

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

## PLANNING BOARD

**Wednesday, January 7, 2026 • 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, *Chairperson*

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

**Alternate:** (vacant)

**Staff present:** Elizabeth Altemus, *Planning Board Clerk*

Mr. Smeenck called the meeting to order at 7:00 p.m.

### **NEW BUSINESS:**

#### **1. App# 2026-04-SPR**

**Kimberly Jenks is seeking a Site Plan Review for a lot line revision between 1216 & 1242 Upper Hill Rd., Middlesex, NY 14507, Tax Map ID# 23.71-1-5 & 23.71-1-1.**

Ms. Jenks was representing.

Mr. Smeenck inquired if she owns both parcels, and Ms. Jenks indicated she does. She explained that she's currently living at 1242 Upper Hill Rd. and would like to sell the parcel at 1216 Upper Hill Rd., however she would like to change the lot line so that her parcel does not surround the parcel she intends to sell.

Mr. Mott made a motion to approve the lot line revision as shown on the map. Mr. Duffy seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

**2. App# 2026-01-SPR**

**Christopher & Amy Ford are seeking a Site Plan Review for selective demolition and renovations of an existing cottage at 670 Fisher Rd., Middlesex, NY, 14507, Tax Map ID# 11.50-1-9.**

Rich Krenzer, architect, and Mr. Ford were representing.

Mr. Krenzer explained that the Fords plan to renovate and add a second floor to much of the existing cottage and demolish and rebuild a portion of the existing cottage as well. They also intend to remove a lakeside deck that is 18.5 feet from the Mean High Water Mark (MHWM) and replace it with a covered porch that will be twenty feet from the MWHM at the closest point, with most of the deck being closer to twenty-six to twenty-seven feet from the MHWM. He explained that the existing house is preexisting, nonconforming due to being less than forty feet from the MHWM.

Mr. Krenzer also indicated that the existing garage will remain, they will be constructing a new four bedroom septic system, the total lot coverage will decrease from the current 39% to 38%; they will be adding masonry steps from the top of the bank to the existing deck (much of which will remain), and they intend to reclad the existing seawall with new steel piling.

Mr. Mott commented that the thirty feet by twelve feet proposed deck on the south side of the house is within the forty feet setback from the lake, which is not allowed. Mr. Krenzer indicated that they are looking for a recommendation from the Planning Board to the ZBA for variances.

Mr. Smeenk commented that the proposed deck would be closer to the water, which increases the degree of nonconformity, but the house would be farther from the water, which decreases the degree of nonconformity. He also commented that when the previous zoning laws were enacting decks weren't subject to setback requirements, however they now are.

Mr. Krenzer indicated that the proposed porch will have a roof but not be enclosed, and he explained the existing and proposed conditions on the maps, including where the open, covered porch will be constructed and where they will be adding steps down to the lake.

***Town of Middlesex Planning Board Minutes: January, 2026***

Mr. Smeenck indicated that they are expanding a preexisting, nonconforming property, and the Planning Board is working with the Town Attorney on how to handle situations like these, which are becoming more common. There was discussion that the Planning Board won't make a decision or recommendation until they meet with the Town Attorney on January 22<sup>nd</sup> to clarify the issue of enlargement of a preexisting, nonconforming structure.

Mr. Smeenck indicated that they will need to include the setback dimensions on the site plan, and that the various maps should all be shown at the same scale, with one foot equal to twenty feet being preferred. He also asked if they have received septic approvals, and Mr. Krenzer indicated that the system is still being designed.

Mr. Duffy asked for clarification on which part of the deck will be removed and which will remain, and Mr. Krenzer indicated this on the map and explained that a portion of the deck will be removed to keep the lot coverage reasonable. He also explained that an old, large tree in poor condition will be removed.

There was discussion about what the plan is for the timber seawall, and Mr. Ford indicated that they will be leaving it intact but will be putting steel pilings in front of it for reinforcement. Mr. Mott inquired if the plans reflect this encroachment on the MHWL, and Mr. Krenzer indicated that they do not, but he can add that to the plans. Mr. Smeenck commented that this might require DEC approvals, and Mr. Ford indicated that their contractor from Worden Hill Marine recommended they re-clad the seawall rather than tear it out and will handle DEC approvals if necessary.

