



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

Zoning Board of Appeals Meeting Agenda
Wednesday, March 28, 2018
7:00 p.m.

Call to Order

Pledge of Allegiance

Minutes

Approval of October 25, 2017 Zoning Board of Appeals Meeting Minutes

New Business

Public Hearing on Area Variance Application #2016-0004

Owners: Francisco and Vicki Garza / Garza Properties LLC
Property: 7101 State Route 21
Tax Map #: 195.05-1-19.000

Public Hearing on Area Variance Application #2018-0001

Owners: Hugh M. Jones, IV / Jones Beach LLC
Property: 5721 Seneca Point Road
Tax Map #: 168.20-1-23.100

Old Business

Other

Motion to Adjourn

Town of South Bristol Zoning Board of Appeals Meeting Minutes Wednesday, March 28, 2018

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

Guests: Francisco & Vicki Garza
Paula Kinney
Mike Hiller
Eun Sun Chun, 212box Architecture
Eric Clough, 212box Architecture
Wendy Meagher, Engineer
Bill Grove, P.E.
George Hamlin
Chris & Katy Guider
Phil Sommer
Keith English
Dan Marshall
Barbara Howard

Call to Order

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:06 p.m. followed by the Pledge of Allegiance. There was a roll call of board members with all present.

Minutes

Chairman Burgie called for a motion to approve the October 25, 2017 meeting minutes. Robert Bacon made a motion to approve the meeting minutes which was seconded by Albert Crofton. The motion was unanimously accepted by all board members present.

New Business

The Rules of Order were read by Chairman Burgie.

Area Variance Application #2016-0004:

Public Hearing Notice was read by Diane Graham:

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 #2016-0004 for property owned by Francisco and Vicki Garza / Garza Properties LLC, located at 7101 State Route 21, Tax Map #195.05-1-19.000. Owners are looking for an area variance of

twelve foot to the south side property line where a twenty foot setback is required per zoning district regulations of the town code to construct a five foot wide by twelve foot long addition to a single family house that will house a full bathroom and laundry.

SAID HEARING will take place on the 28th day of March, 2018 beginning at 7:00 p.m. at the Town Hall, 6500 Gannett Hill Road, in the Hamlet of Bristol Springs, NY.

All interested parties may appear in person or by representative.

Chairman Burgie: Thank you. This is your opportunity to present your case and tell us what it is you would like to do and the reason you need to do it.

Francisco Garza: Good evening. My name is Francisco Garza. It is good to see you. When we first purchased the cottage, it had a lean-to of four foot. We took it down because it was just a toilet in our entrance like a mud room type of thing. We did a remodel. So the cottage only has one bathroom. We decided in order to have friends and family guest to come over it was necessary to have another bathroom because the bathroom is located in our bedroom. We do not want somebody in the middle of the night going to the bathroom while we are sleeping. We decided to put back what was there before, but a four foot bathroom is too small even to sit on the toilet. My knees would be knocking just to the wall. We need at least a five foot deep room, bathroom. That requires an extra foot. That is why we need the variance of 12 feet, but it is really one foot. It will still leave eight feet from our neighbor. There is plenty of room there. Also we are going to put a little closet. We would like to put a closet with a stackable washer and dryer so we can wash our towels and things. That is our request. We appreciate if you would consider that.

Chairman Burgie: I would like ask the Code Enforcement Officer to explain the rationale for the refusal. One thing I am interested in also is that in a C-1 it is a ten foot setback this is a C-2 now is that right so it is a 20 foot setback?

Phil Sommer: Correct.

Chairman Burgie: I am going to need you to come up to the microphone or something?

Diane Graham: It is a C-1 with 20 foot.

Phil Sommer: C-1, 20 foot.

Chairman Burgie: A C-1, 20 foot. R-1 is ten. She has trouble hearing it for minutes later. What is the rational for the refusal?

Phil Sommer: The rational is you are not meeting the setback on the south side of the structure. It was denied and turned over to the board for a twelve foot setback adjustment.

Chairman Burgie: The four foot bump out that he had that they tore down that was all pre code is that correct?

Phil Sommer: That was done I couldn't even tell you when that was added on there. Well before my time.

Chairman Burgie: Legally the actual variance is twelve feet because we are starting from the house not just an addition to what was there at one point.

Phil Sommer: Right. It is a new addition so you have to apply it to the new setbacks stated in our zoning.

Chairman Burgie: Great. Thank you sir.

Robert Bacon: There is one other question. There is an existing non-conformity, correct?

Chairman Burgie: There is an existing non-conformity for the house. There is an existing non-conformity. A certificate of non-conformity, but to use a non-conformity any modification cannot increase the variance required, the non-conformity from the code. It cannot increase the non-conformity from the code. This is increasing the non-conformity so as far as a certificate of non-conformity, yes for the house there is, but that really does not apply here. A new variance is required.

Robert Bacon: My question the way this is written I am not sure it is specified what the existing non-conformity distance. It gives me the dimensions of the house and property.

Chairman Burgie: A new measurement has been taken from the house to the property line and this is not applicable to this addition.

Robert Bacon: Alright.

Chairman Burgie: It has to be a new variance. A new variance then if granted becomes a new non-conformity. You do not have to apply to modify the certificate if that is granted.

Chairman Burgie: Okay?

Robert Bacon: Yes.

Chairman Burgie: Visitation reports. Anybody have an opportunity to go down and observe?

Jonathan Gage: I drove by today. I did not go on the property. I could the see the picture as it is here is very representative of what it is.

Chairman Burgie: Anything else?

Albert Crofton: Yes. I visited and walked around the property. It is close to the line and it is going to be very close to the line indeed if it is expanded. Hoping that we can find some other way to satisfy that need. It is already close. It is going to be within a foot or so of the line if that is the case. Now that is not particularly unusual. Woodville is cheek to jowl all along there. Not to be unusual situation, but still adding to the compactness of the area.

Chairman Burgie: In response to the question you are asking there is one dimension in here that is pertinent to this discussion. It is thirteen feet from the south property line and they want to make a five foot addition to this. Thatø where is takes it down to eight feet from the property line. Twenty is required, therefore, twelve foot variance. It will go to eight feet from the property line.

I drove by also couple of days ago and it was raining very heavy. I did not get out. I have been down there before to look at other things. You have a manhole cover down there over the holding tank, right? You have an engineered drawing for the addition that you want to put in footers and how that affects the holding tank and all that. You are not going over that manhole cover?

Francisco Garza: No.

Chairman Burgie: Is it extending past that manhole cover in this actual drawing?

Francisco Garza: No. The tank is five foot two inches from the cottage. The footings are going to be one foot in so the footers are four feet with a cantilever to five feet. So two inches later will be the septic. We are not going to disturb anything around the septic tank at all.

Chairman Burgie: From a visual standpoint you are going to basically overlap part of the septic?

Francisco Garza: No. We are going to be two inches away.

Chairman Burgie: Two inches short of that?

Francisco Garza: On the physical tank. That is correct.

Vicki Garza: George Barden went down and looked at it. He saw where we had dug and he approved it. He said if we were to have a failure of that tank it would very important just to abandon it and take it out north close to the road and add a new tank. That was his greatest concern that if in the future should the tank fail what we would do. That is what he suggested that we abandon that tank and have a new tank.

Chairman Burgie: Okay. Thank you. Anything else?

Carol Dulski: I too visited the site. My concern is if we do grant this I am just worried about the building materials. How are you going to get them in there? It is so close to the road.

Francisco Garza: We have a driveway on the other side and a big paved patio that they bring materials. They can also park next to the cottage by the road. We usually park on top by the road. There is plenty of room there, but also around the driveway as well.

Chairman Burgie: The other side is the marina side?

Francisco Garza: The marina is after that correct.

Carol Dulski: So no concern with Route 21?

Francisco Garza: No. We will stay away from the actual street yes on the road.

Vicki Garza: There is actually a driveway apron there. So when you go down there is big area that is also blacktopped where a couple of cars could park. So we really have room for three or four cars to park to the left of the house on the north side.

Carol Dulski: Thank you.

Francisco Garza: Sorry as far as the materials. We are going to match exactly the materials that are on the cottage. Regular construction, beams and all that and vinyl siding.

John Holtz: I have a question that I would like to ask you. You are thinking about doing this and you tore down the old one and you want to put this one back. How did you come to the decision that this is the best spot in all your property to put it? I can see other places that maybe someone could put a bathroom, but why did you choose this instead of one of the other alternatives?

Francisco Garza: We were told that we were grandfathered at that footprint. That we could not do anything else around the cottage. That is why we chose that spot because it used to be a structure there. We were going to be in the same spot. They told us no you cannot expand anywhere else because you are grandfathered to that footprint.

Chairman Burgie: You are not putting it in that footprint now? If you go foot past that you have expanded that. You are not in that footprint.

Francisco Garza: Correct.

Chairman Burgie: That is what the certificate of a non-conformity would allow you to do in that specific footprint, however, you cannot increase the variance required or the deviation from what is allowed in the town code.

Francisco Garza: I see.

Chairman Burgie: By going a foot past that you now can no longer use this to do that modification. This is a certificate of non-conformity. You need a new variance. We are basically starting fresh on that setback required and what is happening with that.

Francisco Garza: I see.

Vicki Garza: I would say given that we would still choose where we chose because when you first walk in the cottage. Last year we took out of wall and the wall makes it like a big living room dining room area. It is our only living area and it right off the living area to the south side. It is a perfect place to have a bathroom and your washer and dryer. If we have folks staying with us, we have a kind of a loft area upstairs and we had wanted really to try to do something upstairs with the bathroom. We had Shanna Williams come down. We looked at every area of how we could even do that upstairs. She suggested that we keep it where it is. She thought that was the best spot for it. The way the house is laid out otherwise we have a formal dining and a kitchen and then we have a bedroom and a bathroom. It is really a tight small space. It is the only space that really does make sense. That is why it was there to begin with.

Chairman Burgie: We are going to have a greater discussion period in a little bit where a lot of this will come out in the discussion of okay is there another possibility and things of that nature. You will have an input into that. That is in the flow. This map is absolutely crucial otherwise I will never remember everything we need to do. We will kind of step through that to make sure that that happens. Before we go into any of that. We need to determine the SEQR status. State Environmental Quality Review Act requires us to look at every building of every kind any modification to determine if it could adversely

affect the environment and how much that could happen. We are required and you submitted input into that SEQR to address whether this needs to be investigated further. There are actually two kinds of actions in the State Environmental Quality Review Act.

