

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, September 5, 2018-7 pm

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

Public Present: Kenneth and Melody Delfs, Brendan Gooding, Chet Feldman, Dan Walker, Keith Gallagher, Jim Murphy, Noah Siegel, Jan Daum

Chairman Marty DeVinney called the Planning Board meeting to order at 7:00 pm.

Draft Minutes from August 1, 2018 were reviewed by the Board. A motion to approve was offered by Board Member Robert Mincer and seconded by Board Member John Gilbert. The motion so carried with all Board Members present voting in favor. None opposed.

Agenda:

Site Plan Reviews:

1. App. #071218-SPR/Case Smeenk - 5790 Widmer Rd. requests Preliminary Site Plan Review to install off shore ice breakers to protect a boat house from ice damage, Tax ID # 31.78-1-4 (LR)
2. App. #010217-SPR/Daum and Conti Solar LLC, represented by Labella Associates request Site Plan Review to locate a Commercial Community Solar Photovoltaic Facility at 4450 Townline Road, Tax ID #3.01-1-4, (AR)
3. App. #82918-SPR/Kenneth and Melody Delfs of 556 E. Lake Rd, represented by Venezia & Associates request Preliminary Site Plan Review to construct a single-story single-family residence and detached barn, Tax ID #11.35-1-3.1 (LR)

Code Enforcement Officer, Dawn Kane stated that the Smeenk application would be rescheduled at a later date, due to pending information.

CEO Kane also summarized an application from Conti Solar LLC & Labella Associates representing the Daum property on 4450 Town Line Rd. that were in attendance to explain design changes to a previously approved Commercial Community Solar Photovoltaic Facility. Chet Feldman from Distributed Sun/SUN 8 was also in attendance to state the project's current status. Chairman DeVinney stated that the Planning Board would entertain a short presentation for informational purposes only. A complete review of the Labella site map revisions, submitted to the Code Office this morning would be reviewed at the October meeting.

Chet Feldman from Distributed Sun-SUN 8 presented the informative discussion requesting the Board to move forward on the current status, stating the installation of the array table posts were to

have two driven single post “H-shaped” steel eye- beams instead of four screw-in steel posts per array table. Chet Feldman stated the final maps, previously approved by the Planning Board stated in the notes that both types of installation for the posts could be used.

The Planning Board inquired of Mr. Feldman if the screw-in type of post installation had been specified by their company as the preferable method, due to its’ ability to be driven through all ground surfaces with a shorter installation time than the other method. Discussion about Board concerns of additional ground disturbance when it might be necessary to remove these driven posts if they could not drive them to the desired depth due to bedrock refusal.

Ms. Kane stated that when Conti Solar LLC had inquired about acquiring the building permit to start the project, and having discussed the changes with the current engineer on record, she had denied the permit and sent the application back to the Planning Board as she felt the proposed revisions to be significant enough from what had been previously approved, for further Planning Board review prior to permitting.

Board Member Gilbert inquired about the possibility of a Decommission Bond placed on the project to guarantee both the landowner and/or the Town of Middlesex from having the responsibility of dismantling and recycling a failed system within a certain amount of time. Further discussion confirmed that this was sometimes typical to do.

Keith Gallagher of Conti Solar LLC inquired about obtaining a permit to do a full test of the entire site, which would entail clearing and grubbing of trees to test for 7-9 ft. embedment. After some discussion, the Board stated they would like to know the full scope of what their intent for clearing was and clear details of the plan delineating the square footage of ground to be cleared, the equipment used, management plans for erosion control and execution notes stating how this would be accomplished. Such a plan would need to be submitted to the Code Enforcement Office for execution of the permit, but only for the area within the test area boundaries, not the entire site.

Without further discussion, the Board stated they would need to review the submitted maps prior to committing to an approval and would offer their comments at the October meeting.