Mr. Mott stated that the details for the seawall should be added to the plans, and Mr. Ford commented that they could delay working on the seawall but working on it during the other construction would be easier because the equipment will already be on site.

Mr. Duffy inquired how high the proposed retaining wall will be, and Mr. Krenzer indicated he could get that detail.

Mr. Ford commented that the septic system passed inspection at the time of purchase of the property. Mr. Smeenck commented that the square footage of the house will be changing, and Mr. Ford indicated that the Watershed Inspector can give final approval when he receives the final design.

Mr. Smeenck indicated that they can table the application until the Board gets clarification from the Town Attorney and the applicant provides the details discussed on the maps. He also indicated that variances will be needed, however they cannot give those recommendations at this time.

Mr. Duffy commented that he would like them to consider keeping the forty-eight inch diameter Red Oak on the steep slope portion of the property to hold back the bank. Mr.

***Town of Middlesex Planning Board Minutes: January, 2026***

Ford indicated that his insurance company raised an issue with it. Mr. Krenzer suggested the stump could remain to continue holding the bank, and the steps could curve around it, however there still may be internal rot in the tree.

Mr. Krenzer indicated that only the steps and a few porch posts will be within the steep slope portion, and they have submitted a steep slope permit application.

Mr. Duffy commented that the proposed fence will be on the property line and may need a larger setback. Mr. Krenzer indicated that there is an existing fence there. Edward Carman, Chairman of the ZBA, in attendance, commented that if a fence doesn't meet the fifteen feet side setback, then a variance would be needed. Mr. Ford indicated that they spoke with their neighbors about the fence, and Mr. Krenzer indicated that they have letters of no objection from two neighbors.

There was a brief discussion about whether tearing down and rebuilding the existing fence, which is preexisting, nonconforming, would require a variance, and it was decided that the Board will seek more clarity on that issue.

Mr. Mott commented that he would like to see silt fence installed along the entire length of the property and a note on the plans stating that they will have sediment control when working on the seawall. Mr. Krenzer asked what type of sediment control the Board would prefer to be used, and Mr. Mott indicated that the type doesn't matter as long as it runs from one property line to the other; Mr. Smeenk commented that silt fence suffices.

Mr. Ford commented that they can put off the work on the seawall to move the project forward if necessary, and Mr. Mott commented that they should get approval for it at the same time as the rest of the project; Mr. Smeenk commented that if they need to delay the seawall work they can ask for a permit extension for that portion.

Rich Testa, Townsperson in attendance, commented that he believes the architectural renderings look great, are in keeping with the neighborhood and will enhance what's there. He also asked the Board to consider having another tree or some other type of vegetation planted in place of the old tree as he believes the latter is likely to fall and cause damage to the home.

Mr. Ford commented that the wall below the tree will be replaced and asked whether that would hold the bank, and Mr. Smeenk indicated it would not; Mr. Duffy agreed and commented that the bank's integrity should be preserved to prevent it from slumping into the lake, which the large tree is accomplishing, so if at all possible the large Oak tree should remain intact.

Mr. Testa commented that in other Towns a combination of leaving the stump and adding new erosion control has been an accepted method of bank stabilization. Mr.

## ***Town of Middlesex Planning Board Minutes: January, 2026***

Duffy commented that tree roots, even when left in place, do rot and don't hold the bank as well as a live tree, and while there are engineered ways to stabilize banks, he nonetheless urges them to consider keeping the tree.

Mr. Mott suggested that they have a certified arborist inspect the tree and provide a report for the Board, and if it's healthy it should stay but if it's not it can be replaced. Mr. Duffy indicated that he would accept the opinion of a forester.

Mr. Duffy commented that smaller shrubs on the bank have already been cut down and therefore the bank is already in a weakened position, and Mr. Ford indicated that the previous owner did that, but the bank lies fifteen feet back from the break wall and water, so the bank would have to move that distance before going into the water.

It was agreed that the application would be tabled until further information from the Town Attorney regarding the expansion of a preexisting, nonconforming structure, as well as the requested site plan details, are provided.

