

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, May 1, 2019-7 pm

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

Public Present: Chris Olney – FLLT, Allyson Adam-Anderson, Lisa & Bob Dreste, Terry Mott, Gordon Stringer, Ted Carman, Phil Greene, Brennan Marks

Agenda: Draft Minutes – March 6, April 3

Site Plan Reviews –

New Business:

1. App. #040119-SPR/Steve Ball, represented by Allyson Adam-Anderson of KW Gateway Realty requests Site Plan Review for reclassification of a single-family residence into two-family residence at 266 St. Rte. #245, Tax Map ID # 3.03-1-2 (A/R)
2. App. #033119-SPR/Daniel & Judi Fulz of 6100 Widmer Rd., represented by Phil Greene of Worden Hill Marine, request Site Plan Review to construct 852 sf. of shoreline improvements per the UDML to include Permanent Dock w/Single Boat Station, and Boat Accessory Structure, Tax Map # 31.54-1-1.1, (LR)
3. App. #032219-SPR/Finger Lakes Land Trust, represented by Chris Olney request Site Plan Review to construct two sets of timber-framed stairs and natural path pedestrian hiking trail called East Shore Preserve at Bare Hill from the shoreline east to East Lake Road between 480 & 520 East Lake Rd., Tax Map #11.27-1-5.1, (LR)

Old Business:

4. App. # 031419-SPR/Donald Tesch, represented by Ted Carman, request Site Plan Review to construct a 40 x 50 ft. Pole Barn on vacant land adjacent to 624 E. Lake Rd., Tax Map ID # 11.42-1-2, (LR)
5. App. # 020119-SPR/Robert Dreste of 1151 S. Lake Rd., represented by Brennan Marks of Marks Engineering, request Site Plan Review to construct shoreline improvements to include retaining walls, stairs, landing with railing, and landscaped stone patio, Tax Map # 21.56-1-2 (LR)

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

1. App. #040119-SPR/Steve Ball, represented by Allyson Adam-Anderson of KW Gateway Realty requests Site Plan Review for reclassification of a single-family residence into two-family residence at 266 St. Rte. #245, Tax Map ID # 3.03-1-2 (A/R)

Code Enforcement Officer summarized the application for the Board Members, stating the request was a permitted use per Section #501.1 in the A/R Zoning District. George Barden, Canandaigua Watershed Inspector had approved the existing septic system as adequate, and in working order. There will be no interior or exterior changes. This

residence has been pre-existing to zoning for the past 30 years. The Balls are now selling the property and have submitted a parking sketch of the parcel to show parking is adequately planned. Ms. Kane introduced Allyson Adam-Anderson to answer any questions for the Board.

Board Member Lersch stated that Yates County Planning Board would need to review this application based on the parcel's proximity to State Rte. #245 and pursuant to NYS Municipal Town Law, Article 12b, Section 239-m, part c.

Allyson Adam-Anderson requested a waiver from the law due to financial hardships and the process in place for closing as soon as possible on the real estate sale for her client.

Board Member Lersch stated the Planning Board could extend a recommendation from the Planning Board to request the County to provide a waiver from the law, and Code Officer Kane confirmed that a call to the County Office Planner would be forthcoming and information relayed back as soon as possible.

A motion to grant conditional approval pending determination from Yates County Planning Board was offered by Board Member St. Lawrence and a second was provided by Board Member Mincer. Motion so carried, with all those members present voting in favor. None opposed.

2. App. #033119-SPR/Daniel & Judi Fulz of 6100 Widmer Rd., represented by Phil Greene of Worden Hill Marine,

Ms. Kane summarized the application, introducing Phil Greene to present the application for the Fulz family.

Mr. Greene stated the application was in line with all requirements from the UDML. The project on Widmer Rd, a steep slope parcel would entail shoreline improvements to include a new 732 ft. permanent docking system with a single-slip boat station, a 120 sq. ft. Boat Accessory Structure upland of the Mean High-Water Line and would have electric service to the building. The plan has included the 120 sq. ft. of this structure in the square footage allowed for the dock. The total is 852 sq. ft. where the maximum allowed would be 920 sq. ft. As part of the project would be the removal of an existing storage shed and retaining wall that was in disrepair which would not be replaced. An agreement from the neighbor to the north for transportation of materials over their property had been acquired. 8 yards of fill would be removed from this area and re-graded to provide a more native slope at approximately 75% slope. Total disturbance in this area would be approximately 450 sq. ft. An erosion control product called "Land Lok 450" will be used to stabilize the disturbed ground with the Town's recommended seed mix to establish a living erosion protection base. All spoils will be reused onsite where possible with debris from razing the storage shed and retaining wall to be hauled offsite in a dumpster.

