

**TOWN OF MIDDLESEX**  
**PLANNING BOARD**

Minutes

Wednesday, October 7, 2020 - 7 pm

Board Members present: Board Members: Marty DeVinney – Chair; Lynn Lersch, Terry Mott, Gordon Stringer; Dawn Kane – Code Enforcement Officer

Public Present: Jon Schick, Nathaniel Duffy, Steven Von Rhedey, Anthony Venezia, Dean Ellison by phone call

Executive Session: 6:30pm

Application # 020213-SPR Applicant Neal Elli, 1091 S. Lake Rd., Tax ID # 21.48-1-2, (LR)

Final Site Plan Review for the construction of a retaining wall. Board Members determined Final Site Plan Approval for the application. Motion for approval carried with the following:

Roll Call Vote:

Marty DeVinney, Chair	aye
Terry Mott	abstain
Gordon Stringer	aye
Lynn Lersch	aye

Agenda: Regular Meeting called to order at 7:02 pm

Draft minutes from September 2<sup>nd</sup> were reviewed. Chair DeVinney made a motion to approve as submitted. Board Member Stringer offered a second. The motion so carried with all Board Members present voting in favor.

Site Plan Reviews –

1. App. #091220-SPR/Jon Schick, representing Dan & Kristen Mahar of 968 S. Lake Road requests Preliminary Site Plan Review for the construction of an addition to an existing residence, Tax ID # 21.33-1-2 (LR)

Jon Schick gave a summary of the application stating the property was a summer residence for the Mahar family and small for the expanding family and future plans as a permanent residence. The single-story addition would not increase bedroom space but would instead rearrange existing habitable space. A proposed master suite with stone fireplace and an exterior raised deck with a northerly view would be added to allow more privacy for family members covering a combined 3208 sf in total coverage. The proposed plans do not impact the existing septic nor encroach on existing setbacks or area requirements. A full basement for storage with an exterior stair system provides access to this space. All on-site spoils would be hauled offsite when construction

commences next year. A temporary 30 x 30 ft. mobilization area was noted onsite for storing project materials during construction.

After review, the following revisions were requested prior to final review:

- a. Clarification of details provided on site map to identify what is proposed and what is existing on the west side of the property and clearer topography contours for reference point.
- b. Insert title block on Site Map to denote all revisions and date of revision.
- c. Revise general notes to include scheduling a pre-construction meeting with Town of Middlesex Code Office prior to project start with Code Officer, Project Engineer of Record and building contractor.
- d. Revise Site Map Drwg. C1.1 to include dimensions to the addition and terrace area.
- e. Add clear drainage detail to note management of onsite water run-off.
- f. Revise Site Map Drwg. C1.2 to denote height of retaining wall.
- g. Revise Site Map to indicate elevation of existing grade to the step-down from what is existing and what is proposed between existing and finished floor grade.
- h. "As Built" by Engineer will be required at project completion certifying plan compliance.

2. App. #091620-SPR/Nathaniel Duffy of 6228 N. Vine Valley Rd. requests Site Plan Review for the construction of a 15' x 30' 2-story Pole Barn, Tax ID #11.60-1-1 (LDR)

CEO Kane summarized the application stating the project was compliant with all parcel zoning requirements and the parcel had plenty of room and the project location was well thought out with soil and erosion best management practices in place.

Property owner Nate Duffy stated the on-story barn was approximately 10 ft. high to include a loft area with stair system to be used for storage. A sketch of the building and location of structure and access was submitted with the application. The barn would be benched into existing grade which was relatively flat. Nate stated access to the barn would be approximately 30 feet in length from the main driveway.

After a brief discussion, the following revisions were requested to be resolved through the Code Office prior to Project start:

- a. Provide driveway dimensions for access to proposed Pole Barn.
- b. A stake-out for Pole Barn footprint prior to project start. Applicant to schedule a pre-construction meeting with Code Office prior to project start.

