

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

**PLANNING BOARD**  
**Wednesday, June 5, 2024 • 7:00 p.m.**

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*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:** Case Smeenck

**Board members present:** Nate Duffy  
Gordon Stringer

**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. Smeenck.

## **NEW BUSINESS:**

### **1. Site Plan Review (App. # 052124-SPR)**

**David Seconi, owner of property at 989 South Lake Road, Middlesex, NY, 14507 (Tax Map ID# 21.33-1-10.0), is seeking a site plan review for construction of a dock.**

Kevin Dooley of Worden Hill Marine was representing Mr Seconi. He explained that Mr. Seconi has an existing dock and is looking to build a second dock; he also remarked that the property has 100 feet of lake frontage.

Mr. Smeenck inquired whether the new dock will be built where a temporary dock is currently located, and Mr. Dooley indicated that it would. Mr. Smeenck inquired if the new dock will have a boat station, and Mr. Dooley responded that it would. Mr. Smeenck indicated that he knows Mr. Seconi personally, and that the plans appear to meet all requirements.

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Mr. Duffy made a motion to approve the plans, Mr. Stringer seconded. Mr. Smeenck opened public discussion, there was none, and the public discussion was closed. All Board members voted in favor, none opposed, and the motion passed.

**2. Site Plan Review (App. # 052024 - SPR)**

**William Dowell, owner of property at 614 East Lake Road, Middlesex, NY, 14507 (Tax Map ID# 11.42-1-3.11) is seeking a site plan review for construction of a new garage.**

Mr. Dowell was representing himself. He indicated that he's been on this property since 2016, and is looking to build a detached garage in order to store his business vehicles and construction equipment.

Mr. Smeenck inquired whether a steep slope application had been submitted, and CEO Kane indicated that one had not. She also indicated that variances will be needed and that this review is preliminary.

Mr. Smeenck indicated that he doesn't see where the proposed paved driveway has been included in the lot coverage calculations, and he indicated that the driveway would put the total lot coverage over the maximum allowance as it will be impervious. He also indicated that the setback is supposed to be fifteen feet, but Mr. Dowell is asking for seven and a half feet and will therefore need a variance. Mr. Smeenck also commented that the site is considered a steep slope.

Mr. Dowell indicated that the previous property owner had sold a section of the property to an adjacent property, and therefore there is a pre-existing section of pavement that leads nowhere. He commented that he could remove this remnant of pavement to reduce the impervious coverage on the lot.

Mr. Palumbo inquired whether they had received topographic information for the site, and Mr. Smeenck indicated that they had not, but one can see from the sidecut maps that it is on a steep slope.

Mr. Smeenck commented that he believes the garage is too large, and he wouldn't be in favor of approving a three car garage on the lot; he commented that he would like to see calculations for lot coverage that include the proposed driveway.

CEO Kane inquired whether an existing shed structure could be removed to allow the placement of the garage further from the property line to minimize a setback variance.

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Mr. Dowell indicated that could be a possibility, but he doesn't want the garage to be too close to the house.

Mr. Palumbo commented that he would like to see where the flat area on the site is, and Mr. Dowell indicated that it's flat all along where the garage will be built. There was also discussion that a retaining wall will be constructed as well.

Mr. Dowell commented that he could shift the garage closer to the driveway to minimize the area needing to be paved, but he would then need to cut into the hill. CEO Kane commented that if the garage orientation were turned it might minimize the setback variance needed. Mr. Smeenk commented that the Zoning Board of Appeals (ZBA) has not been receptive to granting variances because of lot coverage and feels it's unlikely he could get a variance for this purpose.

There was general discussion that if the building orientation is turned it might be able to fall within the required setback. Mr. Smeenk indicated that Mr. Dowell should try adjusting the orientation and get a new calculation for lot coverage that includes the driveway and reorientation of the garage. Mr. Dowell commented that he could consider downsizing the garage to two or two and a half bays. Mr. Palumbo commented that when Mr. Dowell presents to the ZBA he'll need to explain how he readjusted the plans to stay within the code.

Mr. Dowell inquired whether the Planning Board would be OK with him removing the shed and moving the location of the garage, and Mr. Smeenk indicated that they would, and that if he's making an effort to stay within code they can recommend the project to the ZBA. Mr. Dowell commented that he can easily make those adjustments.

There was brief discussion about the option to have another driveway above to access the top level of the garage so that they won't have to drive down around. Mr. Dowell asked if that would make the lot coverage worse, and Mr. Palumbo and Mr. Smeenk commented that it might be possible to stay within the coverage allowances if the other adjustments previously discussed are made.