After review, the Planning Board requested silt fence be installed running north and south on the parcel below the disturbed area and to deter debris and storm water runoff entering the lake during a possible storm event. The silt fence must be maintained until ground stabilized.

Without further discussion, the Board motioned to approve the application with the contingency of adding silt fence as discussed to be maintained until disturbed ground is stabilized. Board Member St. Lawrence offered the motion which was seconded by Board Member Mincer. The motion so carried with all Board Members in attendance voting in favor. None opposed.

3. App. # #032219-SPR/Finger Lakes Land Trust, represented by Chris Olney, Director of Stewardship.

Mr. Olney presented the application to Board Members stating the FLLT had acquired the parcel to create "East Shore Preserve at Bare Hill," a proposed water trail accessible from the shoreline up to East Lake Road and eventually in hopes of connecting to a trail across East Lake Road and eventually up to Bare Hill. Proposed onsite were two sets of boxed 6" x 6" timber-framed stairs 4 ft. wide and spanning 660 sq. ft. Installation would start sometime in September by a third-party crew – Adirondack Mountain Club (ADK). The stairs would be installed without machinery using hand tools completing 2-3 step sections at a time to be filled with natural shale. The stairs would be sectioned into two sets pinned into place by rebar. The upper section is ninety-five feet long with a rise of 28 ft. and would require 56 steps with an off-set of 16 in. The lower section is 75 ft. long with a rise of 24 ft. and

would require 48 steps with an off-set of 17 in. A drainage ditch on the north uphill side of the stairs would shunt water to the west traveling between the two stair sets.

Signage would be located at the entrance to the parcel and was atypical to other FLLT Nature Preserves (sized at 11.5" x 11.5" square). Parking off the shoulder of East Lake Road, within the parcel, would accommodate two or three cars. Mr. Olney stated this trail was not meant for access to the lake from the road, but rather from the lake and they would not be creating a parking area per se up there. It was stated FLLT would place a cable across the entrance to avoid vehicular pull-off.

Board Member Lersch stated the application would be referred to Yates County Planning Board on May 23 per NYS Municipal Town Law, Article 12b, Section 239-m, part c. due to the project's abutting a county road, (East Lake Road). The Town of Middlesex would complete the application to the County and Mr. Olney or a representative, familiar with the project, would need to be present to answer questions.

Board Member Gilbert inquired of a tree marked for removal. Mr. Olney responded it was an invasive species, called the "Tree of Heaven" and would be removed, leaving the stump and roots in ground.

Board Member St. Lawrence inquired if there was future intent for boat mooring or docking, to which Chris Olney stated there was not and no swimming would be allowed.

Lynn Lersch inquired if the stone cribbing at shoreline was existing or would be part of this project. Mr. Olney stated it was existing prior to Finger Lakes Land Trust purchase of the parcel.

Without further discussion, a motion to approve with contingencies was offered by Board Member Gilbert and seconded by Board Member St. Lawrence with the following contingencies to be resolved, prior to permitting through the Code Enforcement Office:

- Construction process to be monitored by FLLT while installation by 3rd party completes shale fill on timber-framed stairs.
- Installation of silt fence, west of construction site, to protect lake from debris and surface run-off.
- Onsite pre-construction meeting to be scheduled with the Code Enforcement Office to detail construction process and site access for materials.
- Pending Yates County Planning Board review of application, due to the project abutting a county road, pursuant to NYS Municipal Law, Art. 12b, Sect. 3239-m, part c, and intent of establishing signage and off-road parking for up to three vehicles off shoulder but within the FLLT parcel boundaries.

The motion so carried with all Board Members present voting in favor. None opposed.

