

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

Wednesday, November 4, 2015, 7 pm

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

Others Present: W. Marsh, Attny; Mike Flannigan & Barbara Wagner of Stantec Consulting, Ted Carman, Melody Delfs, Tim Murphy, Tim Lafler, Donald Sheive, David Moon of Marathon Engineers, Rocco Venezia, Pat Venezia

Agenda:

Old Business: Komarek Major Subdivision - establishment of schedule for issuing FEIS

Site Plan Reviews:

1. Application #072915-SPR/SSR: Mr. David Moon of Marathon Engineers, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd. requests Final Site Plan Review for the construction of an addition to an existing residence and improvements to a garage and driveway in a Steep Slope location, Tax Map ID # 11.50-1-2.1, (LR)
2. Application #101515-SPR/Mr. and Mrs. Kenneth and Melody Delfs, represented by Venezia & Associates requests Preliminary Site Plan Review for new construction of a single family residence and garage on vacant land located at 556 East Lake Road of the Highland Group Minor Subdivision, Tax ID # 22.03-1-11.4 (LR)
3. Application #102115-SPR/ Mr. Jeremy Fields, representing agent for Mr. Mullaly of 1265 South Lake Road requests Site Plan Review for new construction of a retaining wall, Tax ID # 21.71-1-2, (LR)
4. Application #103015-SPR/ Mr. Tim Lafler of 5785 South Vine Valley Rd. requests Site Plan Review for the construction of a pole barn and a 400 foot driveway, Tax ID #12.04-1-8 (AG/RES)

Draft Minutes for 9/16, and 10/07

Chairman DeVinney brought the Planning Board meeting to order at 7 pm.

Draft Minutes from September 16<sup>th</sup> and October 7<sup>th</sup> were reviewed by the Board. Board Member Mincer made a motion to approve both with revisions as presented. Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

Chairman DeVinney introduced Ms. Wendy Marsh – Attorney at Law for Hancock Estabrook, representing the Town of Middlesex, for the purposes of reviewing a Resolution of the Town of Middlesex Planning Board regarding the establishing of the schedule for issuing the Final Environmental Impact Statement (FEIS) for the Komarek Major Subdivision project pursuant to SEQRA. Ms. W. Marsh reviewed the resolution and Stantec Consulting,

representing the Town as Town Engineers, provided the Board with a letter dated 11/04/15 requesting additional services for FEIS Preparation.

Planning Board Member John Gilbert presented the attached resolution which was seconded by Board Member Bruce St. Lawrence. The motion carried with the following roll call vote:

Martin DeVinney, Chair	<i>aye</i>
John Gilbert	<i>aye</i>
Lynn Lersch	<i>aye</i>
Robert Mincer	<i>aye</i>
Bruce St. Lawrence	<i>aye</i>

Site Plan Reviews:

1. Application #072915-SPR/SSR: Mr. David Moon of Marathon Engineers, representing agent for Mr. Thomas Masaschi of 640 Fisher Rd. requests Final Site Plan Review for the construction of an addition to an existing residence and improvements to a garage and driveway in a Steep Slope location, Tax Map ID # 11.50-1-2.1, (LR)

CEO, Ms. Kane updated the Board stating that the application had received county recommendation for approval with some comments from the County Soil & Water to be resolved. She stated Mr. David Moon submitted a letter of response, dated Oct. 14<sup>th</sup> and map revisions for Board review. Mr. Moon was seeking Final Determination tonight.

After reviewing the submitted revisions, the Board advised Mr. Moon to add the proposed bluestone stone at shoreline after the site had been stabilized and all silt fencing removed. The Board forewarned Mr. Moon to make sure the construction traffic did not damage septic field by driving over it. Holes bored prior to excavation and then staking it out may help protect it during active construction.

After reviewing revisions, the Board gave conditional approval, requesting the following to be emailed to the Code office for the original file prior to permitting:

- a. Submit stamped plans for the proposed retaining walls which were to be reviewed by Stantec Consulting.
- b. Note that stone work at discharge of yard drain system was to be installed after erosion control measures were completed so that the silt fence would remain in place throughout all other disturbance activities.

Board Member St.Lawrence made a motion to conditionally approve and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor.

2. Application #101515-SPR/Mr. and Mrs. Kenneth and Melody Delfs is requesting Preliminary Site Plan Review for new construction of a single family residence and a garage on vacant land located at 556 East Lake Road of the Highland Group Minor Subdivision, Tax ID # 22.03-1-11.4 (LR)

CEO, Ms. Kane summarized the application to the Board and introduced Mr. Rocco Venezia, stating Lot #1 of the Minor Subdivision was 2.227 acres. They would be utilizing the existing driveway and extending it to locate the house on the flat area of the lot which is in compliance with the Town's Steep Slope Law. The owners would like to bring the abandoned driveway back to a natural state at some point in the future. Plans to set the house up off the ground to provide less excavation, shall also include a water filtration system to collect rainfall from the roof to be collected into a holding tank within the house. There are no current plans to upgrade the gravel path to the lake.

