

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

Minutes

Wednesday, August 4, 2021 - 7 pm

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

Public Present: Logan Rockcastle of Marks Engineering, Ted Carman, Denise Adam, Bruce St. Lawrence, Richard Lersch

Agenda: Meeting called to order at 7:02 pm

Draft Planning Board Minutes from July7, 2021 were reviewed. A motion to approve the draft minutes was made by Board Member Adam made and a second was provided by Board Member DeVinney. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews –

1. App. #071321-SPR/Richard & Lynn Lersch requests Site Plan Review for an annexation of 2 contiguous lots, Tax ID #11.82-1-11 & 12, final grading new driveway and site improvements (LR)

Dawn Kane, CEO gave a brief summary of the application stating the owners had acquired a contiguous vacant lot to their residence which was in the steep slope protection area. They were now completing final grading on the property, construction of a driveway to access the residence at grade which involved retaining walls. The owner and landscape architect were present to answer questions.

Homeowner, Richard Lersch and Logan answered Board inquiries stating the proposed 15% slope driveway met the required 15 ft. setbacks leveling off to existing grade for parking. The driveway run-off would tie into a proposed swale at the south property line diverting heavy run-off to the rain garden. A stone retaining wall followed the perimeter of the driveway/parking/ramp area. Drainage on the driveway was proposed to be managed by grate and curtain drains. A walking ADA compliant ramp ADA led from the driveway to the residence for easy access. A proposed future garage at the end of the driveway was footprinted on the map. Upland water drainage will be collected and managed by a series of check dams, cobbled spillway and rain garden proposed to slow and manage upland water run-off from entering the lake.

Board Member Mott called out Detail #5 on the Detail sheet to be referenced on the Site Map as #5 by the retaining wall it corresponded to.

Board Member Adam inquired to the amount of water it would take to overload saturation of the Rain Garden to overflow. Logan stated this request could be provided. Any proposed overflow would be carried to a cobbled spillway on the embankment to slow it from entering the lake. Existing native vegetation with bushes and trees on the embankment also helps this as well.

Without further discussion, Board Member Mott motioned to approve the application with all the following vote cast: DeVinney: aye; Mott: aye; Stringer: aye; Adam: aye; Lersch: abstain  
The motion so carried. None opposed.

2. App. #071221-SPR/Vince McNally/Marks Engineering requests Site Plan Review for a 2-Lot Minor Subdivision at 509 Bare Hill Road, Tax ID #12.01-1-5 (A/R)

Code Officer Kane summarized the application stating it met all the required area requirement for setbacks and road frontage per zoning. She stated based on the subdivision and the boundary split involving a pond, she had reached out to the Yates County Soil & Conservation District to gather information from the appropriate authority. She was advised it would be appropriate to place a contingency on the subdivision for both a boundary line agreement around the pond and a maintenance agreement between property owners for the pond's spillway. She advised the Board to consider the option of placing the application on hold until legal advisement was obtained by the Town Attorney.

Agent for the owner, Logan Rockcastle stated that the current owner was retaining ownership of both parcels for a potential future build for a family member, so this could be acquired at a future time when the owner decided to sell. If there were two property owners, it would be legally handled at that time by the seller/buyer's perspective lawyers. The proposed subdivision had been prepared by certified surveyor David Parrinello for Marks Engineering and was a legal 2-Lot Subdivision as proposed.

Ms. Kane stated that the option on the table was not about the subdivision, but about the pond, and it still remained an option.

After more discussion, Board Members cast a vote by resolution to approve the subdivision as presented and allow the pond to be handled by seller/buyer lawyers at point of sale if proposed in the future. The motion so carried with the following vote cast: DeVinney: nay; Stringer: aye; Mott: aye; Adam: aye

3. App. #071421-SPR/ Dr. Robert Andre represented by Evan & Jay Didas of Fusion Energy Services requests Site Plan Review for a residential solar installation at 1425 Wickham Rd. Tax ID #31.04-1-5 (A/R)

CEO Kane summarized the application stating representing agent Evan was available by phone conference.

Board Member Adam inquired of the footprint of the solar arrays on the parcel. Evan stated they would be 75 ft. long by 12 ft. wide and the array table would sit 10 ft. off the ground. The location would sit 200 ft. from the house in an open field with a slight incline.

