

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes – Wednesday, May 7, 2014 - 7pm

Board Members present: Marty DeVinney, Chair; John Gilbert, Lynn Lersch, Bob Mincer, Bruce St. Lawrence; Dawn Kane, CEO

Others Present: Stantec: Mr. Michael Flannigan, Ms. Barbara Wagner; Attorney Ms. Wendy Marsh; Mr. Ted Carman, Mr. Tom Fromberger, MRB Group; Mr. Viveh Thiagasajan, Mr. T. J. Didim, Mr. Mark Laese, Mr. Eric Johnson, Mr. & Mrs. Rocco & Pat Venezia, Mr. Dan Paddock, Mr. Keith Gilliland, Mr. Leon Button

Agenda: Issuance of Final Scope Relevant to Submission of a Draft Scope from MRB Group for the Komarek Major 4 Lot Subdivision on East Lake Road;

Site Plan Reviews:

New Business: App. # 041614 - SPR/Ms. Susan Carman of 638 Fisher Rd. and Mr. Thomas Masachi of 640 Fisher Rd. request a lot line reconfiguration of 187.85 sq. feet of land conveyed to the Carman property on a contiguous boundary line to include a pre-existing, non-conforming concrete crib pier within the new boundary. (LR); App. # 041714-SPR/Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd., requests Site Plan review for a Minor Subdivision of 0 .961 acres.(LR);

Old Business: App. #100113-SPR/Mr. Robert Bailey represented by Mr. Mark Laese and Marathon Engineering Inc. requests Site Plan Review for improvements to a parcel located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1 (LR); App.#31614-SPR/Mr. Leon N. Button, owner of property on 5768 North Vine Valley Rd, requests Site Plan Approval for a Minor Subdivision to subdivide 5 acres from existing parcel, Tax Map ID # 12.04-1.8 (AG)

Chairman DeVinney opened the meeting at 7:05p with an introduction of Attorney Ms. Wendy Marsh.

Attorney Marsh gave a short summary of the outcome of the Public Hearing on April 23, 2014 to accept Public Comment on a Draft Scope submitted on March 12, 2014 by Mr. Andrew Komarek for a Major 4 Lot Subdivision on his property located on East Lake Road in the Town of Middlesex. She stated that all interested and involved agencies were sent a copy of the Draft Scope and that written comments were received up to and including April 28th. Stated also was the issuance of a Final Scope by Stantec, assisting the Town of Middlesex Planning Board in preparation of the Final Scope, relevant to the NYS SEQRA Process. Ms. Marsh submitted a resolution stating current actions to be submitted to the Planning Board for approval as well as the Final Distribution List of Interested Parties and Involved Agencies.

Ms. Marsh then introduced Mr. Michael Flannigan and Ms. Barbara Wagner from Stantec. Mr. Flannigan summarized the SEQRA process of preparing a Final Scope which was submitted to the Planning Board for final review. Mr. Flannigan stated that after compiling all relevant documentation, and all written and verbal comments from the Public, and after additions from both Attorney Marsh and valuable input from the Planning Board, the Final Scope is now ready for final review. Mr. Flannigan stated an overview of the document to include the following:

1. Statement of Classifying the Proposed Action which triggered the SEQRA review – 4 Lot Major Subdivision
 - This step identifies what goals, objectives, opportunities define the environmental impacts and provides the Planning Board with necessary data for Final Determination
 - Scope Overview sets the stage for the description of the Proposed Action, describes the intent of the action, and provides a full context of required approvals.

2. Identification of (7) Key Areas of Environmental Impacts utilizing the SEQRA process:
Land Use and & current Zoning, Master Plan and Local Laws currently in place; Geology, Soils and Topography of Steep Slopes environment wherein lies the Proposed Action; Surface Waters; Site Access; Terrestrial and Aquatic Ecology; Construction Impacts; Visual Resources.
3. Identification of impacts that are unavoidable and still there after mitigation have been identified.
4. Alternatives – identification of alternate plans to accomplish stated goals.
5. Appendices – list support, reports, exhibits, correspondence

Mr. Flannigan opened the floor to comments from the Planning Board pertaining to Final Scope Content. After a short discussion, the Planning Board requested the following additions to the Scope Document:

- To include soil borings for unstable soils in the area of the tram installations and to include the top landings on the cliff edge on all 4 lots.

Representing agent, Mr. Fromberger requested clarification of what standards were used and incorporated into the Final Scope. He also requested a copy of all written public responses received during the initial scoping process. Ms. Marsh said she would clarify all questions and provide him with requested copies.

After no further discussion , and after Attorney Marsh read the proposed Resolution to take effect immediately, once approved, and the Town of Middlesex Planning Board to accept the Final Scope (Exhibit 1) issued for the Draft Environmental Impact Statement to be prepared for the Komarek Major Subdivision Project pursuant to the State Environmental Quality Review Act (SEQRA); and to accept the Distribution List (Exhibit 2), which listed all Interested Parties and Involved Agencies ; and provided direction to the Planning Board Clerk to file and make available for Public Inspection/Review.

Ms. Marsh also stated that Mr. Flannigan will provide updates to the Planning Board and provide all clarification as well to the applicant.

Without further discussion, Board Member Gilbert offered a motion to accept the Resolution as presented. This motion carried with a second from Board Member Mincer. The motion carried with all Board Members present voting in favor:

Chairman DeVinney	aye
Board Member Gilbert	aye
Board Member St. Lawrence	aye
Board Member Mincer	aye
Board Member Lersch	aye

Site Plan Reviews:

1. App.#31614-SPR/Mr. Leon N. Button, owner of property on 5768 North Vine Valley Rd, requests Site Plan Approval for a Minor Subdivision to subdivide 5 acres from existing parcel, Tax Map ID # 12.04-1.8 (AG)

Ms. Kane summarized the application and stated both the property owner, and representing agent, Mr. Rocco Venezia were present to answer any Board questions.

