

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday May 2, 2018- 7 pm

Board Members present: Chair – Martin DeVinney; Board Members: John Gilbert, Lynn Lersch, Bruce St. Lawrence; and Dawn Kane – Code Enforcement Officer

Public Present: Anthony and Lorraine Affuso, Elaine and James Rayburn, Rocco Venezia, Sarah Lavell, Marshall Hardy of MacFarland Johnson Engineers,

Chairman DeVinney called the Planning Board meeting to order at 7:05 pm.

Draft Minutes from March 7th and April 4th were reviewed by the Board. A motion to approve the March draft minutes was made by Marty DeVinney and a second by John Gilbert. John Gilbert abstained from the April 4th minutes as he was not in attendance. Board Member Lersch provided a second for the April minutes. The motion carried with all Board Members present voting in favor and none opposed.

Agenda:

Site Plan Reviews:

1. App. #081117-SPR/Marshall Hardy, engineer from McFarland Johnson, representing owners Patrick and Sarah Lavell request Preliminary Site Plan Review for the new construction of a single-family residence at 1320 South Lake Rd., Tax ID #21.64-1-7, (LR)
2. App. #043018-SPR/Matt Gullace, applicant of the Vine Valley Mobile Home Park requests Preliminary Site Plan Review to construct a permanent dock at 800 North Vine Valley Road, Tax ID #11.74-1-5, UDML (LR)
3. App. #042018-SPR/James and Elaine Rayburn of 6030 Wolfanger Rd. requests Preliminary Site Plan Review for new construction of a single-family residence, Tax ID #32.01-1-11.0, (LDR)
4. App. #050118-SPR/Frontier Communication – Preliminary Site Plan Review for installation of Fiber Optic cable, poles and anchors on select roads in the Town of Middlesex per “Connect America” state program.

Conceptual Review:

Anthony and Lorraine Affuso requests review for a 2-Lot Minor Subdivision of property at 1503 South Lake Road, Tax ID #31.01-1-13, (LR)

Meeting Minutes:

1. App. #081117-SPR/Patrick and Sarah Lavell of 1320 South Lake Rd., (LR)

Dawn Kane, CEO provided the Planning Board with a summary of the application, stating that recommendations from the April Planning Board Meeting had been submitted for Preliminary Review tonight. Engineer Marshall Hardy will present all revisions on the Site Plan for board review.

Marshall Hardy, P.E. stated they had been able to reduce the total square footage of 25% steep slope area from approximately 1500 sq. ft. to 1200 sq. ft in a revised stub driveway design, providing 2 cars with parking and turnaround angled to discharge onto South Lake Road. The proposed retaining wall parallel to the road was reduced as well from 10 to 7 feet in height.

The proposed house would be buried uphill 14 ft. with a total disturbance of 530 sq. ft. of 47% steep slope area. The house was positioned on the hill with 21 steps from driveway to the house.

Board Member St. Lawrence inquired if the open front porch slab on grade could be reduced to gain the 30 sq. ft. needed to stay in compliance with steep slope requirements and to avoid an area variance.

Final Plans will be resubmitted for final determination in June. Pending approval on the septic had been received by NYSDOH. The Board recommended procuring a legal easement with the contiguous neighbor to the north for the properties side setback infringement and application for the variance to the Zoning Board of Appeals for the side setback violation.

2. App. #042018-SPR/James and Elaine Rayburn of 6030 Wolfanger Rd. (LDR)

CEO Kane summarized the application stating the lot was a pre-existing and non-conforming lot with driveway that spanned two 50 ft. of road frontage. The Rayburns having owned the lot as vacation getaway with an existing frame structure for many years and would now like to demolish the structure and place a 26 ft x 44 ft. OWL manufactured house HUD home by Colony/Commodore on the 60-acre lot. The land is without steep slopes and very flat.

It was noted that a Presby design septic system had been designed by Grove Engineering which had been approved by George Barden. The survey/site map submitted was prepared by Venezia & Associates and Rocco Venezia was in attendance to answer any questions.