Old Business:

4. App. # 031419-SPR/Donald Tesch, represented by Ted Carman, request Site Plan Review to construct a 40 x 50 ft. Pole Barn on vacant land adjacent to and south of 624 E. Lake Rd., Tax Map ID # 11.42-1-2, (LR).

Ted Carman, representative for property owner Donald Tesch, stated he was here to submit requested revisions as required by the Planning Board review in April, and the application had been reviewed on April 25th by the Yates County Planning Board receiving a recommendation of "no significant County-wide or Inter-Municipal impact."

Board Member St. Lawrence requested the following to be resolved prior to permitting through the Office of Code Enforcement:

- Recommendation to extend two western-facing posts of proposed Pole Barn into native ground to avoid proposed extra fill.
- Application of a rolled erosion control mat such as North American Green <https://nagreen.com/> on steep slope to protect from erosion during stabilization of disturbed ground.
- Application of recommended seed mix to be applied to all disturbed ground within 72 hours per Town's Local Steep Slope Law per handout distributed at meeting.
- Monitor areas of fill for appropriate compaction to avoid future settling.
- Recommended seed mix per handout at meeting

Without further discussion Board Member Lersch made a motion to approve the application with the above contingencies, and Bruce St. Lawrence seconded the motion. The motion so carried with all Board Members present voting in favor. None opposed.

5. App. # 020119-SPR/Robert Dreste of 1151 S. Lake Rd., request Site Plan Review to review requested map revisions to shoreline improvements to include retaining walls, stairs, landing with railing, and landscaped stone patio, Tax Map # 21.56-1-2 (LR)

Lisa & Robert Dreste, property owners were in attendance to answer Board inquiries of map revisions drafted by Gabrielle Harris of HDS, and stated they had chosen not to create a graveled parking area between the east side of the existing shed and So. Lake Road, deciding instead to backfill the retaining wall behind the shed with gravel, topsoil and then top seed with grass. It was stated that the shed would be completed to specifications offsite, completed by June, for onsite installation and resting on a concrete slab.

After a short discussion, the following contingencies were requested as final determination by the Planning Board prior to permitting through the Office of Code Enforcement:

- Provide a site map that has been stamped and signed by a NYS Certified engineer for all proposed structural retaining walls over 3 ft. in height.
- Recommend planting of shrubbery along proposed roadside 16 ft. grass area to deter vehicular pull-off.
- Require engineer presence onsite to monitor backfill process at timber retaining wall behind proposed shed.
- Notify Town Highway Supervisor Todd Conaway of proposed construction schedule to allow time for signage for possible road delays or closures.
- Obtain a release for permission from Mr. Tom Hansen off-site storage of construction vehicles during construction process.

A motion to approve with these contingencies was made by Bruce St. Lawrence and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Other Business:

Brennan Marks of Marks Engineering requested Site Plan Review for David Moynihan of 6367 Vine Valley Rd. for a proposed addition to an existing residence, new patio and regrade of driveway for erosion detail. The Board stated he was not on the agenda due to deadline issues, but they would give him a conceptual review. After a short discussion and review, Mr. Marks took back the maps stating he would come back for a full review in June after speaking with his client.

A motion to accept the draft minutes as submitted for March 6 and April 3 was offered by John Gilbert and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor. None opposed.

Code Officer Kane requested a recommendation from the Planning Board to add some Zoning Law amendments to current zoning and draft a letter of recommendation to the Town Board for their May meeting. Clerk Lersch will draft a recommendation to be presented at the May 9th meeting.

Lersch read an email from Mr. Michael Cannova requesting information from the Planning Board which was discussed. A reply will be drafted to Mr. Cannova.

It was noted that this was the last meeting attended by Board Member John Gilbert as he was resigning after many years on the Planning Board. Mr. Gilbert has retired and will be spending more time out of state. The Planning Board is fielding public interest for the position and reviewing letters of reference from interested parties. Recommendations from the Planning Board will be reviewed by the Town Board for appointment.

Without further discussion, a motion to adjourn was offered by Chairman DeVinney and seconded by Bruce St. Lawrence. All Board Members present voted in favor. None opposed.

Meeting adjourned at 9:38pm
Next meeting on June 5th

Draft Minutes submitted by L. Lersch
Minutes approved on June 5, 2019

