

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

Minutes  
Wednesday, September 3, 2014, 7 pm

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

Others Present: Theresa J. Didion, Geraldine Biddle, Ira Miller, Eric Johnson, Nathan Sirvent, Paul Dreher, Tim Spencer, Jeremy Fields, Rocco Venezia, pat Venezia, Kathy Fields, Karl Nuebauer

Agenda:

Site Plan Reviews:

1. Application #081914 - SPR/Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of 1260 South Lake Rd., requests Site Plan Review for installation of a retaining wall for additional roadside parking, to include a new set of stairs, Tax Map ID # 21.71-1-1.2 (LR)
2. Application #081914 (A)-SPR/Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of 1255 and 1260 South Lake Road (vacant lot contiguous to #1255) requests Site Plan Review, referencing the UDML to construct a permanent slip to an existing dock at #1255 and permanent dock and slip to #1260, Tax Map ID #21.71-1-1.2, (LR)
3. Application #081214-SPR/Mr. Paul Drehr, representing agent is Mr. R. Venezia, surveyor requests Site Plan Review for a proposed structure and request of a deeded ROW in order to enter parcel at 614 East Lake Rd., Tax ID #11.42-1-3.1, a subdivided Lot #2 (0.488 acres) by way of a proposed driveway. (LR)
4. Application #082114-SPR/ Ms. Geraldine Biddle, of 6060 Widmer Rd. requests Site Plan Review to construct an addition and stairs to a pre-existing dwelling, Tax Map ID #31.54-01-04, (LR)
5. Application #082014-SPR/Mr. Jeremy Fields requests Site Plan Review for a grading plan for site improvements on property at 1443 South Lake Rd., Tax ID # 31.01-1-19 (LR)
6. Application #082014(A) - SPR/ Mr. Eric Johnson, representing agent for Mr. Robert Bailey of 478 East Lake Rd., Tax Map ID # 11.27-1-1 requests Site Plan Review for additional site work to include a retaining wall, and improvements to a driveway, (LR)

Chairman DeVinney called the meeting to order at 7:08pm.

1. Application #081914-SPR/Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of property located at 1255 So. Lake Road, requests Site Plan review for installation of a retaining wall to include additional parking and a new set of stairs. (LR)

Code Enforcement Officer, Ms. Kane summarized the application for the Planning Board. She stated that map revisions to include the measurement from retaining wall to road centerline and a construction execution plan had been submitted just prior to the meeting. Correspondence from the Town Highway Supervisor, Mr. Reifsteck was provided to the Board which stated that he was in approval of the proposed Site Plan as submitted, stating the drainage plans and the increase in the width of the road where the parking area was planned would be helpful in maintenance of South Lake Road. Ms. Kane stated this property had an existing retaining wall that was permitted by the Code Office three years prior and now the owner wished to extend it in length and cut back into the embankment 12 feet from the edge of the road which would allow the height of the wall to be lower. Ms. Kane made notation to the Board that a contiguous vacant parcel to the south had been purchased by the Meagher's. She stated a variance from road centerline would be necessary.

Mr. Fields stated the retaining wall would be a soldier pile construction and would include a set of stairs to the south of the wall egressing to the parking area at roadside.

After a short discussion, the Board requested that due to the close proximity of the parking area to the road, that the designated parking spaces # 1-5, which were now perpendicular to the road be removed and to state simply "Parking Area" so that parking parallel would be a safer alternative.

Mr. Fields stated that all silt fencing at the site would be maintained at the end of each day and the estimated project completion of the site work would be within one week.

SEQR Determination: It was determined by the Planning Board after reviewing the submitted information that this application is a Type II action needing no further review, and that the proposed action will not result in any significant adverse environmental impacts.

Chairman DeVinney stated after no further discussion by the Board that he would entertain a motion. Board Member St. Lawrence made a motion to approve the application with the condition that the "Parking Spaces #1-5" be eliminated as shown on the Site Map and revised to state: "Parking Area."

Board Member Mincer seconded the motion and all Board Members present voted in favor. Motion carried.

2. App. #081914 (A)-SPR/ Mr. Jeremy Fields, representing agent for owner Mr. Brett Meagher of 1255 and 1260 South Lake Rd. (LR). Applicant is requesting shoreline improvements referencing the UDML.

Mr. Fields stated that property identified as 1255 has an existing dock and proposed was a 126 sf permanent Boat Hoist. This parcel has 133 linear feet of Lake Frontage. The contiguous parcel at 1260 has a proposed 793 sf Permanent Dock and Boat Hoist with 98.39 linear feet of lake frontage.

After a short discussion and review of the Uniform Dock and Mooring Law, Chairman DeVinney entertained a motion.

Board Member St. Lawrence moved to approve the application stating the Site Map show that both parcels, due to the topography of the land be noted that they are allotted the Steep Slope Hardship clause. Also as a condition, was Site Map revision to show the existing square footage of an existing shed at shoreline of #1255 So. Lake Road to measure at or less than 184 sf. to qualify for approval. Board Member Gilbert seconded the motion. The motion carried with all Board Members present voting in favor.

3. App. #081214-SPR /Mr. Paul Drehr, representing agent is Mr. R. Venezia, surveyor requests Site Plan Review for a proposed structure and request for a deeded ROW in order to enter parcel at 614 East Lake Rd., Tax ID #11.42-1-3.1, a subdivided Lot #2 (0.488 acres) by way of a proposed driveway. (LR)

Code Enforcement Officer Kane stated she was looking for a recommendation from the Planning Board prior to the application proceeding for variance requests from the Zoning Board of Appeals. Mr. Drehr had purchased the parcel Lot #2 from Mr. Nathan Sirvent, contingent on his proposed request. Ms. Kane stated that this parcel had road frontage on an existing private road known as Genundewah Drive, however due to the extreme slope to the land, egress from the road was not applicable, hence Mr. Drehr was requesting access through Mr. Sirvent's property. Since current zoning was not clear on this, she had requested advisement from the Town Attorney as well. His suggestion was to have the new owner purchase the required footage if possible. A variance for the garage would still be required but the process would be more straightforward.

