

Town of Middlesex

1216 Route 245
Middlesex, New York 14507

PLANNING BOARD **Wednesday, April 2, 2025 • 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: Nate Duffy

Board members present: Case Smeenck (remote)
Terry Mott
Gordon Stringer

Alternate: Position vacant

Staff present: Dawn Kane, *Code Enforcement Officer*
Beth Altemus, *Planning Board Clerk*
Jerome Means, *Stantec Engineering*

The meeting was called to order at 7:00 p.m. by Mr. Duffy.

OLD BUSINESS:

1. Site Plan Review: App. # 020325 - SPR

David & Bridget Seconi, owners of property at 989 South Lake Road, Middlesex, NY, 14507 (21.33-1-10.0), are seeking a site plan review for renovations and additions to an existing home.

Anthony Venezia of Venezia & Associates and Mrs. Seconi were representing. Mr. Venezia explained that grading has been added to the plan, and the south side of the proposed addition will require cutting into the bank and removal of the existing retaining wall. He indicated that the new retaining wall will extend out five feet from the current wall location and be constructed of boulders, similar to other walls on the site, and be less than thirty-six inches high.

Mr. Venezia also explained that the proposed boulder walls on the lake side will serve as landscaping features, with a linear shoreline wall delineating the shore from the grass, a wall

Town of Middlesex Planning Board Meeting Minutes: April, 2025

along the right of way, and a wall by the south side of the lake front, all of which will be under thirty-six inches high.

Mr. Duffy asked if these would be similar to the rocks already stacked there, and Mr. Venezia indicated they would be twelve to eighteen inch high stacked boulders. Mrs. Seconi commented that these are intended to hold and delineate garden landscaping. Mr. Mott clarified that the lake shore area walls are for decorative purposes rather than soil retention; Mr. Venezia confirmed this, indicating that only the thirty-six inch high wall by the house would act as a retaining wall and will allow a walking space to get around the house.

Mr. Duffy asked CEO Kane to clarify the height threshold for requiring engineering criteria for retaining walls, and CEO Kane indicated it is thirty inches.

Mr. Smeenck asked Mr. Venezia to clarify the setback from the corner of the proposed addition to the property line, and Mr. Venezia indicated that it's 13.4 feet, as designed, and will require a variance.

Mr. Stringer commented that the project appears to be straightforward, and Mr. Duffy commented that it will require a variance and engineer review of the retaining wall. Mr. Mott suggested a swale be installed behind the retaining wall to help mediate runoff as the boulders will be sitting on the ground. Mr. Venezia indicated that he could propose a cutoff swale behind the septic, but the gullies on the side drain runoff as well. Mr. Means commented that there is no grading shown behind the house, so water will go towards the house if not directed away.

Mrs. Seconi inquired why she would have greater water issues than at present, and Mr. Mott commented that unexpected high water events can cause devastation. Mr. Venezia indicated that he can put a gravel line swale behind the wall, and Mr. Means commented that this would basically be a stone trench on the backside of the wall. Mr. Venezia indicated that he will include that in the cross section of the wall design.

Mr. Means indicated that the architectural drawings for the existing house wall, which the addition will tie into, need to be designed in advance to ensure structural stability. Mr. Venezia indicated that he will communicate with the architect about that.

Mr. Means inquired whether they'd be disturbing steep slopes, and Mr. Venezia indicated that the slope is not steep by the lake, but there is a twenty percent slope where the retaining wall will go. Mr. Duffy commented that installing the septic and the swale behind the wall will require digging into that steep slope; Mr. Venezia indicated that he will file a steep slope application.

Mr. Stringer asked whether the silt socks on the northwest side of the house are continuous, and Mr. Venezia indicated that they will connect into the house drainage to keep runoff from entering the lake. Mr. Duffy inquired whether CEO Kane could request more silt fence should erosion issues arise during construction, and CEO Kane indicated she could. Mr. Venezia

Town of Middlesex Planning Board Meeting Minutes: April, 2025

indicated that he will propose a straw bale barrier at the driveway and a silt sock across the entire front when work is not in progress.

Mr. Smeenck and Mr. Duffy summarized the conditions for approval as follows: a variance for the corner house setback shall be granted by the ZBA; an engineer's drawing for the retaining wall, including the swale behind it, shall be submitted; a steep slope application shall be submitted; a silt sock shall be installed in front of the project site when work is not active; and the Town engineer shall be satisfied with all of the above changes.