One is a Type I action that could potentially have major impact and further reviews as necessary. The other is a Type II action. Type II actions have already been deemed by the state as not potentially having major impact. Any Type II action does not need to be investigated any further. I would propose that this falls under two different paragraphs in this. One is paragraph C 617.5 (c)(9) construction or expansion of a single family, 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 or well and septic system. That is the first one that is a Type II action.

The other one is granting of individual setback and lot line variances which obviously that is what we are here to discuss and that is a Type II action, therefore, based upon both of these falling under the Type II actions no further action is required. We will document that part in the findings which are our recorded evidence of this meeting when we get to that part. We are not going to go further with the SEQR. That is not required.

Here is the time that we open it up to a public hearing and invite anyone who has anything to add to this discussion. Neighbors, experts, anything of that nature who would like to make any input. Please step forward to the microphone and identify yourself and join us with your input.

Public Hearing Opened at 7:27 p.m.

Paula Kinney: I am Paula Kinney. I am the cottage to the south of Garza's and they have been real forward with me on what the footprint for the new addition. The inside of my cottage is very dark and the only thing I am thinking that it will not make it any lighter by putting that out there, but I do not think it going to be a big impact. My cottage is very close to the line as you have seen. Like they said there used to be an entryway up to the left of where they want to go now, but that did not ever have an impact on us.

Chairman Burgie: Never had an impact on you?

Paula Kinney: No.

Chairman Burgie: Do you know approximately how far your cottage is from the property line?

Paul Kinney: It is right up to it. It is very close.

Chairman Burgie: Okay.

Albert Crofton: You don't have any problem walking between them I don't believe?

Paula Kinney: No. They are keeping the walkway just as it is. That is fine.

Chairman Burgie: With what you have described there will be approximately eight feet between their addition and your cottage. I would ask the Code Enforcement Officer maybe you know or you don't is this an issue with the fire department?

Phil Sommer: No sir it is not.

Chairman Burgie: No issue? Thank you. So you support or deny?

Paula Kinney: I am fine with it.

Chairman Burgie: Okay. Thank you. Any other input?

Diane Graham: I have written ones when we get to it.

Chairman Burgie: We are about to get there. Okay we are going to close the public hearing and we relay any public or municipal officer's documentation as appropriate to this case.

Public Hearing Closed at 7:34 p.m.

Diane Graham: This was submitted last year. Donna Faatz who is a neighbor on the other side of Ms. Kinney. *“I have reviewed the plans that Garza's have drawn up for their proposed half bath on the south end of their cottage and am in agreement with them.”*

Mike Hiller who is here. He had sent an email stating that I could read but that he was fine with the project. If you want me to read it, there were two separate emails.

Chairman Burgie: Yes, please.

Diane Graham:

“The properties on the lake located in the hamlet of Woodville have been around since before the 1950's. It is understandable that as lakefront property value has increased and people's lifestyles have changed, property owners seek to make appropriate expansions and additions to their properties. With the increased usage of the lake that accompanies these lifestyle changes, it would be difficult to keep these properties as they were originally. Smith Boys Marine is supportive of our neighbors and as you are well aware, we are also seeking to make additions to our property. We would be glad to support your request to add a bathroom addition onto your property.”

That was a more current email and then there was a prior one as well:

“Smith Boys Marine would be glad to support your project for the half bath. I hope the half bath turns out nice!”

That was when they were going back and forth from full to the half and back to the full.

Chairman Burgie: Thank you. We need to advise the Ontario County Planning Board on the application and they either say yes we do review and will give us a formal response to that or there is a list of certain things that they do not review. They did give us a response on this.

Ontario County Planning Department response was the referral is eliminated from the County Planning Board review process. This is not required and they give a little bit more description here but this was not required to go to them. They had some comments that we should reach out to George Barden,

Canandaigua Lake Watershed Inspector to ensure the current septic system is adequate for the proposed additional use. You have reached out to him and gotten his input on it. There is no further action from the County Planning Board.

Vicki Garza: He actually did a test because he wanted to test it first to make sure it had not failed. He did that test and it passed.

Chairman Burgie: Good. Okay. Thank you. Is there any other public or other information? I open it up to the ZBA discussion and debate period. Anyone have questions or discussion that you would like to entertain right now. No discussion? That is a first. There is a number of things that we are required to by Town Code to address for any area variance request. This was in your application package. The five different things we need to address on each one of these. The five factors we must consider whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties would be created by granting the area variance. We have heard from the closest neighbor and really the only one who can see it and could be affected. I would like to propose the first finding.

Finding #1:

A motion was made that the first finding is no further action is required on SEQR because this is a class two action per paragraph 617.5 (c)(9) and (c)(12).

Chairman Burgie made a motion for finding #1 and Carol Dulski seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Finding #2:

A motion was made for finding #2 there is no undesirable change that would be produced in the character of the neighborhood or detriment to nearby properties by granting this area variance.

Chairman Burgie made a motion for finding #2 and Robert Bacon seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Finding #3:

Chairman Burgie: We had some discussion on whether you could achieve what you are trying to do by some other method. I think we heard from you that there isn't another feasible place that is functional for use in your house as it is right now.

A motion was made for finding #3 the benefits sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than the area variance.

Chairman Burgie made a motion for finding #3 and Albert Crofton seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Finding #4:

Chairman Burgie: The fact that it is substantial doesn't stop us from granting it if that is the only way it can be done, but it does need to be addressed. A 12 foot variance where 20 foot is required is substantial. That is over 50% of the required setback.

A motion was made for finding #4 that the requested area variance is substantial.

Chairman Burgie made a motion for finding #4 and Robert Bacon seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Finding #5:

Chairman Burgie: The fourth one that we need to address is whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

A motion was made for finding #5 that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

Chairman Burgie made a motion for finding #5 and Jonathan Gage seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Finding #6:

Chairman Burgie: The last it is so tight down there. There is not much room to do much of anything. The fifth that we need to address is whether the alleged difficulty was self-created which considerations shall be relevant to the decision of the Board of Appeals, but shall not preclude the granting of an area variance.

A motion was made for finding #6 that the alleged difficulty was not self-created.

Robert Bacon: I would like to add to that. The fact that the house has been there for a long time. I think the original date was 1917.

Vicki Garza: That was actually the date of a fire there. I think it actually predates that from the size of the beams inside. It may have been there much longer, but that is the first date that they have.

Robert Bacon: The first evidence. The structure has been there a long time.

Chairman Burgie: Yes it has.

Chairman Burgie made a motion for finding #6 and Robert Bacon seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Chairman Burgie: Are there any other findings that the board members would like to make in this case?

Finding #7:

Robert Bacon: I would like to add there is flexibility here. You started this process in 2016 two years ago. I know you have gone through a number of versions. So you have tried to comply with the town's zoning laws.

A motion was made that there has been substantial changes, you have looked at options, and you have come up with the best solution possible.

Robert Bacon made a motion for finding #7 and Chairman Burgie seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Chairman Burgie: We are done with the findings and then the next consideration is should be have conditions placed upon this. Any conditions you see if we do grant the variance?

Robert Bacon: The only discussion I heard through the case was if the septic tank were to fail you are going to relocate the tank as opposed to replacing the tank. That is a statement. I am not sure it applies for a condition.

Chairman Burgie: Theoretically they could replace the tank, but that would mean significant reconstruction in that area and probably not the best way to go from an engineering or a cost standpoint.

Robert Bacon: The point of the discussion is there is already an understanding that if the tank were to fail, the tank would be relocated to another area whether it would be closer to the lake or closer to the road. I am not sure what the best option is there.

Vicki and Francisco Garza: George Barden said toward the road.

Chairman Burgie: Okay. So did you want to make that?

Robert Bacon: Do I need to make that a motion?

Chairman Burgie: A motion to do what? Understanding that if the tank should fail it would be relocated.

Robert Bacon: Yes. Is that a condition?

Chairman Burgie: I am asking if that is what you are suggesting.

Robert Bacon: That is what I am suggesting. I am thinking from a neighbor's perspective if they have to excavate to replace the tank that could cause some risk.

Chairman Burgie: So would you like to make a motion?

Condition #1:

A motion was made if the tank were to fail in the future that it be replaced closer to the road as opposed to closer to the lake.

Robert Bacon made a motion for condition #1 and Chairman Burgie seconded the motion.

All in favor.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

Chairman Burgie: Anything else? Then I would petition the board members to offer a motion to approve or deny the applicants request.

A motion was made to approve the twelve foot variance request by Albert Crofton and the motion was seconded by Robert Bacon.

Roll call vote.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, J. Gage, C. Dulski); Opposed: 0

Motion carried.

{Intermission}

Chairman Burgie: I would like to call this meeting back to order.

Area Variance Application #2018-0001:

Chairman Burgie: We are going to hear the second request for variance. This request for three different variances. One of the board members has recused himself for personal reasons, therefore, John Holtz is going to join as a voting member. We still have five voting members on board. We had to replace one of the board members for this. Would you read the applicants newspaper notice?

Diane Graham: Yes.

Public Hearing Notice was read by Diane Graham:

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 #2018-0001 for property owned by Hugh M. Jones, IV / Jones Beach LLC located at 5721 Seneca Point Road, Tax Map #168.20-1-23.100. Mr. Jones is looking for a total lot coverage of 25% where 20% is allowed, a 5.2 foot variance for the north property line where ten feet is required, and a 2.4 foot variance for the west property line where 50 feet is required for additions to existing house and garage.

SAID HEARING will take place on the 28th day of March, 2018 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: Here is where we request that you present your application to the board and your rationale.

Robert Bacon: It would be helpful to state your name and what your position is here.

Eric Clough: Yes. My name is Eric Clough. We have an architecture firm 212box and this is my partner Eun Sun Chun. We also have Meaghan Maher. Oh sorry. Wendy Maher and Bill Grove, both engineers. Unfortunately, Hugh and Chrissy Jones were not able to make it, but they apologize. On behalf of them and us thank you for listening to our application and taking the time.

