

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

**PLANNING BOARD**  
**Wednesday, April 3, 2024 • 7:00 p.m.**

---

*The following minutes are the official and permanent record of the actions taken by the Town of Middlesex Planning Board, as recorded by the Planning Board Clerk.*

**Meeting called by:** Nate Duffy

**Board members present:** Gordon Stringer  
Terry Mott

**Alternate:** Position vacant

**Staff present:** Dawn Kane, *Code Enforcement Officer*  
Thomas Palumbo, *Town Engineer (Stantec Consulting)*  
Beth Altemus, *Planning Board Clerk*

The meeting was called to order at 7:00 p.m. by Mr. Duffy.

No applicants or representatives were in attendance.

CEO Kane suggested the Board review the O'Brien application, and commented that Mr. Brannigan had just dropped off his application.

Mr. Mott inquired about the nature of the Brannigan project, and CEO Kane indicated that it is a proposed 20 ft. x 24 ft. garage to be located on the back of the property. Mr. Palumbo inquired whether it has a survey, and CEO Kane indicated that it does. She also indicated that Mr. Brannigan will attend the May meeting of the Planning Board.

The Board proceeded to review the O'Brien application, and there was general discussion that they have not received a map of the project. CEO Kane indicated that they should have received a digital file of the map with 3D photographs and the application.

CEO Kane explained that the project involves replacing an existing retaining wall along 50 feet of lake frontage with a dock. Mr. Mott inquired why they need to replace the wall

## ***Town of Middlesex Planning Board Meeting Minutes: April, 2024***

as he believes it looks firm and sound, with good vegetation holding back the soil, and he doesn't see any issue with the existing wall. He indicated that he took photos of the existing retaining wall and shared those with the Board.

Mr. Palumbo indicated that it appears the project will make more shoreline at the bottom of the retaining wall, and will thus be within the mean high water mark; therefore the project will likely need a DEC permit.

Mr. Duffy inquired whether the wall will help the Town Highway Department road project happening on South Lake Road, and whether the wall will sure up the road. CEO Kane indicated that there has been discussion about that. She indicated that anytime approvals are made in a right of way there's an agreement that at any time the Town can make changes within the right of way.

The Board reviewed the photos and drawings submitted by the O'Briens and discussed what the different elements of the project are. CEO Kane asked Mr. Palumbo if he would like to do a site visit and review the project, and Mr. Palumbo indicated that he can.

Mr. Duffy asked if the Board should do a preliminary review, and CEO Kane indicated that a representative must be present to do so. Mr. Duffy suggested that when they do attend, the Board should do a preliminary review and request changes before Mr. Palumbo does an engineering review. Mr. Palumbo suggested that the O'Briens could be asked to include more details on the plans. CEO Kane indicated that Mr. O'Brien is a land use attorney who wrote the UDML for Middlesex, and that with the Board's approval she believes she should call him and ask for more detail and an official engineering design before returning to the Board.

Mr. Palumbo commented on the pictures being unclear and questioned how the stairs run.

Mr. Mott commented that because most of the project would be in the Town right of way, the Board should only approve it if it's in the best interest of the Town. CEO Kane indicated that a resident has the right to present a project within the right of way and that benefitting the Town can't be a part of the criteria for approval, however a project cannot be a detriment.

Mr. Mott clarified that he doesn't want to approve the project just because it might look nice, and that it should not be a detriment to the Town. Mr. Duffy indicated that a right

## ***Town of Middlesex Planning Board Meeting Minutes: April, 2024***

of way is not Town property. CEO Kane commented that residents own the dirt under a right of way, while the Town maintains the surface.

Mr. Palumbo indicated that he would like the Town public works to say the project is doable, and commented that if a project is close to the road the Board should consider obstructions. CEO Kane commented that the Highway Superintendent is not the decision maker if it's within the applicant's right to build. Mr. Duffy commented that if it creates an unsafe environment or problem it should be considered, and that maybe they should install a guardrail. CEO Kane indicated that there isn't enough room for a guardrail and they would need variances for one.

Mr. Mott commented that a map showing the mean high water mark is needed. There was general discussion that the steps land right before the dock, and it's a very tight space. There was general agreement that more information is needed and the Board can't do anything until the O'Briens provide more information and come to the Board for a preliminary site plan review.

Mr. Palumbo asked CEO Kane to send him pdf's of more project information when she receives them.

### **OTHER BUSINESS:**

There was general discussion about needing to approve the minutes from the previous meetings.

Mr. Stringer made a motion to approve the February and March draft minutes, Mr. Mott seconded, all Board members voted in favor and the motion passed.

Mr. Mott made a motion to adjourn the meeting at 7:30, Mr. Stringer seconded, all Board members voted in favor and the meeting was adjourned.