

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, August 1, 2018-7 pm

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

Public Present: John Cake, Julie McCormick, William & Wendy Bassage, Sarah Lavell, Marshall Hard of MacFarland Johnson Engineers, Ted Carman

Chairman Marty DeVinney called the Planning Board meeting to order at 7:02 pm.

Draft Minutes from June 6th and July 11th were reviewed by the Board. A motion to approve was offered by Board Member Robert Mincer and seconded by Board Member Bruce St. Lawrence. The motion so carried with all Board Members present voting in favor. None opposed.

Agenda:

Site Plan Reviews:

1. App. #081117-SPR/ Patrick and Sarah Lavell of 1320 South Lake Road, requests Site Plan Review for new construction of a single-family residence, Tax ID #21.64-1-7, (LR)
2. App.#073018-SPR/John Cake & Julie McCormick/Lakeshore Ventures, LLC owning 4 contiguous parcels at 1105 & 1103 South Lake Road requests a preliminary review for a 2-lot Minor Subdivision for property as 1105a & b, Tax Map ID # 21.48-1-4.1 & 5 (LR)

New Business:

3. App. # 071118-SPR - Bill Bassage – 5869 Williams St., requests Site Plan Review to locate a commercial retail business, “The Old Country Store” at 1215 Main St. Rte. #245, Middlesex, Tax ID # 22.68-1-29 (HB)
4. App. # 071218-SPR - Case Smeenk - 5790 Widmer Rd. requests Site Plan Review to install ice breakers for a boat house and dock protection from ice damage, Tax ID # 31.78-1-4 (LR)

Site Plan Review of Old Business:

1. App. #081117-SPR/ Patrick and Sarah Lavell of 1320 South Lake Road, requesting Final Site Plan Review for new construction of a single-family residence, Tax ID #21.64-1-7, (LR)

Marshall Hardy, P.E. of MacFarland Johnson Engineers presented the application, requesting Final Site Plan Review of their application for a two-story framed single-family residence on a vacant lot on South Lake Road. Mr. Hardy stated they had revised the Preliminary Site Map by:

- reducing the total ground disturbance to 480 sf to include the utility trenching, improvements to the driveway access, and reduction of the house patio footprint.

- Ground Disturbance from construction vehicle access while constructing the house, retaining walls and the new wastewater septic system would be reduced by the use of a “Lull Lift” which could extend it’s boom 40 feet from standing position.
- Widened the throat of the proposed access driveway in its narrowest point to accept the Lull Lift.
- Reduced the highest point to the retaining wall to the east of the driveway from 10 feet to 8 feet and pulled it away from the property line by four feet.
- Extension of the berm by the southern property line up by the proposed septic field.
- Proposed 15” pipe located under driveway parallel to roadside to provide more direct channeling of water to the north reducing the amount of storm water runoff prior to it reaching South Lake Road.

Discussion developed in Board Review which concluded with the following requirements requested by the Planning Board for the final step in the permitting process through the Code Office:

- Final approval pending the Yates County Planning Board Review on August 23, 2018, at 7 pm. A representative or property owner must be in attendance to present and/or answer any questions of the Board. The address for this review is Yates County Office Buildings, 417 Liberty St., Suite 1093, Penn Yan, NY 14527. Your application will be submitted by the Town of Middlesex Planning Board on Tuesday, August 14th. A final set of three new full-size maps must be submitted with the application to the Town of Middlesex Code Office by Monday, August 13th with all concerns noted on the final maps to be submitted with your application.
- Notification to NYSEG of location of construction for a new raised bed wastewater treatment system to be installed underneath an existing onsite electric utility line. Confirmation of acknowledgement from NYSEG to be transmitted to Dawn Kane, Code Enforcement Officer at dawnmekane@aol.com.
- The following notations to be added on the final set of maps:

On Dwg. C-01

- Silt fence to be added along steep section west and south of the house to contain potential erosion during construction. All onsite silt fence noted on site map must be installed with the ends curving up hill to contain any stormwater siltation.
- Modify note in center of drawing to include access to septic field.
- add to Note #11: “and the Town of Middlesex Stormwater Management and Erosion Control Regulations which can be found at <http://townofmiddlesexny.org>.

On Dwg. C-02

- Stone to be placed at discharge points of all drainage piping. This shall include foundation and roof drainage not yet shown.
- Continue split rail fence to the north end of the driveway along the top of the east side retaining wall.
- Application to the Zoning Board of Appeals to list at bottom of drawing to include the following area variances: (2) Side setbacks – entrance driveway on the northern property line, and septic field retaining wall, (3) front setback from centerline of road.

On Dwg. C-03

- Section Detail needed for wall returns at the break in the wall for the steps once the retaining wall system is selected.

- As a comment, it was questioned as to the adequacy of the negative slope at the bottom of the driveway entrance in regard to runoff containment.

On Dwg. C-04

- Engineer of record is required to be onsite for all critical points in the installation of the structural stone walls.
- As a comment, a stamped set of drawings for the stone walls must be submitted to the Code Enforcement Office to Ms. Dawn Kane once the retaining wall system is selected.

