

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

Minutes

Wednesday, May 5, 2021 - 7 pm

Board Members present: Chair, Martin DeVinney, Board Members: Terry Mott, Gordon Stringer, Lynn Lersch, David Adam; Dawn Kane – Code Enforcement Officer

Public Present: Robert Brenner, Denise Adam, Ted Carman, Pat & Rocco Venezia, Peter Gorman, Logan Rockcastle, Thomas Masaschi, Andrew Buchanan, Bill Grove, Gordon & Jackie Fisher, Jeff Gerstner

Agenda: Meeting called to order at 7:00 pm

Draft PB Minutes from April 7, 2021 were reviewed. Chairman DeVinney entertained a motion to approve the draft minutes as submitted. Board Member David Adam made the motion which was seconded by Chairman DeVinney. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews –

1. App. #0421221A-SPR/Komarek represented by Robert Brenner, ESQ. requests Site Plan Review for the construction of a proposed 1228 sf. permanent docking system with a 10' x 12' Accessory Structure on shoreline at 00 East Lake Road, Tax ID # 2.03-1-2, UDML, (LR)

Dawn Kane, CEO stated the application met all UDML regulations. Due to the property's steep slopes, a Boat Accessory structure is allowed for storage and is included within total sf. Board Member Stringer inquired of the height, stating the maximum allowed was 15 ft.

CEO Kane stated an "As Built" was required at completion, which would include all structures and slope.

After review, Board Member Stringer offered to make a motion to approve the application with a contingency listed below. Board Member Adam provided a second. The motion so carried with all Board Members present voting in favor. Permitting to be acquired through the Code Office with the following contingency:

- Height restriction on the 10' x 12' Accessory Structure must be compliant with the UDML regulations of 15 ft. maximum.

2. App. #041821-SPR/Bruce Hunt /Venezia & Assoc. requests Site Plan Review for an addition to an existing docking system at shoreline at 124 E. Lake Rd, Tax ID # 2.46-1-2, (LR)

CEO Kane introduced Rocco Venezia who presented the application as agent. The application included a proposed dock area totaling 792 Sq. ft. after additions. The proposed additions include two dock extensions to an existing dock system at 124 East Lake Rd. with 221.22 lineal feet of shoreline in the Lake Residential Zoning District, Tax ID # 2.46-1-2, (UDML).

After Board review, the application was approved with the following contingencies to be resolved through the Office of Code Enforcement prior to permitting:

- Provide notation to give clear definition of High Mean Water Line on Site Map.
- Provide notation on site map clear definition to what is proposed and what is existing adding up to the total proposed – 792 sf.
- Remove black solid reference line around existing dock.

Without further discussion, Board Member Mott offered a motion to approve the application with contingencies listed above, and Board Member Stringer offered a second. The motion so carried with all Board Members present voting in favor. None opposed.

3. App. #041421-SPR/Linda Sheive/Venezia & Assoc. requests Site Plan Rev for an extension to an existing docking system at 1193 S. Lake Rd., Tax # 21.64-1-2, UDML (LR)

CEO Kane summarized the application stating the proposed project was allowed meeting all UDML regulations.

After Board review, the application was approved as submitted. Board Member Adams made a motion to approve and Board Member Stringer provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

4. App # 030421-SPR/Giordano/Marathon Engineering requests Site Plan Review for new construction of a 2-story, Single-Family Residence w/walk-out finished basement, detached garage, septic and new driveway at 1147 S. Lake Rd., Tax ID #21.56-1-1, (LR)

CEO Kane summarized the application stating Town Engineer Stantec had reviewed the application and submitted the review just this morning. It had been forwarded to representing agent, Pete Gorman, P.E., of Marathon Engineering, who offered the following information:

Marathon Engineering will make all revision to Stantec comments and offered to the Board that the height restriction will be adhered to as well. Average height measurement as required by Zoning Law Section 200.5.6 is 35 feet, but height of the Giordano residence will be 26 -28 feet.

After Board review, the application was approved with the following contingencies:

- Provide section detail on Site Map of proposed retaining wall as required on walls over 3 ft. in height.
- Map Revisions on large size map, referencing Stantec review dated May 5, 2021 to be submitted to Town of Middlesex Code Office by no later than Monday, May 17<sup>th</sup> at noon.
- Yates County Planning Board Review on May 27<sup>th</sup>, 7pm. Penn Yan Office Building, 417 Liberty Street, Penn Yan NY 14527
- Final Determination pending recommendation from YCPB.

Representing agent will provide map revisions from Town comments and Stantec review by Monday, May 17<sup>th</sup> for deadline submittal to the Yates County Planning Board for a May 27 review.

