

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday June 6, 2018-7 pm

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

Public Present: Chet Feldman, Jay Saylor, Karl Neubauer, James Fonzi, Sarah Lavell, Marshall Hardy & Brent Long, John Cake, Julie McCormick, Keith Holcomb, Jeremy and Cathy Fields, Tom & Bonnie Mahaney, David Samatulski, Phil Greene, Jason Dekouski

Chairman DeVinney called the Planning Board meeting to order at 7:02 pm.

Draft Minutes from May 2nd were reviewed by the Board. A motion to approve the draft minutes was made by John Gilbert and a second by Marty DeVinney. The motion so carried with all Board Members present voting in favor and none opposed.

Agenda:

Site Plan Reviews:

1. App. #081117-SPR/Marshall Hardy & Brent Long, engineers from McFarland Johnson, representing owners Patrick and Sarah Lavell request Preliminary Site Plan Review for new construction of a single-family residence at 1320 South Lake Rd., Tax ID #21.64-1-7, (LR)
2. App. #032718-SPR/James Fonzi of 5980 Widmer Rd requests Site Plan Review for a proposed detached garage and improvements to an existing retaining wall, Tax ID 31.03-1-3.1, (LR)
3. App. #051618-SPR/Phil Green for Worden Hill Marine, representing agent for owner James Fonzi of 5980 Widmer Rd., requests Site Plan Review to construct a 1080 sq. ft. dock and 34 x 36-ft. Boat House at shoreline, Tax ID # 31.03-1-3.1, (UDML) (LR)
4. App. #051418-SPR/Dave Moynihan of 6367 Vine Valley Rd., requests Site Plan review for a 2-Lot Minor Subdivision, Tax ID # 11.75-1-7, (LDR)
5. App. # 050218-SPR/Jason DeKouski requests a conceptual Site Plan Review w/ Special Conditions to locate a Commercial Boat Servicing & Repair Business at the Sawmill location between #364 and Elwell Road, Tax ID # 012.04-1-10.11, (HB)
6. App. #053118-SPR/Jeremy Fields owner of People’s Line LLC and property owner at 5613 Water Street with agent Keith Holcomb, requests a conceptual Site Plan review to locate a commercial business at the old Document Reprocessors Warehouse for storing and drying of milled timbers, Tax ID # 22.67-1 (HR)
7. Applicant John Cake property owner of 4 contiguous parcels on South Lake Road requests a conceptual review for a proposed 4-lot Major Subdivision, (LR)

Site Plan Review of Old Business:

1. App. #081117-SPR/Marshall Hardy & Brent Long, Engineers from McFarland Johnson, representing owners Patrick and Sarah Lavell

Engineers Marshall Hardy and Brent Long, from MacFarland & Johnson, and representing agents for owners Patrick and Sarah Lavell presented map revisions recommended by the Planning Board at their May meeting. Marshall stated they had revised the Steep Slope Ground Disturbance which now totaled 495 sq. ft. by shifting the exterior concrete patio and pad at the bottom of the stair system leading to the front of the

house. Also revised was an extension of the retaining wall on the east side of the driveway of 4-5 ft at a maximum height of 8 ft. for safe vehicular turn-off area before pulling onto South Lake Road.

Marshall Hardy stated ditching shown within the side setback was considered within the onsite grading perimeters.

Board Member St. Lawrence stated the steep slope ground disturbance threshold of 500 ft. would include a total calculation of all onsite ground disturbances to incorporate all onsite disruption from access/egress of construction equipment, trenching, house foundation excavation, patio pad and stair excavation, clearing for the installation of septic and distribution field, and boring site preparations to lay underground utility lines.

Engineer Hardy stated they could further modify the patio to gain additional square footage to stay within the steep slope threshold.

