

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, October 2, 2019-7 pm

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

Public Present: Bill Brewer, Justin DeMistry, Brennan Marks of Marks Engineering, Jason Marks, Stephen Southard, Anthony Venezia of Venezia Associates, Donna Hafler, Richard Thompson, William Grove of Grove Engineering, Eugene Cardamone, Gary Schlemme, Marigrace and Anthony Piazza

Agenda: Draft Minutes – September 11, 2019

Site Plan Reviews –

1. App. #091919-SPR/Ferrell Gas LP/ represented by Marks Engineering requests Site Plan Review and Special Use Permit for installation of a Commercial propane storage tank and a 16 ft x 30 ft. Distribution Center at “364 Powersports” located at 877 State Route #364 to include onsite grading and driveway improvements, Tax ID # 12.04-1-3.2, (HB)
2. App. #092219-SPR/ Steve & Linda Southard, represented by Venezia & Associates requests Site Plan Review to resolve a “Notice of Violation” served by the Code Enforcement Office due to multiple site improvements constructed onsite without a permit or required inspections, at 1183 South Lake Road, Tax Map ID # 21.56-1-6 (LR)
3. App. # 092319-SPR/Terrance & Donna Hafler, represented by Marks Engineering requests Site Plan Review to resolve an “Order to Remedy” served by the Code Enforcement Office due to multiple structures and a generator constructed and installed onsite without a permit or required inspections, at 301 Bare Hill Rd, Tax Map ID # 2.03-1-8.1 (A/R)
4. App. #092119-SPR/Richard Thompson represented by Bill Grove of Grove Engineering, requests Site Plan Review to resolve a “Notice of Violation” served by the Code Enforcement Office due to the lack of a wastewater system on a residential property without an approved or recorded septic system on a steep slope parcel bordering Canandaigua Lake, Tax Map ID # 02.46-1-4 & 5, (LR)

Conditional Approval Apps on advisement from Code Office:

5. Eugene Cardamone of 1435 South Lake Road/Revisions, prepared by Venezia & Associates, for drainage site improvements on a steep slope parcel from a previous Conditional Approval,
6. Anthony Piazza of 6080 Widmer Rd./Revisions required by Town Engineer Stantec and prepared by Venezia & Associates for site improvements on a steep slope parcel.
7. Melinda Heaven of 736 East Lake Road/Revisions prepared by Marks Engineering for changes to a previously approved Site Plan Review.

Conceptual Review:

8. Christine Cimino requests review for construction of a new Pole Barn proposed to be located at 350 State Route #364.

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

Draft Minutes from September were reviewed. Board Member St. Lawrence offered a motion to accept as submitted with Board Member DeVinney offering a second. The motion so carried with Lynn Lersch voting in favor and Bob Mincer abstaining.

Site Reviews:

1. App. #091919-SPR/Ferrell Gas LP/ represented by Marks Engineering:

CEO Kane summarized the application for Board Members, introducing Applicant Bill Brewer, District Manager for Ferrell Gas, Inc. who was seeking Site Plan Review and a Special Use Permit for a Commercial Propane Storage and Distribution Center proposed to be located at 877 State Route #364, home of “364 Powersports, Inc.” an existing Commercial Business in the Highway Business Zoning District. and owned by Justin DeMityr, also in attendance to answer any Board questions.

The application was represented by Brennan Marks of Marks Engineering who answered Board inquiries. He stated the Distribution Center would be located to the back of “364 Powersports, Inc.” a safe and acceptable distance away from the main road and neighboring residential properties. It will be secured with link fencing. The facility includes a 30,000-gallon propane storage tank and a 30 x 16 ft. Field Office that would service the incoming large tank trailers approximately 1 per week in non-peak season and 2 per day during peak season. Outgoing standard size bobtail trucks would be serviced approximately 1 per day during the non-peak season and 2 per day during the peak season. Deliveries are restricted between the hours of 9pm and 6 am. Dusk to dawn dark-sky lighting will illuminate access areas. Jersey barriers and a gated fence shall enclose that tank area and surveillance videos will service the area as well. Hours of operation during peak and non-peak season are Monday through Friday 8 am-5 pm. There will be one employee at this location during business hours year-round. Substantial buffers are planned to screen visibility from neighboring properties with landscaping to reduce the aesthetic impact of the improvements.

Bill Brewer stated Ferrell Gas managed several similar facilities throughout Upstate New York and is part of a larger corporate entity which has location across the United States.