The Board had no further discussion or review at this time.

3. Application #102115-SPR/ Mr. Jeremy Fields, representing agent for Mr. Mullaly of 1265 South Lake Road requests Site Plan Review for new construction of a retaining wall, Tax ID # 21.71-1-2, (LR)

Since neither applicant nor owner were present, this application will be rescheduled for Site Plan Review at a later date.

4. Application #103015-SPR/ Mr. Tim Lafler of 5785 South Vine Valley Rd., requests Site plan review for the construction of a pole barn and a 400 foot driveway, Tax ID #12.04-1-8 (AG/RES)

Ms. Kane summarized the application by stating that the application was brought to the Planning Board due to a proposed 400 ft. driveway to be constructed to access a pole barn which would be used for Agriculture purposes. Noted as well, Mr. Lafler owns the 1 acre parcel contiguous to the west of this 5 acre parcel. The driveway will have a crusher run base and a turnaround at the barn. The driveway has a pre-existing public road access constructed by the Middlesex Highway Department.

Mr. Lafler stated the size of the barn would be 94' x 96' x 48' and would include electricity, but no running water and a 60 ft. setback for the side and rear lot lines was requested by the Board to be added to the submitted drawing. It was also stated that the use would remain agricultural and not be for Mr. Lafler's construction business. Mr. Lafler plans on growing fruit trees.

Without further discussion, the Board completed a SEQR application, declaring it a Type II action needing no further review and without any significant environmental impact. A negative declaration was determined with a motion offered by Board Member Mincer and Board Member Gilbert providing a second. The motion carried with all Board Members present voting in favor.

A motion to approve the application as presented as an Agricultural Use, and not for Business Use, was made by Board Member Gilbert and seconded by Board Member Mincer. A roll call vote was taken and all Board Members present voted in favor. The motion carried.

#### Other Business:

The Planning Board completed a revised SEQR review of Application #011415-SPR for Applicant Mr. and Mrs. Sarah and John Gibson of 452 East Lake Road to clarify a negative declaration of significant environmental impact on June 17, 2015 for 1 of 3 Steep Slope waivers applied for by applicant and granted by the Planning Board.

Resident Mr. Tim Murphy, of 208 Bagley Rd., made a request to the Planning Board to recommend to the Zoning Board of Appeals rezoning his property from Hamlet Residential, as it is now zoned, to Highway

Business, which would allow him to apply for a small machine repair shop from his home. He met with the Planning Board last month, presenting his business plan and is now submitting new requested information. The Board requested Mr. Murphy to provide a plan for appropriate disposal of all hazardous material that may be used in such businesses as the one proposed. Mr. Murphy provided the board with information from a professional service, "Safety Clean" that would accommodate this request.

Ms. Kane states that this parcel had once been zoned Highway Business, and over time there was a discrepancy in the zoning of this parcel due to a similar color choice on the official zoning map that had faded over time and was then thought to be Hamlet Residential as documented in the code office. Mr. Murphy's parcel is 50 feet from the Highway Business zone now and 2 other home businesses are presently in the general neighborhood. When previously brought to the Zoning Board of Appeals for review, the ZBA requested the Planning Board research the history of the parcel and provide recommendation. Mr. Murphy would like to move forward with this request.

Ms. Kane stated that Mr. Murphy's parcel complies with all zoning requirements for Highway Business and he has received letters of approval from contiguous property owners for the proposed business plan.

The Planning Board was in agreement that a letter of recommendation should be written to the Town Board for consideration. Chairman DeVinney stated that such a letter would be presented to the Town Board for review in December. Code Officer Kane and Planning Board Chairman DeVinney will enter into initial discussion at the November Town Board meeting on this subject.

Mr. Tim Lafler of Lafler Construction wished to request a discussion of the Steep Slope Law in reference to a proposed retaining wall for gully stabilization at 1431 So. Lake Rd. that is currently in the review process. After a lengthy discussion, the board was in agreement that all plans, submitted by Lafler Construction ( Grove, P.E., the TSI Engineers and the Ray Teeter, P.E. plans) indicated the proposed retaining wall was under 36 in. which will be verified during construction. If, during construction, any exposed section of the retaining wall on the opposite side of the embankment being retained is equal to, or exceeds, 36" in height, work will be stopped until the wall has been reviewed and stamped by a licensed P.E.. However, a Site Plan must still be submitted that shows the entire scope of the project, to include retaining wall detail, length of wall, extent and size of rip rap to be added, and any trees to be removed.

Mr. Lafler agreed to supply this document to expedite the application prior to permitting of construction to commence.

Without further discussion, the Planning Board Chair, Marty DeVinney entertained a motion to adjourn. Board Member Gilbert so moved and Board Member Mincer provided a second. The motion carried with all Board Members present voting in favor. The meeting adjourned at 8:40pm.

Next Meeting: December 2<sup>nd</sup>

Draft minutes submitted by L. Lersch/Revisions to [lynn.lersch@gmail.com](mailto:lynn.lersch@gmail.com)

Minutes approved on March 2, 2016

