



**Town of South Bristol**  
6500 Gannett Hill Road ó West  
Naples, New York 14512-9216  
585.374.6341

---

**Zoning Board of Appeals Meeting Agenda**

Wednesday, March 22, 2017

7:00 p.m.

**Call to Order**

**Pledge of Allegiance**

**Minutes**

Approval of October 26, 2016 Zoning Board of Appeals Meeting Minutes

**New Business**

**Special Use Permit:**

Application #2017-0001  
Tax Map #189.00-1-68.110  
Leon and Susanne Hall  
6961 Sumac Drive

**Old Business**

**Other**

**Motion to Adjourn**

## **Town of South Bristol Zoning Board of Appeals Meeting Minutes Wednesday, March 22, 2017**

**Present:** Robert Bacon  
Tom Burgie  
Albert Crofton  
Carol Dulski  
Jonathan Gage  
John Holtz

**Absent:** Tom Brahm

**Guests:** Leon & Suanne Hall, Property Owners  
Keith English, Deputy Code Enforcement Officer  
Steve Cowley

### **Call to Order**

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:03 p.m. followed by the Pledge of Allegiance. There was a roll call of board members present except for Tom Brahm.

### **Minutes**

Chairperson Burgie called for a motion to approve the October 26, 2016 meeting minutes. Jonathan Gage made a motion to approve the meeting minutes which was seconded by Robert Bacon. The motion was unanimously accepted by all board members present.

### **New Business**

The Rules of Order were read by Thomas Burgie.

### Public Hearing:

Diane Graham read the official newspaper legal notice of public hearing.

### **LEGAL NOTICE, TOWN OF SOUTH BRISTOL, NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Town of South Bristol Zoning Board of Appeals will hold a public hearing on the following application:

Application #2017-0001 for property owned by Leon and Susanne Hall located at 6961 Sumac Drive, Tax Map #189.00-1-68.110 is looking for a special use permit per the town code to allow a second residence on the same lot.

**SAID HEARING** will take place on the 22nd day of March, 2017 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road West, South Bristol, NY.

All interested parties may appear in person or by representative.

Chairman Burgie: This is where we would like to hear from you about what you are applying for and rationale for it.

Susanne Hall: I guess for a second residence on our piece of property.

Chairman Burgie: Okay.

Leon Hall: It's a small home our original home and when we have guests it gives us a place for my kids to stay when they come home. It is just a guest house.

Chairman Burgie: So guests for family members?

Leon and Susanne Hall: Yes.

Chairman Burgie: Not for general public to be rented out or anything of that nature?

Leon and Susanne Hall: No.

Chairman Burgie: Our flow journal generally requests the CEO to explain rational for refusal of the permit but there is no refusal of the permit. This is not that it hasn't met the requirements it is to ensure that it does meet the requirements of the town code. We will proceed on from that point. If you have anything to add in the process, please do that.

Do we have any visitation reports?

Jonathan Gage: I visited. I went out today. Mr. Hall graciously took me around and showed me the property. Everything appears to be as stated.

John Holtz: I went there yesterday. I got the same kind of guided tour. Everything looked as presented and he explained how everything unfolded and why we are here tonight.

Chairman Burgie: I did get a chance to drive up there a couple of weeks ago during the thaw when it was very warm. It amazes me that you can even get up that road. I have an all-wheel drive and I was afraid of getting stuck. I just went up and viewed it. I had my son in the car. I did not stop and I turned around. It is as you presented it here. One of the requirements that we are going to have to look at is that it is serviced by a single driveway or access road. Obviously there is one road going up there from West Gulick and there is not even a separate driveway or anything. A little parking area down the road and that is really about it.

We need to determine the SEQR status. The State Environmental Quality Review Act. You have submitted the initial paperwork on that. In review of the SEQR regulation I believe that this fits under paragraph 617.5 (c)(9) which states construction or expansion of a single family or two family or three family residence on an approved lot including provision of necessary utility connections as provided in paragraph eleven and the installation, maintenance, and/or upgrade of a drinking water well and septic system. This falls under the type II actions which require no further actions or no further determination on our part. Basically type II they are preapproved by the state. We will have to document that as a

finding when we get into the findings portion of it. Anyone have any comment on that or discussion? No. This is where we open it up to the public hearing.

Anybody from the public who has an interest in this application? No. That was quick. I close the public hearing.

We have already related the application and how it was published in the newspaper. Do you we have any other public or municipal officer's documentations appropriate to this case? We have an approval from the septic.

Keith English: I think I did most of the inspections on this and everything was right in line with what I was looking at and little did I know that this happened until after the fact. I would like to say that we are only human and sometimes we do make mistakes but as far as the structure and the well was approved by the appropriate people and the septic. It took some time to get the water test but they did give us the water test for the Certificate of Occupancy.

Chairman Burgie: So this met all use and dimension requirements? There are no variances required or anything of that nature?

Keith English: No. Phil did tell them that one of the stipulations is that you cannot rent it out to the public.

Chairman Burgie: We will document that formerly here in the minutes also. It is one of the requirements that we do need to talk about. What he is referring to is that normally since this is a second residence on the same property it is approved it is allowed by the town code but it requires a special use application to be reviewed by this board just to make sure that it meets. There is a very short list really of special use for a second residence on a property but it does require us to review that to make sure that those items are met. In this case there was some confusion as to whether it was on the same property or two different properties therefore the permit was issued without going through the special use and were here just to fill in that okay does that meet all the requirements here or do we need to do anything else. I understand that you have also been in touch with the chair of the planning board. You have submitted a site plan to the planning board for their approval?

