

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

## ZONING BOARD OF APPEALS

**Thursday, July 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 Zoning Board of Appeals. 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:** Rebecca Parshall, *Chairperson*

**Board members present:** Edward Carman  
Richard DeMallie  
Win Harper

**Board members excused:** Elizabeth Grant

**Alternate:** Win Harper

**Staff present:** Dawn Kane, Code Enforcement Officer  
Robert Brenner, Esq., Zoning Board of Appeals Attorney

**Attending:**  
Nancy Wolk  
Lynn Lersch

**1. AREA VARIANCE**

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

Requesting one (1) area variance for the purpose of installing a driveway. The following variance is requested: 14 foot variance of setback, driveway placed 1 foot from the south property line.

Ms. Parshall reconvened the public hearing on this application.

Ms. Lersch stated that the driveway plans were approved with conditions by the Planning Board at the meeting on July 6, 2022. Ms. Lersch provided a combined plan of both the Lersch's and Wolks' driveway.

There was a brief discussion about whether the width of the swale between properties would be adequate to mitigate drainage.

Mr. Harper stated that he feels there are alternatives to the variance, such as moving the driveway five feet to the north. Ms. Lersch responded that moving the driveway would change the turning radius and increase the slope.

Mr. Harper expressed concern that while the property owners are on good terms at this time, the property owners may not be on good terms in the future, which would make the shared maintenance difficult.

Ms. Lersch stated that the variance would allow easier access to the house. The current driveway ends forty feet from the entrance of the house, and the ramp connecting the driveway to the house requires maintenance such as shoveling in the winter, which is less feasible now that Mr. and Ms. Lersch are older and Mr. Lersch's health is declining.

Ms. Parshall asked for public comment. There was no public comment.

MR. CARMAN recommended that the stated variance requests be denied. The recommendation was seconded by MR. HARPER.

The variance criteria are as follows:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created: No

Reason(s): Although contiguous driveways is not a common practice on South Lake Road, the variance would not produce an undesirable change in the neighborhood.

2. Whether the benefit requested by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance: Yes

Reason(s): A significant number of variances have already been granted for both of these

projects. There are alternatives the applicants could explore that would allow for enhanced setback.

3. Whether the requested variance is substantial: Yes

Reason(s): The variance is extremely substantial at >90%.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: No

Reason(s): Although there may be an aesthetic impact on the physical conditions in the neighborhood, the Planning Board is deferred to.

5. Whether the alleged difficulty was self-created: Yes

Reason(s): The alleged difficulty was self-created because the applicants desire to alter a property that was previously approved.

The motion failed with the following:

Rebecca Parshall, Chairperson: nay

Edward Carman: aye

Richard DeMallie: nay

Win Harper (alt): aye

The application of Richard and Lynn Lersch, owners of property at 890 South Lake Road, Middlesex, N.Y. 14507, requesting a 14 foot variance 1 foot from the south property line for the purpose of installing a driveway, will be continued to **AUGUST 4, 2022**.

**2. AREA VARIANCE**

**APP. #051822-ZBA Nancy and Jeff Wolk, 3830 Canal Road, Spencerport, N.Y. 14559; owners of property at 894 South Lake Road, Middlesex, N.Y. 14507.**

Requesting one (1) area variance for the purpose of installing a driveway. The following variance is requested: 14 foot variance of setback, driveway placed 1 foot from north property line.

Ms. Wolk explained that the proposed plan provides better drainage, reduces lot coverage, and allows for uniform grading between properties. The proposed plan eliminates the retaining walls and the dropoff, which is a safety issue.

Mr. Harper inquired if the Wolks would still seek a variance if the Lerschs' variance was denied. Ms. Wolk responded that she would still seek a variance for two reasons. First, the variance would allow the Wolks to place the driveway further from the leach field. Second, the variance would eliminate line of sight issues with traffic from the south.

Ms. Parshall asked for public comment.

Ms. Lersch commented that if the Lersch variance is not approved, there would still be a drop-off between properties once the Wolks have finished construction of their driveway.

The hearing was closed to public comment by Ms. Parshall.

A motion was made by MR. HARPER, seconded by MR. CARMAN, that the application of Richard and Lynn Lersch, owners of property at 890 South Lake Road, Middlesex, N.Y. 14507, requesting a 14 foot variance 1 foot from the south property line for the purpose of installing a driveway, be continued to **AUGUST 4, 2022**.

Motion carried by voice vote.

### **3. BOARD DISCUSSION**

#### **A. Approval of minutes of June 2, 2022:**

Draft minutes from June 2, 2022 were reviewed. A motion was made by MR. CARMEN, seconded by MR. HARPER, that the draft minutes be approved as submitted.

Motion carried by voice vote.

### **5. ADJOURNMENT AND NEXT MEETING**

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

A motion was made by MR. HARPER, seconded by MR. CARMEN, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,  
S. G. Parshall, ZBA Clerk  
Minutes approved on 08/04/2022