

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

ZONING BOARD OF APPEALS
Wednesday, August 3, 2023 • 7:00 p.m.

The following minutes are the official and permanent record of the actions taken by the Town of Middlesex Zoning Board of Appeals, as recorded by the Zoning Board Clerk.

Meeting called by: Rebecca Parshall, *Chairperson*

Board members present: Ted Carman
Richard DeMallie
Win Harper

Alternate: Position vacant

Staff present: Dawn Kane, *Code Enforcement Officer*
Beth Altemus, *Planning Board and Zoning Board of Appeals Clerk*

The meeting was called to order at 7:00 p.m. by the Chair.

OLD BUSINESS:

1. APP. #102022 - ZBA

Gerald Stryker, owner of Lake Residential property at 6340 Glen Avenue, Middlesex, NY 14507, (Tax Map ID #11.74-1-26, #11.74-1-27) is requesting a lot coverage variance for a hardscape installation.

Due to a previous denial of this application, a letter of changes from Anthony Venezia, surveyor with Venezia and Associates, was submitted for Board review. There were no representatives of the property in attendance to address the application. Mr. Carman made a motion to table the application until such time as the owner, or representation of the owner, can attend a Zoning Board of Appeals meeting, Mr. DeMaille seconded, all Board members voted in favor and the motion passed.

NEW BUSINESS:

1. APP.#072023- ZBA

Sarah Utter, property owner at 966 South Lake Road, Middlesex, NY 14507, (Tax Map ID # 21.33-1-3.00), is requesting a setback of 6.4 feet when 15 feet is required, and a front setback of 29.3 feet when 60 feet is required, for the ability to build a two-story garage.

Ty Allen, architect with Ark Design, represented Mrs. Utter. The applicant would like to rebuild an existing garage and is requesting to change the location of the garage to center it on the property, which requires variances on the front and side setbacks. The applicant is also proposing to regrade, improve drainage, and add a swale.

Mr. DeMallie made a motion to approve the front setback from the middle of the road to the front of the building, Mr. Harper seconded, no public discussion, all Zoning Board members voted in favor and the motion was passed.

Per the criteria, Mr. DeMallie answered the following:

1. The front setback with the new build will create no undesirable change or detriment.
2. The benefit cannot be achieved by any other method.
3. The requested variance is substantial, but does not change the motion.
4. The variance will have no adverse effect on the physical or environmental conditions.
5. The difficulty is self-created, but is not relevant to the decision of the board.

There was a discussion about the south side setback and the footprint of the new garage. The current garage is a pre-existing, non-conforming structure; the proposed new garage will include a two-bay garage and an outdoor covered storage area, and will increase the footprint of the current garage.

There was also discussion about four drainage pipes coming into one pipe on the south side of the property and whether that pipe, and the existing road culvert, can handle the proposed new drainage. It was agreed that the drainage plans should be reviewed by the Town Planning Board and Town Engineer.

The Board found that, because the existing garage is pre-existing, non-conforming, the second variance request for the south side setback for a larger garage footprint was not reasonable. The south side setback was therefore denied.

Mr. Carman made a motion to approve the new garage without the adjunct outdoor storage, Mr. Harper seconded, all Board members voted in favor and the motion was passed.

Per the criteria, Mr. Carman answered the following:

1. By keeping the original footprint the new structure will not produce an undesirable change.
2. By keeping the original footprint the new garage is feasible.
3. The request is substantial due to making a pre-existing, non-conforming structure more non-conforming.
4. Maintaining the original footprint does not create an adverse impact.
5. The request is self-created as it increases the overall footprint, therefore the additional square footage has been denied.

2. APP. #072123 - ZBA

Terry Fisher, owner of property at 828 Green Cove Lane, Middlesex, NY 14507, (Tax Map ID #11.82-1-1) is requesting a side variance of 9 feet when 15 is required, and a front setback of 14 feet when 40 feet is required, for the installation of a patio.

Burnell Reiff of Bare Hill Landscaping was representing Terry Fisher; Terry Fisher was also in attendance. Mr Reiff presented the project, which is an at grade slate patio located on the south side of a pre-existing, non-conforming home.

There was discussion that the patio will not be moving closer to the lake, and that flowers/mulch and an existing stone fireplace will be incorporated into the patio. The installation will require excavation of 10-11 inches of soil; CR2 crusher run, with an underlayment of landscape fabric, will then be applied and the surface of the patio will be at grade.

There were no further questions from the Board and the Chair asked for a motion.

Mr. Harper moved to approve the application as requested, Mr. Carman seconded, no public comment, all Board members voted in favor and the motion passed.

Per the criteria, Mr. Harper answered the following questions:

1. No undesirable change will result as the patio will improve the look of the property.
2. No other method to achieve the benefit is feasible.
3. The variance is substantial, but does not change the decision to approve.
4. The variance will have no adverse effect as it will be ground level and not easily seen from surrounding properties.
5. The difficulty is self-created, but the pre-existing proximity to the lake can't be helped.

OTHER BUSINESS:

Mr. Carman made a motion to close the meeting, Mr. DeMallie seconded, all Board members voted in favor and the motion carried.