On Dwg. C-06

- Provide stamped details for the septic field retaining wall system, to include all necessary dimensions for construction requirements.
 - Add note to pressure pipe trench detail to indicate the need to minimize trenching disruption of hillside. Contractor should be encouraged to submit alternate approaches to trenching.
 - Consider deleting Note 8 in Fill Material Construction Notes as this is in conflict with note 7 on C-05.
- Coordinate with Middlesex Highway Superintendent Todd Conaway (585) 554-3188 for all deliveries that will disrupt South Lake Road traffic. The Highway Department posts a custom-made road sign at least two weeks in advance for residents along South Lake Rd.
 - Schedule a pre-construction meeting with contractor, engineers and Code Enforcement Officer prior to start of construction.

A SEQRA was submitted and after careful review, the project was determined to be a Type II action requiring no further review. A negative declaration was given based on the information submitted and the analysis of the SEQR review, determining the proposed action would not result in any significant adverse environmental impacts in the surrounding neighborhood.

Final Determination was contingent with resolve of the above conditions through the Office of Code Enforcement, prior to permitting. A motion for conditional approval was offered by Board Member St. Lawrence and seconded by Board Member Gilbert. The motion so carried with all Board Members voting in favor. None opposed.

2. App.#073018-SPR/John Cake & Julie McCormick/Lakeshore Ventures, LLC owning 4 contiguous parcels at 1105 & 1103 South Lake Road requests a preliminary review for a 2-lot Minor Subdivision for property as 1105a & b, Tax Map ID # 21.48-1-4.1 & 5 (LR)

John Cake property owner of 1105 and 1103 South Lake Road presented the application by stating intent to subdivide the two northernmost parcels for the purpose of selling. He referred to the conceptual review in July at which time, he stated that the parcels 1103 & 1105 did not attract interested buyers in the real estate market, however if subdivided, there had been interest in purchasing each property. Lot #3 the northernmost of the 4 contiguous parcels had approximately 94 ft. of shoreline and Lot #2 to the south of Lot #3 had approximately 81 ft. of shoreline; whereas 100 ft. is required in the Lakeside Residential District. He stated he is asking for no physical changes to the property, the wastewater treatment systems are separate and each have been approved, and each property has its own driveway access. Subdivision would include the structures at the shoreline, which would be costly and difficult to remove.

Ms. Kane stated in order for the application to progress to the next step, the Planning Board as Lead Agency must deny the application on the basis of its non-conformance to code, referring to the shoreline frontage requirement in the Lake Residential Zoning District.

The Planning Board would make a written recommendation to the Zoning Board of Appeals based on this review and encouraged the Applicant to seek relief from the law if possible. Part 1 of the submitted SEQR for an Unlisted Action, completed by the Applicant, was reviewed by the Planning Board, at which time the Board disagreed with questions #2, #4, #5 and #16. Applicant, Mr. Cake, agreed with the revisions and initialed the changes. Part 2 and 3 of the SEQR was completed by the Board. A motion to give the proposed action a negative declaration was offered by Board Member Lynn Lersch and seconded by Board Member Bruce St. Lawrence. The motion so carried with all Board Members present voting in favor determining that the proposed action will not have any adverse environmental impact on the surrounding neighborhood. It was noted that the reason for denying the application was not an environmental issue but a procedural one because the request did not comply with current zoning code of the Town of Middlesex. To proceed, the applicant would have to be granted a variance by the Zoning Board of Appeals in order to be granted an approval by the Planning Board to allow the 2 – lot Minor Subdivision as requested.

Application to the Zoning Board of Appeals for variance from the law could now be scheduled through the Office of Code Enforcement. It was noted an informational meeting with the Zoning Board of Appeals and applicant had occurred on July 19 at which time no action was taken.

New Business:

3. App. # 071118-SPR - Bill Bassage – 5869 Williams St., requests Site Plan Review to locate a commercial retail business, “The Old Country Store” at 1215 Main St. Rte. #245, Middlesex, Tax ID # 22.68-1-29 (HB)

Mr. William Bassage and wife Wendy, presented their business narrative and application for preliminary site plan review for a proposed commercial business to become “The Old Country Store” stating they had purchased the building in 2015, had received approval through the NYS Department of Health resolving an issue with the wastewater treatment system and were looking forward to opening a general store in the same location where another had previously existed for years. The new business would serve the community from 8 am to 10 pm 7 days a week at 1215 Main Street, Route #245, in the Highway Business Zoning District in the Town.

Without further discussion, the Planning Board acknowledged that the application met all necessary zoning requirements for the Highway Business Zoning District in which it was located and Chairman DeVinney entertained a motion to approve as presented. Board Member Gilbert offered a motion which was seconded by Board Member Mincer. The motion so carried with all present voting in favor. None opposed.

4. App. # 071218-SPR - Case Smeenk - 5790 Widmer Rd. requests Site Plan Review to install ice breakers for a boat house and dock protection from ice damage, Tax ID # 31.78-1-4 (LR)

CEO Kane stated this application would be rescheduled at a later date.

Ms. Kane announced to the Board, correspondence had been received by the Code Enforcement Office in the form of an email from Mr. Jeremy Fields, in reference to the DeKouski application for a commercial business to repair boats and service them at the Elwell Road and Rte., #364 location. Dawn stated she had forwarded this correspondence via email to all Board Members on July 12th stating she would make it part of the record at the August meeting. After careful discussion, the Board acknowledged receipt of the correspondence stating they would provide Ms. Kane a letter of recommendation in acknowledgement.

Without further discussion, a motion to adjourn was offered by Board Member St. Lawrence and seconded by Board Member Lersch. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 9:09pm.
Draft Minutes submitted by L. Lersch
Minutes approved on September 5, 2018