

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – January 6, 2010

Board Members Present: Marty DeVinney, Chair; Loretta Henrie, John Gilbert, Lynn Lersch, Robert Mincer, Bruce St. Lawrence; Dawn Kane, CEO, Dan Paddock, Town Board Member

Public Present: Sue Sage, Andrew Ellison

Agenda: Site Plan Review Update of Ms. Sue Sage of 1315 South Lake Road (LR) Application includes a permanent dock, accessory boat structure and a retaining wall design at shoreline.

Chairman DeVinney opened the meeting at 7pm

Ms. Sage's application update was presented to the board, with CEO Kane, and applicant/agent present. Discussion of timeliness of project determination followed. Compliance was discussed concerning projects applied for. Determination that the permanent dock permitted for 696 sq. feet and built to 856 sq. feet was not in compliance with the UDML hardship clause after reading a letter dated 9/29/09 from Kocher Surveying, P.C. referencing elevations of Ms. Sage's property. Setback violations also rendered it not in compliance with local zoning. The 10 x 16 boat accessory structure had been built without a permit with an additional 4' overhang. This structure was determined by the board to be in non-compliance with the Town's Zoning Code.

Chairman DeVinney made a resolution that all structures that were not in compliance with both the Zoning Regulations and the Uniform Docks & Mooring Law should be removed and owner must reapply for a boat accessory structure on the shoreline. An acceptable configuration of permanent dock square footage must be submitted to CEO and to the Planning Board for Site Plan Review. The application for the retaining wall at shoreline will be addressed when current applications in violation are resolved.

Lynn Lersch made a motion to accept Chairman DeVinney's resolution. John Gilbert seconded it and a vote followed the motion with all present in favor. Chairman DeVinney invited discussion and the board decided that a time limit for removal of the building and dock part of the project should be added to the resolution.

Lynn Lersch made a motion to amend the previous motion to add a time limit of May 15<sup>th</sup> for the building and dock to be in compliance. John Gilbert seconded the motion to amend. The motion of determination carried to a vote with all present in favor.

Bruce St. Lawrence summarized what qualified for a structure to be in compliance. It was noted that an 8 x 10 structure had been there before and is grand fathered in for future building possibilities at the shoreline if kept to that same footprint. In reference to

complying to zoning, a new dock no wider than 8' and no bigger than 720 square feet could be built to be within compliance.

It was stated that an accessory boat structure can only be built on the shoreline, not on the dock. Applicant must meet with Code Enforcement Officer and apply for dock reconfiguration, and a boat accessory structure. The retaining wall shall be reviewed once the dock and accessory structure has been brought into compliance. Board requests that all projects should be presented on one site map conclusively.

Next on the agenda was a review of the Draft Moratorium Law from our Town Attorney. Board discussion followed summarizing the timeline and concerns putting a Moratorium Law in place during the winter months. Possible placing a Steep Slope Law in place seemed more important a focus than placing the Moratorium in place to do so. The Board decided to invite LU Engineers to review the Model Steep Slope Law, the Draft South Bristol Steep Slope Law, Town of Torrey Steep Slope Law, Town of Jerusalem Steep Slope Law and come up with a composite of Steep Slope Regulations for the Town of Middlesex to review. Board member St. Lawrence will request this for our January 20<sup>th</sup> meeting. Lynn Lersch will provide all necessary documentation.

The Board reviewed minutes for November 4, and 18th and December 2<sup>nd</sup> and Board Member St. Lawrence made a motion to accept them as read. Robert Mincer seconded the motion and a vote with all present in favor followed.

A motion to adjourn the meeting at 9:15 pm was made by John Gilbert and seconded by Loretta Henrie.

Next meeting's agenda on January 20th: Review of Steep Slope Regulations with LU Engineering and possibly Mr. Kevin Olvany of Canandaigua Lake Watershed Council.

Minutes submitted by L. Lersch. Revisions to Lsammy5@frontiernet.net