

TOWN OF MIDDLESEX
PLANNING BOARD
Minutes

Wednesday, August 5, 2015, 7 pm

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

Others Present: David Moon of Marathon Engineering, Timothy Lafler, Diane and Terry Elliott, Janet and Rob Stewart

Agenda: Site Plan Reviews and Draft Planning Board Minutes – June 17th, July 1st

Site Plan Reviews:

1. Application # 061515-SPR-SSR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.
2. Application #071515-SPR/ Mr. Terry E. Elliott, owner of property at 266 East Lake Rd. requests Site Plan Review for a lot line reconfiguration and a conceptual review for improvements to a single family residence, Tax ID # 2.61-1-4 and 2.61-1-5, (LR)
3. Application # 060915-SPR/Lafler Construction representing Ms. Nancy Robinson of 1431 South Lake Rd., Tax ID #31.01-1-7 (LR) requests Site Plan Review for an addition to approved plans to stabilize a gully.

Chairman DeVinney brought the meeting to order at 7:08pm

Draft minutes for June 17 and July 1st were approved with slight revisions. It was noted that the addition of an addendum was added to the minutes for June 17th and a resolution will be added to the July 1st minutes Board Member Gilbert offered a motion to approve with Board Member St. Lawrence providing a second. The motion carried with all Board Members present voting in favor.

Site Plan Reviews:

1. Application # 061515-SPR / Mr. David Moon of Marathon Engineering, representing agent for Mr. Robert Stewart of 332 East Lake Rd., Tax ID #2.69-1-2 (LR) requests Site Plan Review for installation of a replacement tram to a pre-existing tram at shoreline in Steep Slopes.

Ms. Kane, CEO summarized the application for the Board's review, stating the original site plan reviewed by the Planning Board on July 1st, had been resubmitted with revisions which the Stewarts have agreed to in order to reduce the variance request for a side setback encroachment.

Mr. David Moon from Marathon Engineering presented the site plan revisions, representing owners Janet and Rob Stewart.

A SEQR for the application was reviewed by the Board. The application was determined to be a Type II action needing no further review and to would not create any significant environmental impact that could

not be mitigated. A negative declaration was determined with a motion offered by Board Member Lersch and seconded by Board Member St. Lawrence. The motion carried with all Board Members present voting in favor.

After review, the Board granted a conditional approval, pending county reviews and a side setback area variance request still to be heard by the Zoning Board of Appeals, after requested revisions are resolved for the proposed project. The following conditions are to be resolved prior to further reviews.

- a. Drwg. C1.0/, add to "Zoning Regulations Notes" - the section of our current zoning that applies to the statement noted that a "tram is considered a unique type of accessory structure as qualifying for a Front Yard setback exemption.
- b. Drwg. C1.0/ Referencing Stantec's 6/30 letter, note #7 - "Restoration and Landscaping" Note #3 - shall indicate the addition of "all disturbed areas are to be seeded"
- c. Drwg. C1.0/ Referencing Stantec's 6/30 letter, note #8 - "The note should indicate that sediment control logs may be installed in non-steep slope areas and must be embedded per the detail."
- d. Drwg. C1.0/ Referencing Stantec's 6/30 letter, note #9 - Add the "approximate amount of steep slope disturbance to Project Statistics Chart."
- e. Referencing Stantec's 6/30 letter, note # 5, 6 - Add a tree protection detail on adjoining owner's 12" oak tree to be protected, and include as part of your construction sequence in Note #2, the removal of the 10" Hickory Tree.
- f. Letter to accompany the application and to be filed with the Fire Chief of the Town of Middlesex Fire Dept. documenting the location of the tram system and the site's accessibility for emergency services per Sect. #609.1d of Local law #5 of 2008 Tram Law.
- g. Final review and response sign-off from Stantec prior to Planning Board Final Determination might be necessary if additional revisions are pending.

Board Member St. Lawrence moved for conditional approval as presented and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

Deadlines for the County Reviews and next Zoning Board of Appeals Agenda placement were discussed.

2. Application #071515-SPR/ Mr. Terry E. Elliott, owner of property at 266 East Lake Rd. requests Site Plan Review for a lot line reconfiguration and a conceptual review for improvements to a single family residence, Tax ID # 2.61-1-4 and 2.61-1-5, (LR)

Ms. Kane, CEO summarized the application for the Board's review, stating that this application was a simple lot line reconfiguration to better serve both parcel owners, and complied with all zoning area requirement concerns from the Code Office. Ms. Kane also stated the application was in front of the Board for the purpose of Board advisement due to the Elliott's request for a conceptual discussion of proposed plans to rebuild an existing and non-conforming dwelling in a steep slope location. Plans included adding an addition which will remain 4.9 ft. off the setback to the north but will also create an extension beyond the original footprint. It will be located in an area on the parcel that is approximately 26% slope. Access to the property is by a set of stairs. A garage is also proposed to be used for storage only. The Board gave the Elliott's some general advisement of what would be requested for Preliminary Site Plan Review, advising that application for an area variance request to the Zoning Board of Appeals would probably be needed if what was proposed went outside the original grandfathered-in footprint unless they could configure the new footprint to comply with current setback requirements.

