

Town of Middlesex Planning Board

Wednesday, July 8, 2026 • 7:00 p.m.

1216 Route 245, Middlesex, New York 14507

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: Nathaniel Duffy
Terry Mott
Gordon Stringer
Andrew Coots

Alternate: (vacant)

Staff present: Elizabeth Altemus, *Planning Board Clerk*
Alan Pearce, *Code Enforcement Officer*

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

Mr. Stringer made a motion to accept the minutes of the June 3, 2026, Planning Board meeting. Mr. Mott seconded. All Board members voted in favor, none opposed, and the motion passed.

OLD BUSINESS:

- **App# 2026-22-SPR:** Venezia Land Surveyors is seeking a site plan review for construction of a new tram at 1223 South Lake Rd., Middlesex, NY, 14507, Tax ID# 21.64-1-4.

Anthony Venezia of Venezia Land Surveyors was representing. He indicated that per the request of the Planning Board, details for the platform supports and the location of the electric were added to the plans. He explained that the electric will run underground from an existing accessory structure and through conduit at the point where it reaches the tram.

Mr. Smeenck commented that the details for the platform supports shown for this plan will suffice, however in the future the details for platforms should show a structural layout, including the number and spacing of posts.

There was discussion that the property owner shall submit a letter releasing the Town from liability for potential damage to the structures in the road right of way, and that the Town

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Attorney should review this letter. Mr. Venezia agreed to this, and indicated that he will also note this on the plans.

Mr. Smeenck made a motion to classify the project as a Type II action under SEQR because it's construction of an accessory residential structure and, accordingly, this project shall be exempt from further SEQR procedures, including preparation of an Environmental Assessment Form. Mr. Coots seconded. All Board members voted in favor, none opposed, and the motion passed.

Mr. Mott made a motion to approve the application with the following conditions:

- The applicant shall submit a signed letter exempting the Town from liability for damage to the portion of the road located in the road right of way; such letter shall be reviewed by the Town Attorney.
- A note shall be added to the drawing indicating the Town's exemption from liability, and this change shall be noted in the revision block.

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

- **App# 2026-26-SPR:** Scott A. Harter, P.E. is seeking a site plan review for construction of a new residence at 64 Bare Hill Rd., Middlesex, NY, 14507, Tax ID# 2.01-1-7.111.

Scott Harter, P.E., was representing. He explained that he addressed the comments given by the Planning Board at the previous meeting, however he was unable to reduce the proposed 20% manmade slope next to the driveway to 15%. He indicated that a 15% slope would lead to chasing the grade without finding a match point. He indicated that he spoke with CEO Pearce about this, who agreed that 20% is acceptable.

Mr. Harter also explained that they will not daylight the curtain drain for the gutters as the soil is very porous sand and shale, and the water table does not rise to that level. He also indicated that the property owner wishes to keep one of the existing driveway aprons.

There was agreement that all other requirements from the June 3rd meeting were addressed and added to the plans.

Mr. Harter indicated that the Canandaigua Lake Watershed Inspector has not yet been able to review the septic plans, but he did witness the soil testing.

Mr. Smeenck made a motion to classify the project as a Type II action under SEQR because it's construction or expansion of a single-family residence and, accordingly, this project shall be exempt from further SEQR procedures, including preparation of an Environmental Assessment Form. Mr. Mott seconded. All Board members voted in favor, none opposed, and the motion passed.

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Mr. Stringer made a motion to approve the application subject to septic approval by the Watershed Inspector. Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

NEW BUSINESS:

- **App# 2026-25-SPR:** Rochester Folk Art Guild is seeking a site plan review for construction of a new single-family residence at 1445 Upper Hill Rd., Middlesex, NY, 14507, Tax ID# 33.01-1-8.

Logan Rockcastle of Marks Engineering, and Paul Schliffer and Martin Runner of the Rochester Folk Art Guild were representing.

There was discussion that the gutters will drain onto the soil, which is well draining, and if splash blocks are used, they will divert them to a swale for sheet flow into a field. It was also discussed that the septic has been approved by the Canandaigua Lake Watershed Inspector.

Mr. Mott expressed concern about approving the home until a master plan and Special Use Permit for the Folk Art Guild is finalized. He commented that there are already multiple septic systems on the property and it might begin to resemble a subdivision, thus further development on the property should be managed properly.

CEO Pearce explained that because the Town code does not limit the number of dwellings on a parcel and the principal use of the property is residential, he determined that the home may be reviewed and approved, and the Town has no legal standing to delay this review until a Special Use Permit is granted. He also indicated that the applicant has submitted documentation relating to the Special Use Permit, and the process for developing that is in motion.

Mr. Smeenck suggested that the home could be approved with the condition that a Certificate of Occupancy not be issued until the Special Use Permit is granted. He also commented that the Folk Art Guild has been working with CEO Pearce to meet fire and safety codes, and they've been forthcoming and cooperative about discussing the Special Use Permit.

