

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

PLANNING BOARD
Wednesday, December 7, 2022 • 7:00 p.m.

MINUTES—DRAFT

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 and via telephone.

- Meeting called by:** Case Smeenck, *Co-Chairperson*
- Board members present:** Gordon Stringer
Nate Duffy*
Terry Mott
- Board members excused:** Marty DeVinney
- 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:**
Jackie Bartolotta, manager from Tectonic Engineering
Steve Cray
Steve Fantuzzo, attorney from Nixon Peabody
William Grove, P.E., Grove Engineering, 8677 State Route 53, Naples, N.Y. 14512
(representing Elizabeth O’Malley)
Logan Rockcastle, Marks Engineering, 42 Beeman Street, Canandaigua, N.Y. 14424
(Representing Timothy Powell)
Josh Rossi
Jeff Twitty, attorney from Nixon Peabody
Shanna Williams, architect, 12 Monier St, Naples, N.Y. 14512
(representing Elizabeth O’Malley)

**Via telephone*

**1. SITE PLAN REVIEW
APP. #120222**

Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless is requesting a Conceptual Review of application to construct and operate a wireless telecommunications tower and associated improvements on Town Line Road.

Robert Brenner disclosed that he worked for Steve Fantuzzo's law firm in the past and represented Verizon Wireless on projects of this type around the state. Mr. Brenner recused himself from the application.

Mr. Fantuzzo introduced himself as an attorney from Nixon Peabody's law firm. He also introduced his colleague Jeff Twitty, also from Nixon Peabody's law firm, and Jackie Bartolotta, a manager from Tectonic Engineering and a consultant on the project.

Mr. Twitty presented the project. He stated that the application is to construct a 150-foot tower with a 4-foot lightning rod. The project requires site plan approval, special use permit, and area variance. The tower will alleviate capacity issues from the three towers that currently provide cell service to the northeastern portion of the town.

Mr. Twitty presented radio frequency and site selection analyses to demonstrate how they selected the site. Factors considered include user population, network conditions, and topography. A gap in coverage and capacity was identified and that is where the tower will be constructed.

Dawn Kane asked that the applicant give an overview of the entire document provided with the application. Mr. Fantuzzo explained each exhibit.

Terry Mott asked about the benefit of the tower for the community. Mr. Fantuzzo and Jackie Bartolotta responded that the tower will provide increased cellular coverage for the community at large by improving spotty coverage and relieving the other towers which are overwhelmed.

Ms. Kane stated that the tower is considered a public utility since it is an essential service. Mr. Fantuzzo responded that the burden of code standards is lessened making it more difficult for a municipality to deny such an application.

A member of the public, Josh Rossi, asked if the impact on the nearby elementary school was considered. Mr. Rossi questioned whether people living in the affected area have been notified.

Another member of the public, Peter Gerbic, said that the hill where the tower would be built is considered a sacred hill by the Seneca people.

Ms. Kane encouraged the members of the public to send her an email with their concerns that would be read at the next meeting.

Without further discussion, the application of Blue Sky Towers III, LLC and Bell Atlantic

Mobile Systems, LLC d/b/a Verizon Wireless, requesting a Conceptual Review of application to construct and operate a wireless telecommunications tower and associated improvements on Town Line Road, was tabled.

2. SITE PLAN REVIEW

APP. #082022-SPR Jason and Shanon Dekouski, owners of property at 843 Elwell Road, Tax ID #12.04-1-10.11 (HB) are seeking Site Plan Review for conversion of a barn to a single-family residential home.

Mr. Venezia summarized the application.

Mr. Mott and Case Smeenck asked that the large boat be moved. They asked that all boats and equipment be kept in one central location. They further asked that the sales area be designated if sales will be taking place. Mr. Venezia said he would confirm with the applicants if they are doing sales and repairs or repairs only.

Mr. Smeenck asked if the Planning Board could impose a limitation on the number of boats in the parking area. Mr. Brenner recommended that the Planning Board have the applicant state the quantity of the boats that are stored around the barn and in the storage area. Mr. Venezia said he would ask the applicants for a quantity of boats that would be stored.

Ms. Kane said that on the existing special use permit there are conditions that boats are to be buffered from South Vine Valley Road and Route 364. Perhaps at the end of the day all boats must be put away.

The Planning Board asked that the applicants identify a designated sales area, provide a quantity of boats being stored around the house, determine how customers will access the property, and move the large boat.

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

Without further discussion, a motion was made by Mr. MOTT, seconded by Mr. Case SMEENK, that the application of Jason and Shanon Dekouski, owners of property at 843 Elwell Road, Tax ID #12.04-1-10.11 (HB), seeking site plan review for construction of a pole barn, be given preliminary approval.

Motion carried by voice vote.

3. SITE PLAN REVIEW

APP. #030222-SPR Timothy Powell, owner of property at 1105 South Lake Road, Middlesex, N.Y. 14507, Tax ID #21.48-1-4.12, is requesting Site Plan Review for lakefront development to include terraces and retaining walls.

