

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

PLANNING BOARD
Wednesday, February 5, 2025 • 7:00 p.m.

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: Nate Duffy

Board members present: Terry Mott
Gordon Stringer

Alternate: Position vacant

Staff present: Dawn Kane, *Code Enforcement Officer*
Beth Altemus, *Planning Board Clerk*
Jerome Means, *Stantec Engineering*

The meeting was called to order at 7:00 p.m. by Mr. Duffy.

NEW BUSINESS:

1. Site Plan Review: App. # 020125A - SPR

Corey and Tammy Kolz, owners of property at 5147 Loomis Road, Rushville, NY, 14544 (Tax Map ID# 3.03-1-10) are seeking a site plan review for a subdivision.

Mr. Kolz was representing. Mr. Duffy asked CEO Kane if all the paperwork for the application is in order, and CEO Kane indicated that it is; she also indicated that the application is for property in the agricultural district, and both proposed new lots have the required road frontage and minimum acreage, with one lot to be 21.9 acres and the other to be 34.5 acres.

There was a brief discussion to clarify that this application is different from a separate application for a subdivision on Loomis Road that did not make it on this meeting's agenda.

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Mr. Stringer inquired why they wish to subdivide the property, and Mr. Kolz indicated that they don't use or need the property and would like to decrease their tax burden, so are selling off a parcel between the railroad bed and Route 245, but are keeping their house to the back of the property.

Mr. Duffy clarified that they will be keeping the 29 acre parcel and selling the 34 acre parcel, and CEO Kane commented that the owner of the produce stand on the corner intends to purchase the second parcel for extra farmland.

Mr. Mott asked for clarification on the map where the house and driveway lie in relation to the proposed new subdivision, and Mr. Kolz showed him the locations on the map. Mr. Mott inquired whether the railroad bed is private property and not part of a land trust or rails to trails organization, and Mr. Kolz indicated that it is private property.

Mr. Duffy commented that the application looks good, and Mr. Mott commented that while he would prefer to see a full size map it appears to be well done.

Mr. Duffy opened public comments, and an individual in attendance asked if the new parcel ties into Jonathan Roper's existing property, to which Mr. Kolz replied that it does not as a different parcel splits the two. There was discussion that there is no right of way on the property in between that's owned by Alan Williams. Mr. Duffy closed the public comments.

Mr. Stringer made a motion to approve the application, Mr. Mott seconded, all Board Members voted in favor and the motion passed.

2. Site Plan Review: App. # 020125 - SPR

Sweet Lou Acres, LLC, owner of property on Bare Hill Road, Middlesex, NY, 14507 (Tax Map ID# 2.03-1-3.1) is seeking a site plan review for construction of a barn and pavilion.

The applicant was represented by Bill Grove of Grove Engineering. Mr. Grove explained that the owners would like to improve the property by building a storage building and pavilion. He indicated that the property is 42 acres with a long driveway to the back of the lot; the storage pole barn would go in the first cleared area along the drive, and the pavilion would go at the top of the cleared area in the back.

Mr. Grove explained that the proposed pavilion would have a restroom, so a septic system was designed. He indicated that due to the new wastewater law the septic size is based on the square footage of heated space and thus requires a five bedroom sized

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system, even though there will be no bedrooms in the pavilion. He indicated that the square footage of the pavilion is 3,594. CEO Kane asked whether that includes the overhang, and Mr. Grove indicated that it does.

Mr. Grove indicated that the septic design has been submitted to the Canandaigua Watershed, and he hasn't received the review yet, however as it's a conventional system he doesn't anticipate any problems.

He indicated that the SEQR application came positive for 12b, so he did a submission for SHPA, which determined there was no archaeological significance to the property. Mr. Grove also indicated that he'd submitted a letter to CEO Kane about the intended property use.

Mr. Duffy asked what the total footprint of disturbance will be, and there was general discussion that the map indicates .966 of an acre of disturbance, including utilities, buildings and the driveway.

Mr. Mott inquired what the dimensions of the pavilion would be, and Mr. Grove indicated that it would be 40 feet x 60 feet, with an annex of 16 feet x 32 feet, and a 28 feet x 24 feet deck. Bill Bagley, the project builder, commented that this is a schematic drawing and he doesn't have the architectural plans yet. He also commented that the pole barn will be 14 feet high.

Mr. Mott inquired why the plans indicate a future expansion area for the septic, and Mr. Grove commented that it's required for the Health Department. Mr. Means commented that it's a required safeguard in case the system fails to ensure there is an area to improve it.

Mr. Duffy asked whether they anticipate the footprint of the pavilion growing, and Mr. Bagley indicated they do not.

Mr. Mott commented that he feels the project, a 3,000 square feet building with porches, a large outdoor fire pit, and large parking area, is too large to fit the Town Masterplan.

