

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**  
Minutes – January 4, 2012, 7pm

Board Members present: Martin DeVinney, Chair; Board Members: John Gilbert, Lynn Lersch, Robert Mincer, and Bruce St. Lawrence

Others Present: Dawn Kane, CEO; Mr. Solveig Hanson, Mr. Donald A. Schneider, Mr. Eddy Clark, Ms. Linda Purdy, Mr. Jeff Pendelton, Mr. Michael P. Montalto, Mr. Jim Fonzi, Mr. Alan Knauf, Mr. Randall F. Peacock, Mr. Nancy Robinson

Agenda: App. #122111-SPR/ Mr. and Mrs. Melvin & Joan Bodine. Minor Subdivision;  
App. #121411-SPR/ Mr.(s) Michael Nash and Solveig Hanson. Minor Subdivision;  
App. #122011-SPR/Site Plan Review - Mr. Jason DeKouski for Boat and Trailer Storage

Meeting came to order at 7:15pm

Chairman DeVinney opened the floor with the following site reviews:

Ms. Kane summarized the Zoning Regulations for this application and declared that it met all necessary zoning requirements.

1. Application #122111-SPR/ Mr. and Mrs. Melvin & Joan Bodine. Minor Subdivision of 14.83 acres into (2) parcels on Dunton Road, Tax Map ID # 13.04-1-1.11. The representing agent Attny. Mr. Donald A. Schneider was present and provided maps showing Parcel B-1 shall become 6.030 acres and Parcel B-2 shall become 8.797 acres after subdividing.

The Board completed a SEQRA determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member Mincer made a motion to accept the negative declaration and Board Member Lersch provided a second. The motion carried with all members present in favor.

After a short discussion the Planning Board moved to approve by resolution the Subdivision as presented. Board Member Gilbert made the motion and Board Member Mincer provided a second. The motion to approve the Final Plat of Minor subdivision carried with all members present in favor.

2. Application # 121411-SPR/ Mr.(s) Michael Nash and Solveig Hanson. Minor Subdivision of 39.12 acres into (2) parcels at 1268 West Avenue, Tax Map ID # 22.04-1-16.1. Representing agent, Mr. Eddy Clark of Realty, USA was present and provided maps showing Parcel A shall become 19.884 acres and Parcel B shall become 20.293 acres after subdividing. He also explained the HUD requirements for financing the sale of the parcels.

Ms. Kane, CEO summarized the zoning requirements for this application, stating the property fell across (3) separate zoning districts, Hamlet Residential, Low Density Residential and Agricultural/Residential. By law the requirements from the most restrictive Zoning District which is LDR governs which requirements are applied to this application. Ms. Kane stated that all necessary zoning requirements had been met.

The Board completed a SEQRA determining that the proposed action would not result in any significant adverse environmental impacts and provided reasons supporting the determination. Board Member St. Lawrence made a motion to accept the negative declaration and Board Member Mincer provided a second. The motion carried with all members present in favor.

After a short discussion, the Planning Board moved to approve by resolution the Subdivision as presented. Board Member Lersch made the motion and Board Member Gilbert provided a second. The motion to approve the Final Plat of Minor subdivision carried with all members present in favor.

2. Application # 122011-SPR/ Mr. Jason DeKouski. Site Plan Review for Boat and Trailer Storage for business purposes at 843 Elwell Rd., Middlesex (A/R)

This application was withdrawn from the agenda due to the applicant was not present.

3. A Conceptual Site Review of a proposed Single Family Residence submitted without application, was discussed by the board with owner Mr. James Fonzi. Proposed Conceptual plans were submitted by Architect Mr. Randall F. Peacock, RA displaying a two-story residence benched into the hillside at 5980 Widmer Rd. This property has an existing driveway to a pre-existing seasonal cottage with septic system at shoreline approximately 40 ft. from the HMWM. There were no current plans to upgrade the access road. Discussion developed whether to keep the seasonal cottage and possibly connecting it to the proposed dwelling to comply with current zoning. Board concerns focused on the time of the year that this project would commence due to fragile soils and erosion control management. The board advised what would be necessary in further submission of the plans for site plan review. Legal advisement would be sought on interpretation of the Town's Zoning Law as questioned by applicant. The board advised those present that a Steep Slope Draft Law was currently in review and might possibly be adopted soon. Further advisement on current Zoning Law regulations which pertained to the project was given.

#### Other Business:

Draft minutes from August 17, October 5, November 2 and December 7 were reviewed by the Board. A motion to approve was made by Board Member Mincer and seconded by Board Member St. Lawrence. Motion carried with all members present in favor.

A Local Law to Prohibit the Disruption of Funeral Related Events enacted by the Village of Penn Yan was reviewed by the Planning Board. After a short discussion it was recommended that the language of the law and in particular the term "disruption" be

reviewed by the Town Attorney. The Planning Board voted to recommend the Law for adoption by the Town Board by all members present. Board Member St. Lawrence made the motion which was seconded by Board Member Lersch.

SEQRA's for Unlisted Action were completed for the Moon Minor Subdivision and the Rowe Lot Line Adjustment and entered into the corresponding December 7<sup>th</sup> minutes as a revision. Both Motions were carried by Board Member Lersch and seconded by Board Member St. Lawrence. All Board Members present voted in favor of the motions as carried.

Chairman DeVinney read a letter of procedural policy submitted into the minutes by the Middlesex Hose Fire Department referencing their commitment as a not-for-profit corporate entity, as having no authority to participate in any contractual review with any applicant and to defer such action to the appropriate local governing board that has the authority to review and determine such applications. Any advisement on such issues shall be procured by the Town of Middlesex through the office of the Middlesex Fire Chief using appropriate procedure.

The board discussed possibly inviting the Fire Chief to meet with the Code Enforcement Officer in writing some guidelines consistent with interdepartmental procedure.

The 12/04/11 version of the Local Law for the Regulation and Protection of Steep Slopes in the Town of Middlesex was reviewed by the Town Attorney and a list of minor revisions was discussed by the Board. After a short discussion and board review of edits, it was decided that Board Member St. Lawrence would write up the revisions and forward them on to the Board, and our Town Attorney for further review. The Board plans to send the draft to the County Planning Board for possible January or February review after which time the Town Board shall set a date for a Public Hearing. The new revision shall be posted on the Town's website for review.

A motion to adjourn was made by Board Member Lersch and seconded by Board Member Mincer. All Board Members present voted in favor and the motion carried.

Meeting adjourned at 9:15pm

Minutes submitted by L. Lersch/submit revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)