

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

PLANNING BOARD
Wednesday, August 7, 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: Case Smeenck

Board members present: Nate Duffy
Terry Mott
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.

OLD BUSINESS:

1. Site Plan Review: App. # 061724-SPR

David Bero, Jr., owner of property on Mertz Road, Middlesex, NY, 14507 (Tax Map ID# 22.01-1-38), is seeking a site plan review for construction of a residence.

CEO Kane updated the Board on the status of the application, explaining that the ZBA has given Mr. Bero approval to use a pre-existing driveway as a shared driveway, and a legal agreement for said driveway has been notarized, filed and submitted to the Code office. She reminded the Board that they have given Mr. Bero preliminary approval with conditions, and those conditions have been met.

Mr. Smeenck asked the members of the Board if they had any questions, reiterating that the requirements for preliminary approval have been met.

Town of Middlesex Planning Board Meeting Minutes: August, 2024

Mr. Mott made a motion for final approval of the application, Mr. Duffy seconded, there was no public discussion, all Board members voted in favor, none opposed, and the motion passed.

NEW BUSINESS:

2. Site Plan Review: App. # 061824-SPR

Alan Krautwurst, owner of property at 928 South Lake Road, Middlesex, NY, 14507 (Tax Map ID# 21.26-01-008), is seeking a site plan review for construction of a dock.

Kevin Dooley of Worden Hill Marine was representing. Mr. Smeenck inquired if he was asking for a dock, and Mr. Dooley indicated that he is applying for a permanent dock with an enclosed boat house. Mr. Smeenck inquired about the amount of lake frontage at the site, and Mr. Dooley indicated there was approximately 217 feet of frontage.

Mr. Smeenck indicated that the Board initially had questions about the dimensions of the project, but they have since been resolved. Mr. Mott asked Mr. Smeenck if he is OK with the square footage shown on the plans, and Mr. Smeenck indicated that he is, as it comes down to about 1,062 square feet once he broke down the individual components and readded their areas.

Mr. Mott inquired if this is all one property, and Mr. Dooley indicated it is. Mr. Mott inquired if the open lot north of the main house will be the access to the dock, and Mr. Dooley indicated it would be, via the pathway down a steep hill. Mr. Mott asked CEO Kane if a steep slope application would be needed, and CEO Kane indicated that the project disturbance will be less than the requirements for one. Mr. Dooley commented that they will not be doing additional clearing, only construction on the waterfront.

Mr. Smeenck inquired how the dock will be accessed, and Mr. Dooley indicated that it would be from the shoreline, not from the house steps, and the path to the north will lead to the access walkway. CEO Kane inquired if they will be using the existing concrete steps, and Mr. Dooley indicated they would.

CEO Kane reminded the Board that the historic boathouse on the property is not usable, so will not count against them, but this should be noted in the approval.

Mr. Dooley indicated that they will be staying 13.8 feet off the ten feet offset.

Town of Middlesex Planning Board Meeting Minutes: August, 2024

Mr. Smeenck asked if Mr. Duffy or Mr. Stringer had any further questions, and Mr. Duffy inquired why the historic boathouse doesn't count. CEO Kane indicated that it is not functioning or being used, and has been there since the 1800's, so is being given special dispensation for historic value. She commented that it appears in books and historic photographs and is being given a waiver. Mr Duffy asked if the Board needed to vote on such a waiver, and CEO Kane indicated that the waiver was done through the Code office, however it needs to be included in the approval .

Mr. Smeenck made a motion to approve the dock and boathouse subject to the existing frame building to remain as a historical site only, and to be maintained only for its historical value. Mr. Mott seconded, there was no public discussion, all Board members voted in favor, none opposed, and the motion passed.

OLD BUSINESS:

3. Site Plan Review: App. # 062624-SPR

Ingrid Watkins, owner of property at 1327 South Lake Road, Middlesex, NY, 14507 (Tax Map ID# 21.79-1-7.000), is seeking a site plan review for construction of a residence.

There was initially no representation for the Watkins project, and the Board began a general discussion of the status of the application. Mr. Palumbo indicated that he had reviewed the latest plans and drafted a letter with comments, and that he intends to mark up a plan and give it to the Watkins to address some minor issues. Mr. Smeenck asked Mr. Palumbo if he is OK with the latest plans, and Mr. Palumbo said he is.

CEO Kane commented that the site is not stabilized and has no silt fence installed, and that the driveway caved after heavy rains, so they're delayed. She indicated that the first part of the wall has been poured. She indicated that she had received preliminary architectural drawings with the original footprint and overlay and will email those to the Board.

There was general discussion that the Board needs copies of the overlay maps and Mr. Palumbo's comments.

TY Allen, Brad Hall and Mr. and Mrs. Watkins arrived at 7:16 to represent the project.

There was general discussion that the project team had emailed the latest plans on August 2nd (the previous Friday), and Mr. Smeenck commented that they are supposed to be submitted twenty-one days prior to the meeting, so he hasn't had a chance to review them and is not inclined to review them tonight.

Town of Middlesex Planning Board Meeting Minutes: August, 2024

CEO Kane asked if they could get an update on the progress of the wall construction.

