

Town of Middlesex / Zoning Board of Appeals Public Hearing

Minutes April 22, 2021, 7pm

Zoning Board of Appeals Members: Chair – Rebecca Parshall;

Board Members present:

Ted Carman, Elizabeth Grant, Richard DeMallie, Win Harper (alt)

Public Present: Jeff & Nancy Wolk,

Public Hearing called to order at 7:00 p.m.

Chair Parshall stated that the ZBA was reconvening after 7 days to continue the hearing from April 15th to hear new information in determining the Wolk application listed below:

1. Application # 040921-ZBA

Applicant: Jeff & Nancy Wolk, 894 South Lake Road, Tax ID # 21.26-1-4

CEO Kane stated to Board Members, the Wolks had submitted revised site maps with a new proposed Area Variance request reducing Lot Coverage from 27.9% to 26.7%, and new drainage information from their engineer in answer to Board concerns on drainage. This new information has been distributed to each Board Member for tonight's discussion.

Nancy and Jeff Wolk stated they had met with their architect and engineer to review reconfigurations to the proposed variances from many angles. Their engineer had confirmed his confidence in the proposed drainage and had mapped drainage onsite into two areas as well as adding a swale to the northern boundary line to further channel water run-off. The established vegetation on the existing septic leach field would disperse run-off on the portion of the parcel with the major portion of slope in comparison to the slope where the house footprint is located also located along the major part of the site's width at the road. They shared with the Board that they had shortened the driveway and modified the turnaround which also reduced the length and height of the retaining wall bringing the wall 9 ft. off the property line instead of 5 feet at the end. The variance request of 5 feet off the north boundary line could not be changed due to the location of the leach field and NYSDOH constraints.

Referencing drainage concerns, the Wolks stated the front yard was substantial measuring 40 feet from the embankment and proposed landscaping could absorb any run-off further with benefits of a rain garden.

Proposed revisions brought the lot coverage to 26.7%, and discussion developed about the amount still remaining which was above the 20% minimum lot coverage required in Lake Residential. The Wolks referred to a map by Engineer Scott Hartar showing an aerial view of the on-site building envelope stating they had done their best effort at reducing non-compliance. They stated they had reduced the driveway footprint to 9.8% from 11%, with the house footprint at 17%. They stated the cost of purchasing the vacant lot should be in balance with the proposed house's value.

Board discussion evolved to the history of the site, the information given to the applicants at time of the time of purchase, the constraints of the pre-existing septic leach field and on-site soils with what could be approved through the NYSDOH, restricting them in selecting an alternative wastewater treatment system design.

Board Member DeMallie stated he would like to hear a motion made after hearing all discussion and after careful review of materials submitted.

Board Member Carman introduced an alternative to reduce driveway lot coverage with a width reduction from 10 ft. to 8 ft. and a reduction in length totaling a further reduction in square footage. He stated that other municipalities offered new alternatives in crediting lot coverage if applications met certain criteria and suggested the Planning Board research these options.

Chairman Parshall inquired if there was a motion made on the floor. Board Member DeMallie stated he would like to hear a motion made.

Board Member Grant made a motion to approve the variance for lot coverage and consider the existing driveway proposed to be 8 ft. wide with a length of 101 ft. long totaling 224 sf.

Board Member DeMallie provided a second to the motion on the floor. The motion so carried with the following:

Roll Call vote:

Rebecca Parshall	aye	Elizabeth Grant	aye
Ted Carman	nay	Win Harper	nay
Richard DeMallie	aye		

Code Officer Kane interjected that an 8 ft. wide driveway would be non-conforming. Standard driveway width was 12 feet, and 10 feet had been allowed due to the constraints of the pre-existing driveway location and its location to the leach field as required by the NYSDOH. She also stated the Planning Board had given conditional approval to the applications drainage and site planning based on a 10 ft. wide driveway.

Chair Rebecca Parshall stated the motion on the floor would need to be dismissed and another motion made.

Board Member DeMallie inquired if conditions could be placed on the motion, referencing the product used on the driveway....to pave or whether to use gravel?

Board Member Carman referenced the Canandaigua Watershed actually recommended asphalt to gravel based on past history in extreme storm events causing the gravel to move which created problems.

Board Member Grant offered a motion to dismiss the pre-motion and offer a new motion to grant the new proposed lot coverage of 26.7% for a proposed 10 ft. wide driveway and a reduction in length of 101.5 ft. creating 9.8% coverage for the driveway and 17 % for the house footprint.

Board Member DeMallie offered a second to the current motion on the floor. The motion so carried with the following:

Roll Call Vote:

Rebecca Parshall	aye	Elizabeth Grant	aye
Ted Carman	nay	Win Harper	nay
Richard DeMallie	aye		

After complete review of the file and the testimony given at the Public Hearing, and after due deliberation, the findings of fact were determined. Reference to the Area variance Findings & Decision form and available on the Town Website.

Chair Rebecca Parshall entertained a motion for the side setback variance of 10 feet, allowing the request for the existing driveway to be remain at 5 ft. from the northern property line; whereas current zoning required 15 feet for a side setback in the Lake Residential District.

Board Member Harper made the motion to grant the side setback variance request as proposed. Board Member Grant provided a second. The motion so carried with the following Roll Call Vote:

Rebecca Parshall	aye	Elizabeth Grant	aye
Ted Carman	aye	Win Harper	aye
Richard DeMallie	aye		

After complete review of the file and the testimony given at the Public Hearing, and after due deliberation, the findings of fact were determined. Refer to the Area Variance Findings & Decision form on the Town website.

Without further discussion and after consideration of the five factors for each variance request, be it resolved that the variance requests were both GRANTED because the benefit to the Applicant DOES outweigh the detriment to the character, health, safety and welfare of the neighborhood.

Chair Parshall closed the Public Hearing at 8:17pm and opened the regular meeting of the Town of Middlesex Zoning Board of Appeals.

Draft minutes from April 15th were reviewed. Board Member Carman made a motion to accept the minutes as submitted and Board Member Harper provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

Without further discussion, Chair Parshall entertained a motion to adjourn the meeting of the Zoning Board of Appeals. Board Member Harper made the motion. Board Member Grant provided a second. The motion so carried with all Board Members present voting in favor. None opposed.

Meeting adjourned at 8:20 pm
Draft Minutes submitted by L. Lersch, Zoning Clerk
Minutes accepted on April 22, 2021