

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

**PLANNING BOARD**  
**Wednesday, June 1, 2022 • 7:00 p.m.**

## MINUTES

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*The following minutes are the official and permanent record of the actions taken by the Town of Middlesex Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.*

*The meeting was conducted at the Middlesex Town Hall.*

**Meeting called by:** Case Smeenk, *Co-Chairperson*

**Board members present:** Gordon Stringer  
Nate Duffy

**Board members excused:** Marty DeVinney  
Terry Mott

**Alternate:** Position vacant

**Staff present:** Dawn Kane, Code Enforcement Officer  
Robert Brenner, Esq., Planning Board Attorney  
Thomas Palumbo, Town Engineer (Stantec Consulting)

**In Attendance at the Town Hall:**  
Shawn and Christine Szabo, 29 Gilbert Street, Rushville, N.Y. 14544  
Brian and Ingrid Watkins, 76 Roosevelt Rd, Rochester, N.Y. 14618  
Logan Rockcastle, Marks Engineering, 42 Beeman Street, Canandaigua, N.Y. 14424

**1. SITE PLAN REVIEW**

**APP. #051122-SPR Shawn and Christine Szabo, 29 Gilbert St  
Rushville, NY 14544; owners of property at 1175 Upper Hill  
Road, Middlesex, N.Y. 14507.**

Requesting a Site Plan Review for new construction of a Single-Family Residence, driveway, and septic system located on 7.9 acres of vacant land on 1175 Upper Hill Road.

Mr. Smeenck opened the public hearing on this application.

Mr. Smeenck inquired if the septic system had been approved. Mr. and Ms. Szabo, along with Ms. Kane responded that the septic system had been approved.

Mr. Smeenck asked for public comment. There was no public comment.

A motion was made by MR. STRINGER, seconded by MR. SMEENK, that the application of Shawn and Christine Szabo, 29 Gilbert St Rushville, NY 14544, owners of property at 1175 Upper Hill Road, Middlesex, N.Y. 14507, requesting a Site Plan Review for new construction of a Single-Family Residence, driveway, and septic system located on 7.9 acres of vacant land on 1175 Upper Hill Road, be approved.

Motion carried by voice vote.

**2. SITE PLAN REVIEW**

**APP. #030222-SPR Timothy Powell; owner of property at 1105 South  
Lake Road, Middlesex, N.Y. 14507.**

Requesting a Site Plan Review for construction of a new terrace flanked by two retaining walls along the lakeshore at 1105 South Lake Road.

Mr. Smeenck opened the public hearing on this application.

Mr. Rockcastle provided an overview of the application. He proposed replacement of the existing wooden retaining walls along the lake with soldier pile retaining walls. Mr. Rockcastle stated that the site plans have not yet been finalized based on the engineering report from Stantec.

Mr. Smeenck asked if the project requires a variance for setback from the ZBA. Mr. Rockcastle affirmed that the project does require a variance, which he will be seeking from the ZBA. Mr. Smeenck asked about the proposed setback distances. Mr. Rockcastle said that, based on the plans, the front setback would be 7 feet, the side setback 1 foot, and the rear setback 25.9 feet. Mr. Rockcastle said, "If you see where the existing retaining walls are, we are keeping it kind of within that range, but it's pretty steep, so we are trying to make it so it lasts a little bit longer."

Mr. Smeenck inquired if Mr. Rockcastle had notified the neighbor to the north of the property, seeing as the northern setback would be encroached upon. Mr. Rockcastle responded that he had not.

Mr. Smeenck also inquired if the existing aluminum stairs would be moved. Mr. Rockcastle responded that they would not, but the landing on the lower step would be removed.

Mr. Brenner inquired about the gradient of the slope in the area of disturbance. Mr. Rockcastle said that the slope is 1:1. Mr. Brenner said that working on the slope would require a Steep Slope Protection Permit.

Mr. Brenner asked if the work would be done from the road or the lake. Mr. Rockcastle said he does not know, and that he would have to talk to the contractor.

Mr. Palumbo called attention to the failed retaining wall on the property that was not shown in the plan. Mr. Rockcastle asked if the failed retaining wall needs to be replaced as well. Mr. Palumbo responded that the failed retaining wall is already being replaced by the lower retaining walls, but the area should be reclaimed.

The Planning Board recommended that a construction plan, including whether the work would be performed from the road or the lake, be provided. Work performed from the road would cause significantly more disturbance.

Ms. Kane reminded the board that the road along the property was formerly reclaimed due to erosion underneath the road. She recommended that testing be done so that the weak point of the repair is not shifted.

Mr. Brenner asked if it is possible for an excavator to be maneuvered down the slope. Mr. Rockcastle said he is unsure.

After the aforementioned discussion, the Planning Board stated that it is not prepared to make a recommendation to the ZBA until the following information is provided to the Office of Code Enforcement:

- Documentation on the means and methods of construction
- Permission from the neighbor to the north of the property

It was decided that the application of Timothy Powell, owner of property at 1105 South Lake Road, represented by Marks Engineering, requesting a Site Plan Review for construction of a new terrace flanked by two retaining walls, would be continued to the regularly scheduled meeting in July 2022.

### 3. SITE PLAN REVIEW

**APP. #021722-SPR Brian and Ingrid Watkins, 76 Roosevelt Rd, Rochester, NY 14618; owners of property at 1327 South Lake Road, Middlesex, N.Y. 14507.**

Requesting a Site Plan Review for renovation of existing home, which includes upgrading existing driveway and adding three-car garage.

Mr. Smeenck reconvened the public hearing on this application.

Mr. Rockcastle stated that it is impossible to obtain a 2:1 slope gradient without removing the proposed garage from the plan entirely. However, Mr. Rockcastle was able to obtain a 1.5:1 slope with most of the impact on the northern side.

