

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

## ZONING BOARD OF APPEALS

Thursday, August 4, 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 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:**

**Alternate:** Win Harper

**Staff present:** Robert Brenner, Esq., Zoning Board of Appeals Attorney

**Attending:**  
Tracy and Robin Atkin, 755 State Route 245, Middlesex, N.Y. 14507

**1. AREA VARIANCE**

**APP. #071322-ZBA Tracy and Robin Atkin, owners of property at 755 State Route 245, Tax ID #13.03-1-14 are requesting one (1) area variance for the purpose of a two-car garage.**

Mr. Atkin summarized the application. He wants to build a second garage. The proposed location of the new garage is in front of the house. He is unable to place the garage behind the house, as West River is behind his house and floods occasionally. He is also unable to place the garage next to the pre-existing garage due to a lack of space. However, the proposed location of the new garage is closer to the centerline of the road than the law requires, so a variance is needed.

Mr. Carman and Mr. Harper said they think there is an alternative to placing the garage close to the road.

Mr. Atkin stated that the proposed location of the new garage is convenient because it would be attached to the current driveway rather than extending the current driveway around the house.

Mr. DeMallie asked where the rainwater would drain off the roof. Mr. Atkin stated that the rainwater would run back toward the river.

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

A motion was made by MR. CARMAN, seconded by MR. HARPER, that the application of Tracy and Robin Atkin, owners of property at 755 State Route 245, Middlesex, N.Y. 14507, requesting one (1) area variance for the purpose of a two-car garage, be denied.

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: Yes

Reason(s): The setback provides a buffer from the road. A variance from the setback for a garage would create a safety issue.

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): Looking at the survey of the land, there is enough space to build the garage elsewhere which would lessen the variance needed.

3. Whether the requested variance is substantial: Yes

Reason(s): The variance is substantial, as the required setback is 100 feet and the applicants are requesting 60 feet.

4. Whether the variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes

Reason(s): The setback provides a buffer from the road. A variance from the setback for a garage would create a safety issue.

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

Reason(s): The alleged difficulty was self-created because the applicants desire to build another garage.

Motion carried by voice vote.

**3. BOARD DISCUSSION**

**A. Approval of minutes of July 7, 2022:**

Draft minutes from July 7, 2022 were reviewed. A motion was made by MR. CARMAN, 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, September 1, 2022, at the Middlesex Town Hall.

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

Motion carried by voice vote.

The meeting was adjourned at 7:33 p.m.

Respectfully submitted,  
S. G. Parshall, ZBA Clerk  
Minutes approved on 10/06/2022