

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

ZONING BOARD OF APPEALS
Thursday, January 16, 2025 • 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 Clerk.

Meeting called by: Rebecca Parshall, *Chairperson*

Board members present: Ted Carman
Richard DeMallie

Alternate: Position vacant

Staff present: Dawn Kane, *Code Enforcement Officer*
Beth Altemus, *Zoning Board of Appeals Clerk*

Ms. Parshall called the meeting to order at 6:55 p.m.

NEW BUSINESS:

1. App. # 111324 - ZBA

Steve and Stacy Gray, owners of property at 5225 Townline Road, Middlesex, NY, 14507, Tax Map ID# 3.01-1-3, are requesting an area variance for a road setback of a pole barn.

Anthony Venezia of Venezia Land Surveyors was representing Mr. and Mrs. Gray. He summarized that the application is for a proposed barn on Townline Road with an overhang for storage on the back; a front setback variance is being requested in order to keep the barn forward of a wooded area and to minimize expense by connecting the barn to an existing driveway, rather than having to extend the driveway back. Mr. Venezia commented that the proposed location is the best placement for the applicants, and there are other barns nearby located closer to the road.

Mr. DeMallie commented that most of the neighboring barns are to the north and therefore located in Gorham, which might have different setback requirements.

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Mr. Venezia commented that there is a barn on the other side of the solar farm that's closer to the road. There was general discussion that there are several properties nearby with barns that do not meet the minimum setback requirement.

Mr. Venezia commented that the proposed barn placement won't change the neighborhood as the solar panels next to the road are worse to look at than a barn. He also indicated that this is the best place for them to put it without damaging trees and for easier driveway access.

Mr. Carman commented that the treeline looks to be somewhat more to the east, and Mr. Venezia commented that there are trees next to the house that they would like to keep as buffers.

Mr. DeMallie inquired whether the roof would have gutters, and Mr. Venezia indicated that it will likely have gutters draining to splash blocks. Mr. DeMallie inquired where the water from the gutters will be distributed, and Mr. Venezia indicated that water would go with the natural grade away from the road and to a small gully to the east; he indicated that there are no drainage issues.

Mr. Carman commented that barns like these more often use splash pads and no gutters. He commented that the ZBA is charged with granting the smallest variance possible, if any, and the applicants have plenty of property. He indicated that while he understands the applicants' intent, there have been problems with barn variances being granted in other locations where promises to clean up equipment were not met.

Mrs. Parshall commented that the Board needs to consider this application independent of any other precedent.

Mr. Venezia commented that there is a cell phone tower and a solar farm nearby, which have challenged the applicants' property values, and the barn being closer to the road allows a tree buffer from those to be maintained. He reiterated that the barn will not affect the character of the neighborhood and the placement will save the applicants money on not having to extend the driveway.

Mr. DeMallie indicated that he didn't have any more questions. Mr. Carman indicated that he didn't either, and commented that they are asking for a sixty percent variance when they have the space to push the barn back to comply with the code. Mr. Carman also made the comment that a variance runs with the land, not the owner, so it will be there forever.

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Mrs. Parshall asked Mr. Venezia what will be stored in the barn, and Mr. Venezia indicated that it will hold recreational vehicles, tractors and trucks. He indicated that currently the applicants use a carport, and they would like to get things put away without removing larger mature trees closer to the house.

Mr. Carman and Mr. Venezia had a brief discussion about the probable cost of extending the gravel drive should the barn be set back further.

Mr. DeMallie made a motion to grant the variance, Mrs. Parshall seconded.

Per the criteria (see attached documentation), Mr. DeMallie answered the following:

1. No, with all the various industrial buildings along that road, and very few other homes on the south side that were built before zoning laws, the character of the neighborhood won't be changed very much at all, and there will be no detriment in granting the variance.

Mr. Carman commented that he thinks the barn placement would cut into the viewshed and he's opposed to having the barn that close to the road, particularly when they have plenty of property to meet the code. He further commented that if the barn met the 100 feet setback, its front would still be thirty feet in front of the house.

Mr. DeMallie commented that the house is ninety-six feet from the edge of the road right of way.

2. Yes, as Mr. Carman has pointed out, they could move the barn to the south and closer to the house.
3. Yes, a sixty percent variance is substantial.
4. No, there will be no adverse impact on the physical or environmental conditions, and the water draining from the roof on all sides would be well taken care of with the natural slope.
5. Yes, it is self-created.

There was no further discussion.

Mr. DeMallie and Mrs. Parshall voted in favor, Mr. Carman opposed, and the motion passed.

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OTHER BUSINESS:

Mr. Carman made a motion to accept the draft October minutes as currently stated, Mr. DeMallie seconded, all Board members voted in favor and the motion carried.

Mr. Carman made a motion to adjourn the meeting at 7:15, Mr. DeMallie seconded, all Board members voted in favor and the meeting was adjourned.

Attached Documentation:

Criteria for Zoning Board of Appeals Variance Findings and Decision

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

Yes _____ No _____

Reasons: _____

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

Yes _____ No _____

Reasons: _____

3. Whether the requested variance is substantial:

Yes _____ No _____

Reasons: _____

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

Yes _____ No _____

Reasons: _____

5. Whether the alleged difficulty was self-created:

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Yes _____ No _____