

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, July 7, 2021 - 7 pm

Board Members present: Chair Martin DeVinney, Board Members: Terry Mott, David Adam, Lynn Lersch,

Others: Dawn Kane – Code Enforcement Officer; Thomas Palumbo - PE from Stantec; Robert Brenner, Esq. - Town Attorney

Public Present: Benjamin Cramer, Eric & Nancy Geoce, Austin Everlast, Logan Rockcastle of Marks Engineering, Robert Gunderman, Ted & Susan Carman, Nate Duffy, Rocco & Pat Venezia of Venezia & Associates, Thomas Masaschi, Peter Gorman of Marathon Engineering, Tim Tyskewicz, Denise Adam

Agenda: Meeting called to order at 7:03 pm

Chair Marty DeVinney introduced Town Engineer, Thomas Palumbo, PE from Stantec, and Attorney Robert Brenner of Mahoney Brenner Law Firm to those in attendance.

Draft Planning Board Minutes from June 2, 2021 were reviewed. Chairman DeVinney entertained a motion to approve the draft minutes as submitted. Board Member Mott made the motion and a second was provided by Board Member Adam. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews –

1. App. #041521-SPR/Thomas Masaschi, represented by Pete Gorman of Marathon Engineering requests Site Plan Review for an amended site plan to a previously approved application for an addition and site improvements at 640 Fisher Rd., Tax ID #11.50-1-2.1, (LR)

Dawn Kane, CEO gave a brief summary on the history of the application up to current site changes proposed. The application had been reviewed on June 2nd by Town Engineer, Stantec and Marathon had responded with map revisions, color-coded documentation of proposed improvements to the project, and a response letter from Marathon dated June 10th.

Owner Tom Masaschi made comments to the Board stating he had a building permit from 2015 of all that was in place. New improvements included a 10 x 15 ft. pool off the patio and a tunnel which was essentially an enclosed walk-out from the basement. The tunnel had 8 ft. vertical concrete walls with a hollow core with the covered porch on top tying into 9 ft. foundation walls and a standard basement footing. Documentation on the tunnel snow load was still pending. Peter Gorman, PE commented on the Northwest corner where there is an elevated porch, stating the grade tied into the building with a step footing at approximately 4 ft., capped and stepped into the wall. The covered deck starts from the tunnel wall.

Thomas Palumbo inquired what was the area of disturbance for the project. Palumbo would like to have the Engineer on Record at Marathon further review the changes to the (2) retaining stacked walls leading to the 2nd driveway pertaining to the management of water run-off with concern for wall failure impacting the patio below where the lower wall is 5 ft. from the patio. Engineer Gorman stated there were a series of catch basins that would handle the drainage onsite.

Discussion developed on safety restrictions for proposed pool via the NYS Building Code involving alarms, fencing vs. automatic pool covers. Regulations are complicit and will be researched by Code Office with owner for resolve. Stantec recommended a guardrail along the upper patio and owner offered natural fencing buffer with planting of bushes.

Without further discussion, the application was determined approved with the following contingencies to be sent to Code Office for resolve prior to permitting:

- Response by Marathon to Stantec final review.
- Provide vehicle load for flat area for potential parking on west side of 2nd entrance driveway, and provide verification on (2) 6 ft. 6” stacked stone terrace retaining walls.
- Provide dimensions on tunnel.
- Provide grading detail on north side of building.
- Provide verification on wall drainage behind walls.
- Provide verification on NYS Building Code for safety regulations pertaining to fence barrier vs. an automatic cover for pool.
- Approved peer to peer engineer review between Marathon/Stantec to clean up minor technical clean-up on map details.

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

CEO Kane summarized the application stating the Planning Board had given a Preliminary review in May, the County had reviewed it on May 17th for both Site Plan Review and Special Use Permit and determined the application had no inter-municipal or county-wide impact. The Zoning Board of Appeals heard a presentation by owner Andrew Buchanan of the new business plan and site changes on June 3rd from presented by representing agent, Logan Rockcastle of Marks Engineering. The contiguous neighbor had attended, concluding she was in favor of the project as it was presented. Town Engineer Stantec had reviewed the application and tonight the Planning Board would be determining a final review and recommendation to the Zoning Board of Appeals for determining the application for Special Use Permit.

