a note within the top deadman that states "length to match wall height + 24". The word "minimum", or some other indication, should be added to assure that the Contractor knows that each deadman must extend horizontally into undisturbed soil as shown.

2. App. #011718-SPR/Daniel C. Hackett, agent for owner, Michael H. Messina:

A summary was provided by CEO Dawn Kane explaining some updates that based on town records, the parcel was previously thought to be pre-existing and non-conforming at the last Planning Board meeting on Feb. 14<sup>th</sup>. New information, based on a recently submitted survey, shows that this parcel is a conforming lot. In addition, this allows the proposed addition to the Messina's single-family residence to be in compliance with local code requirements in the Lake Residential Zoning District. The additional square footage of permeable structures for the proposed addition combined with what is pre-existing totals 25.13%, whereas local zoning allows 20% of permeable surface coverage on the lot. The applicant has been granted a variance from this zoning requirement and is now ready for Preliminary Site Plan review by the Planning Board.

Ms. Kane introduced agent Dan Hackett, Landscape Architect for the Messina project to provide the Board with current updates on the application, since the February conceptual review.

Mr. Hackett explained that since the last meeting, calculations for the following were revisited and the following findings were noted:

- a. The Town's Steep Slope Law requires a Steep Slope Permit if square footage of disturbed ground breaks the 500 sq. ft. threshold. The calculated square footage for the new support posts for the new living space is approximately 72 sq. feet.
- b. Calculation of % of slope onsite in the area of disturbance for the three pylons is 36.1% on the south side, 35.33% in the mid area, and 27.6 % on the northernmost side of the project boundaries thereby coming in under the 40% Steep Slope threshold for building.
- c. Erosion management of water run-off from the retaining wall would suggest the installation of a timber cribbing at ground level to be filled with clean stone to contain the downspout and better manage water run-off from the corrugated gutter pipe off the roof.

Mr. Hackett stated that all soil used onsite would be hand carried in and out for minimal disturbance. A silt fence would be installed appropriately and fragrant sumac shrubs would be planted after the ground disturbance was complete.

After entering into discussion, the following revisions were requested by the Planning Board prior to Final Determination:

- a. After field exploration, if the existing retaining wall at the open porch addition is determined to be unsuitable to support the new porch roof post, Final Plans must include documentation as a stamped Section Detail certified by a Structural Engineer providing load calculations for the new supporting footer design. Final documentation of this open issue is to be noted on plans prior to Final Determination by the Planning Board.
- b. Leave existing slate path of onsite shale pavers undisturbed, as removal could allow the possibility of onsite erodible conditions if removed.
- c. Revise architectural drawings to reflect structural design revisions made on site plan.

Other Business:

1. CEO Kane stated that Charles Peters, Application #101217-SPR reviewed by the Planning Board in November for the subdivision of vacant land into 2 lots on Sunflower Drive was advised by the board at that time to reconfigure the subdivision boundaries to allow both parcels to be in compliance with local road frontage requirements in the AR Zoning District. Mr. Peters proceeded to apply for a variance for road frontage on Parcel A which was granted by the Zoning Board of Appeals on February 15, 2018.

Ms. Kane requested the Planning Board to now approve the 2-lot Subdivision request with Parcel A to remain non-conforming at 156.22 ft. of road frontage, and Parcel B, as compliant with well over the 200 ft. of road frontage, required in the AG District, allowing it to proceed to be filed now as a legal subdivision.

Board Member Lersch moved to approve the subdivision as submitted with the variance granted by the ZBA on Feb. 15, 2018. Board Member Mincer provided a second and the motion so carried with all Board Members present voting in favor. None opposed.

2. Residents Tammi and Michael McDonough of 803 Tuscany Lane requested Planning Board time to review a personal residential concern of flooding on their property perceived to be impacted by the installation of a pole barn in the open field south of their parcel. Stormwater run-off from a snow storm event along with the natural slope of the land, exasperated by ground disturbance from the installation of the building construction, was said to have

impacted their property, septic and compromised their well. Mr. McDonough stated he had contacted the NYS DEC, Canandaigua Watershed Project Manager, Mr. Olvany, Canandaigua Watershed Inspector Mr. Barden and Town Supervisor Wayne Dunton requesting relief.

Chairman DeVinney acknowledged their complaint, requesting they contact CEO Dawn Kane in the Code Enforcement Office as this was the appropriate process in enforcing action from resident complaints within the boundaries of the Town of Middlesex. Mr. McDonough stated he had not but would.

Ms. Kane summarized to those in attendance, the Site Plan for this pole barn had been brought to the Planning Board on advisement at the December meeting. Since the application had met all required area lot requirements in the LR Zoning District and was a permitted use, the Planning Board had reviewed the submitted information and approved the application to be permitted as submitted through the Office of Code Enforcement. Ms. Kane summarized the appropriate erosion control management practices planned for this project that were still in process since the installation was not currently complete. She stated she would review the complaint, make a site visit the next day to begin an immediate, fair and just resolve of their concerns.

Without further discussion or concerns, Chairman DeVinney entertained a motion to adjourn the Planning Board meeting. Board Member Lersch offered the motion to adjourn and Gilbert provided a second. Motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 8:15 p.m.

Next Meeting on April 4<sup>th</sup>

Draft Minutes submitted by L. Lersch/revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)

Minutes approved on May 2, 2018