Mr. Mott made a motion to accept the application with the conditions stated by Mr. Smeenck and Mr. Duffy, Mr. Stringer seconded. There was no public discussion. All Board members voted in favor, none opposed, and the motion passed.

2. Site Plan Review: App. # 020125-B - SPR

Sweet Lou Acres, LLC, owner of property at Bare Hill Road, Middlesex, NY, 14507 (Tax Map ID# 2.03-1-3.1) is seeking a site plan review for construction of a single family residence.

Bill Grove of Grove Engineering and Bill Bagley were representing. Mr. Grove explained that they have changed the application request from a pole barn and pavilion to a single family residence in order to have a principle structure usage on the site. He indicated that they have addressed all of the Town Engineer's comments, resulting in minor changes regarding grading and the area of disturbance. He also indicated that they have filed for and received DEC approval for stormwater management.

Mr. Duffy asked Mr. Means if he was satisfied with their comment responses, and Mr. Means inquired whether they looked at the comment regarding the steep slope at the back of the house, which appears to be in excess of twenty percent. Mr. Grove indicated that he had addressed the comment, and the limit of disturbance will be 3,400 square feet in a moderately steep slope area, with slopes between fifteen and twenty percent.

Mr. Bagley indicated that they reduced the structure by 900 square feet, with the final square footage to be 2,700 to 2,800 square feet.

Mr. Duffy opened public comment, there was no public discussion, and Mr. Duffy closed the public comment.

Mr. Stringer made a motion to approve the application, Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

Town of Middlesex Planning Board Meeting Minutes: April, 2025

NEW BUSINESS:

3. Site Plan Review: App. # 030825- SPR

R. Jon Schick, owner of property at 1193 South Lake Road, Middlesex, NY, 14507 (Tax Map ID# 21.64-1-2) is seeking a site plan review for replacement of an existing home.

John Schick and Sarah Sheive Normand were representing. Mr. Schick explained that they are proposing to tear down a house in poor condition and rebuild on the same footprint of sixteen by eighteen feet, with the addition of a screened porch extending ten feet to the north, and the road setbacks to be maintained. He indicated that they will cut back eight feet into the hill to allow construction of a staircase to the second floor, which will contain two bedrooms and a bathroom.

Mr. Mott asked if they would be totally demolishing the existing building, and Mr. Schick confirmed they would. He also indicated that the current house is built on a slab at grade, and there is no retaining wall behind the house, which has led to debris collection and rot on the rear side of the house.

Mr. Mott inquired if the new house will have its own septic system, and Mr. Schick indicated that at present there is a holding tank in use, and they are working with Brent Gregory to design a new system. Mr. Duffy commented that this is a preliminary review only.

Mr. Mott inquired whether this would violate zoning code by having two single family residences on one property. CEO Kane commented that this building is pre existing, non-conforming, and they are allowed to rebuild on the same footprint. She indicated that the house has been a habitable residence for years and has an approved holding tank, however a rebuild and new septic would make it safer and allow for the removal of the holding tank, which is close to the road.

CEO Kane also commented that the house incurred damage years ago when the road caved in front of this property. As a result, Linda Sheive, who owned the property at the time, installed a french drain along the top of the gully to improve drainage and donated land to the Town to allow the road to be widened.

Mr. Schick indicated that they will raise the finished floor of the new structure by two feet to help ameliorate the impact of cutting back into the hill, and they will install a secondary retaining wall above the back wall as well.

There was discussion and agreement that a steep slope permit will be needed. Mr. Duffy inquired whether septic plans had been submitted, and Mr. Schick indicated they hope to have them finished by the next meeting.

Town of Middlesex Planning Board Meeting Minutes: April, 2025

Mr. Duffy indicated that he'd like to see silt fences installed throughout the site as needed. Mr. Smeenck commented that for a preliminary approval things look fine, however the final plans should give more detail on the walls and slopes, and that the project will need to be reviewed by the Town Engineer.

Mr. Mott inquired whether the setbacks would be an issue as they are non-conforming but preexisting, and CEO Kane indicated they would not as the house is getting moved back. Mr. Smeenck added that the road setbacks will actually be increasing and therefore be improved. Mrs. Normand commented that the path of the road has changed and they chose to move the house further back from the road, but are hoping to maintain the trees holding up the bank. Mr. Schick reiterated that they want to protect these Oak trees as much as possible.