After discussion, the Board made the following Conditions of Approval to be resolved prior to permitting through the Office of Code Enforcement:

- Final Inspection report after company sign-off of NYS Code Safety Checklist to be submitted to Code Office prior to permitting.
- Front entrance light to be in working order to illuminate main entrance egress/ingress from #364.
- Yates County Planning Board review on October 24th at 7 pm at the Yates County Office Bldg.
- Granting of a Special Use Permit by the Zoning Board of Appeals to be scheduled.
- Schedule an orientation meeting and safety systems review meeting prior to business start-up. Include the following in this meeting: Dawn Kane - Code Officer, Todd Conaway – Town Highway Supervisor, a representative from The Middlesex Hose Dept., Bill Brewer – Ferrell Gas District Manager, and property owner, Justin DeMityr.

Board Member Mincer offered a motion to approve the application as presented with the above contingencies and Board Member St. Lawrence provided a second. The motion so carried with all Board Members present voting in favor.

2. App. #092219-SPR/ Steve & Linda Southard, represented by Venezia & Associates:

CEO Kane summarized the application to the Board. This application was brought to Site Plan Review for resolve of a Stop Work Order placed on the parcel by the Code Enforcement Office after investigating a complaint and discovering multiple site improvements onsite constructed without a permit or the necessary inspections. Site improvements included removal of existing stairs accessing shoreline; removal of site surface to prepare for a fire pit; extension to the slope of the driveway; timber retaining wall in the Town's ROW running north to south the length of the house, and rip rap covering a roadside gully culvert drainage.

Anthony Venezia of Venezia Associates provided the Board with an engineer's report on the list of infractions, providing options for resolve. After careful review the Planning Board gave Conditional Approval with the following contingencies required to be resolved prior to permitting through the Office of Code Enforcement:

- Request a review by the Town's Highway Superintendent of the timber retaining wall built in the road's ROW.
- Move the timber retaining wall along South Lake Road at least 8 ft. back from edge of asphalt to allow for future road improvements.
- The design of all onsite retaining walls with an exposed face 3 ft. or over must be stamped by a certified professional engineer to confirm ability to withstand load capacity.
- Relabel site map to read "Gravel Walkway" instead of "Gravel Driveway" at west side of South Lake Road. NO vehicular driveway will be allowed to access the lake shoreline.
- Provide a collection system for siltation along South Lake Road if the embankment is to be further disturbed to reinstall the timber retaining wall.
- Note on site map that the new timber retaining wall at roadside has been allowed to connect to the wall system at the adjoining property to the north without side setback variance. This will be allowed only if a letter of consent is submitted from this neighboring property owner.
- Regrade the driveway to create a cross slope to minimize driveway surface run-off reaching South Lake Road.

A motion to approve the application with the above contingencies was offered by Bruce St. Lawrence, and Robert Mincer provided a second. The motion so carried with all Board Members present voting in favor.

3. App. # 092319-SPR/Terrance & Donna Hafler of 301 Bare Hill Road, represented by Brennan Marks of Marks Engineering

CEO Kane summarized the application for Board Members stating an "Order to Remedy" had been placed on the site by the Office of Code Enforcement due to the construction of four structures built without the necessary permits and inspections. The four structures included a 24ft. x 32 ft. Pole Barn, a structure housing a spa lap-pool, the lap pool itself, and the improper installation of a generator. These infractions constituted separate violations to local Zoning, NYS Uniform Residential Building Code, NYS Energy Code, the NYS Plumbing and NYS Mechanical Codes. Supporting documentation and photographs to include a full overview of each structure installation was required and was submitted by representing agent, Brennan Marks of Marks Engineering.

After review and discussion, the Board offered Conditional Approval of the application for all four

structures with the following conditions required to be resolved prior to permitting through the Office of Code Enforcement:

- Lap Pool access stairs shall be required to have a hand-rail installed to ensure safe access.
- Electrical Inspection required for Generator install, after moved to appropriate location.
- Engineer of Record to file a report at completion of all and each inspection verifying compliance with all codes.
- Critical Inspection to be created for Engineer of Record to be present onsite prior and during concrete pour around building perimeter of the Lap Pool Spa Floor for frost protection.

4. App. #092119-SPR/Richard Thompson represented by Bill Grove of Grove Engineering:

CEO Kane summarized the application for Board Members stating the applicant was seeking Site Plan Review to review a proposed Presby Wastewater System to be installed at 120 East Lake Road to resolve a “Notice of Violation” Stop Work Order placed on the parcel by the Office of Code Enforcement after fielding a complaint for an existing sub-standard septic holding tank without paper work on file showing approvals. The system had been configured to discharge effluent and grey water onto gravel and gully in a steep slope location in the Canandaigua Lake Watershed. William Grove, P.E. of Grove Engineer designed the proposed Septic System on a contiguous vacant parcel also owned by Mr. Thompson.