2. App. #82918-SPR/Kenneth and Melody Delfs of 556 E. Lake Rd, represented by Venezia & Associates request Preliminary Site Plan Review to construct a single-story single-family residence and barn, Tax ID #11.35-1-3.1 (LR)

Dawn Kane, CEO summarized the application to Board Members stating the parcel was to the south, Lot #1 of the Highland Group 3 – Lot Subdivision on East Lake Road. The Delfs had purchased the property and appeared before the Planning Board for a preliminary review in November 2015 providing an engineered site map from Venezia & Associates with intent to build a single-story residence. At that time a wastewater system was to be designed, so no determination was made by the Planning Board. Since then the system, designed by Grove Engineering, has received approval from the NYS DOH and is back for Board review. This parcel has a pre-existing driveway to access the proposed residence and a foot path pre-exists on the

southern property line leading towards the lake which the owners would like to abandon and revegetate. The Delfs were in attendance with Brendan Gooding of Venezia & Associates to answer all board inquiries.

In July 2018, the owners received approval and requested a permit to build a barn on the parcel, thinking he had received approval from the board to build, conditional on the waste water system being approved. A stop work order was placed on the building of the proposed barn until the Planning Board had the opportunity to review tonight.

Mr. Delfs explained that he wished to obtain approval tonight if possible to finish construction of the barn as an accessory structure to the residence as Phase I. The barn would house two water tanks with holding capacity of 700 gallons for the house. Water would be pumped uphill and when pump is off, water would drain downhill to keep pipes water free. The water then goes through a filtration system also in the barn prior to being drawn into the house. Mr. Delfs explained he had a contractor lined up for the barn build to start in October but would lose him until Spring 2019 without permission to build. It was his intent to be done building all phases by December.

The Board inquired about drainage around the barn. Dawn stated the plans to build a conventional pole barn with conventional foundation and metal roof which did not need the Board's approval as it was an accessory structure to the residence. Drainage from roof runoff would be managed onsite with typical downspouts, splash pad and rip rap around outside. Typical silt fence was planned for all areas of disturbance. Spoils from the disturbance would be kept onsite to be used for stabilization of the paved footpath and revegetated.

After further review of Phase II – a single-story 1400 sq. ft. year-round residence, the Planning Board gave their approval for both Phase I and Phase II of the proposed project with the following contingencies to be resolved prior to permitting through the Office of Code Enforcement:

Phase 1: BARN (conditions to be resolved through the Office of Code Enforcement)

Drainage for barn-

- Show roof and foundation drainage plan, to include discharge location(s) and type/extent of stone at discharge.
- Show all drainage to be contained on applicant's property.
- Indicate direction of discharge from noted diversion swale at east side of leach field. Show type and extent of rip rap added to water runoff. Similarly, add diversion and drainage control along east side of proposed barn.
- Add Typical Silt Fence Detail on Site Map to show ends curving uphill. Show all areas requiring silt fence. Note that current location of silt fencing must be revised to allow for installation of Norweco system and pump tank.
- Revise trench requirements for 2" forced main ss line to leach field to reduce ground disruption and possible future water runoff issues.
- Clearly indicate proposed permanent driveway access to property and new residence.

- State what treatment is being planned for “paved area” shown along southern property line. This is not an allowable driveway to access property.
- Indicate on septic design by Bill Grove how the concentrated water will be managed flowing from swale around septic field and where it will be directed.
- Revisions to General Notes:
 - ✓ Note #4: Revise to reference requirements of Steep Slope Regulations in Zoning Law, Section 707.14. “As soon as practical” is not acceptable.
 - ✓ Note #6: Add “Assure compliance with Town of Middlesex Stormwater Management and Erosion Control Law.”

Phase II: House (Pending review by the Yates County Planning Department, and the Yates County Soil & Water Conservation District on September 27, 2018:

- Indicate % of slope(s) on property as an overlay in reference to the Town’s Steep Slope Law.
- Indicate appropriate silt fence locations where ever ground is disturbed using typical silt fence detail practices.
- Indication of all trees to be cleared, leaving stumps wherever possible. Add note to conform to requirements of Steep Slope Regulations stated in Zoning Law Sect. 707.6.2.1.7.
- Indicate placement of all utilities to include routing / burial of proposed water service from lake. and type/extent of stone at discharge.

A motion to approve was offered by Robert Mincer for both Phase 1 (barn) and Phase II (house) with said contingencies, pending review of Phase 1 by the Yates County Planning Board and Yates County Soil & Water. Motion seconded by Martin DeVinney. All Board Members present voted in favor. Motion so carried. None opposed.

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

Meeting adjourned at 9:02pm.
 Draft Minutes submitted by L. Lersch
 Minutes approved on October 3, 2018