Chairman Burgie: Before you start just to get it on the record you have a signed letter from Hugh M. Jones, IV óI hereby authorize 212box Architecture to apply and sign on my behalf for Zoning Board application and Planning Board. So they have authorized you to represent them.ö

Eric Clough: Yes. Between the four of us I would to do a quick outline of some of the points we would like to hit.

George Hamlin: Can you use the microphone so we can hear?

Eric Clough: Sure. The property has some history to it. We have some timelines and diagrams of the different structures that have lived on this property over the past years. We would like to show you some of the design processes that we have been through to get to our current proposed design. Along with that explain some of the highlights that we are all trying to do to improve the current site and property. Discuss how it relates to the neighbors, as well as, we have reached out and sent some letters out to explain what we were doing as part of the proposal. Then go through the points of the variance.

If I start with the history of the property, this is the current property in relationship along the lake edge and there were various structures that were included. In 1951 there was a cabin built and we will switch these out as we go through the timeline. This cabin was built in 1951. This property has been in I think four generations of the Jones. A cottage was then built as part of an addition to the cabin in 1957. So those two existed together. Then in 1964 Hugh's grandfather was an architect and he designed the current house addition as an addition to the cottage for his grandmother. Those co-existed on the site. The cabin was then relocated I believe up a few properties and then in 1995 a large oak tree that was located just adjacent to the cottage fell over in a storm and demolished the current cottage. Just leaving the existing house in place. In that time, so the house was located just five feet off the property line. I believe in 2005 the easements were established making that then in violation of the setbacks. In 2015 there was a 20% coverage rule that the house would have remained in and the cottage. I am sorry. In 2017 we were asked to then design an addition to this in hopes of bringing back the same footprint of the cottage that was demolished when the oak tree fell. The cabin, the cottage, there is a barn that is temporary constructed on an easement that will be taken down with this new addition.

Through our design process and thinking this is the existing where we have about a 35% coverage on the existing lot with all the driveway and different with the barn structure. If we had replaced the old cottage, we would be in a 41.81% coverage on that lot.

Chairman Burgie: When you talk about coverage, you are talking about permeable and non-permeable is that right for building coverage?

Eric Clough: Building coverage.

Chairman Burgie: 35-41 percent?

Eric Clough: Yes.

Chairman Burgie: Okay.

Eric Clough: As we started collecting information, we were using a tax lot size which was about 0.7 of an acre which yielded a 30,840 square foot number to take 20% from. We started designing two different schemes leaving the main house intact and designing an addition that came off to the side of it. We were still preliminary trying to stuff the program in. The client's desire to make the house larger with a few more bedrooms with both families growing and they share it now with his sister. There is a desire to allow for the smaller structure to now become their retirement home so they are not heating and cooling the entire existing house. We have been playing with it and separating those two systems to be able to close down the house when it is just the two of them when they retire and when the extended family comes then opening up the house again. This was one attempt and that yielded based on the tax lot was 24%. So we started trimming it down to another and then there was also where we were locating it and connecting it either to the main master suite coming off of that or off of the living room. This one reconfigures and

actually takes the old footprint of the cottage and works that in. Then we were able to reduce that again down to 21%. We were trying to carve away to that 20%. At that point we were still using the sales tax, oh sorry the tax ID survey that Hugh has been paying taxes on for the past ten years based on that. We then we had a new survey taken and it was significantly lower down to 24,350. We spoke to the Planning Board and Phil in Zoning about which one to use. We went back and forth. I think we initially said the tax survey would suffice but then I think the lawyer had said no a survey, a new survey. The discrepancy we still have not been able to completely determine. We know we lost about 1,000 square feet on the water line changing and then there was able a fifteen or eighteen foot difference of the back lot line which is about another 1,800 square feet, but it is still we are missing about 3,000 square feet. From here on I will use those numbers of the new survey. Just replacing again with that footprint we jumped us back up to 26% and then we have now taken a lot of the programming onto the existing footprint which is adding a second floor as a u-shape around the pool. I should note that in 1964 when this house addition was built this was I think one of the first indoor pools either in the State of New York or upstate New York. It is a little bit of an Achilles heel we have about a 1,000 square feet that is being taken up by an indoor pool which is very rare and unique given that we have a beautiful lake. We added the second floor and we minimized the foot print of the addition to 1,020 square feet. We have reduced this down to just under 25% thus part of our request for a variance of the additional five percent.

Chairman Burgie: You did not address that you want to build along the end with the garage also, right?

Eric Clough: Yes. I am sorry. Part of absorbing internally one of the two garages that exists and then we would like to relocate the path of the cars entering the garage and we added an extension so that rather than coming in here and we are going around to the front. We are requesting a garage extension which is then absorbing some of that square footage. It is also extending that easement, that five foot setback just because the house is existing against that five foot line. Then we are also just about 28 inches off of the 50 foot line on the west side. If I had to say that again the garage is 28 inches past the 50 foot line and just extending it it's against that easement that setback on the property line.

Eun Sun Chun: I just want to add that we tried negotiate the difference between the tax map and the actual survey was by making the addition to the existing house because we had to make the new structure footprint smaller. We haven't even gone near the 35 foot maximum height at this point. We are ten feet below that. I wanted to cover the point made about if it would blend into the neighborhood. If it would be out of character because it is a sort of labor of love of family house that Hugh's grandfather built. He is very much respectful of that. He wants to keep it in character with the lake shoreline. These are some present images that we are presenting particularly the image in the middle here which is very close in color and darkness to the adjacent neighbor. A pitched roof. This is shown with modern glass connection that connects the existing and the new here, but otherwise the illustration and the lights they are very much in character with the neighborhood. Ultimately he wants to retire here with his wife. I think it is a long term end goal to have it be comfortable and also be part of the neighborhood.

Chairman Burgie: As I understand the additions that you have on here, it appears to me that the garage itself is driving two of the variance requests that you have.

Eric Clough: Yes.

Chairman Burgie: The preexisting home does not alleviate the need for a new variance against that ten foot setback. It is in line with it, but it is still a new variance.

Eun Sun Chun: Yes.

Chairman Burgie: The ten foot setback.

Eric Clough: Yes.

Chairman Burgie: I am sorry go ahead.

Eric Clough: Oh sorry. We are five feet from the property line of existing house. Okay.

Chairman Burgie: But that was the existing house before the code. The fact that you are going to extend that line requires a new variance for that extension.

Eun Sun Chun: Correct.

Chairman Burgie: You are now requiring a variance against the 50 foot setback. Is that the west line?

Eun Sun Chun: Yes.

Chairman Burgie: So two of the variances are just because of the garage?

Eric Clough: Yes.

Chairman Burgie: I am trying to make sure that I understand it.

Eric Clough: We also explored one shaving thirty inches off of the garage on the west side, but we lost one bay of the garage for a car. If I pushed it forward five feet, we also did that and we could still do that, it is just then the expense and geometry of the roofline in my mind not designed ascetically pleasing.

Chairman Burgie: It is not ascetically pleasing. It is still feasible?

Eun Sun Chun: Yes.

Chairman Burgie: It is still something that could be pursued if necessary.

Eric Clough: Yes.

Chairman Burgie: Okay. Do you have anything else?

Albert Crofton: What does that have to do with what we are looking at here?

Eric Clough: These are precedent images of the exterior cladding. We wanted to create a data line of stone.

Albert Crofton: That is not how the house is going to be built though?

Eun Sun Chun: No.

Eric Clough: This is just a sketch of the massing of what would be built and if you could imagine those colors in the middle for this portion of the bridging the two structures would be glass like that. It is pretty much that main middle section. We went with a darker cladding of board and baton. The two neighbors are darker houses with a more log cabin feel and so we thought it would be our program.

Eun Sun Chun: It is not going to be white for sure.

Carol Dulski: How many bay garage is it if you say you are going to lose one?

Eric Clough: Three car garage.

Chairman Burgie: It is presently a three car garage?

Eric Clough: It is presently a two car.

Chairman Burgie: Two. You are going to take some of that space interior to make up for some of the room that you are not putting into other addition which is why you want to extend the garage?

Eric Clough: Correct.

Eun Sun Chun: Right here is the addition of the garage and right now this does not exist. Two cars this way.

Eric Clough: Second floor plan and ground floor plan and if you could study you can see this. There are some additional features that we would like to use this opportunity in house. The Tesla solar paneled shingled roof system. We would like to implement so that it is running a Tesla home system. Also we are replacing the septic system which maybe Bill if you could explain.

Bill Grove: I am Bill Grove, the civil engineer on the project with the site plan and septic plan. The septic system as it exists now is a standard septic tank with a pump tank that pumps to a distribution box. There is a conventional leach line that run parallel to the shore line. The proposal is to replace that system completely with a trash tank and aerobic or enhanced unit. Ultimately an absorption bed. We meet all setbacks and requirements for that. We did not need any waivers from the State Health Department. It took some doing we did get George Barden to approve the design. We do not have his formal approval letter, but he did write an email and stated he was going to approve it. We had a conversation with Sheryl at the DOH and George was comfortable with the design after that conversation and after one small tweak of the pump in the pump tank. As far as the septic goes, we have that approved at this point.

Chairman Burgie: We do have a copy of the letter from George Barden that addresses the attached plans our latest revisions. *“These revisions are based on a conference call this a.m. with the New York State Department of Health engineer Sheryl Robbins, P.E. Based on that conference call and the resulting consultation the plans have been revised showing time dosing instead of demand dosing. Given this and the recommendation of the NYSDOH engineer, this office will approve this system design as revised.”*

Bill Grove: I can also speak to that we were in front of the Planning Board with this project. One of the concerns that they had was about storm water runoff. You will notice on the plan we are taking out all of the current driveway replacing just the section we need to with permeable pavers or some sort of permeable pavement. The patios will all be permeable. That was all the Planning Board saw. One addition that came up at the meeting and also Kevin Olvany has reviewed the plan and suggested that

having some drywells to handle roof runoff would be a good idea. We have one at the south off the end of the garage a drywell in that location as well as one in the northeast corner near the shoreline so that it will infiltrate roof runoff and further reducing the theoretical impermeable surface that we have on this site. Eric spoke about lot coverage. As the site exists right now we are at 35% lot coverage and the proposal is to make as much area permeable as we can. Divert the roof runoff into those drywells. We did not take into account the reduction of the roof runoff into the drywells into the lot coverage calculation but we are going from the existing at 35% down to the proposed at 25% with the garage addition as proposed and the house addition as proposed.

