

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

Minutes

Wednesday, October 6, 2021 - 7 pm

Board Members present: Terry Mott, Gordon Stringer, David Adam, Lynn Lersch; Dawn Kane – Code Enforcement Officer; Thomas Palumbo, P.E.-Stantec; Robert Brenner, ESQ - Town Attorney

Public Present: Joshua Rossi, Nathaniel Duffy, Denise Adam, John Collins P.E of Bison Engineering & Enterprises LLC, Justin Jones, Ben Cramer, Kimberly Giblin

Agenda: Meeting called to order at 7:00 pm

Draft Planning Board Minutes were reviewed from September 1, 2021. A motion to approve the draft minutes was made by Board Member Mott and second was provided by Board Member Stringer. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews –

1. App. # 082521-SPR/ Joshua Rossi requests Site Plan Review for a 12 x 24 ft., one-story addition change to an existing barn for conversion to a single-family residence with attached garage, Tax ID #3.02-1.1, (A/R)

CEO Kane summarized the application to the Board Members and introduced owner Josh Rossi who gave a brief summary of the parcel's history. The parcel had an existing driveway, parking, well and electric service. The barn floor was slab on grade with radiant heat. The septic design by Jason McCormick had received review by the Canandaigua Watershed and NYSDOH. The existing barn previously had a 13' x 51 ft. leant-to at the same side where the proposed 1053 sf. addition was to be constructed. Evidence of the existing footprint remained. The total square footage of the converted one-story barn would be 2088 sf. With a roof pitch height of 24.3 ft. The addition would be plumbed to include a bedroom and a bathroom and the exterior would be sided with natural wood board & batten.

Board inquiries were answered with a motion by Board Member Mott to approve the application as submitted with the following to be resolved through the Office of Code Enforcement prior to permitting:

- Submission of a letter of approval for the proposed septic design from the Canandaigua Watershed and/or NYSDOH.
- Verification of the length of the existing driveway for possible emergency vehicle pull-off to comply with Zoning Code.

The motion so carried with all Board Members present voting in favor. None opposed.

2. App. #091521-SPR/Justin Jones of 1288-1292 S. Lake Rd., represented by John Collins of Bison Engineering and Enterprises, LLC requests Preliminary Site Plan Review for lakefront development to include full basement, retaining walls, & path access with stair system, Tax ID # 21.7-1.6 (L/R)

CEO Kane gave a summary of the application and parcel history to the Board Members, stating there were 3 structures on the parcel; however, the current review focused on stabilization of the southernmost cottage and an access path with stair system and GeoCell retaining wall to the north. Ms. Kane introduced the representing agent John Collins, P.E who would be addressing the Site Plan and join with the owner in answering any questions from the Board.

Cell pictures were shown to the Board by the owner to better display the uniqueness of the 1930's construction of the seasonal cottage. John Collins explained the owner's intent was three-fold. This first phase would address saving the current structure, resolve onsite stability concerns, and manage years of erosion and damage to property and access to the site. His stabilization plan for the cottage and timber retaining walls was to remove the existing railroad ties and concrete barrel piers used for a foundation, fortifying the structure with a U-shaped poured concrete basement foundation and side walls as shear walls that would pull it together and provide downward pressure to counteract the natural forward motion of the 30 ft. high embankment behind the cottage. The timber retaining wall to the north would be replaced with a poured concrete retaining wall that would extend from the basement wall providing additional support.

The front side of the existing structure is cantilevered over the HMWM and the leading edge of the structure is on steel piers with concrete filled barrels at the rear where the first-floor structure begins on land. Water flows up to these barrels. The site has a pre-existing septic which when connected will be reviewed by the Canandaigua Watershed to see if it is up to current standards. To access the site during construction, the contractor Bill Hood will use a pumper truck to transport incremental loads of material from South Lake Road to the construction site via a wooden ramp slide to site which will be removed once renovation complete. This will protect the fragile embankment from further erosion without the need for removing trees.