Discussion developed referencing dark sky lighting, signage and parking that would comply with Town Code, the amount of excavation and fill proposed for the project with compaction reports to be detailed with Code Office, line-of-sight and traffic flow plan for business. Owner stated he would be using the proposed driveway rather than what was existing due to line-of-sight and traffic flow would be circular allowing delivery trucks to egress and ingress without backing onto S. Vine Valley Road. A SWPPP will be reviewed to verify details onsite and will be monitored subject to weekly inspections and maintained onsite consistent with the requirements of the General Permit.

Without further discussion a motion to approve the application as presented and recommendation by the Board of approval for a Special Use Permit to be granted with Special Condition as referenced below, submitted to the Zoning Board of Appeals, with the following contingencies to be resolved through the Office of Code Enforcement. A motion was offered by Board Member Adam and seconded by Board Member Mott. The motion so carried with all Board Members present voting in favor. None opposed. The following contingencies and Special Use Permit condition apply:

- Provide Site Map revisions and letter of response to Stantec review dated 7/1.
- Provide a Stormwater Pollution Prevention Plan (SWPPP) in accordance to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction to Town.

- Special Use Permit Recommendation to place a Special Condition on Special Use Permit and Site Plan review that per Section §402, Schedule I Zoning Law, land use will be used for warehouse and general assembly only and will not be used for retail purposes now or in the future.
 - All signage to be compliant with Zoning Code #706.1.9 to be a maximum of 32 sf.
 - Fill and Soil Compaction reports to be provided by Engineer of Record to Code Office and maintained onsite consistent with the requirements of the General Permit.
3. App. #021320-SPR/Nicholas Masyga of 556 East Lake Road, Lot #3, represented by Venezia & Assoc. requesting Preliminary Site Plan Review for the construction of a Single-Family Residence, septic system, driveway, water service and retaining walls, Tax ID #11.35-1-3.3, (LR)

Rocco Venezia summarized the application, stating the owner had purchased the last remaining lot of what was the Highland Group Subdivision, and had planned to build a single-family residence onsite. Plans were continuing and Rocco displayed a revised map stating a response to Stantec's 6/22 review was still pending. Retaining Walls were planned to be stacked stone with appropriate drainage, with a new proposed driveway leading to a walk-out basement. Access to the shoreline by tram was proposed for the future and a septic design by Grove Engineering was pending NYSDOH approval.

Attorney Brenner invited discussion on the 6 ft. easement for Carmans deeded water access for an upland parcel across East Lake Road. The Carmans stated this easement would be used for tram access in the future.

Rocco Venezia stated this easement would not be impacted in anyway with the Masyga project and acknowledged its placement on the map. He stated there was another "easement by description" for a utility pole that extends from the top on the parcel, however he could not find it after much research. This utility easement was established a while ago.

Stantec's Thomas Palumbo inquired about any future plans for structures onsite such as stairs, etc. Rocco stated there were no other current plans except probable future shoreline access by tram.

Venezia & Associates will submit a response letter in answer to Stantec's recent 6/22 review with a all required map revisions.

4. App. #01150-SPR/Robert & Lisa Dreeste, represented by Venezia & Associates requests Site Plan review for a proposed revision to a previously approved retaining wall at 1151 S. Lake Road, Tax ID #21.56-1-2, (LR)

Rocco Venezia was present to offer insight on the application. Town Engineer Thomas Palumbo had reviewed the application in a letter dated 6/28. He offered his comments to agent Rocco Venezia and the owner's builder, Mr. Eric Geoce. Venezia stated a new wall detail from Fisher was pending with amended changes to the retaining wall with height change from six feet to 10 feet.

Thomas Palumbo gave comments on his concern for the steepness of the back slope and the need to tie it back on a 2:1 slope to blend better, mentioning his comments in the 6/28 review.

Town attorney Brenner stated due to the applications' status, it would be further reviewed by the Planning Board after Stantec and the Planning Board received the new wall detail from Fisher.

Without further discussion, the following requests were made by the Planning Board to be resubmitted for further Board review:

- Provide new stamped engineer plans from Fisher for amended changes to proposed retaining wall and provide cross-section detail on submitted site map.
 - Provide location on site map of relocated onsite electric pole
 - Provide onsite map the requested changes noted in the Stantec review dated 6/28 with a response letter from Engineer on Record.
5. App. #062321-SPR/Benjamin Cramer, represented by Venezia & Associates requests Site Plan Review for a proposed 300 sf. seasonal cabin at East Lake Road, Tax ID #2.46-1-6, (LR)

Owner Benjamin Cramer distributed photos and a survey map to Board Members, stating he had purchased the vacant parcel in 2002, had spent a lot of time camping on the parcel with his family and now wanted to construct a 20 ft. x 15 ft. cabin, 16' high on the 1.167-acre parcel to further enjoy the land. He explained the cabin would sit on (6) six 6 x 6" posts that would be hand dug with sono tubes placed inground for a platform system to be base floor of cabin. He would use an existing walkway for access off his personal driveway that went up the hill and connected with a stone drive that traversed across the parcel. A parking area had been scraped by Cramer to provide him with a flat area that came off his driveway.