Robert Bacon: Question. You just made a statement that you changed the design of the driveway to be permeable pavers, right?

Bill Grove: Yes.

Robert Bacon: Has that been incorporated into the footprint of the lot?

Bill Grove: In?

Robert Bacon: You just said that you went from 35% footprint down to 25%.

Bill Grove: The existing driveway comes in and goes over to the barn building that is going to be removed and then sweeps back in to the garage area. So that a lot that will return to green space.

Robert Bacon: Okay. The new driveway that comes from the west to the new garage is that truly asphalt or is that pavers and permeable material?

Bill Grove: It will be permeable. It may be permeable asphalt. They do make a product that is an asphalt product that is porous and allows water the flow through it.

Robert Bacon: Okay. So my question is that new driveway area is that incorporated into the total permeable square space?

Eric Clough: That is not. Only the house.

Bill Grove: I think I follow. To answer your question.

Robert Bacon: It sounds like a gray space and it may reduce the amount of lot coverage that you are trying to minimize. It is an opportunity.

Chairman Burgie: He is saying they did that to go from 35% down to 25% that they are requesting the variance for.

Robert Bacon: That is through the different designs scenarios with the houses. I am talking about the driveway specifically.

Bill Grove: It will definitely be built this way, if the site plan is approved.

Robert Bacon: Okay.

Chairman Burgie: Is part of the 35% the existing shack that is there, garage or whatever it is that is over there?

Bill Grove: It is. Yes.

Chairman Burgie: So taking that down then that would be contingent upon that coming down so that we did not have that increasing the 25% even more. Okay.

Bill Grove: Not only that, but that existed in an easement for the parcel up by the road for lake access. It is kind of peculiar.

Chairman Burgie: I noticed that. Okay. Anything else at this point? Anything more on your presentation?

Wendy Maher: I am Wendy Maher with Maher Engineering, one of the engineers. The reason that they went through all the scenarios and history of the lot is because it is continually improving the non-conformity. I think by the easement being added, the code being changed and the errors in the town map being 6,000 square feet smaller has created this hardship with them trying to create this 20% lot coverage. As you can see and Bill eluded to they have really done due diligence to try to reduce the runoff and improve the environmental impact of this home. The neighboring properties truly are well above 20% because they were built way back when, but if you look at the lot coverages on the pavement and the patios they truly are well above what we are proposing tonight. I think that removing the barn in the easement, they are trying to make like I said really make this more conforming to the code.

Chairman Burgie: Have you used surveys that exist in facilities in non-permeable surfaces on those other properties to make that statement done in calculation?

Wendy Maher: Currently no.

Bill Grove: I did some approximate numbers based on the Ontario County OnCor website. They do not have surveys available for all the properties. For instance there is three properties that I would call neighbors. One of them is 29% and just strictly the house structure itself. It did not look like that when a driveway to it. It was more of a walking path from another property that got to it. There is another neighbor that is at 23% with the house only. Just a little ways north up the lake that is at 40% with the house and the driveway. So the 20% is really a hard target to reach on lots that are of this size. This brings me to another point. If our lot was 0.7 acres and we proposed exactly what we have, we would meet the requirements for the 20%. If we do all the permeable stuff like we are proposing.

Eric Clough: 19.6%

Bill Grove: It seems like a large variance request we are asking for that 5% from 20 to 25, but if you take into account the size of the lot being considerably small it is not a large square foot request that we asking for. If it were an acre and a half lot and we asked for that at 5%, it would be a much larger impact, a much larger area of structure.

Chairman Burgie: I did a calculation of the my own just to see what that difference is and it looks like it is 4870 square foot total lot is allowed under the 20% to go up to 25% you are about 1,220 square feet over the 20% coverage. That is another quarter of the allowable which takes you to the 25%.

Eun Sun Chun: I think we also included that the fact that as much as the family enjoys the indoor pool unfortunately it is not livable so I feel like it could work both ways in the sense thatí

George Hamlin: I did not get that comment that you said.

Eun Sun Chun: The indoor pool as much as it is great for the family that square footage which is about 1,000 kind of works not in our favor.

George Hamlin: But it is inside the house is it not?

Eun Sun Chun: Yes.

George Hamlin: Thank you.

Eun Sun Chun: Do you understand what I am trying to say?

Chairman Burgie: I understand what you are saying, but it still has to be counted.

Eun Sun Chun: Yes absolutely.

Chairman Burgie: Unfortunately. Okay. Any other discussion at this point in your presentation? We will give everybody an opportunity to add to this in a moment.

Eric Clough: Thank you.

Chairman Burgie: Thank you. Alright for the record the Code Enforcement Officer explains the rationale for refusal of the permit.

Phil Sommer: It stated in the public notice the rear setback does not meet the 50 foot requirement, the side setback with the addition of the new garage does not meet the ten foot setback and of course the 25% does not meet the 20% allowable lot coverage.

Chairman Burgie: Thank you. Visitation reports?

Robert Bacon: I can say I drove down and based on the maps there appear to be consistent with what I saw. I will leave it at that.

Carol Dulski: I talked to Mr. Jones back in January. He was showing me everything he wanted to do. Like you said the maps are showing it.

John Holtz: I went down and talked to Mr. Jones also. I got a nice tour and walked around and got a little history of the neighborhood and everything. One of the things he was talking to me about was the garage. He said that was primarily to put the garbage cans. He wanted to bump it out so he could fit the cars and the garbage cans in there. To have two variances for garbage cans seems like a lot of overkill, but that is

what he said he was going to do with it. He told me he wanted to keep the barn too. He said no, no we want to keep that barn. I said well if you take it down I want the cupola. He was a nice guy. It seemed sound what he was saying. He gave me a nice tour.

George Hamlin: Is the new barn part of the footprint?

Albert Crofton: I did not hear that question George.

George Hamlin: Is the newly constructed two-story barn part for the one story lean to that he had. Is that part of the footprint?

Eric Clough: No.

George Hamlin: It is a structure on the property?

Chairman Burgie: It is intended to come down is that right?

Eric Clough: Yes. With this new proposal it will come down. We are trading that square footage.

Chairman Burgie: Time to determine the SEQR status. This is an addition to construction or expansion of a single family residence on an approved lot including provisions of necessary utility connection as provided in paragraph eleven and the installation maintenance and/or upgrade of drinking water, well, and a septic system. Both the septic system redesign and the expansion of the single family residence fall under this paragraph. I do not think we can reference the other paragraph granting on individual setback and lot line variances because this also includes a total coverage variance which does not fall under that rule, but this is a construction or expansion of a single family residence. I think this falls under paragraph 617.5(c)(9) which is a Type II Action and requires no further review. If there is no argument or discussion on that then we will document that when we get to the findings. Any comments?

Robert Bacon: I agree with you.

Chairman Burgie: Good. So that was approved as is and we will document that in a moment. Here we open up the meeting to a public hearing where we ask for input from anyone who has something pertinent to say here.

Public Hearing Opened at 8:30 a.m.

Katy Guider: Hi my name is Katy Guider. We live at, we have a cottage at 5719 which is directly north of Jonesøcottage. I find it, let me just start off by, I am not sure maybe I misheard you, but did you say that Hughø grandfather was an architect.

Eric Clough: Yes.

Katy Guider: He was judge.

George Hamlin: He was a lawyer.

Katy Guider: He was a lawyer.

George Hamlin: His mother was a judge.

Katy Guider: Oh I am sorry. The house that you refer to which we call is Nana's Nest which is this right here was my great grandmothers and when she, when my grandfather sold the property to the Jones that got moved over in 1964. Just so you know it was on the property in 1964. I totally do not believe the house was built in 1957. It is pedantry and you can go look it up in the Town records. It is not an issue. What I really wanted to come up and say is that I have no problem with Hugh and Chrissy adding on. I really don't. If they feel they need more space, the argument that his sister is involved is incorrect because he bought his sister out a couple of years ago. She comes up and visits, but is certainly not an issue that he is sharing the property with his sister. My argument is I do not want a three car garage on the lot line and they are saying it is five feet off the lot line. When my father has done surveys, it is like about fourteen inches. It is a survey situation. That's really what we are not for is the three car garage.

Chairman Burgie: Are you saying the existing home is fourteen inches from the lot line?

Katy Guider: No. That is what I was told. I have not personally surveyed. My father who has owned the property since 1970 has. Trust me he gets surveyed a lot to get his taxes down based on the water and the glen and everything like that. He is always looking to have his waterfront as minimal as possible for taxes.

Chairman Burgie: The reason we have a reduced lot size is because of the most recent survey that was just done. This survey placed the house five feet from the line?

Bill Grove: I can speak to that a little bit. The survey which is the base map for this does show an existing porch at 1.5 feet off of the property line so I do not know if that is it.

Katy Guider: Oh that's the kitchen. Alright.

Bill Grove: There is an existing walkway that goes down to a porch. That porch is the closest point so you are not far off at fourteen inches or eighteen inches is what the survey showed it as. Then there is another little bump out as part of the structure that is 3.4 feet and then the proposed corner of the garage would be at 4.8 feet. The extreme west corner.

Katy Guider: My entire family is not in favor of the addition of the garage just for that reason alone. The other side of it is you know you say there is no I mean a lot of cottages around there are over the 20%. Well it is kind of hard pressed for me to say that ours is over 20%, but anyway. I am sure there are others. I certainly know on the north side of the point there are and I understand why there is that 20% in place now because people were building huge houses on teeny tiny properties. You could just go down Seneca Point Road and totally seem them. We have no problem with Hugh making an addition and doing whatever, but zoning is zoning for a reason. There are rules to protect the environment and to protect the integrity of the town and to protect what is there now and keep it as beautiful and lovely as it is. If all of a sudden neighbors start saying oh we have no problem with it and the Hamlin's say they have no problem with it. Then the neighbor's five houses down and their neighbors have no problem with it. Then you are starting to get variances going. I guess what I am trying to say is I believe in the reason why there is zoning and why there is rules and regulations in South Bristol.