Mr. Duffy indicated that the Town Engineer will review the plans and give comments, and they can return to the Board when those comments have been addressed. Mr. Schick indicated that they will submit septic and retaining wall details once they receive them.

CEO Kane indicated that it's possible they can come to the May Planning Board meeting and that the septic can still be pending at that time. Mr. Duffy asked Mr. Means when he would like to receive the plans, and Mr. Means indicated that as soon as they are able they should get them to him.

Mr. Smeenck inquired how the directional borer for the road drainage sleeve would be installed and whether it would carve up the road. Mr. Schick indicated that it would not, and Mr. Smeenck indicated that he would like more detail on erosion control to be shown.

There were no public comments. Mr. Duffy indicated they could move forward with the plan and try to return for the May meeting.

4. Site Plan Review: App. # 030325- SPR

Keghan and Erin Kelly, owners of property at 184 Bare Hill Road, Rushville, NY, 14544 (Tax Map ID# 2.01-1-9), are seeking a site plan review for construction of a pole barn.

Mr. and Mrs. Kelly were representing. Mr. Kelly indicated that they are proposing to build a forty by seventy-two feet pole barn, with sixteen feet ceilings, for storage use only.

Mr. Duffy inquired whether it will have a driveway, and Mr. Kelly indicated it will have one leading from the preexisting driveway and there will be a door on the north end. He also commented that it will be in a flat area with good drainage, and a silt fence is already installed.

Town of Middlesex Planning Board Meeting Minutes: April, 2025

Mr. Mott asked if they would be taking down a utility pole, and Mr. Kelly indicated they would, and would bury the electric line from the road to the barn. Mr. Duffy asked if the buried utility line should be included in the plan, and CEO Kane indicated it should.

Mr. Duffy made a motion to approve the application with the condition that the driveway is extended to the barn and the rough path of where the electric line will be buried is shown on the map, Mr. Mott seconded. There was no public comment. All Board members voted in favor, none opposed, and the motion passed.

5. Site Plan Review: App. # 032925 - SPR

Chris Bay of 247 Acres, LLC, owner of property at 4651 Town Line Road, Rushville, NY, 14544 (Tax Map ID# 3.02-1-2), is seeking a site plan review for a minor subdivision.

Mr. Bay was representing. He explained that 247 Acres is his personally owned LLC, and he's seeking a minor subdivision. He indicated that Jeremy Years did the survey, and the property was formerly owned by Al and Linda Green, from whom he purchased the land and single family residence. Mr. Bay indicated that a tenant lives there currently and is possibly interested in buying the subdivided property.

Mr. Mott commented that he would prefer to see the whole property being subdivided shown on the map. CEO Kane indicated that the parent parcel is shown in the right hand corner of the map, and Mr. Mott commented that it's not to scale and typically the survey map should include the entire parcel. However, Mr. Mott indicated that he would not require a new map.

Mr. Smeenck inquired if the house on the plans is existing or will be new, and Mr. Duffy clarified that it's existing. Mr. Smeenck commented that the well seems close to the road, but if it's existing it makes no difference. Mr. Bay indicated that the location of the well and septic will not change, and the septic was inspected when he purchased the property three years ago.

Mr. Means indicated that the surveyor should show the approximate septic location on the map.

There were no public comments.

Mr. Stringer made a motion to accept the application with the condition that the septic is shown on the map, Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

6. Site Plan Review: App. # 040125 - SPR

Paul J. Keller, owner of property at 6362 Robeson Road, Middlesex, NY, 14507 (Tax Map ID# 11.66-1-15), is seeking a site plan review for lakefront

Town of Middlesex Planning Board Meeting Minutes: April, 2025

development.

Mr. Keller was representing. He explained that he owns the old Robeson house and 123 acres on Robeson Road, and there are lots of overgrown bushes, some of which he will pull out, and he plans to put in fabric and river pebbles around the house. He indicated that the main project is a nineteen by twenty-six foot paver patio on the west side of the house, seventy-five feet away from the lake. It will also have retaining stones along the patio perimeter and along plantings.

Mr. Keller continued that Ted Collins installed a set of seventeen stairs down to the lake about twenty years ago, and he would like to replace the stair treads with solid bluestone treads and install seven more stairs and a landing above these. He indicated that there is an existing fire pit at the bottom of the stairs, and he would like to put in a round fire pit with pavers on gravel.