Mr. Stringer and Mr. Mott questioned whether house approval should be granted now if the Certificate of Occupancy is conditional upon the Special Use Permit.

There was discussion that the master plan and Special Use Permit process could take several months, and Mr. Shliffer indicated that they intend to build over the winter, so withholding the Certificate of Occupancy until the Special Use Permit is in place would not cause a hardship.

Mr. Duffy commented that he does not believe the situation is problematic and the Board should work to help the applicant with their housing shortage.

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Mr. Smeenck made a motion to classify the project as a Type II action under SEQR because it's construction or expansion of a single-family residence and, accordingly, this project shall be exempt from further SEQR procedures, including preparation of an Environmental Assessment Form. Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

Mr. Smeenck made a motion to approve the site plan for the house, with the condition that a Certificate of Occupancy not be issued until a Special Use Permit for the operations of the Folk Art Guild is approved. Mr. Duffy seconded. Mr. Smeenck, Mr. Duffy, Mr. Stringer and Mr. Coots voted in favor. Mr. Mott opposed. The motion passed.

- **App# 2026-29-SPR:** Venezia Land Surveyors is seeking a site plan review for construction of a permanent dock with a boat station at 1513 South Lake Rd., Middlesex, NY, 14507, Tax ID# 31.01-1-12.

Mr. Venezia was representing.

Mr. Smeenck commented that this application is for a Tier 1 dock and it appears to meet all UDML regulations; they are allowed two docks due to their frontage amount.

Mr. Smeenck made a motion to classify the project as a Type II Action under the SEQR regulations because it is construction of an accessory residential structure and, accordingly, this project shall be exempt from further SEQR procedures, including preparation of an Environmental Assessment Form. Mr. Mott seconded. All Board members voted in favor, none opposed, and the motion passed.

Mr. Stringer made a motion to approve the site plan for the dock and boat station as presented. Mr. Smeenck seconded. All Board members voted in favor, none opposed, and the motion passed.

- **App# 2026-31-SPR:** Worden Hill Marine is seeking a site plan review for construction of a boat station at 1101 South Lake Rd., Middlesex, NY, 14507, Tax ID# 21.48-1-3.1.

Mr. Venezia was representing. He explained that this application is for a boat station only with no additional dock.

Mr. Smeenck made a motion to classify the project as a Type II Action under the SEQR regulations because it is construction of an accessory residential structure and, accordingly, this project shall be exempt from further SEQR procedures, including preparation of an Environmental Assessment Form. Mr. Mott seconded. All Board members voted in favor, none opposed, and the motion passed.

Mr. Mott made a motion to approve the plan as presented. Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

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- **App# 2026-28-SPR:** Doug Templeton, Northline Architects, is seeking a site plan review for construction of an addition to an existing home at 1183 South Lake Rd., Middlesex, NY, 14507, Tax ID# 21.56-1-6.

Brad Hall, builder, and Mr. Crowley, property owner, were representing. Mr. Hall explained that the proposal is for a second story addition and an attached bunk house to the rear of the existing home. He indicated that the home will not be increasing in width, and the garage portion will be constructed of two by six boards, though the construction for the cottage addition is not yet known.

Mr. Coots commented that they should have all proper load bearing calculations done to ensure the cottage can support the weight of the second story.

There was discussion that the addition will infringe on a very steep slope and large trees will need to be removed. Mr. Hall indicated that root balls will be left in place, and there was discussion that the slope will still need stabilization. Mr. Hall also indicated that construction access will be from the north to minimize disturbance to the steep slope.

There was discussion about the septic system and with the addition of 1,000 square feet of home the Watershed Inspector should determine whether the current septic is large enough to accommodate the increase. Mr. Hall indicated that no bathrooms will be added.

Mr. Mott commented that the site plan should show contours, setbacks, existing and proposed conditions and, given the size of the project, should be blown up and presented on multiple pages. Mr. Duffy indicated that the trees to be removed should be noted. Mr. Smeenck commented that the plan should also show the septic tank location, leach lines, water source, and drainage. He also indicated that he would like to see the side setbacks increase slightly as the proposed setbacks are right on the fifteen ft line.

There was discussion that the Board will likely request a review of the project by the Town Engineer once a site plan is submitted.

The application was tabled until a site plan is submitted.

- **App# 2026-30-SPR:** Andrew Buchanan, ACS Docks, is seeking a site plan review for construction of an addition to an existing pole barn at South Vine Valley Rd., Middlesex, NY, 14507, Tax ID# 12.04-1-10.13.

Andrew Buchanan, property owner, was representing. He explained that the addition will not require digging or regrading, other than to bring in stone for the concrete.