Mr. Smeenck inquired if the storage space under the patio would be constructed as part of the project, as it is no longer on the project plan. Mr. Rockcastle responded that it would be included. Mr. Smeenck inquired how the storage space would be accessed. Mr. Rockcastle replied that it would be accessed via the garage.

Mr. Smeenck further asked what materials would be used to construct the wall between the garage and the storage space. Mr. Rockcastle responded that he does not know what materials would be used, as this information is on the structural plans and he did not bring these plans to the meeting.

Mr. Rockcastle asked if provision of the structural details of the wall between the garage and storage space could be a condition of approval. The Planning Board responded that the structural details are a material element of the plan. A conditional approval would likely delay the project's start date even more, as any changes would require that an entirely new application be reviewed by the Planning Board.

Mr. Watkins asked why the structural details of the wall were not requested at the prior meeting. Mr. Smeenck said that he had not noticed the lack of structural information, but his error does not negate the requirement. Mr. Smeenck said that he will not approve the site plans as they are.

Mr. Smeenck inquired if the trees mentioned during the Planning Board meeting on May 4, 2022 had been added to the map as requested. Mr. Rockcastle asked Mr. Smeenck which trees he was referring to. Mr. Smeenck responded that he was referring to the trees along the south side of the property by the patio as well as along the rear corner of the house. Mr. Rockcastle replied that the trees are not shown as the "surveyor was not able to go out and pinpoint them [the trees] on such short notice." However, the project does not affect the grading around the trees.

Mr. Duffy asked what would need to happen to obtain a 2:1 slope gradient. Mr. Rockcastle responded that the proposed garage would need to be removed. Mr. Brenner asked about the size of the garage. Mr. Rockcastle and Ms. Watkins responded that the garage is a 3-car garage measuring 33 feet.

Ms. Watkins asked if the trees to be removed before the power lines are moved should be included on the site plan. Ms. Kane said yes.

Mr. Brenner asked if the construction would be staged at the roadside. Mr. Rockcastle said no and that a dump truck would remove the garbage daily since a dumpster is unable to be maneuvered up the driveway. Mr. Brenner recommended a document stating the means and methods of construction be provided to the Planning Board.

Mr. Smeenck asked if approval of the septic system is needed. Ms. Watkins responded that the number of bedrooms is increasing from 2 to 3. Mr. Smeenck asked if the septic system was approved. Mr. Rockcastle said that the septic system has been designed, but has not yet been submitted. Ms. Kane said that the septic system design also needs to be submitted before approval is granted.

Mr. Palumbo stated that he would provide a list of additional information needed on the plan.

It was decided that the application of Brian and Ingrid Watkins, 76 Roosevelt Rd, Rochester, NY 14618, owners of property at 76 Roosevelt Rd, Rochester, NY 14618, represented by Marks Engineering, requesting a Site Plan Review for renovation of their existing home, which includes upgrading the existing driveway and adding a three-car garage, would be continued to the regularly scheduled meeting in July 2022.

#### 4. BOARD DISCUSSION

##### A. Mullaly Property:

Mr. Rockcastle and Mr. Palumbo did a site visit of the Mullaly property. Mr. Rockcastle updated the Planning Board about the site visit, proposing that the west side of the driveway be stabilized using a soldier pile retaining wall, which will be extended 2 feet above grade to create a guardrail for vehicle protection.

Mr. Rockcastle said that the owner wishes to note on record an intention to utilize the existing pilings and footers from a stairway that was partially completed in the past. According to Ms. Kane, given the elevation and number of stairs needed, a landing must be constructed. Mr. Rockcastle does not feel that the location of the existing piling and footers is the best location for a stairway on the property. The Planning Board recommended that there be a note on the plan stating that the existing pilings and footers will be abandoned to bring the site into compliance.

It was decided that Mr. Rockcastle would return to the regularly scheduled meeting in July 2022 with updated plans.

##### B. Lersch and Wolk driveways:

**APP. #030222-ZBA Richard and Lynn Lersch, owners of property at 890 South Lake Road, Middlesex, N.Y. 14507**

**APP. #051822-ZBA Jeffrey and Nancy Wolk, owners of property at 894 South Lake Rd Middlesex, N.Y. 14507**

Review of previously submitted applications for each property owner to have a one (1) foot setback for the purpose of two driveways on contiguous properties.

Ms. Kane sought informal feedback about the applications. Both the Lerschs and Wolks are requesting a 1 foot setback for the purpose of two driveways on contiguous properties. Previously, both families had approved driveways. The ZBA previously granted the Wolks a setback variance of 5 feet on the north property line. The families wanted to have a shared driveway off of South Lake Road, but shared driveways are not permitted in Middlesex. Thus, the families are requesting 1 foot of setback each for two feet of setback total between the driveways. The setback will be graveled, creating the appearance of one driveway.

A brief discussion ensued about the current law regarding shared driveways. The board then decided to discuss the applications further after review by the ZBA on June 2, 2022.

**5. BOARD DISCUSSION**

**A. Approval of minutes of May 4, 2022:**

Ms. Kane stated that the minutes from the Planning Board meeting on May 4, 2022 would be reviewed and approved at the regularly scheduled meeting in July.

**6. ADJOURNMENT AND NEXT MEETING**

The next regular meeting of the Planning Board will be held on Wednesday, July 6, 2021, at the Middlesex Town Hall.

A motion was made by MR. STRINGER, seconded by MR. DUFFY, that the meeting is adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:58 p.m.

Respectfully submitted,

S. G. Parshall

PB/ZBA Clerk

Minutes approved on 07/06/2022