Mr. Logan Rockcastle summarized the application. The plans have not yet been updated based

on the engineering comments from Stantec.

Mr. Stringer questioned the limits of disturbance. Mr. Rockcastle responded that there is plant matter stabilizing the hillside above the retaining walls.

Mr. Mott asked if construction would be staged. Mr. Rockcastle responded in the affirmative.

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

Without further discussion, a motion was made by Mr. MOTT, seconded by Mr. STRINGER, that the application of Timothy Powell, owner of property at 1105 South Lake Road, Middlesex, N.Y. 14507, Tax ID #21.48-1-4.12, requesting Site Plan Review for lakefront development to include terraces and retaining walls be approved on the condition that the plans are amended based on the engineering comments and the updated plans are provided to the town code enforcement officer.

Motion carried by voice vote.

4. SITE PLAN REVIEW

APP. #112422-SPR Peter Gerbic, owner of property on South Hill Road, Tax ID #32.01-1-5 (LDR), is seeking approval for **Minor Subdivision** of single lot into two (2) lots.

Dan O'Brien introduced himself as present on behalf of Mr. Gerbic and summarized the application. Mr. Gerbic wishes to subdivide a single 99 acre lot into two lots, one of over 69 acres and another of almost 28 acres. Mr. Gerbic is retaining the smaller parcel and selling the larger parcel to his neighbor. He will reserve a right-of-way across the parcel he is selling which will connect to the existing right of way to South Hill Road. There will not be any construction.

There was a brief conversation that the parcels need to be annexed to the property owners.

Without further discussion, the application of Peter Gerbic, owner of property on South Hill Road, Tax ID #32.01-1-5 (LDR), seeking approval for **Minor Subdivision** of a single lot into two (2) lots, was tabled until the applicant provides a new survey map showing the subdivision of the parcel, annexing parcel B to the owner Mr. Gerbic's property and annexing parcel A to the buyer Nathan Hayes' property.

5. SITE PLAN REVIEW

APP. #112322-SPR **Mark O'Malley, owner of property at 1466 South Lake Road (LR), Tax ID #31.01-1-18 (LR), is seeking Site Plan Review for improvements and additions to house.**

Mr. Grove introduced himself described the application. The house is pre-existing non-comforming and the improvements to the house are shown on the plans provided to the Planning Board. The footprint of the house is not increasing. There is little to no disturbance to the site.

Mr. Smeenck asked if the screened porch would become an indoor living space. Ms. O'Malley responded that it would not.

Mr. Smeenck inquired about the septic system. Mr. Grove responded that the septic system is in good shape and the number of bedrooms inside the house is not changing.

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

Without further discussion, a motion was made by Mr. MOTT, seconded by Mr. STRINGER, that the application of Mark O'Malley, owner of property at 1466 South Lake Road (LR), Tax ID #31.01-1-18 (LR), seeking Site Plan Review for improvements and additions to the house, be approved. The Planning Board recommends that the Zoning Board of Appeals approve the requested variances.

Motion carried by voice vote.

6. SITE PLAN REVIEW
APP. #101722-SPR Case Smeenck, owner of property at 5790 Widmer Road, Tax ID #31.78-1-4 (LR), is seeking Site Plan Review for construction of tram between road and house.

Mr. Smeenck recused himself from the board.

Mr. Smeenck stated that he had a geotechnical engineer, James Baker, at the site and site plans. Mr. Baker feels that there is no adverse impact to the site and that the installation method is appropriate. Mr. Smeenck also had a structural engineer review and approve the plans.

Ms. Kane inquired if there are manufacturer's specifications for a landing at the top or bottom of a tram. Mr. Smeenck responded that there are no specifications.

Mr. Smeenck said that the tram must be inspected every two years. He will have Atlas Elevator from Syracuse do this.

Mr. Smeenck said that note number 1 does not apply on drawing T1.

Public comment was requested. There was no public comment.

Without further discussion, a motion was made by Mr. MOTT, seconded by Mr. DUFFY, that the application of Case Smeenck, owner of property at 5790 Widmer Road, Tax ID #31.78-1-4 (LR), is seeking **Site Plan Review** for construction of tram between road and house, to approve site plan as submitted and amended based on town engineer's comments.

Motion carried by voice vote.

7. BOARD DISCUSSION

- A. Ms. Kane stated that Marty DeVinney would not be returning to the board. It was decided that Mr. Smeenk is now the official chairperson.
- B. Minutes from November 2022 will be approved at the meeting in January 2023.

8. ADJOURNMENT AND NEXT MEETING

The next regular meeting of the Planning Board will be held on Wednesday, January 4, 2022, at the Middlesex Town Hall.

Mr. SMEENK adjourned the meeting at 8:50 p.m.

Respectfully submitted,
S. G. Parshall
Planning Board and Zoning Board of Appeals Clerk
Minutes approved on 01/04/2023