

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday April 4, 2018- 7 pm

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

Public Present: Daniel C. Hackett RLA, Mike Volpe, Pat and Sarah Lavell, Marshall Hardy and Brent Long of MacFarland Johnson Engineers, Karl Neubauer, Jay Saylor of Herrick-Saylor Engineers, James Fonzi, Ben Carpenter

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

Draft Minutes from March 7th will be reviewed by the Board at the May 2nd regular Planning Board Meeting.

Agenda:

Site Plan Reviews:

1. App. #011718-SPR/Daniel C. Hackett, Architect and Mike Volpe of Ted Collins Associates, representing agents for owner Michael H. Messina of 344 East Lake Road, requests Final Site Plan 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)
2. App. #081117-SPR/Patrick and Sarah Lavell of 1320 South Lake Road requests a conceptual Site Plan Review for new construction of a single-family residence, Tax ID #21.64-1-7, (LR)
3. App. #032718-SPR/James Fonzi of 5960 Widmer Road, represented by agents, Karl Nuebauer and Jay Saylor request a conceptual Site Plan Review for new construction of a detached garage, Tax ID #31.03-1-3.1, (LR)
4. App. #032818-SPR/Ben Carpenter of 874 Newell Rd, requests a conceptual Site Plan review for a driveway for a business located at 868 Newell Rd., Tax ID #22.01-1-2.1, (LDR)

Meeting Minutes:

1. App. #011718-SPR/Hackett-Messina of 344 East Lake Road, (LR)

Dawn Kane, CEO provided the Planning Board with a summary of the application, stating that in March the Planning Board had offered recommendations to the project requesting revisions to the architectural and structural plans. These revisions were received today by email and forwarded to the Board Members by pdf file. Mr. Hackett brought hard copies of these revisions and would present these to the board for further discussion.

Mr. Hackett, Architect stated that it had been decided, rather than do field exploration to examine the footer in question for structural suitability, they would instead simply replace the footer as shown on the revised map. All Architectural Drawings had been updated to reflect all structural design revisions as well.

Board Member St. Lawrence inquired why the footer to be replaced flared at the bottom. Hackett responded that it was designed that way by engineer choice and would have a bearing capacity of 250 lbs. Mr. Hackett confirmed that all onsite work will be done by hand, requiring no construction equipment to access to the site during installation.

Without further discussion the Board moved to approve the application as revised. A motion to approve was offered by Mincer and seconded by St. Lawrence. Motion so carried with all Board Members present voting in favor. None opposed.

Conceptual Reviews:

2. App. #081117-SPR/Patrick and Sarah Lavell of 1320 South Lake Road, (LR)

A summary was provided by CEO Dawn Kane to the Board Members stating this application had considered by the Planning Board last year and after reviewing the parcel onsite last October 2017, the Board Members had recommended some revisions to the submitted two options for a site plan. Representing agents for the Lavell's from MacFarland and Johnson were in attendance along with the owners to discuss further options after reviewing the Board's recommendations.

Marshall Hardy and Brent Long of MacFarland Johnson Engineers, submitted three new driveway site plan options using the existing pathway adding access stairs from the proposed driveway to the house with varying amounts of ground disturbance.

After a lengthy discussion of multiple options and a review of all submitted plans, the Board offered the following recommendations for continuing to develop building options using the submitted Option #4 (C-01) as a guideline:

- Leaving 2 parking spaces at the top, flatten the proposed access driveway as close to 15% slope as possible to achieve more compliance with the current Steep Slope Laws and to reduce the quantity of variances required for approval.
- Review the Development Standard Sketches (ST-1 thru ST-ST2) that consist in the Steep Slope Law as Addendum B to the Steep Slope Law to provide possible other building options for Steep Slope parcels.
- When considering driveway options, safety of access off the main road was considered by the Board to be a priority.
- To improve a safer access off of South Lake Road, take down the proposed retaining wall closest to the road and extend and flatten the existing driveway out to the northern property line curving it back to the south parallel with the 175 ft. of road frontage on South Lake Road.
- Show all contour elevations throughout areas of construction for clearer review.

3. Application # 032718-SPR/James Fonzi of 5960 Widmer Rd - (LR)

Agents Karl Nuebauer as General Contractor for owner James Fonzi and Jay Saylor of Herrick-Saylor Engineers presented submitted drawings A1, C1 and S1-3 for the proposed 25 ft x 30 ft. detached two-story garage for Planning Board reference.

Discussion developed with board recommendations in bringing the project to full site plan review. Board Member St. Lawrence stated the board liked to see the contour elevations through

the structure of the garage footprint, location to the road, and calculation of total square footage of ground disturbance as well as onsite drainage management for controlling storm water runoff and proposed stabilization methods after project completion. Though the parcel is located in a steep slope area, the area chosen to locate the garage is fairly flat.

Mr. Fonzi wanted to add a retaining wall to replace an existing 13 ft. temporary jersey wall. 23 additional feet of this existing wall is shared and angles down to the neighboring parcel. Mr. Fonzi would like to improve this wall to fortify stabilization to the embankment. The Board recommended acquiring a written easement for permission from the neighbor to provide improvements to the wall and for accessing the neighbor's property prior to final determination of the application. Other recommendations included placing gravel when backfilling wall to slow water run-off. Variance application for the wall crossing side property line setbacks. Scheduled deadlines for application to the Zoning Board of Appeals were provided.