### **3. App# 2026-02-SPR**

**Tim Lafler is seeking a Site Plan Review for a new single-family home, new pole barn, and additions to an existing pole barn at 5781 South Vine Valley Rd., Middlesex, NY 14507, Tax Map ID# 12.04-1-8.2.**

Mr. Lafler was representing. He explained that he's proposing an extension of the existing driveway to reach a new single-family home, as well as a new septic system, new pole barn and additions to the existing pole barn; the new home will be serviced by an existing well on the adjacent property, which currently services the mobile home on that property, and Mr. Lafler indicated he intends to remove the mobile home after the new home is completed. He indicated that his property is large, so lot coverage is not a concern.

Mr. Smeenk inquired whether he'd received septic approvals for a three-bedroom home, and Mr. Lafler indicated he had. Mr. Smeenk asked what the square footage of the house will be, and Mr. Lafler indicated that hasn't been determined yet.

Mr. Smeenk inquired if the 500-gallon pump tank will force main to the septic system, and Mr. Lafler indicated it will.

Mr. Smeenk commented that although he now owns both properties, in the future someone else could own the adjacent property, which is an issue for the well placement. He asked what type of well it will be, and Mr. Lafler indicated it's drilled. Mr. Smeenk indicated that some type of easement granting the right to use the well would be needed. Mr. Lafler commented that he has considered annexing that parcel that holds the well after the house is built.

***Town of Middlesex Planning Board Minutes: January, 2026***

Mr. Smeenck commented that this would work for the well, but would result in two houses on one parcel, and Mr. Lafler indicated that he would remove the mobile home before annexing. Mr. Smeenck indicated that this would be acceptable. Mr. Duffy commented that, as the project is proposed now, he would like to see an easement for the well.

Mr. Smeenck asked if Mr. Lafler is living in the trailer, and Mr. Lafler indicated that it's vacant.

Mr. Smeenck inquired what the new pole barn would be used for, and Mr. Lafler indicated it would be for storage, including aviation equipment, and the addition to the existing pole barn will be partially open for more storage.

Mr. Smeenck asked if he currently runs a construction business from the existing pole barn, and Mr. Lafler indicated he does, and there was some discussion that he might need a permit for that but sees nothing in the code regarding that type of business, only for a home occupation.

Mr. Smeenck indicated that he saw the same, and there are special conditions for home occupation in the Agricultural District, including the prohibition of outdoor storage of material or off-street parking for more than three vehicles. Mr. Smeenck asked if Mr. Lafler has a staff there, and Mr. Lafler indicated he has three employees at his business office at 5785 South Vine Valley Rd, which he would like to move to the new home at 5781 South Vine Valley Rd.

Mr. Mott asked if detail #5 on map C501 refers to the 500-gallon pump tank by the pole barn, and Mr. Lafler indicated it does. Mr. Mott requested that reference to this detail be added to the site plan and commented that the plans are incomplete as they give no distances for the property lines and the location map is inaccurate.

Mr. Smeenck commented that he'd like to see in writing that the trailer will be removed and the adjacent property annexed after the house is finished. Mr. Lafler asked if he could get an easement instead, and Mr. Smeenck indicated that is an alternative option and it would need to be signed and recorded with the County Clerk.

Mr. Mott indicated that to be approved the site plan needs the property line dimensions and reference to the pump tank detail noted on the revision block. Mr. Duffy commented that the plans are dated 2022. Mr. Lafler indicated that he can no longer use the engineer who made the plans in 2022 and inquired whether Tyler Ohle could make the changes. Mr. Smeenck indicated that Mr. Ohle's letter states that upon completion of the septic system the licensed professional who made the plans will sign off on it and do the as built survey. It was discussed that Mr. Lafler would need to hire another licensed engineer to take care of these matters.

## ***Town of Middlesex Planning Board Minutes: January, 2026***

Mr. Duffy suggested that to prevent the expense and hardship of having to hire a new engineer Mr. Lafler could pen in the revisions himself. Mr. Lafler commented that he will be installing the septic system. Mr. Mott stated that to be reviewed and approved, site plans are required by code to be certified by a licensed engineer, and the Board needs a certified copy stamped by an engineer that includes the property line dimensions, project location and pump tank detail reference.