It was noted that the material listed as permit pack was not accessible by computer due to technical difficulties, and the Board requested a hard copy be sent for ease in viewing. The survey submitted by Mott survey showed the structures on the parcel, but did not have indication of where on the parcel the array tables would be set. It also looked as though a number of trees would need to be removed. Evan stated the field was treeless, but that his firm did not remove trees.

After discussion it was requested that Dr. Andre contact Mott Surveying to place the proposed array table footprint on the survey map with some topos that would allow the Board to define the topography of the land as well as a reference point to a primary road. A site plan should enable Board Members to visualize what is existing on the parcel and what is proposed with the application. Pictures of the site were requested by the Board to better define the site. Chair DeVinney stated that the submission should the sequence of installation. If any vegetation grubbing or stump removal was necessary, where trenching was to take place, where the array table posts would be set. This were points of interest to the Planning Board to better determine approval of the application. Secretary Lersch will draft a letter of requirements for submitting such a site plan for the next meeting since there was no time expediency for installing the project.

It was requested by the Planning Board that the owner should not remove any trees until he had received a determination by the Board on the Site Plan.

Evan thanked the Board for their advisement and consideration in reviewing the application.

Bruce St. Lawrence, contracted by the Town of Middlesex to oversee Highway Projects, distributed a summary of a proposal for a High Impact Truck Traffic Regulation for Seasonal Hauling Permit for the Planning Board to consider and possibly recommend their support to the Town Board of the Town of Middlesex. He stated the Middlesex Town Board had determined that it is in the best interest of local taxpayers and the general public to assign responsibility for the repair of damage to town roads attributable to high impact use from the transport of heavy loads to and from land areas being developed or improved in the Town. Most town roads are not built to the rigid and costly standards necessary to support heavy, high-impact usage over a period over an extended period of time. As a result, over time, our roads experience shortened lifespan and require frequent and costly repair.

A mitigation plan to assess these damages on town roads along with a fee structure for excessive weight vehicles needs to be implemented for designated roads. Certain exclusions from this plan would be: emergency vehicles, public utility vehicles, trash and disposal trucks, landscape and tree removal, water and sewage maintenance vehicles, oil and propane delivery trucks, construction supporting public works projects, moving vans to relocate residents etc.

He summarized a list of what he felt needed to be addressed and provided the Planning Board with a history of implementation of a grant allotted to our Town Engineer to provide necessary research in what other municipalities were implementing.

The Town of Middlesex had just completed a \$25 million highway project to date on South Lake Road as Phase I. Phases II and II were estimated to be more costly due to infrastructure repairs, drainage, guard-rail replacements to the road prior to the paving process being completed. This current major Capital Improvement implemented by the Town of Middlesex needs to be protected as well as the infrastructure and safety of fortifying the fragile and unique character of South Lake Road and other Town Roads to be defined.

The Planning Board offered the process could be addressed in the Town's fee schedule and implemented at the point of application whereby the amount of product to be transported to a proposed project site could be estimated by the site's engineers and contractors at time of application for Site Plan Review. A table could be designed to quickly assess the product weight and the vehicle weight per axle for estimating what is necessary per project and then estimated truckloads could be broken down into smaller trucks and lighter weight loads. Equipment transport could be assessed as to how long the equipment would stay onsite.

A Highway Fee fund could be established for fees collected to then be used for highway repair was discussed and some type of penalty fee for enforcement of infractions could be added to local zoning.

After discussion, Chairman DeVinney made a motion to recommend support for allowing Lu Engineer to proceed with developing a mitigation plan and chart, under the guidance of the Town, as necessary steps for implementation of a Heavy Haul Seasonal Permit to regulate high-impact traffic regulation. Board Member Mott provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

Bruce St. Lawrence thanked the Planning Board for their consideration in review of the proposal and said he would work closing with Lu Engineer to get a draft proposal written up for the Planning Board to review.

Without further discussion, a motion to adjourn was offered by Board Member Adam and seconded by Chair DeVinney. The motion so carried with all Board Members present voting in favor.

The meeting adjourned at 9:15 pm  
Next meeting: September 1st  
Draft Minutes submitted by L. Lersch  
Minutes approved on September 1, 2021