The Lot Line Reconfiguration included 2.421 acres of land bordering, East Lake Rd. involving Parcel ID #'s 2.61-1-4 owned by the Elliott's, and #2.61-1-5 owned by the Allen's. It was determined that Parcel ID #2.61-1-4 of 0.514 acre would become 0.714 acre after Annex. Parcel ID # 2.61-1-5 of 1.909 acres would become 1.707 after Annex.

3. Application # 060915-SPR/Lafler Construction representing Ms. Nancy Robinson of 1431 South Lake Rd., Tax ID #31.01-1-7 (LR) requests Site Plan Review for an addition to approved plans to stabilize a gully.

Ms. Kane, CEO requests the Planning Board to review an expedited addition to a previously approved site plan for Ms. Nancy Robinson. Application # 060915-SPR was given conditional approval and a Steep Slope Waiver for stabilization of a gully on June 17th. Ms. Kane stated Mr. Tim Lafler of Lafler Construction was representing Ms. Robinson and had requested the Planning Board to review a new retaining wall section detail which was prepared and stamped by TSE Design Firm. This detail (S-1) was being proposed to rebuild the existing retaining wall at the Robinson's property. The rebuild would be almost entirely along the same alignment and length as the existing wall except for a short extension to the west, then skew at the southwest at the west end, to preserve an existing fire pit. Replacement of the existing stone retaining wall would be additional work beyond the gully stabilization work originally submitted via drawings by Grove Engineering on June 17, 2015 and subsequently approved with conditions. After considerable discussion, the Planning Board agreed to allow a Phase I of the overall project (gully stabilization and new retaining wall) to be permitted prior to a final review on August 19th to expedite and accommodate the applicant due to the severity of the situation. The intent of Phase I was to provide some temporary relief from further undermining of the existing retaining wall in the event of future storm events and prior to scheduling a final review.

Limits of Phase I are defined as follows:

- a. Remove fencing as necessary.
- b. Install a keyed check dam upstream of the inlet to the cross culvert on South Lake Rd. Install check dam per state detail.
- c. Install silt fencing between any disturbed lawn area and South Lake Rd.
- d. Perform minimal excavation and benching along the north side of the gully to help redirect runoff in the gully away from the base of the existing retaining wall.
- e. Any embankment along the north side of the gully that has been disturbed during Phase I must be temporarily stabilized using straw mulch and jute mesh at minimum until the permanent rolled erosion control product is applied after all embankment work has been completed. In general, any disturbed surface must be stabilized for erosion control purposes if left unworked for more than (5) days.
- f. Clean up any debris tracked onto South Lake Road on a daily basis.
- g. No work pertaining to the new retaining wall shall be allowed during Phase I until a final permit has been issued.

At the next PB Meeting on 8/19, Mr. Lafler shall provide the Planning Board with an original stamped detail drawing for the new retaining wall. This revised detail plan must provide additional information / clarification as follows, prior to the issue of the Phase II permit:

Limits of Phase II – Remainder of the project work:

- a. Show rip rap along new retaining wall detail as required by Grove Engineering Plan.
- b. Describe where the discharge from the perforated drain behind the new wall will be located, to include additional rip rap for erosion control.
- c. The Engineer must provide a note to clarify at what interval in masonry wall height construction that bond beams are necessary. This may become necessary if the exposed masonry wall exceeds a certain height.
- d. The Engineer must clarify the meaning of the vertical dimension of 2' – 8" max. as shown on the detail plan.
- e. Note on plan how the excavated material will be handled and disposed of.
- f. Notation of rolled erosion control product name that will be used that is appropriate for a 1:1 slope.

Ms. Kane said she would permit Phase I with a letter from the Planning Board detailing the required actions to be taken and would apply the letter to the permit in order to expedite the pending work for Ms. Robinson.

Planning Board Clerk, Lynn Lersch said she would ready a letter stating the conditions of both Phase I and II of the proposed work and provide a copy to Ms. Kane, CEO by Thursday evening.

Board Member Gilbert made a motion to allow Phase I of the pending work until the Planning Board could review the Site Plan with revisions on their scheduled August 19th meeting. Board Member St. Lawrence provided a second . The motion carried with all Board Members present voting in favor.

A motion to adjourn was made by Chairman DeVinney and Board Member Gilbert provided a second. The motion carried with all Board Members present voting in favor.

The meeting adjourned at 9:15pm,

Draft Minutes submitted by L. Lersch/revisions to lynn.lersch@gmail.com
Minutes approved on September 2, 2015