

## **Town of Middlesex / Zoning Board of Appeals Public Hearing**

### **Minutes July 15, 2021, 7pm**

Zoning Board of Appeals Members: Chair – Rebecca Parshall; Board Members present: Ted Carman, Elizabeth Grant, Win Harper (alt); Attorney Rob Brenner, Esq.

Public Present: Andrew Buchanan, Logan Rockcastle of Marks Engineering,

Public Hearing was called to order at 7:02 p.m.

Chair Parshall established there was a quorum of members and gave a brief summary of the criteria required of the Zoning Board of Appeals in determining a Special Use Permit request from the Town's Zoning Law, stating they had up to sixty-two (62) days to determine the request after closing of the Public Hearing. She cited Sec. # 908.0 of the Town of Middlesex Zoning Law which offered the applicant appeal to the Supreme Court by proceeding with an Article #78 of the Civil Practices Law and Rules to be instituted within (30) thirty days after the filing of a decision by the Zoning Board of Appeals.

1. Application #050421-ZBA SUP

Applicant: Andrew Buchanan/ACS Dock Inc. to be filed as Home Tree Acreage LLC owning property at 5657 South Vine Valley Road, Tax ID # 12.04-1-10.13 (A/R)

CEO Kane gave a brief history of the application's multiple reviews required prior to receiving a Special Use Permit. The application had received Preliminary and Final Site Plan Review by the Town's Planning Board, County Planning Board review due to its' proximity to State Rte. #364 and Special Use Permit, Town Engineer Stantec review dated 7/1 and Zoning Board of Appeals' Public Hearings at which Zoning Board Members heard a presentation requested by owner on June 3, and again tonight with a Planning Board advisory recommendation to the ZBA to consider granting of the SUP. She introduced owner Andrew Buchanan and Logan Rockcastle as representing agent for Marks Engineering to present and answer any questions.

Logan presented the Site Plan and gave a brief summary of all documents provided to the Board with the original application submittal. He verified the location, the proposed structure, management of erosion, buffering and screening provided, the plan for safe egress and ingress of traffic flow, parking, proposed signage and dark sky lighting compliant on the north side of the site. Warehousing of product stored onsite will be kept inside. It is the plan for delivery transport trucks to drive through building for unloading product inside building, therefore minimizing onsite noise and temporary outside product storage. Drainage onsite has been engineered to provide optimal natural run-off without erosion. Septic design is a raised bed system designed to handle approximately the proposed bathroom onsite. Hours will be Monday – Friday 7am to 5 pm all year round. In the Spring, when seasonal demand is the greatest, they may work later hours for approximately 6-8 weeks out of the year.

Board inquiries were answered by both owner and agent.

The submitted Planning Board recommendation to the Zoning Board referenced in a memorandum dated July 7, 2021 and signed by the Planning Board Chairman was read into the minutes and a copy was given to applicant.

Board member Liz Grant stated she would like to see another condition placed on the application not to allow outside storage of business product.

Town Attorney Brenner prefaced that the Special Use Permit was to be written as “Home Tree Acreage LLC” as legal owner of the property at 5657 South Vine Valley Road, if listed as such on the property’s tax rolls.

Chair, Rebecca Parshall invited discussion. There was none.

A motion was entertained by Chair Parshall to move on the application.

A motion to authorize the Special Use Permit with conditions was made by Ted Carman and seconded by Win Harper. The following conditions were listed:

- All Town Engineer’s comments are resolved through Code Office, per Stantec review dated 7/1/21.
- Signage will be in compliance with Sect. #501.14(d) of the Zoning Code and applied for through the Code Office.
- Business use will be warehouse & wholesale storage of product in its’ intent and never become retail for onsite sales/marketing nor outside storage of product be allowed.

The motion so carried with the following vote:

Roll Call vote:

Rebecca Parshall	aye	Elizabeth Grant	aye
Ted Carman	aye	Win Harper	aye

After complete review of the file and the testimony given at the Public Hearing, and after due deliberation, the findings of fact were noted. Refer to the Findings and Decision form on the Town’s website – ZBA Page.

Without further discussion and after consideration of the General Requirements under Section #502.1 of the Zoning Law and any other applicable requirements for certain land uses or activities as set forth in Section #502.2, it was determined that the Special Use Permit request was Authorized by the Zoning Board of Appeals, and the general requirements complied with as listed in #502.1.1 through #502.1.6. in the application as presented with conditions as listed accordingly.

The Public Hearing was closed at 7:15pm  
The Board welcomed Andrew Buchanan to the community.

Draft Minutes from June 3<sup>rd</sup> were reviewed. A motion to accept as submitted was offered by Ted Carman and seconded by Liz Grant. The motion so carried with all Board Members present voting in favor.

Without further discussion, a motion to adjourn the Zoning Board of Appeals meeting was offered by Grant and seconded by Carman. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 7:30pm  
Draft Minutes submitted by L. Lersch, Zoning Clerk  
Minutes accepted on September 2, 2021