Chairman Burgie: Okay.

Katy Guider: So that is my opinion. Like I said I have no problem with them screwing around if they want to play with it however. That is fine. It needs to go within code.

Robert Bacon: Just for clarification. I think you started by saying you approve of the addition to the house, but you object to the garage. Is that a correct statement?

Katy Guider: I approve to any addition they want to do. I object to any variances.

Robert Bacon: Okay. Thank you.

Kay Guider: Okay.

Diane Graham: I did not know if you want me to read her letter and her father's letter from Albert Seymour?

Chairman Burgie: We have a space in here to read other documents. You have spoken in person. Would you care for us to read your letter also?

Katy Guider: No.

Chairman Burgie: We will read his letter when we get to that point. Anyone else?

George Hamlin: I am George Hamlin. I have been living on the property for three quarters of a century. This is an interesting model. It is really too grand for us because these houses are not really that big. They are not probably exactly placed, but I can understand. The Jones wrote us a little letter and our families have been linked for three generations so our family has been there for five generations and maybe even six now. Our house was built in 1913 and we bought it from the Adams's as well as the Jones's did fifty years later. Sue is doing right now a few years after that. I have lived at the property. He did send me those drawings on the first floor and second floor and the roofline. I have a couple of specific questions that maybe you can answer. The drawings are not complete on all the numbers and so forth. The statement was made the single story cottage we call them, not cabins. This is kind of a slanted single roof with three bedrooms and a eating and a living facility. Interesting enough if I could show you what existed before there. They have taken care of Nana's Nest. What was built here in 1957 because my Aunt Elizabeth was a spinster lady and she built a summer one story seasonal residence back here and this is our cottage which is the one with my grandparents said it had to have six bedrooms with cross ventilation. They had four children themselves and a live-in. This was 1910/1913. I have the documents that say that my grandfather and grandmother visiting her great grandmother and husband for the long weekend on Seneca Point and how charming it was. A few months later he said it was so charming we would like to buy an acre from you. That is exactly what happened in 1913 they moved there. We just celebrated that a couple of years ago. It did have upstairs four bedrooms in the corner. The chimney which is this beautiful granite stone piece of art is the central to your eating. It had just one bathroom and so the requirement that there be cross ventilation. On the first floor there was the master bedroom and something that was a little smaller bedroom on the lake and that was sort of the nursey. I was the youngest kid and that was my room. In those days they put the master bedroom in the back because we all know as the sun goes down the cold air comes down the glen and comes into the back and goes out through the front. My aunt had no family and our family had children and stuff. My grandmother said why don't you build in the back lot and share the front. That is what happened. I was about twelve at the time. Summer at the lake and no

shoes on and a jungle gym to play and a stick built single story house. The very next year the same thing happened next to Jones. Two years back to back we could have jungle gyms and enjoy that experience. One minute they were split up and that's what happens to it and all the rest of it. It is very strange here as this cottage, this house was all lined up with the beach and all of that sort of points south. The property lines are not east west, but it is a good 30 or 45 degree cut. Interestingly enough there view of the lake looks over 35 feet of our property and one of my arguments with the tax assessor was that we have 155 feet. The Jones enjoyed the eastern 35 all these years. I thought we were going to get an adjustment and she had already taken that into account and said I know I can see that happening so we kind of squared up a lot. We will take that 35 off and charge you on the footage value that was something that was a little more rectangular. The comment was made that what they want to do is place the cottage you see in fact it is doubling the size of it because it is two stories. As you can see our property is right here looking down this lake and the other side of this house and the Phelps's themselves and built right on the line over here and made no problems for the Phelps going trees in front of our view. In any event we are there more than half a year and live on the second floor. The first floor is for the kids and so forth for skiing. This being our view line is have our view of the lake and half of this side of it is going to be blocked by this two story, not a single story that we built added a second story to the little cottage. By the way when you have a one story to a first story it does not cost one it costs the whole house because you have to redo everything on the first floor. In any event that is certainly a seat change I know that is not pertinent here, because you could put the Taj Mahal there and say the footprint still 20% you know that is it. I want to be clear that the use which if you look very carefully on the first floor and second floor drawings like right there and read it to you. This is over the present living room and looking at the master bedroom. This room is called the master living room and this right here next to our property line is called an office. If the growth of this is to provide bedrooms for his grandchildren I am having trouble reconciling if you ever heard of a master living room? That is a new one on me much less an office on either your summer home or your retirement home. My daughter is 49 and Hugh is 49 and they have been friends a long time. In fact they came from Buffalo and both served the purpose for their senior proms even though they were not dating because people they were dating were out of town. So our children and their children and all of our grandchildren are all the same age. We have a wonderful time. The question I have it is very hard for me to determine what is the roof peak altitude of the new extension? It is not part of the drawings. I will remind you the peak of the house that was built there with parquet floors and swimming pool. Can you tell me the feet is going to be on the second floor of the western wall which is standing ten to fifteen feet from our property line?

Eric Clough: I believe currently 24 foot 9. High level peak 718.

Bill Grove: Does your roof line match for the addition as well as the second story?

George Hamlin: I hope not.

Eric Clough: There is new roof that has a slight different pitch.

George Hamlin: I would like to know what the height is in the same nomenclature of the existing year round house. So I can make an easy comparison. How much of the view is going to be blocked because later is one quarter and depending on how high it is it is certainly over the water. We live here more than half a year. Mr. Jones is very successful and he lives in Chicago. His twin sister lives in Boston. She is right she sold out to him that is why he is doing all this. I was asked to sing in their wedding.

Chairman Burgie: He is ready to respond to your question.

Eric Clough: 22 foot 6.

George Hamlin: 22 foot 6.

Chairman Burgie: What is the existing height now?

George Hamlin: From what distance? The elevation?

Eric Clough: From the first floor finished.

George Hamlin: Which is 37. The stairs go down from the living room then?

Bill Grove: Is this the addition here?

Eric Clough: Yes. So sorry on the living room side you are 33 inches below from that line so adding 33 inches to 22 foot 6.

Bill Grove: I do not know if you have the existing roof line peak elevation.

Eric Clough: I have the existing second floor peak at 21 foot. So we are 18 inches with the new pitch.

Chairman Burgie: Eighteen inches higher.

Eric Clough: Higher.

George Hamlin: Excuse me.

Eric Clough: We are eighteen inches higher with the new roof on a pitch. Eighteen inches higher than the existing one.

Wendy Maher: So the finished roofline is still nine feet below the code.

Eric Clough: Yes. There is a maximum height of 35 feet.

Wendy Maher: Thirty-five we are around 26.

George Hamlin: Did I here you say one of the early you are working on a single story and a solution to the footprint was to put a second story on the new construction. Did you say that?

Eun Sun Chun: An addition. We made a free standing addition smaller. We have added to the existing on top.

George Hamlin: Yes that is right. So that is why I am saying you did not replace the cottage you built a two story structure for what was a second story. I know you could not make the ratio of the lot coverage so your solution to that was to block our view. I have no grounds on this. I was chairman of East

Bloomfield on Planning Commission and all the rest of that stuff. I understand and I will obey the law. The second question I had what is the offset distance from our western boundary that we share? On that easement I did see on your drawing it is fifteen feet. Did I read that correctly?

Bill Grove: The easement width is fifteen feet.

George Hamlin: The red line is what you believe to be our lot line?

Bill Grove: According to the survey map.

George Hamlin: According to the survey, but it has been a 100 years of these surveys and all moves aroundí Thank you very much.

Katy Guider: May I ask a question? We are all friends. This is not trying to be adversarial, but Hugh wanted to add that third car garage not to get more living space out the two stalls that are there now. He wants a three car garage because he has extra cars. He has Lamborghinis and he has Ferraris and that sort of stuff. So my question is if you took off that additional garage for the additional third car that he wants, does that get you under 20%?

Eric Clough: No.

Eun Sun Chun: No.

Katy Guider: Okay.

Eun Sun Chun: It gets us less, but not. It gets us 23%.

Katy Guider: I am just trying.

George Hamlin: Can anyone tell me when that ratio went into effect because I was student of all this when I was dealing with my neighbors to the west and then they changed before we finished our lawsuit. We won what we won. Terrific victory. Can you tell me what year that was?

Phil Sommer: I did not hear the question?

George Hamlin: When did the ratio of footprint to lot size come into effect?

Phil Sommer: That started back in 1969 when zoning was in effect.

George Hamlin: It was always 20%?

Phil Sommer: Yes.

Eric Clough: 20% was April 2015.

George Hamlin: That is what I thought. Three years ago. It wasn't before I graduated from high school.

Eun Sun Chun: I would like to add that the existing house actually has a second floor already.

George Hamlin: Yes I am well aware of that.

Eun Sun Chun: We are just adding to that to basically compensate

George Hamlin: You are blocking my view. We live on the second floor. That is what people do around here. They live on the second floor so they can see the lake. Now we do not get to see that. That is disappointing that room is going to be empty most of the time. They live in Chicago and he is 49 years old. Retirement is a long long time away. He is not as old as I. His father is.

Phil Sommer: Clarification in 1969 lot coverage was 20% 7,500 square feet down around the lake. It jumped up to 10,000 square feet for a minimum lot size.

George Hamlin: What happened?

Phil Sommer: In 1969.

George Hamlin: Inaudible

Phil Sommer: In 1969 it was still 20% but the lot size went up from 7,500 square feet minimum to 10,000 for around the lake minimum lot size.

George Hamlin: What time?

Phil Sommer: That was back in 1969.

George Hamlin: What were you talking about happened in 2015?

Eric Clough: Was the addendum added for the coverage?

Phil Sommer: The coverage has not changed. This is 1969.

Bill Grove: Could it have been the addition of driveway areas and other impervious surfaces?

Phil Sommer: Probably the impervious surfaces did not count for the lot coverage. That probably was the change.

Eric Clough: Yes.

Phil Sommer: That is what is was.

Chris Guider: I am Chris Guider. I am the son-in-law of the Seymours. As you all can imagine there is a lot more involved in the years. I just want to reiterate our concern with regard to variance with garage. I will tell you that this property is rented frequently and several months I tend to have to be the sheriff of the neighborhood with regard to what goes on with the renters. If we expand the footprint you run the risk of having more people on the property and more disturbance, more water usage, more sewage treatment.