Mr. Smeenk made a motion to grant the project preliminary approval for the concept plan, with Mr. Lafler to return to the Planning Board with a proper survey and solution to the well issue for final approval. Mr. Mott seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

### **4. App# 2026-03-SPR**

#### **Bare Hill Landscaping is Seeking a Site Plan Review for a rebuild of a screened porch and addition of a new porch at 1415 S. Lake Rd, Middlesex, NY 14507, Tax Map ID# 31.01-1-6.**

Burnell Reif of Bare Hill Landscaping was representing. He explained that the existing porch is ten feet wide, thirty-two feet along the north side of the house and forty feet along the west side and will be replaced on the footprint, and an additional ten feet by ten feet porch will be added to the entry area on the southwest corner.

Mr. Smeenk inquired how the posts will be constructed, and Mr. Reif indicated that pressure-treated posts will be set in concrete and run up to the porch deck, and cedar posts will then run up to the roof with the same style mortise and tenon railing as exists now.

Mr. Mott commented that the existing porch is preexisting, nonconforming, but the additional ten feet by ten feet porch would not meet the setback from the lake either. Mr. Smeenk indicated that they would need to get a variance for the addition, but they may replace the existing porch in kind without a variance. He indicated that he would recommend this to the ZBA, but the whole Planning Board would have to agree.

There was discussion that the survey map provided is very old and lacking in detail, but in the instance of replacing the existing porch a whole new survey would not be needed, however for the ten by ten addition setback details would need to be provided.

Mr. Reif asked if they could get approval just for replacement of the existing porch then do the additional porch as a second phase, and Mr. Mott indicated they would have to return to the Planning Board for approval for the addition.

Mr. Stringer made a motion to approve the replacement of the existing screen porch. Mr. Smeenck seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

## **5. Conceptual Review**

### **Nathan Vandjelovic is seeking a conceptual review for a rebuild of an existing home at 1296 South Lake Rd, Middlesex, NY 14507, Tax ID# 21.71-1-6.2.**

Mr. Vandjelovic was representing. He explained that he spoke with CEO Pearce, who suggested he come before the Planning Board to discuss ideas before moving forward. He indicated that his property was subdivided from a neighboring property over a year ago, and there is an existing cottage on the property which he hopes to rebuild on the footprint, as well as install safe parking and a septic system on the opposite side of the road as there is currently no system servicing the property.

Mr. Mott asked if there is a holding tank on the south side of the cottage going to the neighbor's leach field, and Mr. Vandjelovic indicated there is, but the tank was disconnected at the time of subdivision and is not being used.

Mr. Vandjelovic indicated that a proposed driveway would service the upper area to allow installation of the septic and provide additional parking and storage, and eventually he would also build a dock. He explained that the images he submitted show several ideas for different cottage designs that could fit on the footprint.

Mr. Smeenck commented that the cottage will need to stay fifteen feet from the northern property line, but pulling the cottage further away from the lake is a good plan. He also indicated that an engineered retaining wall between the road and cottage will likely be needed. Mr. Vandjelovic commented that the current reinforcement material would be removed and replaced with the cottage's rear foundation wall, which would serve as a retaining wall for that portion of the hill.

Mr. Mott asked if he'd considered building on the other side of the road, which would make construction and septic system access easier and allow him to build a larger dwelling with fewer limitations. Mr. Vandjelovic responded that he had considered this but decided they'd rather be on the water and isn't sure what would replace the cottage in that space. Mr. Mott suggested a shed or resting area to enjoy the lake. Mr. Duffy commented that the financial feasibility of building close to the lake will come into play as well.

Mr. Smeenck commented that if they do bring the septic lines across the road, they will need a directional bore underneath the road as they can't cut through the road. Mr. Vandjelovic agreed and indicated that he's been in contact with a company about this.

***Town of Middlesex Planning Board Minutes: January, 2026***

Mr. Smeenk asked if all the design options include moving farther back from the lake, and Mr. Vandjelovic indicated they do, with a minimum eight to ten feet setback, because currently the lake can only be accessed by going through the cottage.

Mr. Smeenk inquired if they will demolish the entire existing cottage, and Mr. Vandjelovic indicated they will. Mr. Smeenk commented that one support post is already cracked and buckling, and Mr. Vandjelovic indicated that he's aware of that and is not using the cottage.

