

Town of Middlesex Zoning Board of Appeals

July 9, 2026, Meeting Minutes

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 Zoning Board of Appeals, as recorded by the Zoning Board of Appeals Clerk.

Meeting called by: David Wilson, *Chairman*

Board members present: Ted Carman
Devin Colbert

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

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

Mr. Carman made a motion to accept the minutes of the June 4, 2026, ZBA meeting minutes. Mr. Colbert seconded. All Board members voted in favor, none opposed, and the motion passed.

NEW BUSINESS:

- **App# 2026-09-ZBA:** Venezia Land Surveyors is seeking three area variances for construction of a new tram at 1223 South Lake Rd., Middlesex, NY, 14507, Tax ID# 21.64-1-4.
 - Seeking an 11' rear setback for a tram landing, where 60' is required
 - Seeking a 12' rear setback for a tram, where 60' is required
 - Seeking a 0' front setback from the Mean High-Water Mark, where 40' is required

Anthony Venezia of Venezia Land Surveyors was representing. He explained that they are proposing a new tram to run from the road to the lake, approximately fifteen feet south of the existing stairs in a location that minimizes tree removal. The upper landing will be approximately five feet from and level with South Lake Road, with a railing and access via the north side. The tram will continue down and connect with an existing deck and end at the lakeshore at the Mean High Water Mark (MHWM). Electricity for the tram will come from the existing boat station.

Mr. Venezia indicated that the property owner is willing to sign a document releasing the Town from liability for any potential damage to the tram and upper landing deck in the road right of way, and the Town Highway Supervisor gave a verbal approval for the upper tram and deck location.

There was discussion that the ZBA would like to have something in writing from the Town Highway Superintendent stating his approval, and that the Town attorney should review that

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document, as well as the letter submitted by the owner releasing the Town of liability. Such letter should be signed by both the owner and the Town Supervisor.

Mr. Wilson opened the public hearing at 7:12 p.m. There was no public comment. Mr. Wilson closed the public hearing at 7:12 p.m.

Mr. Carman made a motion to grant a 40 ft variance for the lower landing of the tram, for a zero ft setback from the MHWM. Mr. Colbert seconded.

Per the criteria, Mr. Carman answered:

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: ☐Yes ☒No Reasons: *It's consistent with other access points on steep slope parcels with no beachhead, and it won't alter the neighborhood in any way.*
2. Whether the benefit can be achieved by some method, feasible for the applicant to pursue, other than an area variance: ☐Yes ☒No Reasons: *Due to setback requirements the installation of a tram requires a variance.*
3. Whether the requested variance is substantial: ☒Yes ☐No Reasons: *Any variance is substantial to some degree, but this is the only way to fit the tram in with the topography.*
4. Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: ☐Yes ☒No Reasons: *They're using mechanically driven piles, so there will be minimal disturbance, and the site was selected to minimize land disturbance, so as long as it's installed correctly and to specifications it will not create an adverse impact.*
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 ☐No Reasons: *There is a personal interest in having a tram.*

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

Mr. Colbert made a motion to approve two variances: 1) a 49 ft variance for the upper tram deck, for an eleven ft setback from the centerline of the road and 2) a 48 ft variance for the upper tram, for a 12 ft setback from the center line of road, with the following conditions:

- The Town shall obtain written permission from the Town Highway Supervisor for the placement of the tram in the road right of way.
- The property owner shall submit a signed document releasing the Town of liability for potential damage to the tram caused by the Town.

Mr. Carman seconded.

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Per the criteria, Mr. Colbert answered:

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: ☐Yes ☒No Reasons: *Trams are allowed by Town code and there are others in the area.*
2. Whether the benefit can be achieved by some method, feasible for the applicant to pursue, other than an area variance: ☐Yes ☒No Reasons: *There is no other way to install the tram.*
3. Whether the requested variance is substantial: ☒Yes ☐No Reasons: *Variances are substantial, but this has been well designed and all parties have agreed on the design.*
4. Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: ☐Yes ☒No Reasons:
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 ☐No Reasons: *Trams are allowed by Town code.*

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

OTHER BUSINESS:

Mr. Wilson updated the ZBA on the discussion at the previous Planning Board meeting regarding the Rochester Folk Art Guild, which is working with the Code Enforcement Officer to develop a Special Use Permit to define their current operations and allow them to continue these into the future.

Mr. Carman made a motion to adjourn. Mr. Colbert seconded. All Board members voted in favor, none opposed, and the meeting was adjourned at 7:38 p.m.