

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

PLANNING BOARD

Wednesday, August 6, 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: Case Smeenck, *Chairperson*
Board members present: Terry Mott
Nate Duffy
Gordon Stringer
Alternate: Position vacant
Staff present: Beth Altemus, *Planning Board Clerk*

NEW BUSINESS:

1. Site Plan Review: App# 2025-3-SPR

James Fonzi is seeking a site plan review for demolition and reconstruction of an accessory structure at 5980 Widmer Rd., Middlesex, NY, 14507 (Tax Map ID# 31.03-1.3.1).

Logan Rockcastle of Marks Engineering was representing. Mr. Rockcastle explained that they plan to tear down and rebuild an existing structure and attach the new structure to the existing house. A variance from the mean high water mark will be necessary as the new structure will be 5.1 feet from the mean high water mark at it's closest point, however this will be more conforming than the current structure, which is at 2.6 feet from the mean high-water mark. Mr. Rockcastle indicated that this project was presented before the Planning Board in 2021 and received three variances from

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the ZBA, but because building didn't commence within the appropriate timeframe the approvals became void, therefore he's presenting the same plan again.

Mr. Smeenck asked if the screened porch exists currently, and Mr. Rockcastle indicated it does not. Mr. Smeenck asked if they intend to put the porch on what is now a deck, which is eight feet from the mean high-water mark. Mr. Rockcastle indicated that in talking with CEO Pearce the screened porch and house can be considered all one structure, with the retaining walls attached to the building; the variance needed would be from the closest point of the structure to the mean high water, which will be 5.1 feet.

There was discussion that an old revision date of 2021 is still listed on the plans and should be removed. Mr. Smeenck commented that #8 on map c100 printed incompletely and no dimensions are given. He also commented that the existing structure is thirty-two by twenty feet, and they're proposing the new structure be thirty-six by twenty feet, plus adding on a fourteen by fourteen feet porch, which is larger than the existing deck.

Mr. Smeenck inquired if the porch was connected to the house in the original plans, and Mr. Rockcastle responded that he's not certain about that, but it's all considered one building, so the dimensions of the porch and house should not be separated. He also indicated that the total size is not bigger than the 2021 proposal. He reiterated that the proposed setback infringements will be either equal to or less than the current situation.

Mr. Smeenck indicated that dimensions need to be shown on the map for the new build as well as the existing cantilevered wooden deck over the water.

Mr. Smeenck asked whether they'll remove part of the retaining wall, and Mr. Rockcastle indicated they do not plan to. Mr. Smeenck asked how they will handle the wall if it's not in good repair, and Mr. Rockcastle indicated that they would repair it if necessary.

Mr. Rockcastle indicated that the new thirty inch high concrete retaining walls will serve as the foundation and reinforcement for the new structure, and Mr. Smeenck asked if they're proposing concrete foundations for the building in general. Mr. Rockcastle indicated that he believes they are, and Mr. Smeenck commented that that information should be shown.

Mr. Rockcastle commented that there are elevations showing the view from the lake and the bottom entrance into the basement room below the main building. Mr. Smeenck asked if that would be dug out, and Mr. Rockcastle indicated it likely will be. Mr. Smeenck indicated that there are no dimensions given for this aspect either.

There was discussion about whether this was a preliminary review, and Mr. Rockcastle indicated that he's hoping for referral to the ZBA, then will come back to the Planning Board for a final review.

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Mr. Smeenck commented that the Board will need more details on the maps, including typical site plan information about elevations and dimensions, where concrete is to be poured, and spot elevations for the first and second stories before recommending them to the ZBA.

Mr. Smeenck and Mr. Rockcastle discussed the direction of drainage from the roof and hardscapes, and agreed that the plans should also show how that water is being collected and diverted.

There was discussion that the plans had been reviewed by Stantec Engineers in 2021, and whether the updated plans will need to be reviewed by the new Town Engineer. There was uncertainty about whether the new plans address the comments made by Stantec, and it was agreed that this should be investigated and, if necessary, these comments should be incorporated into the plans.

The application was tabled until a future Planning Board meeting.

OLD BUSINESS:

2. Site Plan Review: App# 030825-SPR

R. Jon Schick is seeking a site plan review for replacement of an existing residence at 1193 South Lake Road, Middlesex, NY, 14507 (Tax Map ID #21.64-1-2).

Jon Schick, architect for the project, and Sarah Sheive-Normand, property owner, were representing.

Mr. Smeenck commented that in closer review of the drawings he sees that they intend to dig out an extremely steep slope to push the house back further from the road.

Mr. Schick commented that the slope directly behind the structure is extremely steep, and the existing wall is rotten, therefore they're proposing to use the back wall of the house as both a foundation and retaining wall, with a second retaining wall above that to create a terrace.