Mr. Stringer asked if there's a pickleball court proposed, and Mr. Duffy indicated that there is one next to the proposed storage shed.

Frank Kelly, in attendance, asked how many cars the parking lot would accommodate, and there was discussion that the lot is 70 feet by 76 feet, so approximately twelve cars could park there.

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Mr. Stringer asked whether this was proposed for family gatherings, and Mr. Bagley indicated it would be. Mr. Duffy commented that he'd read the letter from the applicants to the Planning Board stating the property would be used solely for private use and not for revenue generating purposes. Mr. Bagley indicated that he'd asked the owners to write the letter because he recognizes that this is not a typical application.

Mr. Duffy asked Mr. Grove if he'd designed the parking lot to have twelve spots for parking, and Mr. Grove indicated that with the driveway and turnaround it could comfortably fit twelve cars.

Mr. Mott asked whether they are planning to build a house. Mr. Bagley indicated that they do not as they already have a house on the lake and spend more than six months in Florida, therefore this property would get used sparingly.

Mr. Stringer commented that he hasn't been to the site, but from the dimensions the proposed buildings appear to be pretty far from the property lines. He asked whether the property lies on top of the hill, and Mr. Grove indicated that it does, though not at the highest point as the land goes up to the south, but the driveway goes back to an open view to the northwest.

Mr. Stringer asked whether any neighbors had concerns about site lines and whether the project would intrude on their views. Mr. Duffy opened the public comment period.

Frank Kelly, owner of property at 204 Bare Hill Road, commented that he has a strong concern about the septic system being up to par and asked whether the Canandaigua Lake Watershed will oversee it. Mr. Grove indicated it would. Mr. Kelly asked whether the pole barn would be visible from the road, and Mr. Bagley indicated it would not.

Mr. Kelly commented that he had heard of this project being referred to as an events center, and Mr. Bagley commented that they have not called it an event center.

Olivia Von Rhedey, owner of property at 216 Bare Hill Road, commented that she would be concerned with an event center causing noise and traffic. Steven Von Rhedey, also at 216 Bare Hill Road, commented that his cousin owned the property prior to the current owner, and he had inquired about having wedding events there, but received pushback because of the same noise and traffic concerns.

Mr. Duffy commented that the application has been presented to the Board as a non-commercial project to be used for family events. Mr. Kelly asked how they can guarantee it won't evolve into a commercial use, and Mr. Duffy indicated that they can

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only evaluate the application based on the applicants' stated intent, and if the use changes to a commercial operation it would have to go before CEO Kane.

CEO Kane commented that the Von Rhedeys originally owned the property and had an idea to hold weddings there, and there was pushback based on the impact to Bare Hill residents. She indicated that the Baileys then bought the property, and it is an oddity the proposed build looks like an event center, however she indicated that it's her understanding that it's to be for private use only. She further commented that the Planning Board can put conditions on this review and hold them accountable to that use.

Mr. Bagley asked Mrs. Von Rhedey what she can see from the road, and Mrs. Von Rhedey indicated that she can see the stakes by the driveway. Mr. Bagley indicated that the barn is not going there now and has been pushed further back.

Mr. Kelly asked how big a family would be accessing the property, and Mr. Bagley indicated it would be the owners and their two sons.

Keegan and Erin Kelly, owners of property at 184 Bare Hill Road, introduced themselves. Mrs. Kelly asked what would prevent the applicants from hosting a private pickleball league, which would technically still be private but could still bring noise and traffic.

Mr. Duffy commented that the review is still in the preliminary stages, and he understands Mrs. Kelly's concerns. He further commented that he doesn't think a commercial application is wanted up there, but his understanding from the letter is that it is to be for private recreational activities only.

CEO Kane indicated that a commercial use would need a special use permit, but the Board can't regulate private lives, and large parties could still happen at the site. She commented that based on what the applicants have said, she has no reason to believe they are being untruthful, however she understands that the project is huge.

Mr. Duffy asked if there were any more public comments, there were none, and he close the public comment period.

Mr. Duffy indicated that he would like to place commercial limits on the project if it gets an approval. Mr. Mott indicated that he still has concerns, and with the size of the pole barn, parking lot and pavilion it looks like it's going to be something much larger than family gatherings in his opinion.

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Mr. Stringer commented that he's had family reunions in the back of his house for a day and it's not unreasonable to have a large parking lot. CEO Kane indicated that there can also be parking on the lawn.

Mr. Mott asked if the driveway is existing, and Mr. Bagley indicated that it is but they're building a new one. CEO Kane indicated that what's existing is not a driveway but a path, and there is no permitted driveway or preexisting road. Mr. Grove commented that there is a culvert at the road like a farm entrance.

