

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

Minutes

Wednesday, April 3, 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: Peter Gorman P.C. of Marathon Engineering, Gordon Stringer, Noah Swartele, Ted Carman, Patrick & Ann McCormick

Agenda: Draft Minutes – March 6

Site Plan Reviews –

New Business:

1. App. #031219-SPR/Ann & Patrick McCormick represented by Peter Gorman of Marathon Engineering requests Site Plan Review for the construction of a replacement tram to an existing tram located at 356 E. Lake Rd., Tax Map ID # 1.76-1-3 (LR)
2. App. #031119-SPR/Noah Swartele, represented by Brennan Marks of Marks Engineering requests Site Plan Review for new construction of a Single-Family Residence, driveway and septic located on 5.2 acres of vacant land on Bare Hill Rd., Tax ID #2.03-1-10 (LDR)
3. App. #031019-SPR/ Melinda Heavens, represented by Brennan Marks of Marks Engineering, requests Site Plan Review for new construction of a Single-Family residence, driveway & septic located on a 3-acre vacant parcel bordering East Lake Rd. Tax Map ID #11.58-1-7(LR)
4. App. #031319-SPR/Anthony Piazza, represented by Brennan Marks of Marks Engineering Robert Road requests Site Plan Review for site improvements at 6080 Widmer Rd. to include installation of a new wastewater treatment system, timber retaining wall, driveway erosion control improvements and proposed set of stairs from driveway to house, Tax Map ID # 31.54-1-3 (LR)
5. App. # 031419-SPR/Donald Tesch, represented by Ted Carman, requests Site Plan Review to construct a 40 ft x 50 ft. Pole Barn on vacant land adjacent to contiguous parcel at 624 E. Lake Rd., owned also by applicant., Tax Map ID # 11.42-1-2 (LR)

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

Site Plan Reviews for New Business:

1. App. #031219-SPR/ Ann & Patrick McCormick of 356 E. Lake Rd., represented by Engineer Peter Gorman:

Code Enforcement Officer summarized the application for the Board Members and introduced Peter Gorman, P.C. agent for the McCormicks who were in attendance to answer any Board questions.

Peter Gorman presented the application to the Board, stating the new tram would be installed by Finger Lakes Tram and would be approximately in the same location as the existing tram but since the proposed replacement was a bit wider, the location of the upper landing would be shifted approximately 5-6 feet slightly to the south.

A variance request for the side setback encroachment had been applied for. The landing at shoreline would connect to an existing waterfront landing, however the landing is situated approximately 1.7 feet further from the lake. The new tram will be located approximately 4.7 ft. closer to the neighboring parcel to the south which is also owned by the McCormicks. Installation of the tram will be installed manually by FL Tram with minimal impact to the hillside using hand driven pilings, so no heavy equipment will be used. The existing tram and pilings and footers will be cut level to ground and removed above ground. Three existing trees will be removed due to the shifting of the tram's proposed location.

Discussion developed with Board concern about removal of trees. Board requested that if any could be saved to honor this request as it helps stabilize the embankment on steep slope. Spoils would be hauled offsite to Finger Lakes Tram owned property. It was stated that safety rails "installed by others" would be designed and installed by Finger Lakes Tram. Existing stairs at shoreline would be removed as the new landing platform for the tram would exit onto an existing flat deck.

Without further discussion, a motion to conditionally approve the application was offered by Robert Mincer. Bruce St. Lawrence provided a second. All Board Members present voted in favor of the motion with the following conditions to be resolved prior to permitting:

- a. Variance for side setback encroachment must be granted through the Zoning Board of Appeals.
- b. Submission of an "As Built" Site Map to the Office of Code Enforcement noting:
  - All project spoils will be hauled offsite to Finger Lakes Tram property.
  - Final detail of tram landing and existing deck at shoreline.

2.App. #031119-SPR/Noah Swartele, represented by Brennan Marks of Marks Engineering requests Site Plan Review for proposed construction of a single-family residence on vacant land bordering Bare Hill Rd., and site improvements.