5. App. #041621-SPR/ Giordano/Marathon Engineering requests Site Plan Review for construction of a 761-sf. consolidated permanent docking system at shoreline of 1147 So. Lake Rd., Tax ID # 21.56-1-1, UDML, (LR)

Representing agent, Pete Gorman stated the application was a dock and boat station consolidation on 206 lineal feet of shoreline which allows 1080 sf allowed. All setbacks are in compliance. The applicant would like to construct a stone patio using dry laid stone.

After Board review, the application was approved with the following contingencies to be resolved through the Office of Code Enforcement prior to permitting:

- Provide dimensions on the site map for the proposed 756 sf stone patio.
- Proposed Boat Station w/sides pending review - UDML

Board Adam made a motion to give conditional approval to the application with the above contingencies and Board Member Mott provide a second. The motion so carried with all Board Members present voting in favor. None opposed.

6. App. #041121-SPR/Logan Rockcastle/Marks Engineering requests Site Plan Review for the new construction of a 1200 sf single family residence w/ walk-out basement at 00 Hadsell Rd., Tax ID # 22.02-1-2, (A/R)

CEO Kane provided Board Members with a summary of the application, stating Logan had received Planning Board approval in August for a driveway and location of a Yurt on this property. He was now requesting Site Plan Review for the construction of a single-family residence with a conventional septic on 6.3 acres.

Logan Rockcastle offered that he would be constructing a stone retaining wall onsite and would be phasing construction. He was requesting Site Plan approval on all construction represented on the Site Map and also a stone retaining wall on the site approximately 2 feet tall.

Without further discussion, Board Member Mott made a motion to approve the application and Board Member Stringer provided a second, with the following contingencies to be resolved through the Code Enforcement Office:

- Pending septic NYSDOH approval
- Site Map to be revised to show a proposed retaining wall noting height dimension
- Revise site map orientation on both submitted drawings

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

Resident Ted Carman was recognized with a request to address the Planning Board with a personal concern. After Board review, Code Officer Kane stated she would address the concern through the Office of Code Enforcement.

7. App. #041521-SPR/ Thomas Masaschi/Marathon Engineers requests Site Plan Review for an amended site plan review for a previously approved application for an addition and site improvements at 640 Fisher Rd., Tax ID #11.50-1-2.1, (LR)

Pete Gorman of Marathon Engineers and owner Tom Masaschi presented the applications' amended proposed revisions which included a den addition, a concrete tunnel as covered walkway from the walk-out basement to patio and stairs to the dock area. A 10 x 15 ft. pool/hot-tub was added to the patio plans which changed the footprint. Drainage has been addressed on the Grading Plan, pg. 2 and approved in the 2015 application.

After Board review, the following recommendations were offered by the Planning Board in the application process:

- Pending review by Town Engineer, Stantec Engineers.
- Pool must comply with all NYS Building Code Safety Regulation for pools.

8. App. #041221-SPR/Andrew Buchanan/Marks Engineering requests Site Plan Review for the new construction of a 9600 sf. Pole Barn and Special Use Permit for a Commercial Business at 5657 S. Vine Valley Rd., Tax ID # 12.04-1-10.13, (A/R)

CEO Kane summarized the application stating Mr. Buchanan purchased the DeKouski property with an existing pole barn and proposes construction of a 9600-sf. pole barn to be located adjacent to it for the purpose of Commercial Business for storage of docking product. This is a change of use from boat storage and will require a Special Use Permit from the Zoning Board of Appeals. County review is required by the

Yates County Planning Board due to its change of use (SUP) and the close proximity to a county road. Site Review includes new construction of a pole barn, driveway, septic which is pending NYSDOH approval for a raised bed septic design. A new driveway is part of the review and the raised bed septic design is pending NYSDOH approval. In attendance is representing agent for the application - Logan Rockcastle, Landscape Architect for Marks Engineering and owner Andrew Buchanan to answer any questions on the application as submitted.

Grading, landscaping and the site plan was reviewed as presented by Logan Rockcastle, who stated a SWPPP (Stormwater Pollution Prevention Plan) was pending, in conjunction for compliance with stormwater regulations.

Andrew Buchanan provided the Board with his business plan, stating he has been in business for 14 years serving most of the major Finger Lakes marinas. With 6-8 employees, his business constructs and services aluminum dock and boat hoists for residential and commercial customers. He would utilize the existing pole barn for in-house office, and servicing and storage of business product. Traffic flow would be a maximum of 3-5 Tractor Trailer loads a year in the Spring and Fall bringing in new product. He would be transporting and servicing the product to the client's property for install using (2) service trucks, or transporting by barge from German Brothers to site. This site would be a warehouse site only without showroom, so there would not be any customer traffic. He will store all product material inside the barns and keep the outside clear of debris. Lighting will be dark-sky compliant with a small sign in the front of the building. A dumpster will be enclosed in the back with buffered screening.