Mr. Mott asked if there is going to be a lot of clearing, and Mr. Duffy commented that it doesn't look like anything will be cleared. Mr. Bagley indicated that he will take four trees down for the pole barn.

CEO Kane commented that Stantec still has to do their review, so when that information comes back she will get it to the Board for a second look.

Mr. Duffy inquired if the project meets all code restrictions or if variances are needed, and CEO Kane indicated it does meet code. Mr. Grove commented that meeting code was an important part of the design and just because the Board doesn't like it, it doesn't mean they can't do it. Mr. Mott commented that the Town has a vision and he believes this exceeds that vision.

CEO Kane commented that the project does meet zoning requirements, but the Board should look at the concerns of other residents and investigate what can be done to lock in non-commercial use. She indicated that they should seek legal advice on that issue, and Mr. Duffy asked for clarification. CEO Kane indicated that they should first have the Stantec review, then see what their ability is legally to put restrictions on commercial purposes to prevent negative impact to the surrounding properties.

Mr. Grove asked whether the zoning is not strong enough to do that, and CEO Kane indicated that there are other options and this is important enough that it should be addressed fairly as the zoning for Low Density Residential states that recreational uses are allowed.

Mr. Duffy commented that he would like to see dimensions included on the plans for all buildings.

Keegan Kelly asked whether notices will be sent to landowners for future hearings, and Mr. Duffy commented that this is a preliminary review and the applicants will need to return to the Planning Board; he indicated that which meeting will depend on when

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more information is received, but that the Board meets the first Wednesday of each month.

CEO Kane indicated it would probably be next month, but the Planning Board has no legal obligation to notify neighbors of applications as it does for the Zoning Board of Appeals. Mr. Duffy indicated that Mr. Kelly may call CEO Kane during her office hours for updates.

Mr. Duffy indicated that the application would be tabled and asked if the public had any more comments. Erin Kelly commented that the zoning laws for Low Density Residential allow for almost no commercial use, and asked what the repercussions would be if that law is broken.

CEO Kane indicated that someone would have to make a complaint then the process to deal with the violation would begin.

Frank Kelly referred to the blue lines indicating future expansion of the septic system and asked to clarify that each lateral is 60 feet long with 360 initial lineal feet of septic, and Mr. Grove confirmed, and reiterated that the expansion is for legal reasons and there is no intention to use it.

CEO Kane whether the map shows pull offs and turnarounds, and Mr. Grove indicated that the size of the parking lot at the top facilitates emergency vehicle turnaround.

Mr. Bagley indicated that the pavilion will have a kitchen, entryway, storage and two bathrooms and will be enclosed with heat and AC.

Frank Kelly inquired what is the ceiling height in the pavilion, and Mr. Bagley indicated that it will be twelve feet, with a large expanse of glass on the north side.

Mr. Duffy indicated that the Board will get the Stantec review and look into the legal ability to restrict commercial access, then get back to the applicants with the next steps. There was also a brief discussion about whether the structure should be called a pavilion, and that will be addressed in the next review.

Frank Kelly commented that he believes there are other neighbors who have concerns and would like to comment on this.

3. Site Plan Review: App. # 020325 - SPR

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David Seconi & Bridget Shumway-Seconi, owners of property at 989 South Lake Road, Middlesex, NY, 14507 (Tax Map ID# 21.33-1-10.0) are seeking a site plan review for renovations and additions to an existing home.

David and Bridget Seconi were representing. Mr. Duffy commented that this is a preliminary review. He asked if the applicants would be taking down the big oak tree in front of the house, and they indicated they would not.

Mr. Duffy asked them to describe the project, and there was discussion that they will be renovating and expanding in sections, but will not be changing the footprint. Mr. Seconi indicated that ninety percent of the house is staying.

Mr. Duffy indicated that he would like to see a site plan showing any grading changes, and Mr. Seconi commented that they have a topographic survey that plots the house on it. Mr. Duffy commented that this is just an architectural plan but that a site plan shows the house in relation to setbacks and topography. Mr. Seconi reiterated that they had that done by Anthony Venezia.

Mr. Mott commented that they need a scaled drawing. CEO Kane indicated that she had already requested that from Mr. Venezia, and Stantec needs to review the plan as well. Mr. Duffy explained to the Seconis that once they receive Mr. Venezia's drawings and the Stantec review the Board will do a formal site plan review.

Mr. Seconi indicated that they will only be building up to thirty-two feet and are requesting no variances. Mr. Mott commented that he thought the Town had a thirty feet height limit. CEO Kane commented that if it will be the same height as the existing structure it's probably shown from the average grade.

