

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

ZONING BOARD OF APPEALS **Thursday, June 4, 2026 • 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 of Appeals Clerk.

Meeting called by: Edward Carman, *Alternate*

Board members present: Richard DeMallie
Patricia Stringer
Devin Colbert

Staff present: Beth Altemus, *Zoning Board of Appeals Clerk*

Mr. Carman acted as Chair as Chairman Wilson was unable to attend. Mr. Carman called the meeting to order at 7:00 p.m.

Mr. DeMallie made a motion to close the public hearing opened on May 7, 2026. Mr. Colbert seconded. All Board members voted in favor, none opposed, and the hearing was closed.

Mr. Colbert made a motion to approve the draft minutes of the May 7, 2026, Zoning Board of Appeals (ZBA) meeting. Ms. Stringer seconded. All Board members voted in favor, none opposed, and the motion passed.

NEW BUSINESS:

- **App# 2026-05-ZBA:** James Smith is seeking one area variance for the setback of a new single-family home and one area variance for the setback of a new retaining wall at 660 Fisher Rd., Middlesex, NY, 14507, Tax ID# 11.50-1-12.

Mr. Smith, the homeowner, was representing. He explained that he and his wife bought the home in 2010 and would like to build a new home for their retirement and family enjoyment. He indicated that the new home will be moved further back from the existing location to better comply with setback requirements.

Mr. Carman explained that the proposed lot coverage has been reduced to 19.9% from their original proposal by incorporating permeable driveway material. He indicated that two area

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variances are being requested, one for the setback of the home from the Mean High Water Mark (MHWM) and one for the setback of a proposed retaining wall from the MHWM.

There was no further discussion by the ZBA members.

Ms. Stringer made a motion to grant the proposed house setback of 35'8" from the MHWM, or a 4'4" variance, as an improvement from the existing home setback. Mr. Colbert seconded.

Per the criteria, Ms. Stringer answered the following:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance:*

No, the nonconformity is being decreased.

- 2. Whether the benefit requested by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:*

No, the home has already been brought back from the MHWM as much as it reasonably can be.

- 3. Whether the requested variance is substantial:*

No

- 4. Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:*

No, it will not have an adverse impact, and both neighbors have written letters of support for the project

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the variance.*

No, the lot size and location created the difficulty.

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

Mr. DeMallie made a motion to grant the proposed 29'7" setback of the stone retaining wall from the MHWM, or a 10'5" variance. Mr. Colbert seconded.

Per the criteria, Mr. DeMallie answered the following:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance:*

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No, it will not be visible to anyone except by boat.

2. *Whether the benefit requested by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:*

No, the applicant explored other means and concluded this is the only feasible method.

3. *Whether the requested variance is substantial:*

No.

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

No, there will be no adverse effect on the water.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the variance.*

Yes, but this does not preclude the granting of the variance.

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

- **App# 2026-06-ZBA:** Christopher and Amy Ford are seeking one area variance for the lot coverage of a new single-family home and one area variance for the setback of new steps at 670 Fisher Rd., Middlesex, NY, 14507, Tax ID# 11.50-1-9.

Rich Krenzer, architect, and Mr. Ford were representing. Mr. Krenzer explained that they intend to demolish the existing home and rebuild a new home further from the MHWL to conform with all setback requirements; there will be a wraparound patio and the wooden steps to the lake will be rebuilt; a new septic system will be installed, which has been designed and approved by the Canandaigua Lake Watershed Inspector; and the lot coverage has been reduced to 30.1%, down from their original proposal of 39%, by incorporating permeable driveway material.

Mr. Carman explained that the applicant revised their original proposal to be less nonconforming by reducing lot coverage and pulling the proposed home further back from the MHWL. He indicated that they are seeking two area variances, one for the lot coverage and one for the setback from the MHWL of a portion of the new wooden steps.

There was no further discussion by the ZBA.

Ms. Stringer made a motion to grant 30.1% lot coverage, or a 10.1% variance. Mr. DeMallie seconded.

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Per the criteria, Ms. Stringer answered the following:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance:*

No, the lot coverage is being decreased from the existing condition.

- 2. Whether the benefit requested by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:*

No, they have already reduced lot coverage as much as is reasonable.

- 3. Whether the requested variance is substantial:*

No

- 4. Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:*

No.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the variance.*

No.

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

Mr. Colbert made a motion to grant a 32.7' setback from the MHWL for the new wooden steps, or a 7.3' variance. Mr. DeMallie seconded.

Per the criteria, Mr. Colbert answered the following:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance:*

No, this has been worked through quite a bit and was recommended for approval by the Planning Board.

- 2. Whether the benefit requested by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:*

No, the plans are well drawn, and this is the best course of action.

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3. Whether the requested variance is substantial:

No, they are modifying stairs that already exist.

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

No.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the variance.

Yes, but it has been recommended the ZBA accept the plan as presented.

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

Mr. Carman commented that beginning in September there will be a lot of construction in this area, with work happening at 660 and 640 Fisher Rd. in addition to this property, so it will be important for contractors to coordinate with each other.

OTHER BUSINESS:

Mr. Carman updated the ZBA that the project called "The Venue" has not yet moved beyond the conceptual review presented to the Planning Board in May.

Mr. Carman also explained that he, Case Smeenck (Planning Board Chair), Paul Mitchell (Town Councilman) and CEO Pearce toured the Rochester Folk Art Guild with residents there to see the existing structures and discuss their plans for creating more housing for aging residents. He explained that there are currently both multi-family and single-family residences, craft shops, a retail gallery space, a gathering space and agricultural uses on the properties owned by the Guild. He indicated that any approvals for Special Use Permits should be tied to the Guild itself, rather than the land, and conditions should be put in place for the termination of a Special Use Permit should the Guild cease to exist.

Mr. Carman commented that the Guild has been in Middlesex since the 1960's and is in keeping with the Town masterplan's rural character. He commented that they've been good citizens, and although they have non-profit status, they've continued to pay both property and school taxes. Mr. Carman indicated that he believes a Special Use Permit should be structured to help them rather than create a hardship. He also explained that CEO Pearce will be working with The Guild to ensure fire and safety codes are met.

It was agreed to move the next meeting to July 9, due to the holiday the week prior.

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Ms. Altemus gave board members an update on the status of their respective training hour fulfillments.

Ms. Stringer made a motion to adjourn. Mr. Colbert seconded. All Board members voted in favor and the meeting was adjourned at 7:50 p.m.