Mr. Smeenck inquired if the existing house is heated, and Ms. Sheive-Normand indicated that it's heated via electric baseboard heaters.

Mr. Smeenck commented that this project will result in two homes on one property, and Mr. Schick commented that that was discussed at their first presentation to the Board, and the current CEO, Dawn Kane, had made it clear this was acceptable.

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Mr. Smeenck asked whether they had proposed building on the same footprint, and Mr. Schick indicated that the first floor is on the same footprint, and the back staircase and screened in porch to the north will be added.

Mr. Mott commented that he'd asked specifically whether they were building on the exact same footprint of the existing building and Mr. Schick had indicated they would be, but it appears that this plan is different. Mr. Schick commented that it is the same plan as presented earlier and now includes the comments from Lu Engineer. He also indicated that CEO Pearce indicated that the plans were acceptable and there was no opposition to them by the Planning Board three months ago. It was discussed that Mr. Mott had been absent from an earlier meeting at which they presented.

Ms. Sheive-Normand commented that the digging into the slope was discussed at their first presentation. She explained that they spoke with CEO Kane about keeping the same footprint but moving the house six feet back into the slope to avoid damaging two large trees holding up the bank. She commented that her family donated land to the Town to build the new road, which reduced the space available and is another reason to move the house back.

Mr. Duffy asked how much land her family donated, and Ms. Sheive-Normand was unsure, but indicated that it resulted in the loss of their driveway and necessitated a steeper driveway to be built, however she feels glad they did donate the land as the lake side road bank is becoming steeper and more hazardous.

Mr. Schick commented that the front of the new structure will be the same as the front of the existing structure, and the existing structure is preexisting, non-conforming, so the new structure will reduce the non-conformity.

Mr. Smeenck indicated that he remembered the Board being receptive to increasing the setback.

Mr. Mott commented that the existing structure is eighteen by sixteen feet, and the proposed structure will be eighteen by twenty-four feet. Ms. Sheive-Normand indicated that the existing six feet deck constitutes an existing footprint, and Mr. Schick indicated that CEO Kane had told them this could count as buildable area. Ms. Sheive-Normand indicated that they are proposing to move the new deck to the back of the house.

Mr. Smeenck inquired how many bedrooms the new house will have and whether it's intended as a year-round residence, and Mr. Schick indicated there will be two bedrooms, and though it will be built as a year-round residence it won't be used as such.

Mr. Smeenck asked if the water line will be bored under the road, and Mr. Schick indicated it would. Mr. Mott commented that they should coordinate with the Highway

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Superintendent for this process. Mr. Smeenck asked whether they have septic approval, and Mr. Schick indicated that they do, and the approval has been sent to CEO Pearce.

Mr. Smeenck commented that the plans haven't been sealed, and Mr. Schick indicated that as a licensed architect he can stamp them.

Mr. Smeenck asked what the dates on the map refer to, and Mr. Schick indicated they are the dates the plans were submitted and the dates they appeared before the Planning Board.

Mr. Smeenck summarized that they will not be building on the exact same footprint but rather will be moving the house further from the road, which increases safety and decreases the non-conformance, however they will be making the house larger and less conforming in that regard.

There was general discussion that the explanations for moving the house further into the slope makes sense, and as the family worked with the Town by giving land to make the road better, the Board should work with them on this proposal.

Mr. Smeenck inquired about a double line on the map, and Mr. Schick indicated that it denotes a silt sock.

Mr. Smeenck commented that he has concern about water discharging into the pipe under the road potentially washing out onto the road in a large rain event. Mr. Schick indicated that the pipes behind the retaining walls are all that discharges to the road, and the gutters go to a leaching chamber. Mr. Smeenck commented that the leaching chamber also goes to the road.

There was general discussion about the collection methods and the drainage directions on the map. Ms. Sheive-Normand commented that when the road was created a swale was dug at the top to deal with the primary runoff, so this captures most of the water heading to the road. Mr. Smeenck indicated that the Board is satisfied with the drainage plan.

Mr. Mott made a motion to approve the project. Mr. Duffy seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

NEW BUSINESS:

3. Site Plan Review: App# 2025-4-SPR

Richard Bolton is seeking a site plan review for installation of a tram at 258 East Lake Rd., Middlesex, NY, 14507 (Tax Map ID# 2.61-1-1).

Mr. Bolton was representing.

Mr. Smeenck commented that there is no detail given for the foundations, and he would like to see some.

Mr. Bolton commented that he has been on the property for forty years and has used two existing trams year-round for twenty years; one tram is on a thirty-degree slope and the other on a forty-five degree slope; one is constructed of wood and the other of metal. He commented that he has learned about erosion and maintenance, has had no accidents, and he and his wife are the only people who use the tram.