Attorney Brenner indicated Yates County Planning Board review as necessary due to its close proximity to Canandaigua Lake. This review will be submitted by the Town of Middlesex Planning Board for an October 28th YCPB review. Also recommended was contact to the NYSDEC/OGS for overall review of the proposed application due to the uniqueness of the seasonal cottage and its cantilevered architecture over the High Mean Water Line.

After Preliminary Board review, the following requests are required to be submitted to the Office of Code Enforcement prior to further review by the Board:

- Contact the local NYSDEC (Avon Region 8) – referencing the HMWM and the close proximity of the proposed renovation to obtain permission. Possible review by OGS may be required if advised to do so by the NYS DEC.
- Provide better detail on on-site limits of disturbance to coordinate with Steep Slopes Guidelines in the Town of Middlesex Steep Slope Law – [www.middlesex.ny.org](http://www.middlesex.ny.org)
- Note that all structures located within the Town's ROW may be subject to removal by Town's Highway Capital Improvements projects. This references positioning of existing stairs.
- Provide the following site map details:  
Provide a site plan with larger scale showing existing and proposed topographical elevations, HMWM which is measured from property line to property line, Tax ID# reference, north orientation reference, label stabilized construction access to site, provide a Construction Execution Plan sequencing how construction will be implemented, provide and label a material staging area located onsite with standard silt fence at downhill points, provide dimensions on all setbacks from structures per local zoning Site Plan specifications, Section #700.0
- Provide retaining wall specs to be based on proposed grade elevation, not on existing grade.
- Certified NYS Surveyor stamp & date with surveyor's permission to use
- Overlay detail of HMWM at shoreline labeled as such from property line to property line
- Letter of intent for additional future site development (such as gravel on driveway, improvements to path leading to cottage, shoreline improvements etc.)
- Submit a SSPA with slope overlay (Steep Slope Permit Application) per [www.middlesexny.org](http://www.middlesexny.org)
- Onsite pre-existing septic system needs Watershed Inspection approval from Tyler Ohle prior to final permitting through Office of Code Enforcement.
- Pending a referral to the Yates County Planning Board for review on 10/28.

3. Application #062321-SPR/Benjamin Cramer requests Site Plan Review for a proposed 300 sf. Seasonal cabin on parcel off of East Lake Road, Tax ID #2.46-1.6, (LR)

CEO Kane summarized the application, having had a preliminary review back in July and back for further review. A letter from a neighboring parcel owner, Mr. Robert Gunderman was distributed to Board Members and applicant for their review. Discussion developed pertaining to the letter and the applicant offered his answers which were further addressed by Town Attorney Brenner and Code Enforcement Officer Kane.

Applicant Ben Cramer provided answers to Board inquiries referencing the submitted Site Plan. He provided a history of the lot prior to purchase of the property, stating he had communication from his attorney stating his legal rights on the property pertaining to the ROW shared driveway.

After Board discussion, a motion was made by Mott and seconded by Stringer for the following requests to be submitted back to the Planning Board for further review:

- Submit a letter from attorney referencing legal support for use of the shared driveway and the positioning of the parking area for personal use.
- Submit letter of support from contiguous neighbor stating there are no claims to the western fork of the ROW if applicant uses to park his vehicles.
- Submit a Steep Slope Permit Application (SSPA) available online at [www.middlesexny.org](http://www.middlesexny.org)
- Obtain from surveyor the following: the total actual Area of Disturbance to include the grade of slope, parking area, construction of 300 sq. ft. cabin, staging area for supplies, 40 ft. access path to cabin, adding the seasonal camping unit dimensions at shoreline.
- Apply for a storage structure at shoreline under a separate UDML application to be part of the file.

The motion so carried with all Board Members present voting in favor. None opposed.

Without further discussion, Board Member Mott made a motion to adjourn, which was seconded by Board Member Stringer. The motion so carried with all Board Members present voting in favor.

The meeting adjourned at 8:50 pm

Next meeting November 3rd  
Draft Minutes submitted by L. Lersch

Minutes approved on November 3, 2021