Mr. Keller indicated that he would also like to install a white vinyl decorative fence, with dimensions of six feet high by forty feet long, between the two properties for privacy. Additionally, he would like to install a fifteen feet round dirt flower bed behind the right of way. Mr. Keller indicated that all of the above proposed landscaping has been surveyed and shown on the map, and silt fence will be installed as well.

Mr. Duffy inquired if a steep slope application is needed.

CEO Kane inquired whether the stairs will be removed, and Mr. Keller indicated that the portion at the top will be repositioned and the land is basically flat once you exit the stairs.

Mr. Smeenck commented that he thinks everything needs more detail, and the percentage of coverage for the site needs to be calculated to verify it's not exceeding twenty percent. Mr. Keller commented that the additional seven stairs and nineteen by twenty-six patio add very little coverage. Mr. Smeenck inquired if the driveway is already paved, and Mr. Keller indicated that it is. Mr. Smeenck asked him to verify that he's not changing the existing seventeen steps down to the lake, and Mr. Keller confirmed that he would only remove the steps and replace them with bluestone, and no excavation would be needed.

Mr. Mott inquired if the pavers will have a concrete foundation or just lie on sand, and commented that the project appears to be just landscaping and fixing of existing structures.

CEO Kane commented that the fence doesn't meet setback from the property line so will need a variance, and she indicated to Mr. Keller that this can be addressed separately.

CEO Kane inquired how much disturbance would be created by installation of the patios, and Mr. Keller indicated that the fire pit patio down below will be twenty feet in diameter, and the patio above will be nineteen feet by twenty-six feet. CEO Kane asked how much excavation will be needed for the set of steps going up to the patio, and what the slope is in that area. Mr. Keller indicated that they would excavate for two steps that are each eight inches high and

Town of Middlesex Planning Board Meeting Minutes: April, 2025

thirty-six inches long. CEO Kane asked if this would require an excavator, and Mr. Keller indicated that he would not be digging by hand. Mr. Means commented that he calculated the total disturbance to be 808 square feet.

CEO Kane commented that the fence request will need to be separate from this application because of the variance needed, and Mr. Keller agreed to remove it from the application and pursue it separately. CEO Kane indicated that a fifteen feet setback from the property line is required.

Mr. Stringer commented that this is simply a lot of landscaping and some minor changes to existing elements.

Mr. Duffy asked Mr. Smeenck if he still wants to require the percent coverage to be shown, and Mr. Smeenck indicated that he does not as the project is not as large as he'd originally thought. He also indicated that the Town Engineer will not need to review the project.

There were no public comments.

CEO Kane explained that the project needs to be reviewed by the Board due to the extent of landscaping in a lakefront residential district, and if during the installation they find the stairs need to be removed fully it could become an issue.

Mr. Duffy suggested that a condition of approval be that no changes can be made to the plans.

Mr. Mott made a motion to approve the application with the condition that the plans submitted shall not change, including no change in the landscaping, Mr. Stringer seconded. All Board members voted in favor, none opposed, and the motion passed.

7. Site Plan Review: App. # 031925 - SPR

Pat Lindner, owner of property at 1315 South Lake Road, Middlesex, NY, 14507 (Tax Map ID# 21.79-1-3), is requesting a site plan review to expand an existing parking area.

Burnell Reif of Bare Hill Landscaping was representing. He explained that they would like to enlarge and improve the parking area in front of the house and install a Redi Rock wall. He indicated that the application was granted a variance from the ZBA last month.

Mr. Duffy asked to clarify that this is not a preliminary review, and CEO Kane confirmed that they are requesting a site plan review.

Mr. Mott expressed concern that they will be removing fifty to seventy-five yards of material, more when including the excavation for the retaining wall, and there aren't details shown for how the retaining wall will be held in place.

Town of Middlesex Planning Board Meeting Minutes: April, 2025

Mr. Stringer inquired how will the new wall stay together, and Mr. Reif explained that Redi Rock blocks fit together like Lego blocks, with the first layer laid a foot below grade on crushed stone, and geogrid laid along the block layers and into the bank.

Mr. Stringer asked how long it would take to remove the old wall and install the new one, and Mr. Reif indicated it would probably take a couple days. Mr. Stringer commented that the work should be done during dry weather, and Mr. Reif agreed.

Mr. Stringer commented that the northwest corner of the wall would be five to seven feet from the edge of the road, and Mr. Reif indicated that when he flagged it it looked too close to the road so he will push it back; he also commented that the variance was pending approval from the Highway Department.