Susanne Hall: Uh-huh.

Keith English: I should probably on behalf of all say that they called me ahead of time for every inspection and they were very good about that. Sometimes you have to worry about not being called and something gets covered up and you cannot inspect it. Did not happen with Lee Hall.

Chairman Burgie: Good.

Leon Hall: In our only defense we had no idea about this special use permit that was needed.

Chairman Burgie: Sir. I don't think you need to defend yourself. That is our job to convey that to you that it was required and it was just a miscommunication. We are making sure that this list of things that need to be agreed upon and met are in this case. If there is anything that is not then we make sure that it is changed.

Any discussion or questions that any of you have? This will be as you already said it is not open to be leased out or be rented or anything of that nature. It is for family use. One of the things that is in the list that we need to ensure is we've asked the town board to find out if this is a necessity but it is in the town code right now öall structures shall have the same postal addressö. You are not going to have a separate address for this second structure?

Susanne Hall: No.

Chairman Burgie: öAll structures shall be served by the same access road or drivewayö for emergency vehicles. Well we said that there is only one access road up there.

Susanne Hall: Yes.

Chairman Burgie: You have submitted the site plan? The owner of the lot must own all structures on the lot. There is no separate ownership in any portion of this?

Susanne Hall: No.

Chairman Burgie: That is the list of things that the town code requires us to do. We do need toí Go ahead.

Robert Bacon: One thing I wanted to bring up that there is a potential amendment to current code related to having two single dwellings on one parcel. For EMS purposes we want to make sure we can get fast expedient response and when you have two separate dwellings with the same address it adds confusion. That is an issue with our code and we raised that up in the fall and I believe in the February executive board they recognize that we are looking at addressing that issue with the county. So the purpose for bringing it up is if it gets amended, we may come back to you and say we will need a separate address, or either an A, B, or a half whatever that it has a potential.

Chairman Burgie: We are asking the question of 911 and the postal service what is it that they want us to do. The town board is asking the planning board to research that. At the point that they actually tell us this is what we would like you to do there may be some modification to this direction of postal address. Right now we are going to do it in accordance with the town code.

Any other discussion? No. Then it is time to determine findings. Findings are statements which is the evidence to back up our decision. If anything ever is contested, here is the rationale that we used. So we need to document findings in the minutes that be used then to testify the decision we made.

Finding #1: According to SEQR regulation this is a type II action per paragraph 617.5 (c)(9) and I have already read into the minutes all the words on the construction of a single family residence on an approved lot.

A motion was made for finding #1 by Chairman Burgie and the motion was seconded by Robert Bacon.

All in favor: Aye 5; Opposed 0

Finding #2: All of the requirements in the town code paragraph 170-38 related to a special use permit for additional residential structures on the same lot have been met.

A motion was made for finding #2 by Chairman Burgie and the motion was seconded by Jonathan Gage.

All in favor: Aye 5; Opposed 0

Chairman Burgie: According to the town code we also need to address seven general conditions that all applications have to address.

Finding #3: The proposed use is consistent with the Comprehensive Plan of our town.

A motion was made for finding #3 by Chairman Burgie and the motion was seconded by Albert Crofton.

All in favor: Aye 5; Opposed 0

Finding #4: The proposed use is consistent with the purposes of the zoning law of our town such as the promotion of health, safety, and general welfare, and the conservation of the natural beauty of the land, its lakes, streams, forests, and hills. The proposed must also be consistent with the regulations or the zoning district in which the proposed special use is to be located.

A motion was made for finding #4 by Chairman Burgie and the motion was seconded by Albert Crofton.

All in favor: Aye 5; Opposed 0

Finding #5: The proposed use will not adversely affect the character of the neighborhood and will not be detrimental to nearby properties.

A motion was made for finding #5 by Chairman Burgie and the motion was seconded by Carol Dulski.

All in favor: Aye 5; Opposed 0

Finding #6: The proposed use will not have an adverse impact on the physical or environmental conditions of the neighborhood or district.

Robert Bacon: I thought we just did that?

Chairman Burgie: It is very similar. No we did ñot adversely affect the character of the neighborhood and will not be detrimental to nearby properties.ö This one is ñwill not have an adverse impact on the physical or environmental conditions of the neighborhood or district.ö

Robert Bacon: Okay.

A motion was made for finding #6 by Chairman Burgie and the motion was seconded by Albert Crofton.

All in favor: Aye 5; Opposed 0

Town of South Bristol Zoning Board of Appeals Meeting Minutes 3/22/17 ó Approved

Chairman Burgie: Anyone else have any findings that are required? We already made the finding for the SEQR. No.

A motion to approve or deny the application was made by Tom Burgie and it was seconded by Albert Crofton.

Roll call vote of the board ó Aye 5; Opposed 0  
R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Gage

Chairman Burgie: Motion carried. You have your approval of a special use permit.

**Old Business**

There was no old business at this time.

**Other**

Thomas Burgie shared that Tom Brahm has been a zoning board member since 1991 and at this time wishes to resign. The Town Board will do a Resolution of Appreciation for his many years of public service.

Carol Dulski, first alternate will become a regular member.  
John Holtz, second alternate will become a first alternate.

**Motion to Adjourn**

Being no further business, Albert Crofton made a motion to adjourn the meeting and it was seconded by Jonathan Gage. The motion was unanimously accepted and the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Diane Scholtz Graham  
Board Secretary