

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

ZONING BOARD OF APPEALS
Thursday, May 7, 2026 • 7:00 p.m.

The following minutes are the official and permanent record of the actions taken by the Town of Middlesex Zoning Board of Appeals, as recorded by the Zoning Board of Appeals Clerk.

Meeting called by: Edward Carman, *ZBA Chairperson*

Board members present: Richard DeMallie
David Wilson
Patricia Stringer
Devin Colbert

Staff present: Beth Altemus, *Zoning Board of Appeals Clerk*

Mr. Carman called the meeting to order at 7:00 p.m.

Ms. Stringer made a motion to accept the minutes of the April 2, 2026, Zoning Board of Appeals (ZBA) meeting. Mr. DeMallie seconded. All Board members voted in favor, none opposed, and the motion passed.

NEW BUSINESS:

- **App# 2026-04-ZBA:** Kevin Hefner is seeking five area variances for the side and front setbacks of a new tram and deck landings at 440 East Lake Rd., Middlesex, NY, 14507, Tax ID# 1.84-1-7.

Pete Gorman of Marathon Engineering was representing. He explained that the tram will run from the private drive to the lakeshore and will articulate to accommodate changing slopes; a set of stairs crossing over the property line will be removed, and new stairs to the north will be installed. The tram rails will be 1.5 feet from the property line and therefore require a side setback variance, three landings along the tram path will each require side setback variances, and the lakeshore landing will require a variance from the Mean High-Water Mark (MHWM) as it will be at that line. Mr. Gorman indicated that the installers will try to move the lakeshore landing further back if possible.

Mr. Carman explained that this application came before the Planning Board, which suggested the tram be moved to the southern side of the parcel, which is steep, narrow and

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nonconforming. The applicant modified the project to install the tram on the south side, and the Planning Board approved the plans at their May 5, 2026, meeting. The owner immediately to the south also had a tram approved in 2025 by both the Planning Board and ZBA.

Mr. Carman opened the public hearing at 7:10 p.m.

Mr. DeMallie inquired how the landing will be affected by higher lake levels, and Mr. Gorman indicated that the controls are all higher up out of the floodplain, and the tram rails and supports are able to get wet.

Ms. Stringer inquired whether the tram would be the only means of getting down, and Mr. Gorman indicated that a new set of stairs will be installed at the top and the stairs near the gazebo will be modified, thus a pedestrian footway will be preserved.

Mr. Carman commented that the current stairs and steep slope pose a safety issue, and a tram will help address this.

Ms. Stringer made a motion to approve the 40 ft variance for the lakeshore tram landing from the MHWM at 440 East Lake Rd. Mr. DeMallie seconded.

Per the area variance criteria, Mr. Carman answered the following:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created:

No, the tram is consistent with what's being done in the steep slope area, and Town code allows for stairs and trams from a residence to the water.

2. Whether the benefit requested by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance:

No, the applicant looked at other options and worked with the Planning Board, and this was the best location given the topography, lot width and current house structure.

3. Whether the requested variance is substantial:

Yes, five variances for a tram is unusual, but given the way it was negotiated it's justified.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

No, the drive pilings will not create disturbance, seven trees are to be removed, which is unfortunate but necessary, and the Planning Board reviewed, approved and recommended the site plan.

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5. Whether the alleged difficulty was self-created:

Yes, anything of this type is self-created, but when weighed against the safety concerns at the site it's warranted.

All Board members voted in favor, none opposed, and the motion passed.

Mr. DeMallie made a motion to approve four side setback variances for tram rails and landings at 440 East Lake Rd: a 13.5 ft variance for the side setback of the tram rail; a 9 ft variance for the side setback of a tram deck landing; an 8.1 ft variance for the side setback of a tram deck landing; and a 7.6 ft variance for the side setback of a tram deck landing. Ms. Stringer seconded.

Per the area variance criteria, Mr. Wilson answered the following:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created:

No, the tram is in continuation of the character, design and use of the neighborhood.

2. Whether the benefit requested by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance:

No.

3. Whether the requested variance is substantial:

Yes, four variances is a substantial request, however due to safety concerns and construction recommendations by the Planning Board they are necessary.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

No.

5. Whether the alleged difficulty was self-created:

Yes, but the Town code does give permission for a lakefront property owner to have access to the water and with safety and health concerns the tram is needed.

All Board members voted in favor, none opposed, and the motion passed.

- **App# 2026-07-ZBA:** Marks Engineering is seeking two area variances for the front setbacks of two proposed retaining walls at 858 Green Cove Dr., Middlesex, NY, 14507, Tax ID# 11.82-1-6.

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Logan Rockcastle of Marks Engineering was representing. He explained that the current wall is in disrepair and will be torn down, replaced and extended to the north and south. The southern extension will stabilize a steeper slope and improve aesthetics, and the northern extension will stabilize an existing pathway. He indicated that geotextile will be incorporated into the wall and the bank for increased stabilization and erosion control. Mr. Rockcastle also indicated that the wall footers will not go below the MHWM.

There was brief discussion about whether a preexisting, nonconforming structure could be extended in this manner, and Mr. Carman commented that the Planning Board approved the project and recommended positive action by the Zoning Board of Appeals.

There was no public discussion.

Mr. DeMallie made a motion to grant the two requested variances for the landscape wall extensions at 858 Green Cove Drive: a 38 ft variance from the MHWM for the northern landscape wall and a 34.6 ft variance from the MHWM for the southern landscape wall. Mr. Colbert seconded.

Per the criteria, Mr. DeMallie answered the following:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created:

No, the walls will only be viewed by the properties bordering to the north and south and will cause no change in the character of the neighborhood.

2. Whether the benefit requested by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance:

The Planning Board approved this, and other means are not as feasible, so it can't be achieved by other means.

3. Whether the requested variance is substantial:

Yes, each variance request is substantial.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

No, according to the project engineers the land and shore will be protected by these changes.

5. Whether the alleged difficulty was self-created:

Yes, but this does not affect whether the motion should be accepted.

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All Board members voted in favor, none opposed, and the motion passed.

David Gray, townspeople in attendance, commented that he came to the meeting to observe and might consider applying to the ZBA as a Board member.

Mr. Carman updated the ZBA on upcoming hearings for two projects on Fisher Rd., each being a tear down and rebuild of a single-family residence and requiring area variances. He also updated the ZBA on two potential future hearings, one being for a Special Use Permit, or other special zoning situation, for the Rochester Folk Art Guild, and another being a proposal for an event, concert and agritourism venue on South Vine Valley Road, which would require a Special Use Permit.

Mr. Carman indicated that an Article 78 filing has been made by Jeremy Fields in response to the ZBA's Administrative Review decision regarding a structure at 766 Newago Avenue; Mr. Fields has also been communicating with CEO Pearce about modifying the roof pitch on said structure, and he intends to appear before the Planning Board with a request to modify the roof pitch as well.

Mr. Carman announced that he will be stepping down as Chairman of the ZBA and will continue to serve as an alternate member.

Mr. DeMallie made a motion to adjourn. Mr. Colbert seconded. All Board members voted in favor, none opposed, and the meeting was adjourned at 8:09 p.m.