

Town of Middlesex / Zoning Board of Appeals Public Hearing

Minutes June 3, 2021, 7pm

Zoning Board of Appeals Members: Chair – Rebecca Parshall;

Board Members present: Ted Carman, Elizabeth Grant, Richard DeMallie, Win Harper (alt)

Public Present: Andrew Buchanan, Mr. & Mrs. Dan Blankenberg, Logan Rockcastle of Marks Engineering, Debbie Brind a' Mour, Jay Newswanger, James Fonzi, Scott Powell of Architectura PC, Ted & Susan Carman, Nate Duffy

Public Hearing was called to order at 7:01 p.m.

Chair Parshall stated that the ZBA would hear a Business presentation tonight from Andrew Buchanan referencing his intent to locate a Commercial Business at 5657 South Vine Valley Road and request for a Special Use Permit. Due to unforeseen events, the Board would reconvene on July 8th to make a decision on the application with a recommendation from the Planning Board.

1. Application #050421-ZBA

Applicant: Andrew Buchanan, 5657 South Vine Valley Road, Tax ID # 12.04-1-10.13 (A/R)

CEO Kane gave a brief history of the parcel whereby the Town allowed Commercial business use in the A/R District with the previous owner, and the intended current change of use from Boat Storage to storage of Docks and Dock Hoist materials. Mr. Buchanan's business was not connected in any way with boats or boat storage. Mr. Buchanan would be moving a 14 yr. business from its present location in Farmington to Middlesex to service Commercial and Residential clients with docking material and boat hoist products. She stated to the Board that the Planning Board, and Town Engineer would be reviewing all drainage and site planning prior to final determination and recommendation to the Zoning Board for their review. She noted the recommendation from the Yates County Planning Board that the application had no significant county-wide impact nor intermunicipal impact. She introduced Andy Buchanan and his representing agent, Logan Rockcastle who presented the Business Plan and Site Plan to the Board Members with details about use of the existing building and new construction of a 9600-sf. pole barn with a landscaping, drainage and grading plan. Mr. Buchanan answered Board inquiries referencing his intent for use of the land, lighting & signage for the business, deliveries, traffic egress and ingress off of South Vine Valley Road, business hours, and deliveries.

Board inquiries about landscape plans for screen buffer from South Vine Valley Road, Elwell Road residences and Route #364 were answered by Logan Rockcastle, Architect Engineer for Marks Engineering, who stated there were berms designed around the building that would be 40 ft. high to include a planting of mature trees that would develop in a growth height to be above the peak of the proposed building. These natural buffers would be maintained until full growth. For property drainage, he showed the Board Members a vegetated bio swale designed for retention of water run-off that would then drain into a dry swale for dispersing ground water.

Board Member Carman inquired if there would be some kind of maintenance guarantee for the proposed landscaping buffer design to assure full growth. It was noted that this could be a condition placed at the time of determination of the Special Use Permit.

Board Member DeMallie inquired about placement of dumpsters onsite. Mr. Buchanan stated there was space in the rear for a dumpster and it would also be screened.

Chair Rebecca Parshall invited comments from the Public in attendance. The contiguous neighbor inquired about dark sky lighting, noise and diesel fumes from delivery trucks to the business. Mr. Buchanan and Mr. Rockcastle stated all lighting for the business would be dark sky compliant and would not be on the side that bordered the neighbor's property. His business trucks were fueled by electric or propane only, and any deliveries that may use diesel would be during the spring or fall which were approximately three or four tractor truckloads annually. Their engines would be shut off while unloading which would take a couple of hours. The neighbor inquired about a placement of an on-site well and Logan Rockcastle stated there was one onsite they were proposing on hooking into.

The neighbor stated concern for her property value and her privacy but noted she knew the business owner and knew his business etiquette to be upstanding. She had no other concerns.

Chair Parshall thanked Andrew Buchanan and Logan Rockcastle for their presentation.

2. Application #050521-ZBA

Applicant: Jeff Gerstner, 1345 South Lake Road, Tax ID # 21.79-1-8.1 (LR)

CEO Kane gave a brief summary of the application stating the applicant requested a variance for the front setback for the purpose of constructing an extension to an existing wrap around porch to the residence. Lake Residential Zoning District required a 60 feet front setback from the centerline of the road. The applicant was requesting a 6.7 feet variance to what is required.

Chairman Parshall inquired for comments from the Board.

A short discussion developed after which Chair Parshall entertained a motion for determination.

Board Member Grant made a motion to grant the variance and Board Member DeMallie provided a second to the motion. 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 noted. Refer to the Findings and Decision form found on the Town's website – ZBA.

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

3. Application #050621-ZBA

Applicant: Dan Blankenberg, 154 Route #245, Rushville NY 14544, Tax ID # 3.02-1-14 (HR)

CEO Kane gave a brief summary of the application stating the applicant requested an area variance to locate a 24 x 24 ft. storage shed four feet from the side property line whereas 15 feet are required in Hamlet Residential Zoning District. She also noted that she had received comments from both contiguous neighbors stating their support of the variance request.

The applicant provided the Board information about the lay of the land, stating this was the only flat place on the property due to a river embankment that was fairly steep. Mr. Blankenberg provided pictures of the property showing placement of the shed would be at the end of the graveled driveway.

Chair Parshall inquired if the Board had any comments or inquiries. Board Member Harper inquired if there were any nearby structures on either parcel. There were none.

Without further discussion, Chair Parshall asked for a motion on the application. Board Member Harper offered a motion to grant the variance and 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 noted. Refer to the Findings and Decision form posted on the Town website.

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

4. Application #050721-ZBA

Applicant: James & Judith Fonzi, 5980 Widmer Rd., Middlesex NY 14507,
Tax ID # 31.03-1-3.1 (LR)

CEO Kane gave a brief summary of the application stating the applicant was requesting (3) three front setback variances for a proposed replacement of an existing structure with new construction. Local zoning requires a 40 ft. front setback from the HMWL as required in the Lake Residential Zoning District. Applicant is requesting: 8 ft. from the edge of a covered deck; 10 feet from a proposed screened porch; and 14 ft. from the proposed structure wall.

The applicant provided the Board with reasons for his request stating the existing cottage had some major structural damage and though he would not need a variance if he kept the original footprint, tilting the footprint 5-6% and adding a cellar and second story would allow 50-60% more usable habitable space and storage for his family's needs.

Board inquiries about buffers from contiguous neighbors and appropriately sized septic system for the additional bedroom were answered by the owner. The septic system had been replaced in 2015 with an extensive leach field and was deemed adequate by the Canandaigua Watershed for future expansion as proposed. Board Member Carman stated he had visited the site personally, claiming the owner had substantial shore frontage that allowed for buffering by natural onsite tree and bush screening. Rainwater runoff was managed by an existing drainage system designed for the house which they planned to tie into easily.

Chair Parshall inquired if the Board had any comments or inquiries.

Without further discussion, Chair Parshall asked for a motion on the application.

Board Member Carman offered a motion to grant all three variance requests and Board Member DeMallie 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 noted as being the same for all three (3) variance requests. Refer to the Findings and Decision form.

Without further discussion and after consideration of the five factors for the variance requests, it was resolved that the variance requests were 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 8:10pm and opened the regular meeting of the Town of Middlesex Zoning Board of Appeals.

Draft Minutes from April 22nd were reviewed. A motion to accept as submitted was made by Ted Carman and seconded by Liz Grant. The motion so carried with all Board Members present voting in favor.

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

Meeting adjourned at 8:17 pm
Draft Minutes submitted by L. Lersch, Zoning Clerk
Minutes accepted on July 15, 2021