The other thing it blocks our view with regard to that lot line and access to the Hamlins and all our other neighbors would be restricted as well. I want to reiterate a point that my wife made relative to that particular variance and expand on what points she had made previous. Thank you.

Chairman Burgie: Did I hear you right you said this property is rented out a good part of the year?

Chris Guider: Yes.

George Hamlin: Yes. Has been.

Chris Guider: Premier Properties is the primary leasee. You can go on and rent the space. They rent it frequently.

George Hamlin: What is the rental Chris?

Chris Guider: \$6,000. Was six last year.

Carol Dulski: When I was there, Mr. Jones had said he was just coming off a rental and if he does this he will not rent it anymore. That is what he told me.

Chris Guider: He has made representation to both sides to me. We are friends, but there are certain things with regards to his proposal. That is why we are here. Thank you.

Chairman Burgie: Thank you. Any other statements from anyone during the public hearing? Then if I could close the public hearing now. I said we would not read these other two letters in, but I think we should to let everyone that every point has been made in this process.

Public Hearing Closed at 9:00 p.m.

Chairman Burgie: Any public of municipal officer's documentation as appropriate is what we are going to read now. So would you read both of these letters in and then I am going to add some other things.

Diane Graham: I was given another one that they received. So I will read in all three.

This one is from Katharine Guider who has spoken already.

"As owners of 5717 and 5719 Seneca Point Road. We are looking forward to learning the specifics of the variances Mr. Jones is asking for his property at the Town of South Bristol Zoning Board of Appeals meeting on March 28, 2018.

We believe that setbacks on property lines are necessary and legitimate, and only in very rare instances should a variance be granted. Unfortunately, when our grandfather sold the Jones their current property in 1960, there was no such ordinance in place and thus their current house is literally on the shared lot line. Any addition to the house should be the ten foot setback as per the Town of South Bristol's zoning requirements. We believe that allowing building on the lot line would be setting a dangerous precedent going forward.

Additionally, while allowing larger homes on smaller lots may increase tax revenue slightly, we do not see the value of diminishing the inherit beauty of the southern end of Canandaigua

Lake. Thus, we agree with the zoning regulation of 20% size of a residence per property for any new build or addition to an existing residence.

While we understand Mr. Jones feels he has space constraints, we believe there will be an acceptable solution to his addition that meets all of the South Bristol's codes. We know he is truly passionate about his love for the area as well as the lake, and whatever the final outcome we believe will be attractive and in keeping with character of the area.

Katharine S. Guider and Merritt S. Clancy”

The second one is from Albert Seymour which is Katharine Guider's father.

“As a long time lake property owner in the Town of South Bristol, I oppose any variances requested by the homeowner, Hugh Jones, to be approved by the Zoning Board. I feel strongly that zoning ordinances are in place for a reason – to instill and maintain the integrity of the southern portion of Canandaigua Lake and the surrounding land.

Albert Z. Seymourö

Then I am going to read one that was handed to me by Eric Clough and it is from Sherrod Hamlin Smeenk.

“I, Sherrod Hamlin Smeenk, owner of the property on 5723 Seneca Point Road, Naples, have known Hugh Jones for many years and can attest to his interest in preserving the natural beauty of Canandaigua and its surroundings as he has always been a great steward of this lake.

I have seen the proposed project for his house and we are happy to support his efforts in renovating his property.

Sherrod Hamlin Smeenk”

That is what I received.

Chairman Burgie: We have some other documentation that has been provided. Some of it in response to the County Planning Board response to us and the previous variance request that we looked at that was a single variance and did not require it to go to the County Planning Board. This one does. Any time we have multiple variances it has to go to the County Planning Board and get their input. We will synopsise some of it. They talk about the size of the lot and the footprint which we have already been over many times. The CPB's role in reviewing and making recommendations on County wide development has provided a unique perspective on the trend of more intensive development in use of lakefront lots. The CPB is the County Planning Board. Of particular concern are the incrementing negative impacts to water quality and the character of our lakefront neighborhoods. The following policies are a result in discussion and debates spanning eighteen months as well as consultation with outside agencies directly involved in water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest of local decision makers to do the same. Their final classification is two. I am not sure what the two means, but they do put it in words in a moment.

Findings:

- 1. Protection of water features is a stated goal of the CPB.*
- 2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.*
- 3. Increases in impervious surface lead to increase runoff and pollution.*
- 4. Runoff from lakefront development is more likely to impact water quality.*
- 5. It is the position of this board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.*
- 6. Protection of community character as it relates to tourism is a goal of the CPB.*
- 7. It is the position of this Board that numerous variances can allow over development of properties that negatively affects public enjoyment of the Finger Lakes and overall community character.*
- 8. It is the position of this Board that such incremental impacts have a cumulative impact that is of County wide and intermunicipal significance.*

Comments:

- 1. The Town is advised to grant only the minimum variance necessary to allow reasonable use of the lot.*
- 2. The applicant and referring body should consult the Ontario County Soil and Water Conservation District early in the review process to ensure proper design and placement of expanded onsite sewage disposal system.*

We have already read that letter that has been addressed and approved. That system has been approved.

- 3. The applicant and referring body should consult with the Canandaigua Lake Watershed Program Manager early in the review process to ensure proper design and implementation of storm water and erosion control measures.*

You already addressed that also in what's going on there. I am going to come back to that one in a moment. Just to put it in perspective this comes from the County. What is their role in this? As I said when multiple variances are requested then we have to send it to them and they do a review of this and they give us a recommendation.

Their recommendation is final recommendation denial. They are recommending denial. Now they educated us on how we fit together on this and one of the requirements for us is the referring body cannot act until an earlier of the following:

1. Referring body receives a report of the County Planning agency, which we have.
2. Referring body must file a report of final action with the County Planning agency after we do this.
3. If referring body acts contrary to the recommendation of modification or disapproval, it must include reasons in the report so we will have to document if we act contrary to their recommendation for denial.

The other pertinent part of this is it is called a super majority vote. If the County Planning Board recommends disapproval of application referring body may only act contrary to that recommendation by a major plus one vote. So it no longer a simple majority vote on the ZBA out of the five voting members we must have four yes votes to move forward otherwise it is denied. If we do have a super majority, then we have to address all of their concerns and send this back to them.

We already read in the letter from George Barden saying what the modifications of the waste water treatment system that this office will approve this design was one of the considerations.

The other consideration from the Watershed Program Manager. This is a letter that he wrote.

I have reviewed the Jones Beach LLC project and offer the following comments: South Bristol recently adopted the 20% lot coverage requirements section of its code. Going from 20 to 25% lot coverage is a substantial increase and would set a precedent for future projects. Side setback variances should be considered with caution. With additional impervious cover the side setback area can typically be the only route over land flow can take to drain from the property to the lake. We have seen this occur in many areas and have stated that if the variance had not been granted there would have been adequate space to convey flows to the lake. Adding drywells for the existing impervious cover would be a good idea if this is shale based subsoil the perk rates will be sufficient to infiltrate the water instead of directly discharging the water into the lake."

This is signed by Kevin Olvany, Watershed Program Manager. Since we have a recommendation of denial from them and this is a multi-variance request it makes it just a little bit more. We have to go through more process of discussion and ensure that we are doing the right thing here. We have neighbors who are opposed to this plan. It is not quite as clear cut as the last variance that we discussed.

That is all of the public or municipal officer's documentation that I know of. Is there anything else that you can think of?

Diane Graham: I do not know if their answers to the five questions they had provided.

Chairman Burgie: We have not gotten to that. Those are the findings that we need to do. Any documentation from public officers.

Diane Graham: Okay.

Chairman Burgie: I will put it out for ZBA discussion and debate. Do you have any thoughts on this?

I will start it out that two of the three variances that are being requested are driven by the garage and as we sit here we are mandated by the state code and court cases to grant the minimum variance that is required to accomplish this if it not detrimental to neighboring properties. So the garage is driving two out of the three variances that we have to consider here.

Eric Clough: Thank you all for your feedback. We certainly would be willing and I do not know if there is a concession in that extending the garage by only one bay would eliminate the third request on the west side. So we still then just maintain a two car garage which is adding one car garage because the internal is being eaten in internally. If any of that would that benefit some of the neighbors reactions, we would certainly be willing to entertain that.

Chairman Burgie: I would guess that it would affect one reaction. The neighbor to the north where you are right up on the property line. Again the fact that the house is within the setback requirement is grandfathered but extending that out on that same line that still requires another variance and it is difficult to approve multiple variances. We have to justify that and the impact to the neighbors when we do that.

Eun Sun Chun: In terms of our priority I think, but also to be granted the minimum variance, we would offer just the first one and remove the second and the third request.

George Hamlin: Can you please speak up so I can hear?

Eric Clough: Sorry she has a cold so she lost her voice.

Robert Bacon: Maybe you can repeat the question for George.

Eun Sun Chun: I guess the bottom line would be a priority is to request the first variance.

Chairman Burgie: Which is?

Eun Sun Chun: Twenty-five percent and to remove the second and third request.

Robert Bacon: So to summarize you are saying that you would remove the garage addition.

Eun Sun Chun: Correct.

Eric Clough: In order of priority the first if the twenty-five percent overage. The second is if we do one car garage addition, and the third is eliminating two and three. That would be our priority.

Chairman Burgie: By eliminating the addition of the garage a new garage structure there you also reduce the amount of lot percentage coverage that is required so by not doing the garage you have really eliminated two variance requests and reduced one of them.

Eric Clough: Correct.

Bill Grove: It sounds like you are talking two different things. Completely eliminating the garage addition or reducing the addition to fit within the setbacks. So let's clarify.

Chairman Burgie: There are two different things. If is just to reduce it so it does affect the two setbacks we are still at the 25% again we are required to grant the minimum variance required to balance the interest of the community, neighbors, and what you desire.

Bill Grove: It is not quite 25%. If the garage met the setbacks it would decrease it by some measure.

Eric Clough: A percent and a half. Twenty-three and a half.

Eun Sun Chun: It would be 23 and change.

Chairman Burgie: Just reducing the size of the garage would reduce it

Eun Sun Chun: Not to have the addition at all.