There was discussion and agreement that Mr. Means will need to review the plans.

Mr. Smeenck commented that the drawings change scale from the first to second map, and the existing conditions map doesn't show the distance from the timber wall to the center of the road. He reiterated that it will need an engineering review. He also indicated that he would like to see a swale at the bottom to drain the water coming off the wall and parking area, and also commented that the rope fence on top of the seven feet tall wall is not safe enough to prevent falls.

There was discussion that the Highway Department has not yet approved the project, and their approval, as well as a Town Engineer's review, are both needed. Mr. Reif commented that they chose to use Redi Rock based on their project engineer's suggestion, and Mr. Duffy indicated that the Board still needs the Town Engineer to review it as well. Mr. Stringer inquired whether Redi Rock has been used elsewhere along South Lake Road, and there was general discussion that it has and is a standard product.

Mr. Reif asked for clarification about a swale at the bottom of the wall, and Mr. Smeenck explained that the parking area needs to drain and there doesn't appear to be any slope there; he also indicated that water should not be allowed to cascade over the wall. Mr. Reif indicated that there will be crushed stone and drainage pipes behind the wall. Mr. Smeenck commented that the drain pipe seems low and closer to the foundation, and Mr. Means indicated that that's a typical location.

Mr. Mott commented that the wall drawing is not to the scale indicated, and Mr. Means commented that it appears as though they enlarged it but forgot to change the scale values.

Mr. Duffy summarized that the Board is requesting the addition of drainage for the parking area, the correction of the scale on the map, a review by the Town Engineer and Highway Department approval. Mr. Mott added that a more substantial fence than posts and rope should be installed on top of the wall to prevent falls.

Town of Middlesex Planning Board Meeting Minutes: April, 2025

It was agreed that a steep slope application is not needed.

There was no public comment, and the application was tabled.

8. Site Plan Review: App. # 032625 - SPR

Robert Mincer, owner of property at 1078 Lincoln Avenue, Middlesex, NY, 14507 (Tax Map ID# 22.02-1-34.1), is seeking a site plan review for a minor subdivision.

Robert Mincer and Bob Mincer were representing. Bob Mincer explained that they are asking for a simple subdivision of thirty-seven plus acres into three lots: thirty acres for the airport, six acres for the dwelling, and 7,000 ft of circle turnaround to be donated to the Town. Mr. Mincer indicated that Kyle Mott did the survey.

Mr. Stringer inquired why they are subdividing, and Mr. Mincer responded that it's for future estate planning and a desire to keep airport operations intact. He commented that the airport is licensed by the state and inspected by the FAA.

CEO Kane commented that parcel C, the circle turnaround, is outside of the Board's scope, and the Town has accepted the donation; that will be handled separately as an arrangement between the Mincers and the Town

Mr. Smeenck asked if the house and driveway are existing, and Mr. Mincer indicated they are. Mr. Smeenck also asked where the septic for the house is, and Mr. Mincer indicated that it's to the north of the dwelling. Mr. Smeenck commented that he would like to see the septic location shown on the map, and asked why they are giving a septic easement for the airport.

Mr. Mincer commented that the septic serves the clubhouse at the airport, and extends west into the existing yard, and the easement would be given from the residential lot to the airport lot. CEO Kane asked if there is a separate septic for the house, and Mr. Mincer indicated there is and they would have that indicated on the plan. Mr. Smeenck commented that the well should also be indicated, and there was discussion that the property is on municipal water.

CEO Kane commented that it would be a financial hardship to install a new septic system for the airport, and there was general discussion that the airport could use the existing septic via the easement until such time as it needs to be repaired or rebuilt. At such time it would be moved onto the airport property and the easement would go away.

CEO Kane commented that there is currently grant money available from Yates county for new septic builds.

There was no public comment.

Town of Middlesex Planning Board Meeting Minutes: April, 2025

Mr. Mott made a motion to approve the subdivision with the conditions any future development or improvement shall include a new septic system, and until that time the easement will be in place; and the plans shall show the location of the existing septic for the house. Mr. Duffy seconded. All Board members voted in favor, none opposed, and the motion passed.

OTHER BUSINESS

Mr. Duffy made a motion to accept the March meeting minutes, Mr. Mott seconded. All Board members voted in favor, none opposed, and the motion passed.

Mr. Duffy adjourned the meeting at 8:29 p.m.