

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

**PLANNING BOARD**  
**Wednesday, September 14, 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 Smeenck, *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:**  
Tracy and Robin Atkin, 755 State Route 245, Middlesex, N.Y. 14507  
Jason and Shanon Dekouski, 843 Elwell Road, Middlesex, N.Y. 14507  
William Grove, P.E., Grove Engineering, 8677 State Route 53, Naples, N.Y. 14512  
(representing John Quigley)  
Dan Lewis, Electrical Contractor, 1 Keuka Business Park, Penn Yan, N.Y. 14527  
(representing Robert Palmateer)  
John and Maureen Quigley, 114 East Lake Road, Middlesex, N.Y. 14507  
Logan Rockcastle, Marks Engineering, 42 Beeman Street, Canandaigua, N.Y. 14424  
(Representing Patricia Mullaly)  
Tyler Webster, 00 Mertz Road, Middlesex, N.Y. 14507

**1. SITE PLAN REVIEW**  
**APP. #081722-SPR Tyler Webster, owner of property at 00 Mertz Road, Tax ID #22.01-1-17 (AR), is seeking Site Plan Review for construction of a pole barn.**

Ms. Kane summarized the application. The applicant requests site plan review for construction of a pole barn to be used for storage.

Mr. Smeenck inquired whether livestock would be stored in the barn. Mr. Webster responded that no livestock would be stored in the barn.

Additionally, Mr. Smeenck asked about the height of the barn. Mr. Webster stated that the barn would be single-story and 16 feet tall.

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

Without further discussion, a motion was made by MR. STRINGER, seconded by MR. DUFFY, that the application of Tyler Webster, owner of property at 00 Mertz Road, Tax ID #22.01-1-17 (AR), seeking site plan review for construction of a pole barn, be approved.

Motion carried by voice vote.

**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.**

Ms. Kane summarized the application. The applicants request the conversion of one of the two barns on the property to a single-family residential home.

Mr. Smeenck inquired if the barn meets the setback requirements for a home. There was a general consensus in the affirmative. Mr. Smeenck also asked about the intent of the business. Mr. Dekouski responded that he would use the second barn for his business. Mr. Smeenck asked about boat storage. Mr. Dekouski responded that he does not store his customers' boats, only boats for parts.

Mr. Smeenck said he was concerned about the restrictions on the storage of boats. The boats cannot be outside. Mr. Smeenck asked if the applicants would be willing to shield the boats from view using a fence or trees. Ms. Dekouski responded that they would not build a fence due to the cost.

Ms. Kane asked if the applicant can subdivide the property so that the business is separate from the house. Mr. Dekouski responded that this is not feasible as the barns are close to one another.

Mr. Brenner said that the applicants could have the Town Board amend the Special Use Permit to

include both a residence and a business.

Mr. Smeenck said that the Planning Board will not approve the application as it is. The Planning Board wants to see a detailed survey map showing that the business will be clearly separate from the residence, such as a fence. The boat storage area should be clearly marked.

Without further discussion, a motion was made by MR. SMEENK, seconded by MR. DUFFY, 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 tabled until the applicants provide a detailed survey map and the existing Special Use Permit is amended by the Town Board.

Motion carried by voice vote.

**3. SITE PLAN REVIEW**

**APP. #031022-SPR Patricia Mullaly, owner of properties at 1265 and 1267 South Lake Road, Tax ID #s 21.71-1-2 and 21.71-1-3 (LR), is seeking Site Plan Review for annexation of 1265 South Lake Road with 1267 South Lake Road and construction of connecting driveway between parcels.**

Mr. Smeenck reconvened the public hearing on this application.

Mr. Rockcastle summarized the application. He is proposing to annex the adjacent property and construct a connecting driveway between the properties. The map has been amended based on the Planning Board's input from a previous meeting.

Additionally, Mr. Rockcastle is proposing the construction of a new staircase. The staircase will not be built on the existing footers. The ZBA will need to approve variances for both the barrier and new stairway based on setbacks.

Mr. Smeenck expressed concern about the proposed location of the stairway, as two of the landings will be in the right of way. Mr. Rockcastle stated that he would be willing to submit a separate application for the stairway and remove the stairway completely from the current application.

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

Without further discussion, a motion was made by MR. SMEENK, seconded by MR. STRINGER, that the application of Patricia Mullaly, owner of properties at 1265 and 1267 South Lake Road, Tax ID #s 21.71-1-2 and 21.71-1-3, seeking site plan review for the annexation of 1265 South Lake Road with 1267 South Lake Road and construction of a connecting driveway between parcels, be approved with conditions as follows:

- The plan must be adjusted based on Stantec's feedback, including installation of a guardrail.
- A deed covenant must be filed with the Town of Middlesex within 120 days stating that

the two lots will not be separated again unless the driveway is removed.

- The request for the stairway must be rescinded and the stairway must be removed from the site plan.
- The existing footers must be removed from the hillside.

Motion carried by voice vote.