Chairman Burgie: Not to have the addition would take it to 23 and a half which reduces...

Eric Clough: So three quarters of a percent is one car. One and half percent is the two car we were originally requesting.

Chairman Burgie: Thoughts? Discussion? A lot to process I think that is what is going on right here.

Robert Bacon: I am going to summarize I like the concept of eliminating the garage because it does eliminate two out of the three variances. According to the drawing here the proposed garage addition is 455 square feet that also reduces the square footage of variance number one. So I think you said that was it would bring it down to the 23.5%. That is a change in the positive direction from the regulations.

John Holtz: When I was there talking to Mr. Jones what he described to me was that it just going to be used for trash. That is how he phrase it. That is what he said. If he intentionally or unintentionally mislead, I am just telling you what he said. The way they would move the cars in the other way he said we would have to have somewhere to put the trash. Just put it in the bump out there the addition. It did not seem to be a justifiable reason for two variances. I guess that is what I am saying. The way he phrased it to me, but he also said he wanted to keep the barn too. So he said a bunch of things that day.

Bill Grove: I think he still wants to keep the barn.

Chairman Burgie: If any variance was to be granted here, one of the conditions would be removal of that barn because we cannot have that in their also.

Bill Grove: Right.

George Hamlin: Thank you for clarifying.

Eric Clough: We understand this.

John Holtz: I believe Mr. Hamlin~~s~~ is concerned about the loss of lake view. It is just too bad we cannot go in your house and see how that is going to be affected.

George Hamlin: I~~o~~ve got pictures.

John Holtz: It is not part of our site procedure to go in the neighbors and look at the view shed differences.

Chairman Burgie: We did in the case in consideration of another variance where the variance request was within setback and that addition within the setback definitely affected their view. We did take it into consideration because it is in fact on the neighbors. The addition that they are talking about here is not in a setback and it does not require any variance for that portion it. It does for the lot coverage. The setback from the lot line a little bit different I think.

Carol Dulski: I am struggling with the 23.5%. Is there is any way we can get to 20%, and just do what the County wants us to or proposed?

Bill Grove: If I could offer, to keep in mind that the existing condition if we do nothing it is at 35%. As it sits today it is 35%.

Chairman Burgie: Which is primarily because of the driveway impervious?

Bill Grove: Driveway and barn which will be taken down.

Chairman Burgie: In other words what you are suggesting that this is actually improving the That is a good consideration.

Wendy Maher: Part of our calculation is because there were errors in the mapping and what we thought was 33,000 square feet is only 24,000 square feet so that is against us as well.

George Hamlin: The barn you understand was built last year.

Chairman Burgie: I understand.

George Hamlin: That was self-induced.

Chairman Burgie: The barn was built under the understanding that there was much more square footage in the lot, therefore, it did not increase the coverage past the 20%. Then with the resurvey now the barn is a factor in this whole thing.

George Hamlin: I just wanted you to know.

Chairman Burgie: Yes sir. Yes sir. I understand. Is there any other discussion?

John Holtz: Just so I have it straight what came first the realizing of the lot size or was the plan drawn up and then it was an oops this is the lot size?

Eun Sun Chun: Yes.

Bill Grove: We did a couple of iterations of the plan before the lot size.

Eric Clough: We did two design schemes while we waited for the new survey and we even had a meeting with Phil and everyone here going just over the first new calculations. That was still the 30,000 square foot.

John Holtz: How much of the plan was done or how time was put in before that was realized? Were you into it six months, a month?

Eric Clough: Between two and half and three months.

John Holtz: Okay.

Eric Clough: I think we saw you in February as part of the first go around. In fact we have a post-it because we thought it was .7 acre. We have progressed to design development and then stopped and went backwards in satisfactory two or three months.

John Holtz: Sure.

Robert Bacon: I am probably going to open Pandora's box, but I have to ask this question. In your iterations with the design have they considered the age of the indoor pool. Is that being used?

Eric Clough: The pool is used all the time. So the kids go back and forth between the lake and the pool.

Robert Bacon: Okay.

Eric Clough: The pool equipment we have not assessed whether that needs to be relooked as far as upgrading.

Chris Guider: Work was done on that pool less than two years ago.

Robert Bacon: So the pool is operational? It is in good condition?

Chris Guider: It is fully operational.

Robert Bacon: Okay. Thank you. That is all.

Chairman Burgie: If there is no further discussion from the Board then it is time to determine the findings. There are a number of findings obviously this is a very complicated case and we need to address those.

Finding #1:

A motion was made that this is a Type II action under SEQR as per paragraph 617.5 (c)(9) "construction or expansion of a single-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 drinking water well and septic system." Since this is a Type II action it requires no further review at this point.

Motion was made for finding #1 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #2:

Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be by granting the area variance.

I make a motion that granting the three variances will create an undesirable change in the character of the neighborhood and be detrimental to nearby properties will be created by granting the three area variances.

Robert Bacon: Can we add to that? Perception that the roofline could block the neighbor to the south. Is that right, George?

George Hamlin: I am nodding yes.

Motion was made for finding #2 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Eun Sun Chun: If we remove the second and third variance, is this the time to do that?

Robert Bacon: Not yet.

Eun Sun Chun: Okay.

Chairman Burgie: Did you say not yet?

Robert Bacon: That is what I said yes.

Chairman Burgie: We may require that in the discussion here. You can certainly give that input that is your recommendation, if that is what you would like to do. Without refileing it you really cannot just remove the two.

Eun Sun Chun: I see.

Chairman Burgie: But we can do that for you, if necessary. Your input is that would be preferable to remove the second and third variances then to have all of it disapproved?

Eun Sun Chun: Correct.

Chairman Burgie: Thank you.

Finding #3:

Whether the benefits sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than the area variance.

In addressing the second and third variances I would like to make a motion that the overall benefits sought by the applicant can be achieved by removing the second and third variance requests for the second and third variances and that is feasible for the applicant.

Motion was made for finding #3 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #4:

In addressing the same consideration I make a motion that removing the second and third variance request removing the garage would reduce the first variance request. The first variance that we would need to grant and there is no other way, at least that we have seen, to make the desires the needs of the applicant that is feasible for the applicant to do. So removing the second and third variance does reduce the first variance that you are requesting.

Eun Sun Chun: Correct.

Motion was made for finding #4 by Thomas Burgie and the motion was seconded by Carol Dulski.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #5:

I make a motion that the requested area variance for area variance one and two is substantial. The area variance for request three is not substantial.

Motion was made for finding #5 by Thomas Burgie and the motion was seconded by Carol Dulski.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #6:

Whether the proposed variance will have an adverse effect or impact on the physical and environmental conditions in the neighborhood or district.

I make a motion that the proposed variance all three of them in my opinion will not have an adverse impact on the physical or environmental conditions of the neighborhood or district. Those things have been taken into account with the storm water runoff and the new septic and things of that nature.

Motion was made for finding #6 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #7:

Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals, but not necessarily preclude the granting of the area variance.

Was it self-created?

Robert Bacon: I would say it wasn't self-created primarily based on the fact the property has been resurveyed and they lost 6,000 square feet, if I understand the numbers correctly.

Albert Crofton: So you are saying it is self-created?

Robert Bacon: It is not.

Albert Crofton: It is not. That is a tough one. That is not as clear to me at all.

John Holtz: I would agree that the 25% rule there is not self-created, but the variance two and three are self-created.

Chairman Burgie: Would you like to make a motion for that?

John Holtz: No, I am only the alternate.

I would like to make a motion that the first requested variance 5% was not self-created. It was created by the resurvey more than anything else, but the second and third variance requests are self-created.

Motion was made for finding #7 by Thomas Burgie and the motion was seconded by John Holtz.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Robert Bacon: Any conditions yet?

Chairman Burgie: In a moment yes. We have to address the concerns of the County if we are going to consider approving any of this then we do need to address in the findings the County concerns since they recommended denial. Even if we are talking about just approving one of the variances. It is going to still take a super majority and we still have to address their concerns. Their major concerns are protection of the water and the Finger Lakes and the quality of life. Their comments are that the Town is advised to grant only the minimum variance necessary to allow reasonable use of the lot. In our consideration so far we are discussing the minimum variance that is required. The cart before the horse I think. If we approve it, I think we need to make a finding for each of these. If we do not approve, then the finding is not really pertinent.

Robert Bacon: Could we say the conditions that we have heard tonight as a point of understanding of what they want to do. Case in point is based on the assumptions the two story garage because they have done that to meet the variance number one for the footprint which also includes the garage and driveway leading up to the garage is removed and so it is converted from impervious to permeable soil. That is going to be the foundation for any decisions that are made and we need to document that.

Finding #8:

I would like to make a motion based on our understanding that the design that has been presented here tonight that the two story barn will be removed and the driveway leading up to the barn will be converted back to permeable soil.

Chairman Burgie: The garage which drives two of the variances.

Robert Bacon: Let's do one at a time.

Chairman Burgie: It affects the lot coverage the impermeable lot coverage without the garage would be reduces the lot coverage which is.

Robert Bacon: I understand, but I want to do one thing at a time. The barn is separate from the garage.

Chairman Burgie: Okay.

Motion was made for finding #8 by Robert Bacon and the motion was seconded by Thomas Burgie.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Chairman Burgie: Now continue with your train of thought.

Robert Bacon: This is where we get into question whether the cart before the horse here. We haven't talked about the garage? We talked about that it's an option.

Albert Crofton: I thought we wanted the garage.

Chairman Burgie: We have not denied the variance. We discussed doing it.

Robert Bacon: If we deny, then we have to deny the proposal that is being presented first.

Chairman Burgie: I am sorry.

Robert Bacon: We have to vote on the proposal as it stands today.

Chairman Burgie: I think we go down each one of the variance requests individually and then we can also address the fact that without the garage it also reduces the lot coverage.

Finding #9:

I would like to make a motion the removal of the attached garage variances number two and three modification will improve on the number of variances we have to sell to the neighbors and the county.

Chairman Burgie: And reduce the variances required for the lot coverage.

Robert Bacon: And reduce theí Did you get all of that Diane?

Diane Graham: I will in the minutes.

Motion was made for finding #9 by Robert Bacon and the motion was seconded by Thomas Burgie.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Chairman Burgie: So in addressing their specific concerns.

