

TOWN OF MIDDLESEX
PLANNING BOARD

Minutes

Wednesday, November 3, 2021 - 7 pm

Board Members present: Chair Marty DeVinney, Board Members: Terry Mott, Gordon Stringer, David Adam, Lynn Lersch; Dawn Kane – Code Enforcement Officer; Robert Brenner, ESQ - Town Attorney

Public Present: Denise Adam, Nathaniel Duffy, Richard Testa, Bob Gunderman, Ben Cramer, Kimberly Giblin, Richard Cleveland, Burnell Rieff of Bare Hill Landscaping

Agenda: Planning Board Member Interviews, Site Plan Reviews: Cramer – Site Plan Review, Steep Slope Permit, and UDML Application Review; Cleveland – Site Plan Review

Public Meeting was called to order.

The Planning Board conducted informal interviews for (2) Member Applications submitted to the Planning Board. After this review, a motion by Chair Marty DeVinney was offered to recommend the Town of Middlesex Town Council appoint Case Smeenck and Nate Duffy as Planning Board Members at the Town Board meeting on December 9th. The motion was seconded by David Adam. The motion so carried with the following:

Roll Call Vote:

Marty DeVinney, Chair	aye	Terry Mott	aye	Gordon Stringer	aye
David Adam	aye	Lynn Lersch	aye		

Draft Planning Board Minutes were reviewed from October 6, 2021. A motion to approve the draft minutes with a slight revision was made by Adam and a second was provided by DeVinney. The motion so carried with all Board Members present voting in favor. None opposed.

Site Plan Reviews –

1. App. # 062321-SPR/ Benjamin Cramer requests Site Plan Review, a Steep Slope Permit for a 300 sf. seasonal camping unit and a 10 x 10 ft. temporary accessory structure at shoreline regulated by the UDML, on a vacant parcel off East Lake Road, Tax ID #2.46-1.10, (LR)

CEO Kane summarized the application to the Board Members, stating the Code Office had received two letters of support from neighboring parcels and one letter of with concerns from another neighbor to the north. Benjamin had submitted documentation requested by the Board from a previous review in October and was here to answer any Board questions:

Applicant Cramer stated he had submitted the following for further Board review:

1. Attorney letter from Cheney Law Firm, PLLC was submitted referencing the legalities pertaining to the 20 ft. ROW usage permitted on Benjamin’s parcel and the purpose of egress conveyance to neighboring cottage lots to East Lake Road. Also referenced was the area designated as “parking area” on the Venezia survey as it pertains to this ROW.
2. Two letters of support from neighboring parcel owners referencing ROW legal claims for vehicular egress by applicant and designated parking area is not part of this ROW and is part of Ben Cramer’s parcel.
3. Letter of Intent for project scope.

4. Submission of a Steep Slope Permit Application requesting a SS permit for proposed seasonal camping unit within a Steep Slope Protection Area with a ground disturbance greater than 500 sf.
5. Update of survey showing enhanced Area of Disturbance, designated parking area, structural footprint of proposed seasonal camping unit and improvements, staging area for supplies, access path.
6. Submission of a UDML application noting proposed seasonal accessory 10 x 10 ft. storage structure at shoreline to be used in compliance with UDML regulations.

After Board discussion, Chairman DeVinney invited public comments.

Neighboring Parcel owner, Bob Gunderman stated his concerns and referred to his letter dated November 3 submitted to the Board Members and to the applicant for review. Attorney Brenner and the Board acknowledged all concerns would be considered, some of which were not in the Planning Board's scope and were answered by Ms. Kane, CEO, and Attorney Brenner giving specific advisement and procedure on these.

With no further Board discussion and no further comments from the Public, Chairman DeVinney closed the Public Hearing at 7:22pm.

The Board then reviewed all concerns presented by the Public.

After discussion, the Board made the following motions for the following submitted applications:

- a. Site Plan Application– A motion to conditionally approve the site plan for the seasonal camping unit was offered by Terry Mott and seconded by David Adam with the following conditions to be resolved through the Office of Code Enforcement prior to permitting:
 - Provide a pdf to the Code Office of an updated survey showing the designated location of silt fence using NYS certified erosion control product.
 - Installation and maintenance of a silt fence using NYS certified erosion control product on all downhill areas of disturbance to be installed per NYS standards. Maintenance of the silt fence to be intact throughout the building process.
 - Schedule a pre-construction site inspection through the Code Office with Dawn Kane prior to commencing onsite construction.
 - At no time can the parcel's existing ROW egress to neighboring parcels be blocked.
 - To remain compliant with Zoning Regulations, the approved seasonal camping unit as proposed may not have running water.
 - The NYSDOH approved incinerator model toilet must be installed to manufactured specifications. This specific model, if replaced in the future, may need reapplication through the NYSDOH.
- b. Steep Slope Permit Application – a motion to conditionally approve the Steep Slope Permit for the 300sf seasonal camping unit with improvements was made by Adam and seconded by Stringer. This determination was based on reasons that Steep Slope concerns had been mitigated by the applicant to the satisfaction of Board after review. The following condition must to be resolved through the Office of Code Enforcement prior to permitting:
 - Installation of and maintenance of appropriate silt fence using NYS certified erosion control product on all downhill areas of disturbance in the Steep Slope Protection Area. Per Section # 707.6.1 all disturbed areas left bare must be stabilized within (3) days after work completed using straw mulch, or another erosion control product used for stabilization of steep slopes. A standard spec sheet for soil stabilization is available on the Code Enforcement page, www.middlesexny.org
 - Site Inspection to be scheduled with the Code Officer and prior to construction once an updated survey pdf is submitted to Code Office showing designated silt fence location.

c. UDML Application – a motion to conditionally approve the 10 x 10 ft. structure per the UDML was made by Mott and seconded by Adam with the following to be resolved through the Office of Code Enforcement prior to permitting:

- At no time, will the temporary 10 x 10 ft. canvas accessory structure at shoreline be used for other than boating storage purposes as strictly regulated by UDML.

All motions for conditional approval of the above applications so carried with all Board Members present voting in favor. None opposed.

With no further Board discussion and no further comments from the Public, Chairman DeVinney closed the Public Hearing

Chairman DeVinney reopened the Public Hearing at 7:20pm

2. App. # 101321-SPR/ Richard Cleveland at 6146 N. Vine Valley Rd, requests Site Plan Review for a 24' x 32' pole barn for storage and access, Tax ID # 12.01-1.21, (LDR)

CEO Kane provided the Board with a summary of the application stating Burnell Rieff of Bare Hill Landscapers would be the builder.

The Board inquired more detail on the parcel, the slope and erosion control product planned onsite for stormwater management for the proposed new access driveway. These inquiries were answered by owner and builder.

Without further discussion and no comments from the public, Chair DeVinney closed the Public Hearing at 7:45 pm.

A motion to conditionally approve the application as submitted was offered by Mott and seconded by Stringer. The following condition must be resolved through the Office of Code Enforcement prior to permitting:

- Provide silt fence with NYS certified erosion control product to be installed on the downside of all areas of disturbance to include the new access driveway to proposed barn.

The motion on the floor so carried with all Board Members present voting in favor. None opposed.

A public inquiry was acknowledged by the Planning Board from Richard Testa who expressed interest in Member Application to the Planning Board, inquiring about the process. He also expressed interest in the Town's adoption of the Individual Wastewater Treatment System Law.

Without further discussion, the Board completed paperwork and moved to adjourn. A motion was made by Mott and seconded by Stringer. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting Adjourned at 7:55pm

Draft Minutes submitted by L. Lersch

Minutes approved on 12-01-2021