**4. SITE PLAN REVIEW**

**APP. #082422-SPR Tracy and Robin Atkin, owners of property at 755 State Route 245, Tax ID #13.03-1-14 (AR), are seeking Site Plan Review for construction of a pole barn.**

Ms. Kane summarized the application. The application originally went to the Zoning Board of Appeals for a variance as the pole barn did not meet the setback requirements. The application was denied. The applicants moved the pole barn to a new location that meets the setback requirements and reapplied.

Mr. Duffy stated that he would like a temporary silt fence in place near West River during construction.

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

Without further discussion, a motion was made by MR. DUFFY, seconded by MR. SMEENK, that the application of Tracy and Robin Atkin, owner of property at 755 State Route 245, Tax ID #13.03-1-14 (AR), seeking site plan review for construction of a pole barn, be approved.

Motion carried by voice vote.

**5. SITE PLAN REVIEW**

**APP. #081422-SPR Robert Palmateer, owner of property at 480 East Lake Road, Tax ID #11.27-1-2.1 (LR), is seeking Site Plan Review for solar panels added to existing boat hoist.**

Dan Lewis summarized the application.

Mr. Brenner asked about the glare off the panels. Mr. Lewis showed images of a recent installation on Keuka Lake and stated that the panels are anti-glare.

Without further discussion, a motion was made by MR. DUFFY, seconded by MR. STRINGER, that the application of Robert Palmateer, owner of property at 480 East Lake Road, Tax ID #11.27-1-2.1 (LR), seeking site plan review for solar panels added to an existing boat hoist, be approved.

Motion carried by voice vote.

**6. SITE PLAN REVIEW**  
**APP. #090122-SPR John Quigley, owner of property at 114 East Lake Road, Tax ID #2.38-1-5 (LR), is seeking Site Plan Review for lakefront access.**

Mr. Grove summarized the application, stating that the applicant wishes to install a new stairway to access the shoreline on his property. The applicant will need a variance for the side setback, as the easiest spot to construct the stairway is close to the property line.

Mr. Duffy inquired if the applicant had discussed the proposed location of the stairway with the neighbor. The applicant responded in the affirmative and that the neighbors have approved the location. Mr. Duffy requested that the applicant provide a letter of support from the neighbor.

Mr. Smeenk stated that he does not understand why the stairway cannot be moved closer to the center of the property so that it does not infringe on the setback. After a brief discussion, it was discovered that Mr. Smeenk had visited the neighbor's property rather than the applicant's property. Mr. Smeenk stated that he will have to look at the site again.

Mr. Grove asked if the board has an objection to the concept of the stairs or the location of the stairs. Mr. Smeenk responded that it is the location of the stairs to which he has an objection and the Planning Board has to make a recommendation to the Zoning Board of Appeals.

Mr. Brenner inquired if construction materials would be brought in from the water. Mr. Grove responded in the affirmative.

Mr. Duffy requested that a temporary silt fence be placed along the waterline during construction.

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

Without further discussion, a motion was made by MR. DUFFY, seconded by MR. SMEENK, that the application of John Quigley, owner of property at 114 East Lake Road, Tax ID #2.38-1-5 (LR), seeking site plan review for lakefront access, be tabled, aside from the accessory structure, which he motioned to approve.

Motion carried by voice vote.

**7. BOARD DISCUSSION**

**A. Approval of minutes of June 1, 2022:**

A motion was made by MR. SMEENK, seconded by MR. DUFFY, to approve the draft minutes from July 6, 2022, on the condition that the tape is checked to see who seconded the motions on Watkins and the adjournment of the meeting.

Motion carried by voice vote.

**B. Communication with applicants regarding Planning Board requirements:**

Mr. Duffy expressed concern that applicants leave the meetings without a clear understanding of what the Planning Board is requiring them to do. He is specifically concerned that the Dekouskis do not understand that the Planning Board is requiring a professionally-prepared site plan and a fence to be in place to shield the boats from view. He is worried that the Dekouskis will be frustrated when they come back as there was not a clear message from the Planning Board.

Ms. Kane responded that a letter is sent to every applicant following the meeting outlining the requirements discussed in the meeting.

Mr. Brenner stated that the application from the Dekouskis was deficient as it did not include a survey and was not appropriate for review.

Ms. Kane said that she told the applicants that they need to clean up the property before coming before the board. She said the applicants came before the board for a preliminary review only. She said that the applicants are aware that their property is a gateway to the community and that it is important that the property is tidy.

Ms. Kane recommended that the board meet for a work session for 30-60 minutes before each monthly meeting to go over the agenda.

**8. ADJOURNMENT AND NEXT MEETING**

The next regular meeting of the Planning Board will be held on Wednesday, October 5, 2022, at the Middlesex Town Hall.

A motion was made by MR. SMEENK, seconded by MR. STRINGER, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 9:07 p.m.

Respectfully submitted,  
S. G. Parshall  
Planning Board and Zoning Board of Appeals Clerk  
Minutes approved on 10/05/2022