

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

PLANNING BOARD
Wednesday, June 4, 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

Board members present: Nate Duffy
Terry Mott
Gordon Stringer

Alternate: Position vacant

Staff present: Beth Altemus, *Planning Board Clerk*

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

NEW BUSINESS:

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

Todd DeVinney, owner of property at North Vine Valley Road, Middlesex, NY 14507 (Tax Map ID #11.60-1-3), is seeking a site plan review for construction of a pole barn.

Mr. DeVinney was representing.

Mr. Smeenck summarized that the application is for construction of a pole barn on a Low Density Residential lot, and he asked Mr. DeVinney if this is an existing lot, to which Mr. DeVinney responded that it is, and was surveyed in 1999 prior to the adoption of the Town zoning code. He also indicated that it's a one acre lot, and Mr. Smeenck commented that it's therefore pre-existing, non-conforming as it's in a zoning district where five acres is currently required.

Mr. DeVinney indicated that he would like the pole barn to be thirty feet by twenty-four feet, which is a different dimension than indicated on the map. Mr. Smeenck clarified that the thirty

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feet dimension would run east to west, and asked if it would still stay within the setback; Mr. Devinney indicated that it would.

Mr. Smeenck asked if the site is flat and whether it has any runoff issues, and Mr. DeVinney indicated that it is flat and has no runoff issues. He also indicated that the driveway has already been constructed, and the circular portion from the house will be twenty feet from the lot line.

Mr. Smeenck commented that code requires a thirty feet rear setback and twenty feet side setbacks.

Mr. Duffy made a motion to approve the proposed pole barn at twenty-four feet by thirty feet, with the condition that the thirty feet dimension runs to the west. Mr. Stringer seconded.

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

Mr. Smeenck indicated that all building details should be shown on the map when applying for a building permit, and Mr. Duffy commented that Mr. Pearce will let him know what details are required.

2. Site Plan Review: App. #2025-2

Dan Phillips, owner of property at East Lake Road, Middlesex, NY, 14507 (Tax Map ID #11.35-1-3.3) is seeking a preliminary site plan review for construction of a residence.

Paul Biehler, project manager for Mr. Phillips, was representing. He explained that this property is located on East Lake Road and currently does not have a house number, however Mr. Pearce is working on obtaining one for the property.

Mr. Biehler explained that Jeremy Fields purchased this lot several years ago and obtained a building permit for construction on the property and installed a stairway down to the lake, a basement foundation, and septic tanks.

Mr. Biehler indicated that Mr. Phillips purchased the property from Mr. Fields last year and would like to begin construction of a residence. He indicated that the changes from Mr. Field's original plans are the addition of a garage and a second story on half of the building, and that the new drawings reflect these.

Mr. Smeenck commented that since the original permit was issued the septic codes have changed, and because the house plans have been changed the septic system must be redesigned and reapproved.

Mr. Biehler indicated that he was not aware that the permit had expired when he began building for Mr. Phillips.

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Mr. Smeenck asked whether a bulldozer had recently cut a path through the site, and Mr. Biehler indicated that NYSEG had scraped a path to replace a utility pole in March. Mr. Biehler indicated that there is an electric panel in the basement and the power line from the pole to the basement is buried. He also commented that Mr. Fields had installed silt fencing on the site, but it now needs to be replaced.

Mr. Duffy asked if he had applied to the Canandaigua Watershed for a septic permit, and Mr. Biehler indicated that he gave the new septic design to Mr. Pearce.

Mr. Smeenck inquired about a change in the garage slab elevation, and Mr. Biehler indicated that the slab will be removed and the foundation will be extended and lowered under the garage to direct water downhill.

Mr. Mott asked Mr. Biehler if he has any permits at this point, and Mr. Biehler indicated he does not. Mr. Mott commented that a mini excavator appeared to be working on the property, and Mr. Biehler indicated that it's working on the property to the north and no work is being done on Mr. Phillips' property.

Mr. Smeenck commented that the drainage swale near the garage does not show elevations, and more drainage details, including how the pipe daylights, need to be shown on the survey map. He also indicated that the septic system engineer should be informed that the septic needs to match the new house design, and this needs to be shown on the map as well.

Townsperson Ted Carman, in attendance, commented that he is affiliated with the owner of the property to the north, which is an approved lot east of East Lake Road, and the owner intends to rebuild stairs on this upland parcel. Mr. Carman indicated that Mr. Phillips had been contacted by their attorney to work out the metes and bounds of a right of way on this parcel, and he asked whether this right of way is reflected on the map. Mr. Biehler indicated that the right of way needs to be added to the new maps, but Mr. Phillips is aware of the situation and has no problem with the right of way.