After Board review of the application, the following is required prior to final Planning Board determination, and application to the Zoning Board of Appeals for a Special Use Permit and final steps of permitting through the Office of Code Enforcement:

- Revise Site Map title block to reflect 30 scale.
- Pending septic approval by NYSDOH.
- Pending Yates County Planning Board Review on 5/27 for Site Plan Review and Special Use Permit.
- Pending Stantec, Town Engineer review of application.
- Pending submission of a SWPPP review.
- Pending ZBA Special Use Permit

9. App. #041721-SPR/Fisher/Grove Engineering requests Site Plan Review for the construction of a proposed 3-bedroom Single-Family Residence, driveway, proposed barn w/lean-to, and septic on Red Clover Lane off Bagley Rd., Tax ID #13.03-1-4, (A/R)

CEO Kane summarized the application stating this was new construction on vacant lane. The project was awaiting NYSDOH for the conventional septic design by Grove Engineering and met all zoning requirements. They would be constructing a pole barn and installing a driveway prior to placement of modular home in November. The owners and agent Bill Grove of Grove Engineering were in attendance to answer any Board inquiries.

Board discussion developed on the number of trees in the hedgerow that would be removed for installation of the proposed driveway which was wide to accept the installation of the modular home. They stated most of the trees were saplings.

Without further discussion, the application was approved by the Planning Board with the following contingencies to be resolved through the Office of Code Enforcement:

- Survey by Mott Land Surveying must include NYS Certified Surveyor stamp & date of signing.
- Pending NYSDOH septic approval.

- Notation of dimensions of driveway, deck and lean-to on Site Map as provided in letter.
- Provide notation of additional silt fence on east side of construction site to protect gully from stormwater run-off.
- Leave tree stumps in ground wherever possible unless it interferes with construction.

Board Member Mott made a motion to approve with the aforementioned contingencies and Board Member Adam provided a second. The motion so carried with all Board Members present voting in favor. The motion so carried.

10. App # 030121-SPR/Jeffrey Gerstner/Jay Newswanger/Grove Engineering requests Site Plan Review for new construction of a detached 2-story garage with deck, patio and new driveway at 1345 S. Lake Rd., Tax ID #21.79-1-8.1 (LR)

CEO Kane summarized the application's history, stating the property's new owner was proposing an addition on the existing house, a new driveway accessing a 40 x 32 ft. 2-story pole barn with 2<sup>nd</sup> story deck to be located east of the house and 44 x 12 ft. addition to a wrap-around porch at main residence. A replacement septic was proposed, pending Canandaigua Watershed approval. Bill Grove of Grove Engineering is present to answer any Board inquiries. Lu Engineer had reviewed this application in April, for tonight's preliminary review.

Bill Grove stated the initial design for the property had been revised from an aerobic unit to a conventional septic design and new revised maps reflecting this change were forthcoming, pending approval from the Canandaigua Watershed Authority.

Board discussion developed stating project would need a variance from the front shoreline setback for a portion of the wrap-around porch addition and splash pad at drain outlet. Also, soil stockpile should be noted on site map when used onsite during construction.

Without further discussion, the Board gave approval with the following contingencies to be handled through the Code Enforcement Office prior to permitting:

- Notation on Site Plan for front setback Area Variance and application to Zoning Board of Appeals
- Submit updated septic design pending Canandaigua Watershed approval.
- Provide notation on Site Plan of stockpile location with appropriate silt fence.
- Lu Engineer's review #2, #3, #7 recommendation for silt fence location and additional drainage swales to direct storm water away from the rear of the building, patio and outside shower drain to leach field.
- Provide notation of current number of bedrooms in home.
- Pending front setback variance from the Zoning Board of Appeals for proposed addition to wrap-around porch on primary residence.

Board Member Adam made the motion and Board Member Stringer provided a second. The motion so carried with all Board Members present voting in favor.

CEO Kane stated Board Members would be provided access to a Zoom meeting to discuss a hauling permit for defined weight hauling on Town Roads in Middlesex. Details will be forthcoming.

Board Member Mott stated he would not be available to attend next month's meeting.

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

Meeting adjourned at 10:30 pm

Next Meeting June 2 / Draft Minutes submitted by L. Lersch / Approved on June 2, 2021