

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

PLANNING BOARD
Wednesday, September 6, 2023 • 7:00 p.m.

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

Meeting called by: Case Smeenck, *Chairperson*

Board members present: Gordon Stringer
Nate Duffy
Terry Mott

Alternate: Position vacant

Staff present: Dawn Kane, *Code Enforcement Officer*
Thomas Palumbo, *Town Engineer (Stantec Consulting)*
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. Special Use Permit (App. # 050218-SPR)

Jason Dekouski, property owner at 843 Elwell Rd., Middlesex, NY 14507 (Tax Map ID # 012.04-1-10.11), is revising a business plan for which a Special Use Permit was previously issued.

Terry Dekouski, representing Jason Dekouski, submitted a document listing changes to the business plan for a proposed boat storage and repair business. Mr. Dekouski reviewed the revisions to the business plan as outlined in the document. He intends to change the name of the business to "Marine Guard Inc." and to make the following changes:

1. Will be doing mostly Gel coat repairs and restoration.
2. No outside boat work on Sundays.

3. There will be only two or three employees.
4. No more than twenty boats to be stored, and no more than ten to be worked on at a time.
5. Business hours will be 8 a.m. to 5 p.m., Monday through Saturday, April 1st to October 30th.
6. There will be no more than five boat sales per year.
7. The boats on the ground will be removed by October 2024.
8. All boats on the property will be on trailers or bunks.
9. Two large sailboats will be going for sale, or they will be removed.
10. The dumpster will be removed as soon as the house is finished.
11. We will be planting more trees to add to the screening.

The board agreed that these revisions are acceptable, and requested the following additional revisions:

1. The trees referenced in #11 above will be planted along Route 364 and must be maintained.
2. The large boat named "Off the Record", located at the corner of Rte. 364 and Elwell Road, shall be removed from the property.
3. The fence on the west side of the property on Elwell Rd. shall be maintained as a visual barrier.
4. Six additional three-foot trees shall be planted on Elwell Rd., west of the boat parking, to serve as a visual barrier between the business and neighbors
5. No outdoor business sign will be posted.

Mr. Dekouski is also seeking permits to convert the workshop on the property to a home and for installation of a septic system. The plans for the septic have been approved by the Watershed Inspector. The Board agreed that, with these revisions, the business plan is acceptable and the revisions can now be recommended to the Zoning Board for an amendment of the Special Use Permit.

Mr. Smeenk moved to approve the business plan revisions submitted, with the additional requirements requested by the Board. There was brief public discussion to clarify the process of gel coating. Mr. Duffy seconded the motion, all Planning Board members voted in favor and the revisions were approved.

2. Site Plan Review (App. # 051023-SPR)

Scott and Barb Davis, owners of property at 120 East Lake Rd., Middlesex, NY 14507, (Tax Map ID # 02.38-01-08.1), are seeking a Site Plan Review for new construction of a home.

James Smith, representing Mr. and Mrs. Davis, submitted documents to the Planning Board addressing concerns expressed by a neighbor that an easement on the shared

driveway does not extend to the Davis/Smith property. These documents included a letter from a neighbor in support of Mr. and Mrs. Davis, Mr. and Mrs. Smith's comments in response to the concerns raised by the neighbor contesting the right of way, a copy of an Access Easement Agreement made between Roger W. Byrd and James and Jaqueline Smith in 2003, and a copy of an Access Easement Agreement made between James Coyne and James and Jacqueline Smith in 2014.

The Board indicated that they do not have the authority to decide the legality of the driveway easement access and that attorneys for all involved parties must determine this before the Board can review a site plan. The Board requested that, when the easement access issue is resolved, a comprehensive site plan be submitted, to include the access from East Lake Rd. down to the lake frontage. Any comments from the Town engineer shall be addressed as well.

3. Preliminary Site Plan Review (App. # 083023-SPR)

Tim O'Connor, owner of property at 1472 South Lake Rd., Middlesex, NY 14507, (Tax Map ID # 31.03-1-1), is seeking a Site Plan Review for renovation of an existing home.

Mr. O'Connor, Tim Tyskiewicz, architect, and Rick Szkapi, project manager, presented architectural plans for a preliminary Site Plan Review. They discussed elements of the remodel, including a reduction in height of the structure by approximately three feet and roof design elements. They intend to maintain the original footprint of the house and assess whether any original materials in the existing house or foundation can be salvaged, or if a complete rebuild will be necessary. The existing retaining wall and grading on the site will be maintained.

The Board indicated that Mr. O'Connor will need to submit a complete site plan including architectural plans, elevations, driveway details and grading. The plans will then need to be reviewed by the Town Engineer.

NEW BUSINESS

1. UDML Permit (App. # 090123-SPR)

Joseph McCue, property owner at 783 Newago Cove Middlesex, NY 14507 (Tax Map ID # 11.74-1-45.11), is seeking a Uniform Docks and Mooring Law Permit for installation of a dock.

Anthony Venezia of Venezia & Associates represented Mr. McCue. It was discussed that there is currently no dock at the site, the area does not fall into any HOA jurisdiction, the dock meets the requirements of the UDML and no variances are needed.

Mr. Stringer made a motion to approve the construction of the dock, Mr. Mott seconded, all Planning Board members voted in favor and the application was approved.

2. Permit for Installation of Solar Panels (App. # 083123-SPR)

The Rochester Folk Art Guild, owners of property at 1445 Upper Hill Rd., Middlesex, NY 14507 (Tax Map ID # 33.01-1-8), is seeking a permit for installation of solar panels.

Paul Schiffler of the Rochester Folk Art Guild, and Kerri Lipp of Lipp Electric and Solar, were representing. There was discussion about the size and placement of the installation, which will consist of 92 panels covering approximately one-third acre, in an area set back from the road and buildings. It will offset 100% of the Guild's electrical needs and is intended solely for use by the Folk Art Guild. The installation will be funded by a major grant from the New York State Council of the Arts.

Mr. Lipp indicated that the plans have been inspected, and interconnection approval has been granted, by NYSEG. The Board requested that the plans and wire diagrams be reviewed and stamped by a Professional Engineer, and that a Site Plan also be submitted. As the installation will not create disturbance or regrading, and is not on a steep slope, the Board indicated that they will not need to review the Site Plan and will accept the approval of the Site Plan, once submitted, by CEO Kane.

Mr. Mott made a motion to approve the application conditional to submission of a Site Plan and solar installation plans stamped by an engineer. Mr. Duffy seconded, all Planning Board members voted in favor and the motion passed.

OTHER BUSINESS

The Board agreed to meet for a second work session on October 4, 2023 to continue reviewing current zoning laws and propose any changes to the current Town codes.