After careful review, the Planning Board granted Conditional Approval to the application, contingent on the owner, Richard Thompson combining both parcels, Tax ID # 2.46-1-4 and #2.46-1-5 to comply with local zoning. The Board also requested comments from Cheryl Robbins of NYSDOH to review the application as proposed and submitted. If driveway access is necessary for installation, application to the Planning Board is required with final permitting through the Office of Code Enforcement. A motion to approve with the above contingencies was offered by Lynn Lersch and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor.

Conditional Approval Apps on advisement from Code Office:

5. Eugene Cardamone of 1435 South Lake Road/Revisions prepared by Venezia & Associates for drainage site improvements on a steep slope parcel from a previous Conditional Approval:

Anthony Venezia presented revisions to the Site Plan and after Board discussion, the application received Conditional Approval with the following contingencies to be resolved prior to permitting:

The following contingencies are required prior to permitting by the Code Enforcement Office:

- Revise inlet configuration on east side of road to better collect storm surge and divert flow to new 36 “ cross-culvert.
- Create a section detail of headwall for inlet side of cross drain. Show dimensions and embedment for clarity of construction. Coordinate installation with Middlesex Highway Dept.
- Indicate placement of large stone in open channel to shoreline at discharge of new cross drain. Note required size of stone on plan.
- Schedule onsite meeting with Todd Conaway- Highway Supervisor, Dawn Kane – CEO, Anthony Venezia, member of Planning Board, and onsite contractor prior to project start.
- Final Revisions to Site Map to be stamped and dated.
- Create a digital pdf to be distributed to Planning Board Members, Code Enforcement Office.

A motion to approve the application with the above contingencies to be resolved prior to final determination was offered by Bruce St. Lawrence and Chairman DeVinney provided a second. The motion so carried with all Board Members present voting in favor.

6. Anthony Piazza of 6080 Widmer Rd./Revisions were prepared by Brennan Marks P.E. of Marks Engineering for site improvements on a steep slope parcel:

CEO Kane summarized the application stating Town Engineer Stantec had reviewed the application providing final comments to the proposed onsite improvements in a letter dated September 19th.

The Board had no further comments and acknowledged all comments from Stantec as resolved, giving Final approval to the application. Permitting through the Code Enforcement Office was the next step.

7. Melinda Heaven of 736 East Lake Road/Revisions prepared by Marks Engineering for changes to a previously approved Site Plan Review.

CEO Kane summarized the application stating the application had previously received Site Plan Review and was given Board approval; however due to additional proposed changes to the Site Plan, it was brought back to the Board for a conceptual review. Brennan Marks was in attendance to answer questions.

After discussion the Board gave final approval to amend the previous approval and approve of the submitted revisions as presented, with final permitting through the Office of Code Enforcement. A motion to amend the previous approval was offered by Bruce St. Lawrence and seconded by Robert Mincer. The motion so carried with all Board Members present voting in favor.

Conceptual Reviews:

8. Christine Cimino requested Site Plan Review for construction of a proposed new Pole Barn to be located at 350 State Route #364.

The Board reviewed the hand-drawn sketch stating the applicant could proceed to submit a full Site Plan Application for the proposed structure. A copy of Site Plan criteria for a complete Site Plan Review submission would be mailed to the applicant by Planning Board Clerk.

9. Applicant Gary Schlemme of 692 East Lake Road was represented by Marks Engineering requesting a Conceptual Review for a proposed 24 ft. x 60 ft. recreational outbuilding with decking, plumbing and electricity to be located 185 ft. from shoreline on a 7-acre parcel with an existing septic system. Board Members advised that he submit a complete application for Site Plan review to include all existing structures and proposed structures and a letter from the Canandaigua Watershed with approvals for proposed project's impact on the existing system. It was advised the gravel driveway access might need a turnaround for ease of access for emergency vehicles.

Code Enforcement Update: Ms. Kane, CEO updated the Board on current status of ongoing and future pending applications.

Without further discussion, a motion to adjourn the Planning Board meeting was offered by Board Member Mincer and seconded by Board Member Lersch. Motion so carried with all Board Members present voting in favor.

Meeting adjourned at 9:36 p.m.

Next Meeting November 6.

Draft Minutes submitted by L. Lersch

Minutes approved on November 6, 2019