CEO Kane commented that the deck on the north end of the house will be closed in, and asked if they will be adding a two story addition to the back of the house where the existing wall is. Mrs. Seconi indicated that they will be building up from what's already there and adding a story. Mr. Seconi indicated that the footprint will not change there.

CEO Kane commented that the back wall needs to be rebuilt, and Mr. Seconi indicated that the build will be within one foot of the wall, so it will be removed. Mr. Duffy commented that this should all be captured on the site plan, and Mr. Seconi indicated that it is.

Mr. Means commented that they will need proposed contours, not just the existing contours. Mr. Seconi indicated that they will not be changing those, and Mr. Mott commented that with digging the grades will change a little. CEO Kane commented that

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the grades will not really be changing. Mr. Seconi indicated that they will be reusing the existing footprint and going up, and the only digging to be done will be for putting in a basement.

Mr. Duffy indicated that the site plan should indicate where the soil being removed will go, where construction materials will be stored, and what portions of the property will be used in conjunction with construction.

Mr. Seconi commented that it is a difficult site to build on, and the only dirt they'd dig out is for the basement and there's room on the site to place it, or it can be put in a dump truck. Mr. Duffy agreed that the site is restrictive, and commented that they would need all that information on the site plan with having the slope near the lake.

Mr. Mott commented that they want to keep their project moving forward, so if the Stantec review comes back saying a site plan is needed it will set them behind. There was general discussion that Mr. Venezia will know to put all that information on a site plan, and CEO Kane indicated that Mr. Venezia should represent the project when they come back. Mr. Mott commented that if they need to make modifications they can make those as conditions of approval.

CEO Kane indicated that the contractor who will be doing the lakefront repairs and wall was supposed to come to the meeting with the site plan, but the site plan will be submitted to CEO Kane.

Mr. Mott asked if the wall needs to be removed and replaced, and CEO Kane replied that it does. Mr. Mott commented that they should be sure that item is included in the site plan as a revision when it's reviewed next month.

Mr. Seconi indicated that they won't start construction until late fall and asked if he needs to have the new wall location on the back of the house on the site plan. Mr. Mott indicated they will need details for how the wall will be built and whether it will be holding something back and therefore need an engineering design. Mr. Means added that it will need to show load calculation as well. CEO Kane commented that she's already requested these and Mr. Venezia will do that.

Mr. Seconi comments that there is a tremendous amount of water pressure coming off the hill, and most of that water comes into his basement and he'd like to find a way to mitigate that. Mr. Mott commented that now's the time to talk to the engineer to see if that can be mitigated, and to put that in proposed site plan work.

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Mr. Mott asked if the application will need a steep slope application, and CEO Kane indicated that she doesn't think so because of the drainage behind the wall and they're not digging into the hill, but they will know when Mr. Venezia does the calculations.

Mr. Duffy commented that he looks forward to seeing their site plan.

OTHER BUSINESS:

Mr. Stringer made a motion to accept the January meeting minutes, Mr. Duffy seconded, all Board members voted in favor and the motion passed.

There was a general discussion about the status of the solar moratorium extension and when the Board can meet again to discuss the law.

Mr. Duffy indicated that he would like to pick back up with reviewing the Town code. Mr. Mott agreed, and commented that through the course of the year he's come up with some issues he believes should be addressed, for example wind farms.

Mr. Mott also indicated that he would like to know what the process for code violations is, and CEO Kane indicated that it is not the role of the Planning Board to get into code enforcement, and they can't become more restrictive than state law; she commented that there is a legal process of tickets and courts, and it's all listed in the code under enforcement.

CEO Kane further commented that the Board needs to get to work on the solar law and can work individually to research nearby communities and start to get an idea of what's important to them before meeting together.

Mr. Mott asked the other Board members whether they're familiar with the code violation process, and Mr. Duffy said he is not, but agrees that the Board is not tasked with that. He commented that if Mr. Mott is concerned that the Board can talk about changing code and vote on it. He indicated that they should wait until Mr. Smeenck is back before setting a date for code review.

CEO Kane commented that one of the recommendations from Yates County is to have consistent, regular meetings about the solar law, and she thinks they need to start in March. She indicated that they can read through other laws and rely on those as frameworks.

Mr. Mott asked CEO Kane if the county wants them to have more work sessions, and CEO Kane replied that it is specific to the solar moratorium. She indicated that the Town Board has to complete three steps for the moratorium, and one is a public hearing. While waiting for that they took the moratorium application to the County, which has reviewed the application and found it will have no impact to the County, and their recommendation was for the Planning Board to have regular meetings to work on the solar law. CEO Kane indicated that the Town Board will vote on the moratorium this month, and then it will go to the state to be filed as a law.

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It was agreed to have a solar law work session on March 19th at 7pm.

Mr. Duffy adjourned the meeting at 8:19 pm.