Robert Bacon: Are there two more findings that we should document?

Chairman Burgie: That is what I am trying to do. If you have some more, I am going to propose some findings.

Robert Bacon: I do.

Chairman Burgie: Go ahead.

Finding #10:

The current footprint using the current tax map is at a lot coverage of 35%. Is that a correct statement?

Bill Grove: Almost. The current lot coverage using the current survey.

Robert Bacon: So it is correct with the survey.

Chairman Burgie: That is without changing the driveway and taking down the barn?

Bill Grove: Correct.

Robert Bacon: Current configuration of the house and barn.

Diane Graham: So resay that again.

I make a motion the current lot coverage is at 35% for the current buildings using the latest survey.

Correct?

Motion was made for finding #10 by Robert Bacon and the motion was seconded by Thomas Burgie.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #11:

Robert Bacon: Finding #11 may be a duplicate, but I think we need to say it.

I make a motion that a current survey has been done. Timeframe this spring?

Eric Clough: September, 2017.

Bill Grove: That is the latest date that we have.

Robert Bacon: We will say the fall of 2017 and through that finding we lost approximately 6,000 square feet of the total lot coverage.

Motion was made for finding #11 by Robert Bacon and the motion was seconded by Carol Dulski.

All in Favor.

Bill Grove: Not lot coverage, lot size.

Robert Bacon: Lot size. Thank you.

Diane Graham: Lot size.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #12:

I want to address each of these concerns that they have. They have a number of findings in here and it has to do with the protection of the water and the quality of the environment effecting tourism, neighbors and everything.

I would like to make a motion finding #12 that the Board in its deliberation is attempting to meet all these concerns in the County Planning Board's 1-8 findings.

I cannot address every one of these things so I will summarize it.

Motion was made for finding #12 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #13:

Chairman Burgie: The three comments specifically that they have two of them are the easiest ones. The applicant and the referring body should consult with Ontario County Soil and Water Conservation District early in their review process to ensure the proper design and placement of expanded on-site sewage disposal system.

I would like to make a motion finding #13 that that has been accomplished and the Canandaigua Lake Watershed Inspector has provided a letter stating that *“this office will approve this system design as revised.”*

Motion was made for finding #13 by Thomas Burgie and the motion was seconded by Albert Crofton.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #14:

I would like to make a motion that with finding #14 that we have received the review and input from the Canandaigua Lake Program Manager early in the process to make sure of proper design and implementation of storm water and erosion control measures and they are to be implemented.

Motion was made for finding #14 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Finding #15:

The Town is advised to grant only the minimum variance necessary to allow reasonable use of the lot.

I would like to make a motion to propose finding #15 that the Town is granting only minimum variance necessary to allow reasonable use of the lot.

Motion was made for finding #15 by Thomas Burgie and the motion was seconded by Albert Crofton.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Chairman Burgie: Any other findings that anybody feels we need to make? Conditions required?

George Hamlin: What happened variance number one?

Chairman Burgie: We have not voted on it yet. If we deny the variance on the understanding that the garage addition will not be built, then the variance number one will be reduced to 23.5% from the 25%.

Eric Clough: It was 23.74%.

Chairman Burgie: 23.74% Okay.

Condition #1:

I would like to make a motion to propose a condition that the variance here require that the barn be demolished/removed.

Motion was made for condition #1 by Thomas Burgie and the motion was seconded by Carol Dulski.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Condition #2:

I would like to make a motion on the second condition that the driveway modification does be made so that it becomes a permeable surface, therefore, we can go with the calibrations of 23.74% on the lot coverage.

Motion was made for condition #2 by Thomas Burgie and the motion was seconded by Robert Bacon.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Condition #3:

Chairman Burgie: You have briefed us on storm water and erosion control measures to include funneling the water into wells and were there any others that you talked about?

Bill Grove: The permeable driveway and the permeable patio areas that infiltration of the roof run-off and the drywells. As far as erosion and sediment control, there is silt fence to be installed on three sides of the property to control any kind of sediment run-off from the property. It is a flat site so I do not foresee any run-off issues. Also at the northeast corner as an overflow to the drywell in that corner there is an outlet from that drywell that goes to a rip-rap splash pad. It is proposed that the footer drain and roof run-off drains will discharge at that point.

I will make a motion for a third condition that all of those mitigating additions be added into here.

Diane Graham: I was not sure if what he said is what you are adding as the conditions.

Chairman Burgie: Yes.

Motion was made for condition #3 by Thomas Burgie and the motion was seconded by Carol Dulski.

All in Favor.

Aye: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion carried.

Chairman Burgie: If there are no other conditions that anybody can think of that need to made here? We look at each one of these variance requests and then we will vote on it. I would like to start with the second and third and move back to the first.

Robert Bacon: So we are going to vote on variances individually.

Chairman Burgie: Yes. It is not all up and down here some will make sense.

I would like to petition the board to offer a motion to approve or deny variance request #2 garage extension distance to north property line of 4.8 feet where ten feet are required.

Diane Graham: Approve or deny and second.

Robert Bacon: We are voting on this individually. Would we vote each person?

Chairman Burgie: We are going to make a motion to approve or deny variance #2 and then we will note each person on that motion.

Robert Bacon: Then I will second.

Albert Crofton: I am sorry we do not have a motion yet. We cannot vote.

Chairman Burgie: Does somebody want to make a motion to approve or deny the variance request #2? #2 is the garage extension distance to north property line of 4.8 feet where ten feet are required. Can I have a motion to approve or deny that variance request? Approve or deny a motion first.

I am going to make a motion to deny variance request #2 the garage extension distance to north property line of 4.8 feet where ten feet are required. Now can I get a second of that motion to deny the variance request?

A motion was made to deny the area variance for north side by Thomas Burgie and the motion was seconded by Robert Bacon.

Roll call vote.

Approved Denial: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion Carried.

Chairman Burgie: Can I get a motion to approve or deny the third variance request garage extension distance to west property line of 47.6 where 50 feet are required.

Robert Bacon: I will second the motion.

Chairman Burgie: I did not make a motion. Can I get a motion?

Robert Bacon: I will make the motion to deny variance #3 which is the distance to the west property line of 47.6 feet where 50 foot variance is required. Where a 50 foot setback is required.

A motion was made to deny the area variance for west side by Thomas Burgie and the motion was seconded by Robert Bacon.

Roll call vote.

Approved Denial: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion Carried.

I would like to make a motion to approve a lot coverage variance of 23.75%.

Diane Graham: .74

Robert Bacon: .74

Chairman Burgie: 23.74%

John Holtz: We do not put conditions on that one?

Chairman Burgie: Well we did the conditions for 23.74% they could not fit a garage in. So we already denied the setback variances. If you feel we should go back.

John Holtz: No. I just want to make sure in this motion that we put the permeable surfaces. I do not know if this is actually part of this percentage? Okay.

Chairman Burgie: There are already conditions.

John Holtz: Fair enough.

Diane Graham: So the site plan would have to change.

Chairman Burgie: Based on what we are saying it will change.

Diane Graham: Will have to be updated.

Robert Bacon: Before we go I want to understand the side bar discussion that is going on here.

George Hamlin: I am sorry I am trying to see a document that I saw here and it has gone missing.

Albert Crofton: Are we having two meetings now?

Robert Bacon: Do we have a new discussion or new finding?

Eric Clough: We are just trying to help him find the board that he had seen a black. Is that it George? Is that the document you are looking for?

George Hamlin: I know what I saw.

Eric Clough: Was it specific to some information.

George Hamlin: It has to do with the easement. It is contingent to his property.

Bill Grove: The cousin's property that fronts on Seneca Point Road, but it is a separate parcel.

George Hamlin: If he purchases that he falls within this so he has not tried everything that he could of.

Eric Clough: We have explored that and we explored having it He has made phone calls I believe his sister.

George Hamlin: It is his first cousin.

Eric Clough: That did go well I think. They did not sell.

George Hamlin: Oh I see.

Eric Clough: We would have been happy to do that because it would have increased our...

George Hamlin: Yes. I understand that.

Chairman Burgie: I will make a motion to approve the first variance to 23.4% lot coverage.

Diane Graham: .74

Chairman Burgie: 23.74% lot coverage.

A motion was made to approve a lot coverage variance of 23.74% by Thomas Burgie and the motion was seconded by Carol Dulski.

Roll call vote.

Approved: 5 (R. Bacon, T. Burgie, A. Crofton, C. Dulski, J. Holtz); Opposed: 0

Motion Carried.

Chairman Burgie: The motion to provide the first variance at a 23.74% is approved. You have that. It is denied for either of the lot line setback variances.

Eun Sun Chun: Thank you.

Chairman Burgie: Is there any other discussion that we need at this point concerning this. The denials will be carried in the minutes. The specific approved variance will be provided to you. Will sign that and provide it to you.

Diane Graham: We will need a new site plan.

Bill Grove: For the Planning Board.

Diane Graham: So it may not go to the public hearing. I do not know. We will see.

Chairman Burgie: I hope you can see that this was a difficult issue to deal with. We tried to do it in the fairest way to all involved that we could. You have the one variance. Thank you.

Eric Clough: For everyone we are here to beautify and make the entire lot beautiful so I am happy to work together on where we can with this.

Chairman Burgie: Thank you.

Eun Sun Chun: Thank you.

Chairman Burgie: Do we have any other business to discuss?

John Holtz: Do we have all our County Planning Board justifications set then?

Chairman Burgie: Yes we do.

John Holtz: That is for the permeable surfaces decreasing?

Chairman Burgie: We captured that it is 35% now and we approved 23.74% and we tried to meet all of the concerns. This would be an improvement based upon that.

John Holtz: Based upon that. Yes. Okay.

Chairman Burgie: What other business do we have?

Diane Graham: Do we have a motion to adjourn?

Old Business

There was no old business at this time.

Other

There was no other business at this time.

Motion to Adjourn

Being no further business, Robert Bacon made a motion to adjourn the meeting and it was seconded by Thomas Burgie. The motion was unanimously accepted and the meeting was adjourned at 10:03 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham". The signature is written in black ink and is positioned to the left of the typed name.

Diane Scholtz Graham
Board Secretary