CEO Kane gave a brief summary of the application and referred the floor to Brennan Marks, representing agent for the applicant, also in attendance to answer any questions for the Board.

Brennan Marks stated the application was for the new construction of a 2-bedroom cabin on the corner of Bare Hill Road and Van Epps Rd. The application included a driveway, new well, and an onsite traditional septic system inground with a timber retaining wall on the downhill side allowing 25% of the top grade of the system to key into the embankment. Electrical power would connect to utilities at the street. Brennan stated septic approval was still pending and presented his erosion control plan.

After careful review, the following concerns were addressed by the Planning Board requesting revisions to be submitted for an additional Board review at the next available agenda to be scheduled through the Code Office:

- a. Resubmit site map to show a redesign of the driveway access to the cabin decreased from 20 to a maximum of 15% grade of slope to comply with Town requirements.
- b. All culverts should be a minimum of 15" diameter in Steep Slope areas per Town Highway Dept.
- c. Septic Design approval is required prior to final Planning Board determination.
- d. Drainage Redesign with installation of stone at all discharge points.
- e. Installation of silt fence, with separate detail, on east side of new home.
- f. Show map detail of 4 ft. Timber retaining wall as replacement for wall of block design.
- g. Note on site map the total square feet of ground disturbance.
- h. Clean up General, Erosion Control and Construction Sequence notes as discussed to comply with specific requirements as referenced in the Town's Steep Slope Law (pg. 7).
- i. Indicate rolled erosion control product. Dates for stabilizing disturbed areas must be consistent with calendar requirements.

- j. Need steep slope overlap map as required by steep slope regulation.
- k. Steep slope protection area permit needed.
- l. Revise swale positioning west of septic field.

3.App. #031019-SPR/ Melinda Heavens, represented by Brennan Marks of Marks Engineering, requests Site Plan Review for new construction of a Single-Family residence, driveway & septic located on a 3-acre vacant parcel bordering East Lake Rd. Tax Map ID #11.58-1-7(LR)

Ms. Kane, CEO summarized the application, stating Brennan Marks was in attendance to present the application and to answer any questions from the Board.

After careful review by the Planning Board, the following site map revisions were requested to be resubmitted prior to subsequent Planning Board review to be scheduled by the Office of Code Enforcement:

- a. Resubmit site map to show an updated drainage redesign to the parking area.
- b. Note on site map installation of stone at all discharge points.
- c. Note on site map the installation of silt fence further extended at north and south ends and maintained during construction.
- d. Septic Design approval is required prior to final Planning Board determination.
- e. Note on site map the total square feet of ground disturbance.
- f. Note use of rolled erosion control product due to steep slope development. Rework notes to address timeliness of stabilizing disturbed areas per steep slope regulations.
- g. Clean up General, Erosion Control and Construction Sequence notes as discussed to comply with specific requirements as referenced in the Town's Steep Slope Law (pg. 7).

4. App. #031319-SPR/Anthony Piazza, represented by Brennan Marks of Marks Engineering Robert Road requests Site Plan Review for site improvements at 6080 Widmer Rd. to include installation of a new wastewater treatment system, timber retaining wall, driveway erosion control improvements and proposed set of stairs from driveway to house, Tax Map ID # 31.54-1-3 (LR)

Brennan Marks of Marks Engineering presented the application stating it was in an extremely steep slope area on Widmer Road. He stated the plan was carefully engineered to reduce erosion and update the current wastewater treatment system.

After careful review, the following site map revisions were requested for resubmission prior to subsequent Planning Board review to be scheduled by the Office of Code Enforcement:

- a. Engineer must be present for critical inspections. Coordinate points and intervals with Code Office.
- b. Revise Erosion Control & General Notes #2 & #4 to state use of specific erosion control product, "North American Green" and revise wording to comply with specific time allotted for stabilization of disturbed ground as referenced in the Town's Steep Slope Law (pg. 7)
- a. Revise "Construction Sequence" Note #8 and Wastewater Treatment System Note #4, removing "as soon as possible" to comply with specific time allotted for stabilization of disturbed ground as referenced in the Town's Steep Slope Law (pg. 7).
- b. Obtain a land use agreement from contiguous neighbor to the south.
- c. Show on site map a location for spoils and construction staging of materials.
- d. Submit an Overlay Map referencing Zone A as required in Town's Steep Slope Law requirements.
- e. Submit Stormwater calculations to comply with Steep Slope Law (pg. 7) to accommodate a 25 yr./1-hour storm event.
- f. Steep Slope permit required.
- g. Provide total amount of disturbed area. SWPPP permit may be required.