The following recommendations were discussed and deemed as required changes prior to the next review:

- a. Drwg. C01:
 - (1) Storm water runoff should not be allowed to hit the diversion berm east of the house, to allow erosion of the berm inviting future concerns when water runoff could possibly disperse onto the neighboring parcel to the south.
 - (2) Provide a section detail to map clarifying the intent of onsite drainage flow.
- b. Drwg. C02:
 - (1) Verification that the roof and footer drain discharges away from property lines. Stone added to the base would slow water runoff from these points.
 - (2) Change the directive on Drwg. C02 so that it matches the notation on Drwg. C03 to stating wall drain pipe outlet provision every 10 ft.
 - (3) Show contractors' plan for egress/ingress to the site and the ground stabilization methods planned to comply with stabilization requirements per our Steep Slope Law
 - (4) Clean up notations that are not necessarily compatible to what is onsite.
 - (5) Show complete plan for onsite boring to include where rig will set, the dimensions of the bore pit to house the bore conduit sleeves and the product which will be housed inside each sleeve.
 - (6) Provide total site disturbance within Site Table/Criteria for Design. It is noted that the area onsite designated as 'Parking Area' is waived from site disturbance calculation because it is considered "off road parking" and part of the parcel's existing safe access to residence.
- c. Drwg. C03:
 - (1) Provide a section detail of the worst scenario showing rear dimensions of the retaining wall and all material used to hold the wall once compacted. Manufactured stamped plans can be provided when wall material and style is chosen.
- d. Provide a section view of South Lake road showing collection system to control runoff on driveway and minimize water runoff flow across the road.
- e. Schedule on-site pre-construction meeting with the contractor and code office to review construction access plan and sequencing of construction development plans to minimize ground disturbance and review the erosion control plan.

Board Member St. Lawrence requested an early submittal for review of these changes and the contractor's Construction Execution Plan for setting a possible date for an onsite field review by the Board prior to the July meeting.

2. App. #032718-SPR/James Fonzi of 5980 Widmer Rd requests Preliminary Site Plan Review for a proposed detached garage and improvements to an existing retaining wall.

CEO Kane summarized the application reminding the Board Members they had reviewed the conceptual plans in April, recommending the engineers depict the ground elevation on the plans to be visible through the garage footprint. Also recommended was to revise the site map to add the orientation of the site location to include the driveway access in relation to the road.

Engineer Jay Saylor presented the following site map revisions as points for discussion:

- a. Ground Disturbance for installation of the detached garage totaled 498 sq. feet.
- b. Garage Entrance location was changed to the west side.
- c. Removal of block retaining wall to be only on Mr. Fonzi's property to be replaced by a loose laid retaining wall to control runoff washing across the road.
- d. The Garage wall will act as a retaining wall with a permanent sheet pile driven between the embankment a distance of 2 feet from rear garage wall. This swale will be filled with gravel.
- e. Roof water runoff would shed east and west and would be guttered with gravel splash at foundation.
- f. Onsite water runoff will be managed by silt fencing and a series of temporary check dams to be maintained during construction. The existing grades will catch runoff from the top corner of the property as well.
- g. Garage height will be 23 ft. at peak.
- h. Excavation spoils will be used onsite to further stabilize the driveway and road.

Discussion developed with the following recommendations to be addressed and submitted prior to a final determination review:

- a. Provide a section detail of the swale located between the rear garage wall and the permanent sheet pile to show load dimensions and gravel fill.
- b. Provide north/south orientation on Site Map.
- c. Clarify onsite stormwater runoff and erosion control plan on site map.
- d. If spoils are removed from site, indicate where the unused dirt will end up.

3. App. #051618-SPR/Phil Green for Worden Hill Marine, representing agent for owner James Fonzi of 5980 Widmer Rd.

Representing agent, Phil Greene of Worden Hill Marine presented the Uniform Docks and Mooring Law application for Mr. James Fonzi to construct a 1080 sq. foot dock and 34 x 36 ft. Boat House on 832 linear feet shoreline. Mr. Greene stated the High Mean Water Mark was measured from an existing break wall and the only restriction to the project was that it could not contain habitable space. The length of the dock would be 48 feet due to a steep drop-off from the HMWM.

After a brief discussion, Marty DeVinney entertained a motion to approve the application as presented with the following condition:

- a. Revise the site map to provide the dimension to the length of the dock
- Board Member Mincer provided the motion to approve with the above condition, and Board Member Lersch provided a second. The motion so carried with all Board Members present voting in favor.

4. App. # 050218-SPR/Jason DeKouski requests a conceptual Site Plan Review with Special Conditions to locate a Commercial Boat Servicing & Repair business at the Sawmill location between Elwell Road and #364 in the Highway Business Zoning District.