After a short discussion, the Board stated that based on the Town Attorney's interpretation of NYS Town Law # 280-A, it was decided that a pdf file of the submitted map be reviewed by the Town Attorney for further clarification. The Planning Board gave their recommendation for the variance request to the Zoning Board of Appeals for the driveway setback to the garage, but clearly stated that if the land was purchased by the new owner, there would be no variances required.

4. Application #082114-SPR/ Ms. Geraldine Biddle, of 6060 Widmer Rd. requests Site Plan Review to construct an addition and stairs to a pre-existing dwelling, Tax Map ID #31.54-01-04 (LR)

Ms. Kane summarized the application for the Planning Board, stating the application had required area variances for side setback and were granted them on August 5<sup>th</sup>. She then introduced contractor Karl Nuebauer who presented the project details.

After a review of the site map and a short discussion, the Planning Board requested the following Site Map Revisions prior to Board Determination:

1. Notification of permission from neighboring parcel owner to access property during construction phase.
2. Revise Site Map to more clearly define general site notes. Engineers' notes to be specific to Town Zoning Requirements.
3. Referencing the notation on Site Map of "proposed contours" - if a change is proposed it must be noted and also notation of where the new drainage is to be managed.
4. Notation of all planned silt fence management. Board requests more silt fence to be added across the lower and westward side of the house and as well where temporary spoils are planned behind the retaining wall.

5. Wall detail to include proposed height of wall.
6. Section blow up of construction plan so easier to read .
7. Notation on Site Map of stabilization plan to include seeding, mulching if regrading is to be done as a permanent feature and not just for temporary location of spoils.
8. Notation on Site Map to add quantity and size of stone where all drainage daylights.
9. Site Map notation of roof drainage plan of proposed addition to include size of pipe, and foundation detail.
10. Notation on Site Map of the construction access sequence plan.

Contractor Karl Nuebauer stated he could have Bill Grove make these changes immediately. He was scheduled to start construction the middle of September, and planned to frame and close in the addition when winter approached, and then finish in the Spring.

Determination is pending review of all requested revisions. Karl Nuebauer will send revisions via email to the Code Enforcement Office for Board Members to review prior to next Planning Board meeting.

5. Application #082014-SPR/Mr. Jeremy Fields requests Site Plan Review for a grading plan for site improvements on property at 1443 South Lake Rd., Tax ID # 31.01-1-19 (LR)

Ms. Kane stated that this application went before the Zoning Board of Appeals for a Special Use Permit because Mr. Fields, owner requested permission to convert a barn into a Single Family Residence. In granting the SUP, conditions were placed on the ZBA's determination. The ZBA felt that the existing driveway had a steep slope embankment that interfered with the vehicular line of sight from South Lake Road and since the road is narrow there, it was requested that approval be contingent on the Planning Board's review of a Grading Plan to regrade the embankment back to a 2:1 slope.

Board Member Lersch stated that another condition placed by the ZBA was a contingency that Mr. Fields would never expand the current footprint of the barn so that it would make the front setback from road centerline more non-conforming than it is now.

Mr. Field's stated this was correct and reviewed the Grading Plans and stabilization methods of using Juno Mat and Crown Vetch to reseed the embankment. He stated he was planning to add a Swale filled in with rip rap and a catch basin prior to water entering roadside culvert.

Board Member Lersch stated the SEQR Determination for this parcel had been completed by the Zoning Board of Appeals.

With no further discussion, the Planning Board moved to approve with a motion from Bruce St. Lawrence and a second from Board Member Mincer. The motion carried with all Board Members present voting in favor.

6. Application #082014(A) - SPR/ Mr. Eric Johnson, representing agent for Mr. Robert Bailey of 478 East Lake Rd., Tax Map ID # 11.27-1-1 requests Site Plan Review for additional site work to include a retaining wall, and improvements to a driveway, (LR)

CEO, Ms. Kane stated to the Board that this application was site improvements to the Bailey property to include a retaining wall and driveway area. She introduced Mr. Bailey's agent, contractor Mr. Eric Johnson who presented the proposed actions to the Board Members.

After a short review, the following revisions were requested to the submitted Site Map which included the following:

1. Notation of how water run-off will be managed from paved area near the garage – Board requested adding an open swale lined with stone where the paved area goes around the garage and empties into the gully.
2. Notation of drain tile behind the retaining wall and detail of how it will tie into the open swale which empties into the gully.  
Notation of additional silt fencing by the garage area as discussed.
3. Notation of management of rain water discharge at the driveway switchback where it connects to the ravine on neighbor's property to the south.

Determination is pending review of all requested revisions. Mr. Eric Johnson will send revisions via email to the Code Enforcement Office for Board Members to review prior to next Planning Board meeting.

Draft Minutes from August 20<sup>th</sup> Work Session will be held for review at the September 17<sup>th</sup> Work Session due to pending reviews by the Town Attorney.

A motion to adjourn was offered by Board Member Mincer and a second to the motion offered by Board Member St. Lawrence. All Board Members present voted in favor.  
Motion carried.

Meeting adjourned at 9:30pm

Draft Minutes submitted by L. Lersch. Minutes approved on October 1, 2014.