- h. Drwg. C100, provide drainage detail for controlling surface drainage at bottom of driveway where steps are to be reworked and new retaining wall installed.
- i. Drwg. C500, provide rail anchoring details for both types of retaining walls.
- j. Schedule onsite Pre-Construction Meeting with Town's CEO, Engineer and Contractor through the Office of Code Enforcement.
- k. Septic Design approval is required prior to final Planning Board determination.
- l. Provide section detail of new retaining wall along last section of driveway.
- m. Provide more detail at all drainage transition points into culverts, to include area of stone required.
- n. Show erosion control requirements at all discharge points for open channel flow.
- o. Variance for southern side yard setback required prior to Planning Board approval.
- p. Provide more information on the removal / replacement of existing steps at bottom of driveway.

5.App. # 031419-SPR/Donald Tesch, represented by Ted Carman, requests Site Plan Review to construct a 40 ft x 50 ft. Pole Barn on vacant land adjacent to contiguous parcel at 624 E. Lake Rd., owned also by applicant., Tax Map ID # 11.42-1-2 (LR)

Ms. Kane, CEO summarized the application, stating the application was pending determination of a variance request from the Zoning Board of Appeals. This variance request would also be reviewed by the Yates County Planning Board as it abutted the county road, prior to final Planning Board determination. Mr. Ted Carman was in attendance to represent Mr. Tesch and to answer any inquiries from the Board.

After careful review, the following site map revisions were requested for resubmission prior to subsequent Planning Board review to be scheduled by the Office of Code Enforcement:

- a. Submit the driveway dimensions from setbacks on site map to show the egress/ingress to the proposed Pole Barn from Genundewah Drive.
- b. Submit dimensions to the existing ROW
- c. Submit dimensions from setbacks on the proposed back porch. Also provide all dimensions of porch.
- d. Topographical contours to be shown on site map, both new and existing.
- e. Submit Erosion Control Plan per Town's Stormwater Management Law.
- f. Pending Area Variance review by the Yates County Planning Board on April 25<sup>th</sup>.
- g. Show proposed utility locations.

Other Business:

App. # 020119-SPR/Robert & Lisa Dreste of 1151 South Lake Road requests Site Plan Review for shoreline improvements & new construction of an accessory structure, Tax ID #21.356-1-2(LR)

Dawn Kane, CEO requested the Planning Board review new maps from Brennan Marks of Marks Engineering for the Dreste application. This application was denied by the Board in March due to the Board's request for Town Engineer review for structural loading capacity of a proposed pull-off parking area and retaining wall to the embankment bordering South Lake Road. Stantec's review recommended 3<sup>rd</sup> party structural engineer design for both the proposed retaining walls and for the proposed parking area to handle the loading capacity for the possible vehicular pull-off and retain stability of the embankment. The applicant hired Brennan Marks of Marks Engineering. Mr. Marks, a licensed structural engineer, reviewed all shoreline improvement retaining walls proposed to be over 3 ft. in height, as required by New York State. Mr. Marks stated that the updated designed retaining wall with parking area currently would handle load from temporary parking of a golf cart, however structurally it would not be structurally sound to handle the possible commercial vehicular pull-off from South Lake Road traffic, which would be hard to control. After much discussion, Mr. Marks stated he would take the Board's comments to the applicant for their determination.

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.

Draft Minutes from March 6, and April 3 will be reviewed at the May 1<sup>st</sup> Planning Board Meeting.

Next meeting on May 1<sup>st</sup>

Meeting adjourned at 9:02 p.m.

Draft Minutes submitted by L. Lersch

Minutes approved on May 1, 2019