Applicant Jason DeKouski presented to the Board a conceptual review of his commercial business plan – as a Boat Servicing & Repair Business by contract with local marinas, to be located at the abandoned Sawmill location owned by Mr. Terry DeKouski between Elwell Rd. and State Rte. #364. Jason stated his business would provide the following boat services: shrink wrap, winterizing, gel coat repair, floor and carpet replacement on boats transported to his location that were sub-contracted with local marine businesses. The boat shop would not be open to the public and would not need signage. Seasonal business hours from March 1st through December 31st (closed January and February) and hours of operation Monday through Sunday, 8 am to 6 pm. Exterior lighting for safety purposes would exhibit downward glare. Located onsite for boat resale would be a small area that could house approximately 3-4 boats at any one time, with up to

10-12 maximum total per season. Jason's Boat Storage business located off of South Vine Valley Road was a separate business and would continue as allowed from that location.

Discussion developed with applicant referencing buffering the property adjacent to neighboring residences on Elwell Road as required by zoning. The Highway Business Zoning District requires a setback of 100 ft. from the lot line of any pre-existing residence prior to zoning or less than 50 feet from any lot line to reduce impact to neighboring properties. Mr. DeKouski stated he had discussed his business plans with the existing neighbor and felt he could meet this setback requirement. Business entrance would be with egress/ingress from #364; however, a secondary entrance off of Elwell exists which should be far enough away from the neighboring parcel's driveway as to minimize impact.

Prior to further review, the Planning Board recommended the following:

- a. Stake out on property how boats for sale will be located and displayed.
 - b. Provide location of the business entrance and exit accessing off of Route #364.
 - c. Provide aesthetic arrangement of boat hoists and boats so appearance looks well organized from road.
 - d. Provide detail of how and where the spoils from boat service detailing will be dispersed.
 - e. Designate on the site map, a 360-degree, 100 ft. setback buffer from road centerline to closest neighboring parcel on Elwell Rd.
 - f. Designate on site map the secondary ingress/egress from Elwell Road, but provide buffer from pre-existing residences prior to zoning.
 - g. Provide a business address and provide a copy of business contract with local marine businesses.
5. App. #053118-SPR/Jeremy Fields owner of People's Line LLC and property owner at 5613 Water Street requests conceptual review of a business plan for drying and warehousing milled wood to be contracted for use for a established business known as Grand Wood in Naples.

CEO Kane summarized the application, stating the pre-existing and non-conforming building and its use was permitted due to its' existence prior to zoning. The new use is the same and so is permitted. The property previously used by Document Reprocessors had been subdivided and filed with the county as a minor subdivision by previous owner. Mr. Moynihan purchased the building off of West Avenue and Jeremy Fields had purchased the 2nd building previously used as a warehouse, and damaged by a storm event. Jeremy repaired the building and would now like to use the warehouse for storing and drying milled wood as a finished product to be used for future commercial use by Grand Wood LLC in Naples which offers various wood products such as barn doors, timber framing, furniture, and reclaimed materials in custom pieces.

Owner Jeremy Fields, presented the application with Keith Holcomb stating after purchasing the storm-damaged warehouse and property, he had repaired the damaged building trusses and stabilized the warehouse and its' entrance. He then demolished a portion of the attached building with future plans to rebuild in the existing footprint. Milled timbers would be delivered by truckloads every two weeks to 5613 Water Street to be kiln-dried for commercial use. Commercial equipment to be installed for this purpose consists of: (1) DH Kiln for dehumidification and (1) RF Kiln and (1) Vacuum frequency kiln.

Jeremy further stated the buildings' business use would remain basically the same as in the past, except now it would be drying a wood product instead of paper. There would not be onsite manufacturing or habitable space. Milled indigenous hard wood, brought to this location, would be dried as finished product every 6 weeks and then picked up for future commercial use elsewhere. Noise levels coming from a vacuum pump kiln housed inside would be minimal and equivalent to that coming from an air conditioner. Delivery trucks, 24 ft. in length, owned by Mr. Fields would ingress/egress from Water Street. There was more than ample parking available for personnel and deliveries as a maximum of one to two employees would be at the facility at any one-time Monday – Friday 7:30 pm to 5 pm. and during daylight hours.