Mr. Bolton indicated that currently there are stairs down to the lake, but he would like a tram all the way down and proposes to rehabilitate a legacy tram that existed when he purchased the property. He indicated that he would like to install stronger tracks and rehabilitate the foundation as phase one of the project and build the carriage to go with it to make sure it works. Mr. Bolton indicated that he intends to build down only twenty feet at a time, and therefore doesn't have detailed plans for the footers, though most will be pinned and not routed.

Mr. Smeenck commented that Mr. Bolton should provide a drawing to accompany the description, including how the tram is anchored, and that given the steepness he's inclined to request a geotechnical evaluation describing anchors and resistance. He asked Mr. Bolton if he intends to use hydraulic tamping for the footers, and Mr. Bolton indicated he intends to remove one foot of shale to expose the unweathered shale beneath and drill rebar into that. He also commented that he can have a professional engineer include more detail.

Mr. Smeenck asked what will happen to the shale that's sloughed off while working, and Mr. Bolton indicated there will be very little of that.

Mr. Smeenck asked if he proposes to use a battery operated system and whether he's calculated the amperage hours. Mr. Bolton indicated that it will be a 1200 kilowatt, 24 volt system with two lithium batteries with a combined capacity of 200 amps, but the system will only take 60 amps to run.

Mr. Smeenck inquired about the travel time, and Mr. Bolton indicated it will be eight to ten minutes. He also commented that code allows a traction drive, and the carriage will have a door with locks on the entrances, overspeed and under speed protections, an emergency switch, and the system will only operate when the button is depressed and will have to be held during the entire descent.

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Mr. Mott commented that he agrees with Mr. Smeenck about requiring a geotechnical survey. Mr. Bolton indicated that the geotechnical survey would only apply to the portion proposed to be extended from the existing tram. He commented that if the Board can approve the first phase of the project, the rehabilitation of the legacy tram and carriage, he can return to the Planning Board when he decides to extend the track and have a geotechnical survey done for the second phase at that time.

Mr. Smeenck referred to a 2009 article in which Mr. Bolton expressed concern about the installation of a lake elevator causing erosion into the lake and that allowing an elevator to the lake is risky. Mr. Bolton responded that he knows which elevator that refers to, and it caused major scouring of a beautiful cliff and shale debris in the lake, however his project is nothing like that and will be barely visible.

Mr. Smeenck commented that he will need emergency egress and asked whether Mr. Bolton had requested a waiver for the egress path. Mr. Bolton indicated that he requested a waiver from the Fire Department for phase one only. He indicated that the aerial photographs submitted with his application show the existing tram and staircase next to it.

Mr. Mott inquired where in the photographs the tram path will be, and Mr. Bolton showed him. Mr. Mott inquired how far from the waterfront the landing is, and Mr. Bolton indicated it's about fifteen feet. Mr. Mott requested that Mr. Bolton include plans for silt fence and other buffer systems at the landing to contain any shale coming down during construction.

There was general discussion about whether the Board could approve the project in two phases and whether a geotechnical survey should be required before any part of the project moves forward. Mr. Bolton commented that getting a geotechnical survey this late in the season would be challenging. Mr. Duffy inquired what would happen if phase one is completed, but a geotechnical survey reveals that phase two cannot be completed. Mr. Bolton indicated that he would abandon phase two in that case, but rehabilitating the upper portion is still beneficial to him and worth the expense.

There was discussion that the Board could allow Mr. Bolton to update only the existing tram, just to the end of the legacy structure, then come back to the Board if he wants to go further.

Mr. Smeenck made a motion to approve the reconditioning of the existing legacy tram but not the extension. Mr. Duffy seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

4. Site Plan Review: App# 2025-5-SPR

Deborah Bierworth is seeking a site plan review for a property lot line adjustment at 1194 Emerson Tract, Middlesex, NY, 14507 (Tax Map ID# 23.04-1-13).

Mike Greene of Greene Land Surveying was representing. He explained that Ms. Bierworth intends to sell a parcel of land and wants to retain a portion of that parcel for her lot before selling. He indicated the proposed lot line revision on the map.

Mr. Smeenck inquired what district the parcel is in, and it was determined to be in Agricultural zoning.

Mr. Stringer made a motion to approve the property line adjustment. Mr. Mott seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

5. Site Plan Review: App# 2025-6-SPR

Justin Spelman is seeking a site plan review for an addition and renovations to an existing structure at 785 Newago Cove, Middlesex, NY, 14507 (Tax Map ID# 11.74-1-46).