Without further discussion Board Member Mott made a motion to approve the application with the above contingencies. Board Member Lersch provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

3. App. #091720-SPR/ Steven Von Rhedey of 216 Bare Hill Rd., requests Site Plan Review for the construction of a one-story 48' x 60' Pole Barn with a 12' x 72' attached porch, Tax ID #2.03-1-3, (A/R)

Property owner Von Rhedey presented the application, stating he planned to construct a U-shaped driveway to what is existing which would provide a fire lane. He intended to use the barn for storage, and a porch for recreation purposes by the existing in-ground pool and residence. The slope of the land is flat and the proposed project meets all setback and zoning area requirements. The height of the barn is 16 ft. and has 5 pitch trusses.

After a brief discussion, Chair DeVinney entertained a motion to approve the application as presented. Board Member Mott made the motion and Board Member Stringer provided a second. The motion so carried with all Board Members present voted in favor. None opposed.

4. App. #091820-SPR/Terry DeKouski, represented by Venezia & Associates requests Site Plan Review for a Minor Subdivision of land bordering Hadsell and Mertz Roads, Tax ID #22.02-1-1.3, (A/R)

After subdivision, Lot 1 borders Hadsell Road with 220 ft. of road frontage to become 17.429 acres, Lot 2 borders Mertz Road with 496.19 ft. of road frontage to become 17.022 acres and Lot 3 borders Mertz Road with 494.81 ft. of road frontage to become 16.983 acres.

Without further discussion, Board Member Mott made a motion to approve the application as submitted and Board Member Stringer provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

5. App. #091420-SPR/Richard & Lynn Lersch, represented by Venezia & Associates requests Site Plan Review for a Minor Subdivision of land at 867 South Lake Road, Tax ID # 21.02-1-1.1, (LR)

Anthony Venezia presented the application stating the 2-Lot subdivision included Lot 1 and Lot 2 which included acreage on both sides of S. Lake Road. After subdivision, Lot 1 having 277.05 ft. of road frontage to become 45.152 acres and Lot 2 bordering both sides of S. Lake Rd. with a combined 642.44 ft. of road frontage to become a total of 4.000 acres.

After review, Board Member Mott motioned to approve the application and Chair DeVinney provided a second. Board Member Stringer voted in favor and Board Member Lersch abstained. Motion so carried. None opposed.

6. App. #091520-SPR/Soumen Das, represented by Venezia & Associates requests Site Plan Review for the construction of a permanent dock at 556 East Lake Rd, Lot #2, (UDML) Tax ID #11.35-1-3.2 (LR)

Anthony Venezia presented the application stating the proposed dock had 992 total square feet which was allowed by the Uniform Docking and Mooring Law, having 223.16 linear ft. at the shoreline. The project included an accessory shed and one boat slip with a platform extension. Water rights lines were in compliance. The existing stair system would attach to the proposed dock and terminate at 90 ° angle to run over the water at a height of 12 ft., then anchoring to the dock, and anchored back to the existing footer.

After further discussion, the following was requested to be submitted to the Code Office prior to permitting:

- a. Revise Site Map to show a clear dimension for the dock's length.
- b. Submit an "As-Built" Site Plan at project completion.

Without further discussion, Chairman DeVinney entertained a motion to approve the application with the noted contingencies. Board Member Stringer made the motion and Board Member

Lersch provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

7. App. # 011520-SPR/Robert & Lisa Dreste, represented by Venezia & Associates requests Site Plan Review for new construction of an addition to an existing residence at 1151 S. Lake Road, Tax Map ID # 21.56-1-2, (LR)

Anthony Venezia presented the application which was given Preliminary Review last February, pending NYSDOH septic approval and Town Engineer review which was received and responded to in April by Venezia & Associates. Final stamping by engineer and steep slope application permit was submitted by request. Final review & response letter was received in September to which Venezia & Associates' response follows:

