

TOWN OF MIDDLESEX
PLANNING BOARD
Workshop Minutes

Wednesday, March 24, 2021 – 4:30-6:30 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: Linda Sheive, Ted Carman

Meeting called to order at 4:45 pm

Planning Board Chair DeVinney and Code Officer Kane gave a brief summary of the history of the “On-Site Individual Wastewater Treatment System Law” posted on the Town website. It was stated the Town’s involvement in the creation of a Draft Model Law task force with the Canandaigua Watershed and other members from municipalities around Canandaigua Lake dates back in 2016. This draft law was amended in 2017 by the Town of Middlesex and is currently being reviewed by the Planning Board for final review for a recommendation to the Town Board prior to setting a Public Hearing for the purpose of adoption by the Town of Middlesex as a Local Law.

The entire draft law was reviewed by the Planning Board and the following list of revisions were recommended by the Town of Middlesex Planning Board to the Town Board for amendment of the current draft “Adopting an On-site Individual Wastewater Treatment System Law” prior to its adoption:

Article 2 **Definitions**

2.1 Words & Terms:

Existing: “CONVEYANCE OF REAL PROPERTY – The transfer of the title of real estate..... shall not be considered a conveyance of real property under this law.”

Revision: “CONVEYANCE OF REAL PROPERTY - The transfer of the title of real estate **shall be** considered a conveyance of real property under this law.”

Existing: “ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT – A written permit issued by the authority having jurisdiction.”

Revision: ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT– A written permit issued **by the Town of Middlesex Code Office** having jurisdiction.”

Article 3 **General Regulations, Design Standards and Requirements**

3.3 Exemptions:

Existing: “Replacement of septic tanks and distribution boxes shall require anon-site wastewater”

Revision: Replacement of septic tanks and distribution boxes shall require **an on-site** wastewater”

3.4 Requirements for Substandard Systems & 3.5 Maintenance of Enhanced Treatment Units and Holding Tanks:

Recommendation for enhancement of these sections: As written these sections are confusing. It was suggested that once the law is adopted, it would be beneficial for all to provide a clear and concise summary of what is enforceable under the law. This summary could be designed in the form of a chart, similar to the Area Requirements Chart in Section #403, Schedule II of the Zoning Code to be made available to the general public that depicts all important aspects of the law and better clarifies its intent and regulations.

3.5 Maintenance of Enhanced Treatment Units and Holding Tanks:

1. Existing: Line 4 - “adjustments by a certified manufacturer’s representative for the life of the unit. Within 10 days.”

Revision: Addition to line 4 after unit. and before Within” **All service contracts shall be initially transferred to new owner at the time of transfer of title for the property who will receive a report. After transfer, the new owner shall decide either to continue the service contract or set up a new agreement.”**

2. Existing: Last line of this paragraph – “punishable according to Article 9of this local law.”

Revision: “punishable according to Article **9** of this local law.

Article 4, 4.1 Inspections of New On-Site Wastewater Treatment Systems:

Recommendation for enhancement of these sections: Posting to the Town Website and/or publish in the Town Newsletter a “FAQ’s tabulation of Frequently Asked Questions” an educational tool to provide property owners with a clear checklist of what will be required in the process, what fees and forms are to be submitted to the Canandaigua Watershed, explanation of a service contract and who is the designated authority having jurisdiction in all sections.

1. Existing: Line 2 – “supervision of a Design Professional. The authority having jurisdiction shall have the right to”

Revision: *It was discussed that the authority having jurisdiction should be:* “supervision of a Design Professional. **The Canandaigua Watershed shall have the right to.**” Dawn Kane will inquire and confirm:

2. Existing: Line 5 - “Major alterations to the designs approved by the authority having jurisdiction shall require review and approval by the authority having jurisdiction.”

Recommendation: It was recommended that the wording of this sentence should name each authority having jurisdiction to provide clarity of who it is.

Article 4, 4.5 Report of Findings:

1, 2, 3 Existing: as is

Recommendation for enhancement of this section: Board recommends posting so it is available to Town residents, the “OTN INSPECTION INFORMATION REQUEST” which is the “Findings Work Sheet” used in the system review by an OTN Inspector.

Article 5 On-Site Wastewater Treatment System Permitting Procedures

5.1 Application material

1d. Existing: “supplies, buildings and watercourses within 200 feet of the proposed on-site”

Revision: “supplies, building and watercourses *within 200 feet* of the proposed on-site”

5.3 Fees:

Existing: Line 2 - “resolution from time to time by the authority having jurisdiction.

Revision: “resolution from time to time by the *Canandaigua Watershed* having jurisdiction.”

Article 9 Enforcement:

9.1 4. The entire paragraph as worded was recommended to obtain legal advisement from the Town Attorney, referencing the term “Town Board” to be replaced with “**Code Office**” as the permitting authority in the Town of Middlesex to clarify the authority having jurisdiction in the Town of Middlesex throughout this section.

Recommendation throughout the law to provide placement of **page #'s as reference points** throughout the law which would be used in the suggested graph to be posted on the website.

A letter of recommendation with all listed amendments will be sent to the Town Council for review prior to setting a Public Hearing.

Lu Engineer’s proposal for the development of a General Highway Use Permit Program -Town

Bruce St. Lawrence presented a summary of the proposal from Town Engineer, Lu Engineer’s proposal for the development of a General Highway Use Permit Program for the Town of Middlesex. This proposal would implement a General Highway program in an effort to regulate the various types of construction work performed on the Town roads and structures that are within the Town Road Right-of-Ways to include a Seasonal Special Hauling Permit for certain Town Roads. The proposal would cost

\$12,000 and would benchmark what other municipalities are doing to assure best management practices for development within road Right of Ways, to include heavy haul permits/fees.

This proposal would become an amendment to our local Zoning Law and will be sent to the Town Council for review prior to setting a Public Hearing.

After a short discussion, Chair DeVinney entertained a motion to recommend this Lu Engineer proposal to the Town Board for approval. A motion was offered by Terry Mott and Gordon Stringer provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

CEO Kane distributed an amended map to the Planning Board from the Lersch subdivision application approved by the Planning Board in January of this year. She explained this amendment to Lot #3 has been documented by the surveyor as an administrative error to the numerical courses to Lot #3 and did not affect the physical dimensions of the property being subdivided.

Without further discussion, a motion to adjourn the workshop meeting of the Planning Board was offered by Gordon Stringer and seconded by Terry Mott. The motion so carried with all Board Members present voting in favor.

Meeting adjourned at 6:20pm

Draft Minutes submitted by L. Lersch

Minutes approved on April 7, 2021