Mr. Allen indicated that the first stage of the wall has been poured and the forms will be coming off, and the second pour was done yesterday. Mr. Mott inquired how many yards the total pour is, and Mr. Allen indicated that he's not sure.

Mr. Palumbo asked the project team about site stabilization, and Mr. Hall indicated that there is a gutter down at the bottom of the driveway, and that he has met with Josh Burnett of the Highway Department and the site contractor to make a plan for where the driveway meets the road. He indicated that silt fence is in place and they will be adding a silt sock at the bottom of the driveway. Mr. Mott inquired if straw bales would be needed in the swale, and CEO Kane indicated that the driveway is the biggest issue and that Bruce St. Lawrence is on it with them. Mr. Hall indicated that they would be on site on Friday for the predicted storm to see what happens.

Mr. Palumbo inquired if maybe stone check dams should be installed, and Mr. Hall indicated that it's right on the driveway, and there is an angular cut now and they will put twenty-four inches over the culvert. He also indicated that another depression will be added before the asphalt, but now the road is canted away from the driveway so nothing is slowing down the water. Mr. Palumbo commented that eventually they will put a trench drain down at the driveway to tie into the culvert.

Mr. Mott asked if the culvert is clear after the rains the week prior, and indicated that they should check to make sure it's open.

Mr. Allen commented that he was unclear about the application process and thought they were at a point where only minor issues needed to be addressed, but that they had submitted things on time. Mr. Smeenck commented that it takes an hour or more to go through the plans, and not everyone has 11x17 copies of the drawings. Mr. Mott commented that he would like a final scaled drawing to be sure everything is in place, and Mr. Case commented that Mr. Palumbo is comfortable with the final plans, but the Board needs to see and review them.

Mr. Allen asked if he needs Brennan Marks to get them printed copies of the digital map that was sent, and Mr. Palumbo indicated that it would also be best to get the August 2nd letter from Mr. Marks with the responses to Mr. Palumbo's comments.

CEO Kane commented that the project team was under the impression that the comment process was going to be between them and Mr. Palumbo, and that's why no

Town of Middlesex Planning Board Meeting Minutes: August, 2024

one else got the August 2nd drawings. She indicated that she recalled from their last visit to the Board that the minutia and details of the changes would be discussed directly with Mr. Palumbo and the Board would get overlay maps of the original and new footprints.

Mr. Mott indicated that they had discussed a lot last month that needed to be addressed, including the overlay. Mr. Duffy commented that they had given preliminary approval and were going to true up with Mr. Palumbo's comments then make sure everything is good. Mr. Smeenck commented that they did give preliminary approval, but they hadn't discussed final approval. Mr. Smeenck consulted that June draft minutes and read that Mr. Marks had asked whether he should come back to the Board, and the Board said he should if he gets everything in by July 17.

Mr. Mott indicated that he's willing to follow Mr. Smeenck's lead, and Mr. Smeenck suggested that they review Mr. Palumbo's comment letter on the plans to see how significant the comments were.

CEO Kane asked Mr. Allen to clarify the meaning of the different lines on the overlay map, and Mr. Allen indicated that he made pieces of the old house gray, then overlaid the new footprint with the heavy dashed line. He also indicated that he may need to omit the south side staircase due to variances. Mr. Duffy inquired if the new footprint is in compliance with the variances granted before, and Mr. Allen indicated that it is. CEO Kane commented that the staircase may not comply with the variances because of its dimensions.

Mr. Allen commented that the bump out in the north wall is going to be omitted and taken off the design. CEO Kane inquired what happens if the staircase is removed, and Mr. Allen indicated that he doesn't know because it meets code but is very narrow, so will have to talk with the Watkins. He indicated that it needs to be a little longer to meet grade.

Mr. Smeenck indicated that they should proceed through Mr. Palumbo's comments and review what and how they have been addressed in the revised plans submitted to Mr. Palumbo. Mr. Palumbo proceeded to summarize the following comments and responses:

1. Updates on the pouring of the East Retaining Wall, which was approved by the Board, have been given and acknowledged.

Town of Middlesex Planning Board Meeting Minutes: August, 2024

2. On the drawings the footprint did not match the prior house, so the new plans have them match.
3. Septic approvals have been received and acknowledged.
4. The existing house and foundation have been removed, as required.
5.
 - a. The storm drain system has been changed a bit to have trench drains rather than inline drains, so there are now bends in the pipe. Instead of inlets there will now be four trench drains across the driveway, coming from the back of the wall, down the driveway and bending to cross the driveway and discharge at the bottom. Mr. Smeenck inquired if the driveway is to be paved, and Mrs. Watkins indicated that she would like for it to be paved eventually, and Mr. Smeenck indicated that if it's not being paved right away they need to be able to get in and clean out the drains. Mr. Palumbo commented that they will add T-access to the pipes with bends. Mr. Mott inquired about the comment about not having details for the pipe behind the wall, and Mr. Palumbo indicated that they have details for this now. He indicated that the eighteen inch pipe behind the wall was shown quite deep because originally they were going to install it before wall construction, but now only it will be only four feet deep as it will be installed after the wall construction.
 - b. Mr. Palumbo indicated that the revisions have addressed call outs for retaining wall details.
 - c. The stairs have been updated to match the ARK plans.
 - d. The patio is on the back and the porch is in front, and the revisions have updated the stairs to match. There had been an inconsistency on the porch, so Mr. Palumbo asked them to correct it, and water goes all the way to the basement wall. Initially they had a small retaining wall but it's no longer needed as they can wrap the contours around, and the new plans reflect that.
 - e. The patio elevations have been coordinated with the finished floor elevations.
 - f. Stairs at the main entry have been added.
 - g. The deck elevations have been coordinated with the finished floor elevations.
6. a-e. Grading has been adjusted for patios and entranceways.