Town Attorney Brenner asked if running water or septic was proposed for the property in the future?? Cramer answered there would not be running water or electric, and a chemical toilet would be used that had been reviewed by Tyler Ohle from the Canandaigua Watershed and been approved under NYS #75A code. The chemical toilet ran on propane which would be serviced by a 40 lb. propane tank and would produce ash as a waste product which would be disposed of appropriately. Possible future structures proposed for the parcel might include a set of stairs. The land was too steep for much else.

After careful review, the Planning Board requested the following revisions be resubmitted for future Planning Board review:

- Provide onsite map the location of the private use driveway and designated parking area with dimensions.
- Provide dimensions of indicated easement ROW
- Provide contours of topography to show elevation
- Provide indication on site map of amount of acreage to be disturbed by project.
- Provide notation of the location and quantity of trees to be removed due to construction
- Indicate on site map a construction staging area for project materials.
- Provide location of existing break wall on site map.
- Provide any future intent for property improvements by cover letter if applicable.

Resident Robert Gunderman, PE addressed the Board about concerns submitted in a letter referencing his property as a neighboring parcel. The letter itemized his concerns and he requested the Planning Board review these concerns.

Town Attorney Brenner will review and address all concerns privately with Mr. Gunderman.

6. App. #062521-SPR/ Rath-DiMaggio, represented by Venezia & Associates requests Site Plan Review for a 556-sf permanent dock on 100.96 ft. of shoreline at 1101 S. Lake Rd., Tax ID # 21.48-1-3.1 (LR)

Rocco summarized the application stating it met all the UDML requirements allowing 720 sf per lineal shoreline footage. Code Officer Kane offered it met all local zoning requirements as well.

Without further discussion Board Member Adam provided a motion to approve the application as submitted and Board Member Mott provided a second. The motion so carried with all Board Members present voting in favor.

7. App. #062421-SPR/O'Connor, represented by Tim Tyskewicz, RA requests Site Plan Review for the new construction for improvements to an existing boathouse at shoreline of 1472 South Lake Rd., Tax ID #31.03-1-1, (LR)

Engineer Tim Tyskewicz representing Dr. O'Connor presented the application to the Board and distributed pictures to the Board of the type of construction design he would be replicating in renovating the Boat House. He presented a survey from Venezia & Associates to the Board for the original file. The proposed design would stay on the existing footprint and would raise everything 1 foot to grade on the first floor, replacing all the windows, walls and adding (7) building trusses which would structurally hold up the existing sagging rafters. Underneath the first floor was a proposed new stone basement foundation with new stone piers, replacing existing timber, with enough height to store a small boat. The entire boat house structure was located off the shore. A DEC permit was submitted with the application for work that included a timber break wall that was in disrepair. The proposed Boat House will not be used as habitable space but will have running water.

A proposed septic system with replacement of force main by Grove Engineering is pending NYSDOH approval that connects with the single-family residence.

Code Officer Kane stated the building had been vacant for a long time and questioned the functionality of the current septic which may need review for possible upgrade.

After a careful review, the Planning Board proposed a motion for conditional approval to be placed on the project for the Boat House renovation only, as presented with the following conditions to be resolved through the Code Office prior to permitting:

- Approved for Boat House renovations only, with the condition that running water will not be installed within structure, pending further evaluation and approval by the appropriate authorities of current wastewater treatment system or the necessity of a new system
- Submittal of a separate application to the Planning Board for all proposed retaining wall systems.

A motion to approve with the above contingency was offered by David Adam and seconded by Terry Mott. The motion so carried with all Board Members present voting in favor. None opposed.

Without further discussion Chair DeVinney entertained a motion to adjourn the Planning Board meeting. A motion was offered by Mott and seconded by Adam. The motion so carried with all Board Members present voting in favor.

The meeting adjourned at 9:12pm
Next meeting: August 4th
Draft Minutes submitted by L. Lersch
Minutes approved on August 4, 2021