There was a brief discussion of the size and dimensions of the lot, which has approximately five acres spanning both sides of the road and is approximately one hundred feet wide.

Mr. Duffy commented that the existing cottage needs to be torn down, but he'd like clarification on whether the code allows him to build exactly on the current footprint or if the condition of the cottage changes the grandfathered status and requires all current zoning laws to be applied, including the lake setback.

Mr. Vandjelovic commented that he was told that the structure is grandfathered in. Mr. Mott commented that this is a preexisting, nonconforming situation and he could build on the same footprint, but he would need variances to make it any larger and could not go closer to the lake.

Mr. Carman commented that there is good acreage on the other side of the road, but if they give up the grandfathered waterfront position, they will lose the ability to build there forever. He also indicated that the condition of the existing cottage does not change its grandfathered status unless it has been abandoned and without electrical connection for a number of years. Mr. Smeenk commented that this is also a question for the Town Attorney.

Mr. Mott commented that the existing structure has piers within the MHWL, and rebuilding on the same footprint would be a concern if it too needed support out in the water. Mr. Carman commented that the Army Corps of Engineers would need to be involved in that case. Mr. Vandjelovic inquired whether a deck could hover over the lake instead, and Mr. Mott commented that something would need to support it, and this would involve engineering.

Mr. Smeenk asked if the water source would be the lake, and Mr. Vandjelovic indicated it would be.

Mr. Duffy inquired whether the grandfathered status would be retained if the new structure reduces the nonconformance by moving farther back from the lake. Mr. Carman indicated that a variance would then be needed. Mr. Smeenk commented that a variance would be needed if the dimensions change at all, but if it's rebuilt on the

***Town of Middlesex Planning Board Minutes: January, 2026***

exact same footprint no variance would be needed, although the current position of the existing cottage is not advisable. He indicated that making it less nonconforming by moving farther from the lake would improve the chances of a variance being granted.

Mr. Mott inquired whether the piers in the lake could be replaced if they built on the exact same footprint, and Mr. Carman commented that it would involve several agencies, including the Army Corps, the Canandaigua Lake Watershed and the DEC.

Mr. Carman further commented that this is a challenging spot and Mr. Vandjelovic should look at what will be important to him long term as he will only be able to construct one residence. Mr. Smeenk commented that if in the future they decide they want a larger dwelling across the road they would not be able to build one if they'd already constructed a small house lakeside.

Mr. Duffy inquired what the approval process will be for Mr. Vandjelovic to be able to install a safe parking area and driveway, and Mr. Smeenk indicated that he would need engineered drawings showing the slope, with no more than a fifteen percent grade to the driveway, a fifteen feet side setback and a steep slope application, and this would need to be approved by the Planning Board.

Mr. Mott inquired whether Mr. Vandjelovic has a copy of the survey map for the entire property, and Mr. Vandjelovic indicated he does. Mr. Mott commented that he can use that for his planning and design ideas.

Mr. Vandjelovic inquired whether he can have living space above the garage, and Mr. Mott asked whether there would be a toilet. Mr. Smeenk commented that garages with second stories and toilets have been approved before, however no cooking facilities may be present.

Mr. Vandjelovic commented that he's planning the project in three phases, beginning with parking, then the garage and lastly the cottage, so having a bathroom in the garage would be helpful. Mr. Mott inquired if the project is intended for year-round use, and Mr. Vandjelovic indicated it is.

Mr. Smeenk commented that the Board appreciates his coming in for this discussion, and when he has formal plans for review, he can return to the Planning Board. Mr. Mott commented that his future maps should be scalable.

**OTHER BUSINESS:**

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

***Town of Middlesex Planning Board Minutes: January, 2026***

Mr. Duffy stated that he will not be present for the February meeting, but all other Planning Board members indicated they will be there, so a quorum will be met.

There was a brief discussion that the Town Attorney has made comments on the draft solar law, and the Board members indicated their agreement with the edits.

There was a brief discussion about which topics the Board members would like to discuss at the January 22<sup>nd</sup> training with the Town Attorney.

Mr. Smeenck made a motion to adjourn the meeting. Mr. Stringer seconded. There was no public discussion. All Board members voted in favor, none opposed, and the meeting was adjourned at 8:54 p.m.