Town of Middlesex Planning Board Meeting Minutes: August, 2024

7. Mr. Palumbo asked for coordination of drainage features. The revised plans show them not being down at the bottom of the wall. The larger pipe is higher to capture surface water, and the lower pipe will capture groundwater, and it all ties into the main storm system.

Mr. Palumbo indicated that he was planning to give them a marked up plan showing these comments, which are really minor things like moving dimension lines so he can read them, and calling out a 2x2 outlet line and covers on cleanouts.

Mr. Mott asked Mr. Palumbo if his final review was off of an 11x17 map, and Mr. Smeenk asked if he had the July 23rd plans. Mr. Palumbo indicated that he wrote his letter based on those larger plans, and the project team quickly made revisions and got back to him with smaller maps, and that the July 23rd plans were what he'd asked for.

Mr. Mott commented that before he approves anything he would like to see one complete set of plans with all the changes we talked about today, so we have a hard copy for final submittal and approval. Mr. Smeenk commented that there is a final set coming which takes care of all these comments, and it will come in before CEO Kane issues a building permit. He indicated that as long as CEO Kane receives them it's OK. Mr. Mott indicated that he's good with that.

Mr. Stringer inquired whether they still need to wait for another set before approving, and Mr. Smeenk indicated that he doesn't think they need to as they've received two revised sets based on Mr. Palumbo's comments, and CEO Kane will get the final plans with all changes made. Mr. Duffy asked Mr. Palumbo if all changes are made whether he'd be satisfied, and Mr. Palumbo indicated he would be.

Mr. Duffy indicated that he would lean on Mr. Palumbo to make sure, and subject to all changes being made they should be able to move forward. He commented that the submittals did get out of order, but they're making the changes and Mr. Palumbo is satisfied. Mr. Mott indicated that he's OK with that. Mr. Stringer asked whether they can give final approval with these changes, and there was general agreement that they could.

Mr. Duffy made a motion that based on everything just discussed the Board go ahead and approve, assuming all of Tom's comments are addressed and meet his approval. Mr. Mott commented that he would like a rewording of the motion.

Town of Middlesex Planning Board Meeting Minutes: August, 2024

Mr. Smeenck made a motion to approve the final plans subject to incorporating Mr. Palumbo's comments and the complete Stantec review, Mr. Duffy seconded, there was no public discussion, all Board members voted in favor, none opposed, and the motion passed.

Mr. Allen asked if Mr. Marks would be getting something, and CEO Kane indicated that he would and it's still a go. She asked what's next for them. Mr. Allen commented that they're almost ready but not quite. CEO Kane commented that they should be sure to be ready for the upcoming storm. Mr. Allen asked what he should expect in terms of turnaround, and CEO Kane indicated that it will be turned around quickly now. Mr. Palumbo indicated that he would send the digital maps to the Board.

OTHER BUSINESS:

Mr. Smeenck made a motion to approve the June meeting minutes, Mr. Stringer and Mr. Duffy voted in favor, Mr. Mott abstained as he was not present at the June meeting, and the motion passed.

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

There was general discussion that applicants Dowell and Nacca were coming up, and a 6,000 square foot house on East Lake Road is in the works, which will require a variance in order to fit in three stories on such a steep slope. Mr. Mott inquired whether they would need to receive the variance before the Board could approve it, and CEO Kane indicated that they would come to the Planning Board for a preliminary review, then go to the ZBA for the variance.

Mr. Mott inquired where things stand on the solar moratorium issue, and CEO Kane indicated that they have until the end of the year. Mr. Smeenck commented that they need to start planning when the Board will meet for zoning code and solar law reviews. There was general agreement that after Labor Day would be best.

There was general discussion about possible replacements for Mr. Palumbo when he retires, but none have been found yet. Mr. Palumbo commented that he has considered staying with Stantec on an hourly basis for a few more months so he can continue his work with the Town until his replacement can be found. He indicated that if he continues to work for the Town after retiring, his retirement package could be jeopardized. CEO Kane commented that that would be very helpful, and if Mr. Palumbo was to need different compensation in order to do so, then that could be discussed. Mr.

Town of Middlesex Planning Board Meeting Minutes: August, 2024

Smeenck commented that Stantec currently takes Mr. Palumbo's liability and insurance, and without them Mr. Palumbo would need to get his own.

Mr. Smeenck made a motion to adjourn the meeting at 8:07 p.m., all Board members voted in favor, none opposed, and the meeting was adjourned.