Mr. Spelman was representing the Barbara J. Fornataro Trust. He explained that he proposes to extend the width of the decks and square them with the structure and build a second story on the same footprint as the existing deck. He also indicated that he will install vinyl siding and gutters to bring it up to par with neighboring buildings.

Mr. Smeenck inquired about the existing deck dimensions, and Mr. Spelman indicated that the existing deck is ten feet, two inches by eighteen feet, seven inches, but the proposed new deck will be two feet wider, thus will be twelve feet, two inches by eighteen feet seven inches.

Mr. Smeenck asked if there is currently a deck on the back, and Mr. Spelman indicated there is a four feet wide deck off the back, and the new proposed back deck will be four feet by eighteen feet, seven inches. He indicated that this deck will contain the pump house.

Mr. Mott inquired if there are existing steps to the second story inside the structure, and Mr. Spelman indicated there are and they'll remain. Mr. Mott asked if the proposed outside steps will also access the second floor, and Mr. Spelman responded that they will.

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Mr. Smeenck asked if they will be needing a variance, and Mr. Spelman indicated they would.

Mr. Mott asked if the plans indicate lot coverage, and Mr. Spelman indicated that he didn't see it on the map.

Mr. Mott and Mr. Smeenck performed lot coverage calculations using measurements from the maps and concluded that the lot coverage would exceed twenty percent. Mr. Smeenck calculated that if the outside stairs were removed and the proposed front porch remained at ten feet, two inches it would bring the coverage down to twenty percent. This would also eliminate the need for a variance.

There was discussion that if the outside stairs were removed, but the front deck was increased by two feet, the application could go to the ZBA.

Steve and Diane Cerrone of 786 Newago Avenue, neighbors across the street, expressed support for the project.

Mr. Smeenck made a motion to provide preliminary approval, with a Planning Board recommendation to the ZBA for approval without the exterior staircase, the back deck to be four feet wide and the front deck to be twelve feet, two inches wide. Mr. Stringer seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

6. App# 2025-7-SPR

Jon Bagley is seeking a site plan review for a minor subdivision at 728 Rte. 364, Middlesex, NY 14507 (Tax Map ID# 12.04-1-2.0).

Mr. Bagley was representing.

Mr. Smeenck indicated that they intend to split the parcel where it's divided by the road and asked if the Board had any questions.

Mr. Mott commented that he's not sure why it wasn't already divided into two parcels this way, and Mr. Smeenck commented that perhaps when the road was put in it dissected the property.

Mr. Duffy commented that Kathleen Adams is using Power of Attorney to make this application and indicated that the Town should have a copy of this Power of Attorney.

Mr. Bagley indicated that the POA was signed and notarized by her attorney, who's handling the estate. Mr. Duffy commented that if they are going to transfer real property

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the Town will need this on file as well. Mr. Mott commented that the County will also require this at the time of filing.

Mr. Duffy made a motion to approve the subdivision with the condition that the Town receives a copy of the Power of Attorney. Terry seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

OTHER BUSINESS:

Adam Mincer, in attendance, asked what the Board would need to see for a proposed new structure at 6090 South Vine Valley Road, a 0.7 acre lot with an existing driveway recently purchased by Steve and Diane Cerrone. Mr. Smeenck inquired whether setbacks are met and whether it's on a steep slope, and Mr. Mincer responded that setbacks are met and it's not a steep slope property. Mr. Smeenck indicated that they will need to see a map with the location of the structure, drainage, and other regular site plan review requirements.

Shawn Ritchie with Finger Lakes Tram, in attendance, asked to talk through the process of permits for trams in Middlesex as he has a few projects coming up. Mr. Smeenck inquired how steep the slopes are, and Mr. Ritchie indicated two are approximately forty-five degrees. Mr. Smeenck commented that when working on steep shale slopes a geotechnical survey is required, however some sites with lower slopes and good vegetative cover have been approved without geotechnical surveys.

Mr. Ritchie indicated that they pile drive, do foundation plans, perform tests and generate reports, and the process would have to be repeated for geotechnical surveys. He explained that there are three potential projects, one of which is an extension of an existing tram, for which they can get a geotechnical survey done.

Mr. Duffy commented that on steep slopes the plans should denote how many trees are coming out, and Mr. Ritchie indicated that the plans would do so. Mr. Smeenck commented that the proposed projects will be reviewed on a case-by-case basis.

Mr. Smeenck made a motion to approve the July Planning Board meeting minutes. Mr. Stringer seconded. Mr. Smeenck, Mr. Duffy and Mr. Stringer voted in favor. Mr. Mott abstained as he was absent from the meeting. The motion passed.

Mr. Smeenck adjourned the meeting at 8:59 p.m.