Mr. Stringer asked for clarification that this was a preliminary review, and whether the final plans would include contours and vegetative cover. Mr. Dowell indicated that they will, but he likely won't need to remove any trees. Mr. Stringer indicated that he would like to see details on these aspects, as well as grading, etc. Mr. Dowell indicated that he will return with that information.

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Mr. Duffy indicated that if the project seeks a variance he would like to see a sign posted to inform neighbors that the property is under review, and he'd like to see letters of recommendation from neighbors as well. He indicated that such letters would help when presenting to the ZBA. He also inquired whether the gutters would be tied into the existing ditch. Mr. Dowell indicated that the swale predates him and runs off into the woods and down to the water. He also indicated that there are catch basins down below. Mr. Palumbo indicated that he should probably install some kind of improved drainage channel as well.

Mr. Duffy indicated that he would like to see these drainage details improved and addressed, along with the other details previously mentioned by Mr. Stringer.

Mr. Dowell inquired whether he might not need variances if he moves the garage location and reduces its size, and Mr. Palumbo indicated that it's possible and would make approval of the project much easier.

There was general discussion that a sixty foot rear setback was needed, and that when the house was built the front and back were reversed. Mr. Dowell inquired whether he would need any other variances if he's able to avoid the setback issue previously discussed. There was discussion that he may need a coverage variance, but again the calculations with the driveway coverage need to be done.

Mr. Smeenk indicated that the final plans will need to show elevations, the new proposed garage location, recalculated lot coverage, water and drainage protections, and any variances.

Mr. Dowell inquired how the Board would like to see the water handled, and Mr. Palumbo indicated that he would like to see a pipe into a level spreader or check dams, and that the rate of discharge shall not be increased. Mr. Smeenk commented that he can't purposely put water on neighboring properties. Mr. Dowell indicated that he will make adjustments to avoid variances if possible and update the maps accordingly.

Mr. Duffy inquired what kind of business Mr. Dowell has, and Mr. Dowell indicated that he builds rental properties.

### **3. Site Plan Review (App. # 040824 - SPR)**

**Vernon Branagan, owner of property at 5713 Underwood Hill Road, Middlesex, NY, 14507 (Tax Map ID# 22.74-1-1) is seeking a site plan review for construction of a new garage.**

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Vernon and Scott Branagan, and Adam Mincer of Mincer Contracting, were representing. Mr. Smeenck commented that it appears the applicants would like to put an attached garage onto the house, but he's not been to the site and inquired whether it's steep. Mr. Duffy commented that it's not steep where they plan to build. Mr. Mincer indicated that they will not cut into the slope, but might clean up sediment at the base of the slope and install another drain tile.

CEO Kane indicated that the driveway is already in place. Mr. Smeenck commented that he would like to see a silt fence installed to protect water and mud runoff. CEO Kane indicated that removal of the storage container currently on site was previously discussed, and Scott Branagan indicated that it would be removed once the garage is built.

Mr. Smeenck asked if anyone had any concerns. Mr. Duffy reiterated that a silt fence should be added, and Mr. Smeenck reiterated that the storage container shall be removed once the garage is complete. CEO Kane indicated that the drainage is daylighted off the back, and Mr. Mincer indicated that the second drain tile will tie into the existing drainage.

CEO Kane inquired whether there will be drainage in front of the garage door, and Mr. Mincer indicated that given the grade it should naturally drain down the slope side, but he could put a drain curtain across the front. There was general discussion that a low point is needed before the garage entrance, and an apron should be added prior to the garage door.

Mr. Duffy made a motion to approve the plan, with the conditions that silt fence be added, grading and an apron prior to a low point be added before the garage door, and the storage container be removed after construction of the garage. Mr. Stringer seconded, there was no public discussion, all Board members voted in favor, none opposed, and the motion passed.

**OTHER BUSINESS:**

Mr. Smeenck asked the Board for any comments on the May draft meeting minutes and there were none.

Mr. Smeenck made a motion to approve the May minutes, Mr. Duffy seconded, all Board members voted in favor, none opposed, and the motion passed.

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The Board agreed to meet at 6:00 p.m. on July 3rd for a work session prior to the Planning Board meeting.

There was general discussion about possible interest in the vacant position on the Planning Board and that the Board should have five members.

Mr. Smeenk adjourned the meeting at 7:34 p.m.