Without further discussion, the Board moved to approve the application. John Gilbert provided the motion which was seconded by Bruce St. Lawrence. The motion so carried with all Board Members present voting in favor.

3. App. #043018-SPR/ Matt Gullace, applicant and owner of the Vine Valley Mobile Home Park

Owner Matt Gullace was represented by Surveyor Rocco Venezia of Venezia & Associates providing a site map and intent to construct an 80 ft. permanent dock (800 sq. ft.) to replace an existing dock in need of repair.

Board Members acknowledged the Uniform Docks and Mooring Law (UDML) with a 60 ft. maximum requirement for docks off the shoreline.

Rocco stated that there was an existing solid break wall which had been used for the HMWL and stated that the dock was 60 feet from the break wall and was probably requested to be able to access deeper waters. Rocco stated he would make some inquiries to provide board questions with pending information and resubmit application at a later date.

4. App. #050118-SPR/Frontier Communication – Preliminary Site Plan Review for installation of “Fiber Optic” cable, poles and anchors on select roads in the Town of Middlesex.

CEO Kane summarized the application, stating Frontier Communication requests permission to install Fiber Optic cable, additional 13 poles and anchors to the following municipal roads in the Town of Middlesex as part of a “Connect America”: Hagerty, Valley View, Bagley, Roach and Loomis Roads. Per local zoning Sched. #402, Schedule I, D-6 this was a permitted use and they would like to start installation next week. An easement was already in place to provide legal access.

Board Members inquired about a municipal franchise agreement with Frontier and CEO Kane explained she had inquired about it and was awaiting further information.

Without further discussion, the Board moved to approve the application, contingent on receiving proof of an existing municipal franchise agreement to place on file. Lynn Lersch made the motion and Marty DeVinney provided a second. Motion with contingency so carried with all Board Members present voting in favor. None opposed.

Conceptual Review:

Anthony and Lorraine Affuso requests review for a 2-Lot Minor Subdivision of property at 1503 South Lake Road, Tax ID #31.01-1-13, (LR)

CEO Kane, summarized the application stating she brought the application to the Planning Board for advisement because the 2-lot minor subdivision was in compliance with all lot area requirements except for the driveway accessing the upper lot (Lot 2) crossed over Lot 1 boundary lines and encroached on the neighbors’ property to the north. After subdivision, Lot 1 being 3.863 acres to the MHWL incl. Highway ROW, and Lot 2 being 3.273 acres to MHWL incl. Highway ROW.

The Planning Board advised the applicant to acquire a boundary line agreement with the neighbor to the north to allow use of the driveway portion that encroached over the northern boundary line. A driveway easement to be acquired stating the future landowner if Affuso’s sold the upper lot, had legal permission to access across Lot 1 to get to the existing upper dwelling on proposed Lot 2 because after subdivision the buyer could not make application for another driveway. Surveyor Rocco Venezia, representing agent for the Affusos, stated that the driveway easement could be added to the map and resubmitted to the Code Enforcement Office so that it would be deeded with the land.

Without further review and discussion, Board Member Lersch made a motion to approve the 2-lot subdivision with the following conditions:

- a. Acquisition of a boundary line agreement with the neighbor to the north allowing legal ROW of the driveway portion that encroached on the neighbor’s land.
- b. Resubmission of a survey map showing legal driveway easement allowing landowner’s deeded use of existing driveway across Lot 1 to access dwelling on upper Lot 2.

Board Member St. Lawrence provided a second to the motion with contingencies as stated. The motion carried with all Board Members present voting in favor. None opposed.

Without further discussion, a motion to adjourn was offered by Bruce St. Lawrence seconded by John Gilbert. Motion so carried with all Board Members in attendance voting in favor. None opposed.

Meeting adjourned at 8:29 pm
Next meeting June 6th

Draft Minutes submitted by L. Lersch/revisions to lynn.lersch@gmail.com
Minutes approved on June 6, 2018