After a short discussion, the Board requested the Subdivision Map be resubmitted to include a map detail inset which showed the entire acreage of the parcel. Mr. Venezia, surveyor stated he would comply with this request.

SEQR: After a review of all submitted information, it was determined that the proposed action was designated a Type II category with no further review necessary

A motion to approve with conditions, as requested, was made by Board Member Mincer and seconded by Board Member Gilbert. Motion carried with all Board Members present voting in favor.

2. App. #100113-SPR/Mr. Robert Bailey represented by Mr. Mark Laese and Marathon Engineering Inc. requests Site Plan Review for improvements to the parcel, located at 478 East Lake Road, on County Rte. #39, Tax Map ID # 11.27-1-1 (LR).

Ms. Kane, CEO summarized for the Board an update of the status of the project. In Phase II of the project, current work designated taking out the existing retaining walls as planned and noted on the plans was the sequence of staging the courses of stone and Keystone Material as needed, by bringing down to a flat area onsite, by the existing roadway. Also noted, Mr. Palmateer, a neighbor to the south, was in approval of the proposed drainage plan and had been included in all communication. Mr. Johnson reviewed how the drainage piping would be encased in stone, and then wrapped in a geotextile fabric. The Board agreed this was a better alternate plan than a previously suggested siltation pond. Lu Engineer has stated the applicant has satisfied all of their requests for revisions.

After a short discussion with representing agent, Mr. Eric Johnson stated excavation site work would commence next week by demolishing the existing wall by the house and garage. All excavated spoils would be trucked offsite to the Bay property and the county road would be kept clear of debris and obstruction.

SEQR: An initial review of all submitted information, during initial review of the application had determined that the proposed action was designated a Type II category with no further review necessary review again. After final review prior to final determination, the Board still determined it a Type II action with no further reviews necessary.

Without further discussion, Board Member Gilbert motion to approve the application and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

3. App. # 041714-SPR/Mr. and Mrs. Nathan & Kimberly Sirvent of 614 East Lake Rd., requests Site Plan review for a Minor Subdivision of 0.961 acres (LR).

Ms. Kane, CEO stated that the application met all current code requirements for a legal subdivision. She explained the existing driveway used to access the present dwelling also accesses the lot being subdivided. At this point in time, the buyer/seller are both aware and as yet it is unresolved whether this access will be abandoned or not. The lot terrain is in a steep slope location with no other access to the lot planned at this time. Ms. Kane stated that although not relevant to the subdivision request, worth noting was the parcel's sale is contingent on the subdivision approval and their intent is to build on it. When subdivided, the lots will be in compliance with all setbacks and current area requirements without variance appeal.

Agent Rocco Venezia stated the property has 100 ft. of frontage, has a flat vacant lawn and the rest is in steep slope terrain.

Chairman DeVinney advised those present that it is the Planning Board's policy that prior to any site plan approval, a building lot must have an approved septic system design by George Barden, the Watershed Inspector. Lots exist but until all necessary utilities, access to the lot and compliance with the town's zoning code area requirements, they are not necessarily an approved building lot. Simply stated, in order to build, it all has to fit on the parcel.

These proposed restrictions are important to consider when reviewing purchase of a parcel, and taking the time to see if you can do all that you envision in compliance with local code requirements.

SEQR: After a Board review of all submitted information, it was determined that the proposed action was designated a Type II category with no further review necessary

Chairman DeVinney entertained a motion, with all information presented, and advisement noted on the current lot restrictions, to approve the subdivision as presented since it met all necessary criteria to subdivide. Board Member St. Lawrence made the motion and Board Member Mincer seconded. The motion carried with all Board Members present voting in favor.

4. App. # 041614 - SPR/Ms. Susan Carman of 638 Fisher Rd. and Mr. Thomas Masachi of 640 Fisher Rd. request a lot line reconfiguration of 187.85 sq. feet of land conveyed to the Carman property on a contiguous boundary line to include a pre-existing, non-conforming concrete crib pier within the new boundary. (LR).

Ms. Kane, CEO summarized the application for the Planning Board. This application has received an Area Variance from the ZBA last night for a reconfiguration of a permanent preexisting and nonconforming concrete pier that runs down the middle of the boundary lines between both neighbors properties. They both have agreed to reconfigure the lot line 3.8 ft. to the south, and the Carmen's now own the entire pier which is now right on the Masachi's boundary line, hence the Area Variance appeal and the ZBA determined this action more conforming as the pier supports the shoreline.

SEQR: After a review of all submitted information, it was determined that the proposed action was designated a Type II category with no further review necessary.

Without further discussion, Board Mincer moved to approve the application with Board Member Lersch providing a second. The motion carried with all Board Members present voting in favor.

Board Member Lersch entertained a motion to approve the April 23rd Planning Board Draft Minutes. Board Member Gilbert made the motion and to Board Member Mincer seconded it. The motion to approve was as submitted without revisions, and carried with all Board Members present voting in favor.

Motion to adjourn was made by Board Member Gilbert, seconded by Board Member Mincer and carried with all present voting in favor. Meeting adjourned at 8:35pm

Minutes submitted by L. Lersch/Deferred to Attny. Marsh on 6/05/approved on 7/09