- #5. Variances were not required.
- #8. Since the minimum distance required of 100 ft to show topographic conditions beyond the property boundary includes a gully to the north and a drainage ditch to the south, all erosion will be contained on site. Applicant requests a waiver from the Planning Board for this requirement.
- #9 Architectural plans clearly denote 22 ft. 9' for the height of the proposed house addition.
- #11 The Existing Conditions Plan will be added to the original survey.
- #12 The septic system designed by Grove Engineering has been verified and approved by the NYSDOH to date and confirmed receipt by the Town of Middlesex Code Office.
- #17 The Private Driveway/Private Road Law for the Town of Middlesex and NYS Fire Code requires accommodation for emergency response vehicles pull-off when the driveway is over 150 ft. in length. Applicant requests a waiver from this requirement. A pull-off at entry can be provided with the burden of a request for Town of Middlesex Hose Co. Fire Chief recommendation to be on the Applicant/Representing Agent.
- #18 Retaining Wall details are still product pending and will be certified by Venezia & Associates for load-bearing capabilities once selected.
- #21 NYSDOH approval noted waivers given with expansion limits noted in their approval letter.
- #23 This is noted on the plan at the 716.7 elevation at the Southwest corner of the garage as a 6" roof-leader drain.
- #24 The noted easement is on the main line. The proposed addition is on the service line which has no easements found on public record? We can reroute the service line and are awaiting a letter from NYSEG with a diagram on how to reroute. They also mentioned they might disconnect it altogether and connect it further up the line.
- #25 The legend on all our site maps are standard and are not specific to any particular site.

Steep Slope Permit Application comments:

- #1 Total Disturbance is stated on plan as 17,400 sf and .4 acre which is under the threshold required.
- #2 Easements have been discussed above.
- #3 The driveway is existing without any grade changes. There is a small section of the wall which is pushed back into the embankment, and the elevation is shown on this wall design. This area is almost flat and can accommodate two.
- #4 The retaining wall will have a detail provided and stamped by a NYS licensed Engineer.
- #5 The proposed septic system has been approved by the NYSDOH.

Further discussion relayed the house will have 2 full bathrooms and a 1/2, and 3 bedrooms with a loft in the 2-story great room. There is also a 450-sf bonus space above the garage which is connected to the house for a combined total of 1300 square footage.

Without further discussion the following is to be resolved through the Code Office prior to permitting:

- a. A waiver by the Planning Board will be based on the property's onsite conditions and a review by the Town of Middlesex Hose Company Fire Chief giving clear recommendation of NYS Fire Code and Town of Middlesex Private Driveway/Private Road Law requirement both referencing clear passage for emergency response vehicles to access residences with driveways over 150 feet in length with a clear lane pull-off capability. The burden of obtaining this review is on the Applicant to obtain.
- b. All retaining walls measuring over 3-feet require a NYS licensed engineer's stamp. Critical inspections by Engineer of Record are required during installation of wall.
- c. Note on site map for scheduling an onsite pre-construction meeting with the Code Office to include the Code Officer, Project Engineer and Contractor prior to construction start.
- d. "As Built" from Engineer on Record at project completion certifying project compliance with plan.

Board Member Lersch made a motion to approve the application with the above contingencies to be resolved through the Office of Code Enforcement prior to permitting. Board Member Stringer provided a second. The motion so carried with all Board Members voting in favor. None opposed.

8. App. # 091320-SPR/Dean Ellison requests Site Plan review for construction of a 2-story 24' x 32' pole barn at 989 Old Vineyard Road, Tax ID #21.28-1-2 (LDR)

CEO Kane summarized the application stating the Code Office had received a complaint from a neighbor who was concerned the proposed pole barn would block her view. The applicant presented his views by long distance phone call stating to the Board he had tried to resolve these concerns with his neighbor by moving the location.

Chairman DeVinney stated the Town's Master Plan and Zoning Laws protected scenic views and the enjoyment of an owner's property as referenced in Sect. 700.1.3; therefore, due to the neighbor's concerns, it was requested that permission be given for the Planning Board to conduct an onsite visit to better make an informed decision. Permission was granted by owner, Mr. Ellison and a site visit will be scheduled in a timely manner and an update provided.

Without further discussion, Board Member Lersch made a motion to adjourn the Planning Board Meeting. A second was provided by Board Member Mott. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 9:15pm

Next meeting – November 4  
Draft Minutes submitted by L. Lersch  
Minutes approved on January 20, 2021