Mr. Biehler indicated that he will update the maps to reflect the changes to the house and garage. Mr. Smeenck commented that the footprint will remain the same but the house will go up one more story.

Mr. Mott commented that a grading plan for the garage and deck should be shown on the site plan as it abuts a steep slope. Mr. Biehler indicated that he wasn't planning to change the grading for the garage but would install boulders; Mr. Mott indicated that those should be reflected on the plans as well. Mr. Mott also indicated that a steep slope permit needs to be submitted, and the Board agreed.

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Mr. Mott also commented that the plans show the septic tank and pump placement, but where the water lines connecting from them to the house, as well as where they enter from the lake, should also be shown.

There was discussion of where the existing steps and deck are located on the map.

Mr. Duffy commented that erosion control measures should encompass the entire area of disturbance.

There was a brief discussion about whether the Army Corps of Engineers or the DEC would need to approve the water line coming in from the lake.

There was also a brief discussion that there is no work proposed at the lakefront as the infrastructure there is existing.

Mr. Smeenk summarized that the criteria to be added includes the new septic system design and approval; details for the drainage swales for the garage and driveway; details on all erosion control measures, including the timing of disturbance, grass seeding and any other measures to be implemented and the location of boulders; the location of the right of way on the property to the north; the proposed grading plan; the location of water lines from the lake and between the septic system and house; and submission of a steep slope permit.

OLD BUSINESS:

1. Site Plan Review: App. # 112724 - SPR

Jennifer Sherwood, owner of property at 306 East Lake Road, Rushville, NY, 14507 (2.61-1-8), is seeking a site plan review for construction of a residence.

Melissa Valle, attorney for Ms. Sherwood, and Tom King, project builder, were representing.

Ms. Valle explained that the project has received a Special Use variance from the Zoning Board of Appeals for a private road. She also indicated that the house height has been reduced and the tram landing has been relocated so that no further variances will be required.

Ms. Valle also commented that the Yates County Planning Board recommended approval, and Mr. Smeenk clarified that they did not recommend approval but took no exception and left the decision up to the Town of Middlesex Planning Board.

Ms. Valle indicated that there were a few minor technical comments from the Town Engineer and inquired whether a new set of plans reflecting these ought to be produced. Mr. Smeenk indicated that as the major engineering is complete the more detailed items can be added to the final plans.

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Mr. Smeenck commented that he would like the final zoning interpretation from Mr. Pearce to be completed before going over these details. There was discussion that there had been problems with the delivery of the request for interpretation, but that Mr. Pearce has received it and is currently working on completing the requests.

Mr. Smeenck commented that Ms. Valle had also requested a special meeting of the Planning Board, and while the Board would be amenable to this there will not be enough members available until the July 2 meeting. It was agreed that the applicant will return for this meeting.

Mr. Smeenck suggested that once the interpretations are completed by Mr. Pearce they can have a meeting to discuss them prior to the next Planning Board meeting.

Mr. Carman inquired whether the existing lakehouse would remain, and Ms. Valle indicated that this structure is included in the interpretation request.

Townsperson Richard Bolton, in attendance, commented that he is a neighbor of Ms. Sherwood and he knew the previous owner of the property. He indicated that when the previous owner passed, the property was sold by a cousin, but Mr. Bolton believes the prior owner would not have approved of this development.

Mr. Bolton commented that Middlesex has always maintained a tradition of preserving nature, and he believes the Steep Slope Law exists to ensure such protection. He further commented that he believes this project tramples on the Town Master Plan and circumvents the protective intent of the Town's laws. Mr. Bolton commented that Middlesex provides scenic views from the west and the scar of this development will dwarf any current scars on the landscape. He also commented that tree diameters on steep slope development projects are supposed to be flagged.

Mr. Carman asked Mr. Bolton if he had seen the most current house plan and the modifications that have been made in the last few weeks. Mr. Bolton indicated that he viewed the drawings that have previously been submitted to the Planning Board, and the leach field appears to take up half of the lot and will necessitate removal of all the trees there. He commented that this will impact the view along East Lake Road from Bare Hill, causing a large hole in the forest to appear. He indicated he believes that approval of this project will set the precedent for future development of this kind.

OTHER BUSINESS:

Mr. Smeenck made a motion to approve the May meeting minutes. All Board members voted in favor, none opposed, and the motion passed.

It was agreed that the next Planning Board meeting will remain on the regularly scheduled date, July 2, however Mr. Mott will be unable to attend.

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It was agreed that Ms. Sherwood will be notified once the zoning interpretation is completed by Mr. Pearce.

Mr. Mott made a motion to adjourn the meeting at 7:53 p.m., Mr. Stringer seconded. All Board members voted in favor and the motion passed.