

# Town of Middlesex

1216 Route 245  
Middlesex, New York 14507

**ZONING BOARD OF APPEALS**  
**Thursday, September 21, 2023 • 7:00 p.m.**

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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, 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*

Ms. Parshall called the meeting to order at 7:00 p.m.

It was decided that Mr. Harper would recuse himself as the alternate to maintain an odd number of voting members for a quorum.

## **OLD BUSINESS:**

### **1. APP. #102022 - ZBA**

**Gerald Stryker, owner of Lake Residential property at 6340 Glenn Avenue, Middlesex, NY 14507, (Tax Map ID # 11.74-2-28.0) is requesting a lot coverage variance for a hardscape installation.**

Anthony Venezia of Venezia and Associates was representing Mr. Stryker. Mr. Venezia indicated that due to a previous denial by the ZBA for a requested variance for lot coverage to build a patio, he now plans to remove 10 ft., or approximately 40%, of driveway length and replace it with a stone gravel base overlain by grass pavers. This reduction in driveway length will reduce the overall lot coverage and therefore reduce the overage incurred by installation of the patio.

The patio installation will include construction of French drains and dry wells to manage and better control water runoff. The pavers will not be permeable and will be pitched to direct water to the dry wells. Mr. Venezia explained that dry wells are constructed by digging a hole in which perforated culvert pipe is buried and the hole is backfilled with gravel. Runoff can then enter the dry well and be released slowly to minimize point source runoff.

Mr. Venezia also indicated that the patio installation is intended to serve as a more compliant outdoor area for disabled family members.

There was a discussion amongst the Board about whether the proposed drainage (French drains and dry wells) effectively offsets the impermeable coverage and can therefore be excluded from the overall lot coverage calculation. The total square footage of the proposed walkway and patio incurs a 31.4% coverage; by excluding the square footage of the patio it is reduced to approximately 26.2% coverage.

Mr. Carman expressed that even if considering the patio an effectively permeable surface, the project still requires a significant lot coverage variance and he is concerned about runoff and the effect it has on downstream neighbors.

Mr. DeMallie expressed that the patio should not be included in the lot coverage calculation due to the dry wells improving the water runoff.

CEO Kane asked Mr. Venezia to address the setbacks on either end of the proposed 2 feet high stacked stone retaining wall to be constructed along the proposed patio. Mr. Venezia indicated that the low semi-circle portions at either end of the wall are meant to hold back mulch that will be spread around the proposed tree plantings.

There was discussion among the Board whether these low semi-circle portions of the proposed wall count as structures and therefore should adhere to the required 15 feet setback from the property line. It was agreed that they do and therefore must be eliminated from the plan. Mr. Venezia agreed to this.

CEO expressed that when she visited the site she recognized that the only way an individual in a wheelchair could get in and out of the house is via the proposed patio. She also expressed that the proposed water runoff mitigation from the drainage plans discussed above should be considered when deciding whether to grant the variance.

Mr. DeMallie made a motion to grant a variance for 31.4 percent lot coverage, recognizing that the inclusion of the French drains and the dry wells along the patio justified making a 5 percent adjustment to the coverage allowance to bring the effective impact of coverage down to 26.2 percent. Mrs. Parshall seconded, Ted opposed, and the motion passed.

Approval of the variance will be conditional on removing the low semi-circles portions at either end of the stone retaining wall.

Per the criteria, Mr. DeMallie answered the following:

- 1) The proposed patio and walkway will create no undesirable change in the character of the neighborhood or detriment to nearby properties.
- 2) Yes, the French drains and dry wells are achieving some reduction in water runoff and therefore effective lot coverage.
- 3) Yes, the requested variance is substantial.
- 4) Yes, the variance could have a slight adverse effect or impact on the physical or environmental conditions in the neighborhood as the installation may direct melting snow and rain runoff towards the west, even with the proposed drains.
- 5) Yes, the alleged difficulty was self-created.

The Board determined that the benefit to the applicant DOES outweigh the detriment to the character, health, safety and welfare of the neighborhood and therefore the variance request is GRANTED.

Mr. Carman expressed that the project will result in too much development on the lot size, and the driveway was already made wider than would be desirable to address handicap accessibility.

Mr. Carman made a motion to adjourn the meeting, Mr. DeMallie seconded, all Board members voted in favor and the meeting was adjourned.