

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

**PLANNING BOARD**  
**Wednesday, November 6, 2024 • 7:00 p.m.**

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

**Meeting called by:** Case Smeenck

**Board members present:** Nate Duffy  
Gordon Stringer  
Terry Mott

**Alternate:** Position vacant

**Staff present:** Thomas Palumbo, *Town Engineer (Stantec Consulting)*  
Beth Altemus, *Planning Board Clerk*

The meeting was called to order at 7:02 p.m. by Mr. Smeenck.

## **OLD BUSINESS:**

### **1. Site Plan Review: App. # 082024 - SPR**

**Dawn Aprile, owner of property at 1321 East Lake Road, Middlesex, NY, 14507 (Tax Map ID# 21.79-1-4) is seeking a preliminary site plan review for construction of an addition and remodel.**

Mr. Smeenck summarized the application to date, indicating that Mrs. Aprile has received variances from the ZBA for setbacks, that Mr. Palumbo has made comments regarding the revised plans and has distributed those to the Board, and that the applicant appears to have addressed all of those comments.

Mr. Palumbo asked for clarification about what the dashed lines on the map denote, and Mr. Grove explained that it shows the extent of an overhang to which the setbacks were measured.

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Mrs. Aprile explained on the map where the wings of the roof come out and indicated that the floor level will remain the same, with the porch having an open portion and a covered portion. She also indicated that the terrace will be at the same level as the porch and will drop down 1.5 feet to meet the garage level, but steps will be needed to meet the existing porch level. She also explained from where the setbacks were measured, including the existing 17.5 feet setback. There was general discussion about where the garage, concrete pad and roof extent will be. Mr. Grove explained that the floor of the proposed addition had been dropped to eliminate the need for steps and to better align with elevations and walls in the back and front.

Mr. Smeenk inquired about the pitch of the roof, and Mrs. Aprile explained that the ridgeline allows for a peaked window on the second story, and there will be a valley where the ridgeline meets the existing roof.

Mr. Palumbo indicated that they should note that the downspouts will need to be connected, and Mrs. Aprile commented that the downspouts need some corrective work anyway.

Mr. Mott asked for clarification where the setbacks are, and Mr. Grove pointed them out on the map, indicating the 35 feet, 14.4 feet, and 7.5 feet setbacks, which received variances from the ZBA. Mr. Mott asked if the house was already non-conforming, and Mr. Grove indicated that it was.

Mr. Stringer commented that he thinks the design and engineering of the project is good, though he doesn't like the variances, and that as far as meeting code requirements the project has checked all the necessary boxes. He commented that the purpose of the Planning Board, in addition to reviewing the engineering aspects of a project, is to make judgment calls about how projects fit into the Town's master plan regarding the goals of maintaining a rural character, limiting sprawl, and setting negative precedents for future applicants.

Mr. Mott inquired what conversation the ZBA had regarding the setback variances, and there was discussion that they had asked about drainage, but unanimously voted to grant the variances. Mr. Mott indicated that he is pleased the applicant addressed the question of drainage and will be handling water coming off the driveway. Mr. Palumbo indicated that the water will all go to a trench drain.

Mr. Palumbo also commented that regarding setbacks the proposed project is actually less non-conforming than the existing situation, and Mr. Smeenk furthered that they are

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not making more of a variance. Mrs. Aprile commented that they made a conscious choice to keep the new build as far back from the road as possible.

Mr. Mott inquired whether the highway superintendent had looked at the plan, and Mrs. Aprile indicated that she had met him and that he's aware of the project. Mr. Mott commented that he wants to be sure he's on board and is happy as his input is important. Mr. Palumbo indicated that they will want to make sure the drain is cleared, and Mrs. Aprile commented that more pipe was added with the road work, and now this project adds additional drainage measures.

Mr. Mott made a motion to approve the plan with the revisions that have been made, Mr. Duffy seconded, there was no discussion; Mr. Mott, Mr. Duffy and Mr. Smeenck voted in favor; Mr. Smeenck explained that he's approving because the project is not making variances worse and the pre-existing situation makes them locked into needing variances; Mr. Stringer opposed and the motion carried.

### **OTHER BUSINESS:**

Mr. Smeenck asked if there were any comments on the August and October minutes, and there were none. Mr. Smeenck made a motion to accept the August minutes, Mr. Duffy seconded; Mr. Smeenck, Mr. Mott and Mr. Stringer voted in favor, Mr. Duffy abstained as he was not present at the August meeting, and the motion passed.

Mr. Smeenck made a motion to accept the October minutes, Mr. Duffy seconded; Mr. Stringer, Mr. Smeenck and Mr. Duffy voted in favor, Mr. Mott abstained as he was not present at the October meeting, and the motion passed.

There was general discussion about the need to address the solar law and town codes. Mr. Smeenck commented that the model law is onerous and it might be better to review a local example. He indicated that he will seek out a copy of a local example and distribute it to the Board.

Mr. Mott indicated that he feels there are individual issues with the Town code that are more pressing than others, so it might be best to address those first before reviewing the entire code. Mr. Duffy commented that there should be a discussion about house sizes, and Mr. Palumbo indicated that currently the Board can only judge house sizes based on lot coverage. Mr. Duffy commented that he would like to prioritize this issue.

Mr. Smeenck commented that he would like to rewrite the whole code comprehensively, with local codes combined with others, rather than only writing an addendum.

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Mr. Duffy inquired what kind of timeline would be needed to review the code, and Mr. Smeenck commented that they would need six months at minimum, however they will address the solar code first. He indicated that he will get information regarding the solar law and potential dates for meeting to the Board by the middle of next week.

There was discussion that the January meeting falls on New Year's Day and so the meeting will need to be moved.

There was discussion about whether the Board needs training and that the state puts on a convention for training and seminars.

Mr. Mott commented that the Dekouski's were supposed to have cleaned up the boats on their property by October, 2024. There was general discussion about how to hold them accountable to that.

Mr. Mott made a motion to adjourn, Mr. Smeenck seconded, all Board members voted in favor and the meeting was adjourned.