4. Application #032818-SPR/Ben Carpenter of 868 Newell Road, Hungry Bear Farm

Ms. Kane, CEO gave a brief summary of the history of the parcel. Ben had purchased the property with an existing pole barn and driveway off of Newell Road. Ben's vision was to improve the property, clean up much of the buried debris placed there by a previous owner and create a business, governed under the NYS Ag & Mkt Law, Section #301, for Apiary and Maple Production. A site plan of this business was submitted to the Code Office in 2014. He wanted to build up and extend the driveway to the west in order to access the back of the pole barn by adding fill. This would allow space for delivery trucks to be able to turn around after unloading deliveries and exit by the same driveway. Over a two-year period, the scope of the site plan increased beyond the submitted site plan and additional fill created concern of impact to the roadside ditch on South Vine Valley Road and its close proximity to a nearby creek watershed to the lake. Visibly lacking was the required erosion control management such as silt fence and stabilization to the embankment, as well as provision of load-bearing details for the new driveway to safely accommodate delivery vehicles. After multiple attempts to notify Mr. Carpenter of these concerns without a response, and for the purpose of resolve, the NYS AG & MKT was contacted by the Code Office. An onsite visit at various times by Town Officials, Yates County Soil & Water Conservation District and the NYS Department of Ag & Mkts, with recommendations to develop a plan for bank stabilization, keep sediment out of the roadside ditch and nearby stream, submit a Site Plan for Planning Board review, reflecting all current changes and plans for appropriate erosion control methods required by the Town.

The Board was provided review materials which included the submitted 2014 site plan; an updated site plan showing current changes and future expansion plans to be developed at some later date; communication from Mr. Bob Somers, Ph.D. Manager of Farmland Protection Unit of the Department of Agriculture and Markets in Albany, dated 8/24/17 outlining preliminary findings from his field and internal Department review; a letter dated 11/20/17, from James Balyszak, District Manager of the Yates County Soil & Water Conservation District in Penn Yan confirmed a November 2017 site visit to review results from his previous recommendations for managing concentrated storm water flows leaving the property. This letter provided specific recommendations from the NYS Standards and Specifications for permanent planting and mulching to stabilize the steep slope embankment and protect the watershed.

Discussion developed on current status of these reviews from outside resources. Mr. Carpenter stated that although he had failed to provide the Code Office with an updated site plan such as the one now presented to the Planning Board, he would apply for site plan review as required for all

future expansions of his business. He stated he had worked with town, county and others to bring in fill and was working currently with Soil & Water on stabilizing the remaining bank, scraping the embankment with equipment to better shape the exposed embankment and adding a few more loads of clean topsoil fill prior to seeding. He will also work to create a safety berm, raise the grade in the southwest corner of the driveway to improve drainage flow of water run-off. He will locate silt fence on the back side of the site and once site work is complete, all surfaces will be planted with ground cover forage for stabilization and gravel will be applied in vehicular pathways.

Ben Carpenter stated his plans for future expansion included a 2-story building addition which will include some excavating to provide a loading dock/trailer parking. He assured the Planning Board that he will be providing engineered drawings and a full Site Plan for this addition prior to development.

Chairman DeVinney stated in response, that all outside resource recommendations are an important tool for owners to incorporate into their plans; however, Town Law requires the Planning Board to review all site development that not only impact the watershed but create any amount of ground disturbance to a parcel, and the installation or extension of a driveway requires a permit through the Office of Code Enforcement.

It was also advised for Ben to contact the Town's Highway Supervisor when clearing out the roadside ditch on South Vine Valley Road as it may impact So. Vine Valley Road during Spring storm events. Results will be assessed in thirty days by the Code Enforcement Office which may include a site visit by either the Planning Board and/or the Code Officer.

The following conditions to be resolved are:

- Stabilization of the embankment with seed and mulch as referenced in the NYS Standards and Specifications for permanent plantings and mulching. Mr. Balyszak, from the Yates County Soil & Water Conservation District recommended in a letter, applying up to 3,000 lbs. per acre to protect the steep sloped embankment after using equipment to scrape the exposed embankment to accept a layer of clean topsoil fill.
- Work with Town of Middlesex Highway Supervisor Todd Conaway to clean ditch of debris to allow storm water runoff to flow from embankment to ditch & keeping it away from the road.
- Silt fence application is required to protect the nearby stream bed to the west of the parcel and protect the roadside ditch to avoid sedimentation and offsite storm water erosion runoff.
- Adding additional fill in order to raise the grade of the driveway at the southwest corner due to ponding in that area and also create a safety berm on west and northern edges of the embankment to aid in dispersing storm water flow to the ditch bordering South Vine Valley Road. All new fill should not migrate further toward the nearby watershed stream or to the roadside ditch.
- Gravel to be added to the extended driveway at project completion.

- All future development plans to include but not limited to the following require application for site plan review through the Office of Code Enforcement: onsite excavating, additions of onsite structures or additions to onsite structures.

Without further discussion, DeVinney entertained a motion to conditionally approve the application as presented, and Mincer offered the motion which was seconded by St. Lawrence. The motion so carried with all Board Members present voting in favor. None opposed.

A project under Advisement from the Code Enforcement Office for Matt Glacey, owner of the Vine Valley Mobile Home Park for a permanent dock will be rescheduled at a later date.

Other Business:

The Town's fee schedule will be upgraded in the near future, and proposed increases were reviewed and discussed.

Without further discussion, a motion to adjourn was offered by Lynn Lersch and seconded by Bob Mincer. Motion so carried with all Board Members in attendance voting in favor. None opposed.

Meeting adjourned at 9:28pm
Next meeting May 2

Draft Minutes submitted by L. Lersch/revisions to lynn.lersch@gmail.com
Minutes approved on May 2, 2018