Lighting would be turned off at night. Outside storage of delivered timbers may occur for short periods of time but would be stored on the east side of the building not visible from neighboring properties.

Contiguous neighbors inquired about power surges from the business 'electrical usage and Jeremy stated the service was now at 1200 amps which was substantial and the business usage would be 2-300 amp draw and so undersized at maximum capacity usage.

Board Members inquired about the existing septic and Jeremy stated that there were two existing tanks, 1000 & 1250 gallon which would be pumped when necessary. CEO Kane stated she would request a flow alarm be connected to the tanks to minimize failure.

Without further discussion, Board Member Mincer moved to approve a conceptual review of the application with a condition placed to attach a flow alarm on the septic tank(s) as requested by Code Officer Kane, and to follow up any future building plans with the Code Enforcement Office for permitting. Board Member Gilbert provided a second. The motion so carried with all Board Members present in favor. None opposed.

6. Applicant John Cake property owner of 4 parcels from 1115 A & B to 1113 South Lake Road requested a conceptual review for a proposed 4-lot Major Subdivision, (LR)

Ms. Kane summarized the application to Board Members, stating landowner Mr. Cake, wished to separate the property into 4 contiguous parcels with intent to sell. In subdividing as proposed, some of property lacked the frontage to be conforming to zoning. The northernmost lot had an interested buyer and Mr. Cake, with joint partner Julie McCormick, having spent a considerable investment in updating the septic and properties would like the Planning Board to provide a conceptual review to establish options.

Mr. Cake stated all 4 - lots were situated on the east side of South Lake Road and together they had over 400 feet of frontage. Proposed Lot 3, the northernmost of these parcels, with an existing remodeled barn, new NYSDOH approved septic with frontage of 94.13 feet; whereas 100 feet was required. This parcel had an interested buyer however; in order to subdivide this parcel to complete the sale, Mr. Cake would like to subdivide this Parcel from Lot 2, having an existing frame house with septic and 81.15 ft. of frontage. The parcel to the south (1113 S. Lake Rd.) had 227.82 feet of frontage and if subdivided as proposed, Lot 1 had an existing frame residence, metal storage pole barn, upgraded septic with a 1200-gallon tank and 117.58 ft. of frontage. This frontage included stairs to a deck, a substantial permanent dock and boat hoist of value, that they would prefer to leave where it is located. If left as located, this negates the possibility of splitting off lake frontage to add the northernmost parcels to be compliance. Lot 4 is proposed to be subdivided off of Lot 1 to become a vacant lot with access to 109.91 ft. of frontage on the lake. Mr. Cake stated that the non-conformity amounted to a mere 22 ft and the non-conformance as pre-existing. The vacant lot though increasing the density had the required frontage and so was permitted and conforming. The usage of the other lots remained the same, though obviously non-conforming.

Discussion developed stating Board concerns to the applicants' request to seek approval to a proposed subdivision that increased both the density and the non-conformity based on local zoning. Also, to consider was the increased time required for full environmental review, county review the proposed subdivision would create. The remodeled barn on proposed Lot 3 sat approximately very close the lot line of the neighboring parcel, which created a side setback problem for the future owner. Recreating boundary lines to comply with zoning was recommended or discussing gaining frontage with neighbor to the north to gain the lacking 22 feet of frontage.

Recommendations by the Planning Board of options for the applicant to pursue were application for seeking variance from zoning and/or re-create the boundary lines to create a 2 or 3-Lot Minor Subdivision, rather than the four that was proposed.

Ms. Kane stated that Application #051418-SPR for David Moynihan of 6367 Vine Valley Rd. will be rescheduled at a later date.

Old Business: A ratification of a description in a previously approved resolution that had no effect on the approval action itself, for Applicant SUN 8/Daum Solar Facility on 4450 Townline Road, is being reviewed by the Town Attorney and will be offered for a vote by Planning Board in the near future. The Code Enforcement Office will facilitate the process.

Without further discussion, a motion to adjourn the meeting was offered by Marty DeVinney and seconded by Lynn Lersch. Motion so carried with all Board Members voting in favor. None opposed.

Meeting adjourned at 10:15 pm

Next Meeting: July 11, 2018

Draft Minutes submitted by L. Lersch

Minutes approved on August 8, 2018