Mr. Smeenck made a motion to classify the project as Type II Action under the SEQR regulations as it's construction or expansion of a primary or accessory nonresidential structure involving less than 4,000 ft gross floor area and not involving a change in zoning or a use variance and,

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accordingly, this project shall be exempt from further SEQR procedures, including preparation of an Environmental Assessment Form. Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

Mr. Stringer made a motion to approve the addition to the pole barn. Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

- **App# 2026-32-SPR:** Peter Burkholder is seeking a site plan review for construction of a single-story addition to an existing home at 692 Bagley Rd., Rushville, NY, 14544, Tax ID# 13.03-1-7.1.

Peter Burkholder, property owner, was representing. He indicated that the addition will be for a kitchen and dining room.

There was discussion that the site plan requires more information, and CEO Pearce indicated that site plans generated and stamped by a licensed architect are permissible, so specific requirements for this site plan can be shared with Mr. Burkholder's architect.

There was discussion that the septic system should obtain approval from the Watershed Inspector to be sure it's appropriately sized for the increase in square footage.

Mr. Mott inquired whether the addition would meet the 100 ft front setback requirement, and Mr. Burkholder indicated it might not. It was discussed that the front of the home is the best place for the addition, so a variance from the ZBA may be needed.

The Board requested the following be added to the site plan, which shall be signed and sealed:

- Actual elevations of the contours of grade
- Setback distances from the house to property lines
- The elevation of the house and proposed addition
- Location of electric and water lines
- Location of propane tank and lines
- Drawing scale
- North arrow to be corrected
- Location of the road right of way

Additionally, the septic design shall be approved by the Watershed Inspector.

The application was tabled until a revised site plan is submitted.

- **Mark Rath is seeking a conceptual review** for demolition and rebuild of a home at 976 South Lake Rd., Middlesex, NY, 14507, Tax ID# 21.33-1-1.

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Debra and Mark Rath, property owners, were representing. They explained that they plan to demolish the small guest house and rebuild on the same footprint with a vaulted ceiling and use the new structure as a seasonal guest house with one bedroom, one bathroom and a kitchen/living area. Mrs. Rath showed the Board pictures of the existing basement, which is in deteriorating condition.

Mrs. Rath indicated that they will also need to raise the new structure to improve the drainage as water pools around the current structure, and they might put a dormer roof over the entry door. Mr. Rath indicated that they intend to expand the lakeside deck by two feet and are considering screening and covering it. Mr. Smeenck indicated that any increase in building height or size of the deck will require a variance and should be noted on the plans.

The Board indicated that all details for the proposed build should be indicated on the plans, and the Board will review those plans and guide them on necessary variances or other requirements.

- **App# 2026-27-SPR:** William Grove, PE, is seeking a site plan review for the grading of an access path at 1117 South Lake Rd., Middlesex, NY, 14507, Tax ID# 21.48-1-13.

Alice Loveys, property owner, was representing. She explained that she's looking for safer access to her garage.

There was discussion that the slope up to the garage is very steep, possibly close to 40% grade, and when the garage received site plan review and was approved, Mrs. Loveys indicated she would not need a driveway or access path up to it as it was for storage. However, she has found access more difficult than she anticipated and therefore is asking for a gravel path up to it. CEO Pearce commented that the need for access should be presumed when constructing a storage barn.

There was discussion that a new drive to the garage would increase the non-permeable surface at the site and be very close to the creek. Additionally, it would not meet setbacks and will therefore require a variance.

Mrs. Loveys indicated that she removed most of the old stone wall along the creek and used the stones to reinforce the creek bank. A new Versa-Lok retaining wall will replace the original stone wall in the same location and will be a maximum of thirty-six inches in height.

Mr. Smeenck commented that the creek is higher than the wall, and CEO Pearce indicated that the new wall will improve stabilization of the creek bank. There was discussion that the plans should note the new retaining wall elevations and details, and that it's replacing an existing wall, otherwise a variance would be needed. It was discussed that only a small portion of the former wall remains, so the original footprint cannot be verified.

The Board also requested that the plans indicate the distance between the swale and the proposed retaining wall and between the creek and bottom of the access path.

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The application was tabled until a revised site plan is submitted.

There was a discussion that the driveway installation will be considered an Unlisted Action and the Code Clerk reviewed with the Board how this should be handled.

OTHER BUSINESS:

It was agreed to meet at 6:00 p.m. on August 5, before the regular Planning Board meeting to continue the discussion of revisions to the zoning code.

Chris Mays, Townsperson, was in attendance and indicated that he is interested in joining the Yates County Planning Board and wanted to also observe a Middlesex Planning Board meeting.

Mr. Smeenck made a motion to adjourn. Mr. Mott seconded. All Board members voted in favor, none opposed, and the meeting was adjourned at 9:21 p.m.