



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

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## **Planning Board Meeting Agenda**

Wednesday, April 19, 2017

7:00 p.m.

### **Call to Order**

### **Pledge of Allegiance**

### **Reading of Vision Statement**

*Preserve and protect our safe, clean, naturally beautiful rural and scenic environment with carefully and fairly planned commercial, residential, agricultural and recreational development.*

### **Minutes**

Approval of February 15, 2017 Planning Board Meeting Minutes

### **New Business**

Preliminary/Final Site Plan Review/Public Hearing

Application #2017-0001

Leon and Susanne Hall

6961 Sumac Drive

Preliminary Site Plan Review

Application #2017-0002

Canandaigua Marina LLC

7099 State Route 21

Review of code §170-38(C) request additional residential structures on same lot must have same postal address

Review suggested proposal to amend §170-94(A) (3) to extend site plan review to all uses in the C-1 district

### **Old Business**

Review draft proposal for local law on solar farms

Review draft proposal to amend town code pertaining to site plan approval

- Review proposed language §170-94(J) expiration of site plan approval
- Review proposed language §170-22(E) (18) for site plan review of all applications for large scale solar energy systems

### **Other**

### **Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, April 19, 2017**

**Present:** James Ely  
Ann Jacobs  
Michael Staub  
Rodney Terminello  
Mary Ann Bachman  
Sam Seymour  
Bessie Tyrrell  
Ralph Endres

**Absent:** Ann Marie Rotter

**Guests:** Leon and Susanne Hall  
Michael and Jeff Hiller  
Donna Faatz and guest  
Keith English  
Steve Cowley  
Dan Marshall

### **Call to Order**

The meeting of the Town of South Bristol Planning Board was called to order at 7:00 p.m., followed by the Pledge of Allegiance. All board members were present with the exception of Ann Marie Rotter.

### **Reading of Vision Statement**

Board member, Michael Staub, then read the Comprehensive Plan Vision Statement.

### **Minutes**

Chairperson Ely called for a motion to approve the February 15, 2017 meeting minutes as written. Michael Staub made said motion which was seconded by Mary Ann Bachman. The motion was unanimously accepted by all board members present.

### **Old Business**

#### Review draft proposal for local law on solar farms

There was a group discussion about wording for proposed law that no large scale solar farms shall be permitted within the Canandaigua Lake Watershed.

Chairman Ely will complete a final draft for review before the next meeting.

#### Review draft proposal to amend town code pertaining to site plan approval

- Review proposed language §170-94(J)
- Review proposed language §170-22(E)

**New Business**

Preliminary/Final Site Plan Review

Application #2017-0001

Leon and Susanne Hall

6961 Sumac Drive

The public hearing opened at 7:01 p.m. Diane Graham was asked by chairman to read the public hearing notice:

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

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

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

SAID HEARING will take place on the 19th day of April, 2017 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road West, South Bristol, NY. All interested parties may appear in person or by representative.

Chairman Ely: This has been published in the Messenger is that correct?

Diane Graham: Yes.

Chairman Ely: You will put that in the record?

Diane Graham: Yes.

Chairman Ely: Before I have Mr. Hall give a brief summary let me just bring the board quickly up to speed on this. This is an application in an R-5 district that requires both a special use permit and a site plan review. The zoning board has already granted the special use permit and the ZBA also completed as lead agency the SEQR review. So we will not have to duplicate that this evening. Therefore, Mr. Hall would you like to say a few words to describe your proposal?

Leon Hall: It is a small guest house 780 square feet single story.

Chairman Ely: This is to be a second residence on the property?

Leon Hall: Yes.

Chairman Ely: You have the primary residence?

Leon Hall: Yes.

Chairman Ely: This will be occupied seasonally or year round?

Leon Hall: Possibly year round. My daughter is staying there right now.

Chairman Ely: Do any of the board members have any questions?

Ralph Endres: In my reading it has already been approved as far as the sewage?

Chairman Ely: Yes. George Barden has already approved that is that correct?

Leon Hall: Yes he has.

Chairman Ely: Any other questions or comments for Mr. Hall? Fine. Diane to my knowledge we have received no communications?

Diane Graham: Correct. Just inquiry as to when the meetings and public hearing were to be held.

Bessie Tyrrell: When this was being built, did you have any questions from neighbors.

Leon Hall: No. None at all.

Bessie Tyrrell: Okay.

Chairman Ely: Alright I will moderate any questions if there is anyone on the floor who wishes to speak in opposition ó no one in the room?

Okay, I will close the public hearing 7:04 p.m.

We do not need to make a SEQR determination because that has already been made. We should perhaps make some findings and I was going to propose to you that we make the findings that the ZBA has already made which I will read to you and if you agree, I will ask you to approval.

Findings:

1. All of the requirements in the town code paragraph 170-38 related to a special use permit for additional residential structures on the same lot have been met.
2. The proposed use is consistent with the Comprehensive Plan of our town.
3. The proposed use is consistent with the purposes of the zoning law of our town.
4. The proposed use will not affect the character of the neighborhood and will not be detrimental to nearby properties.
5. The proposed use will not have an adverse impact on the physical or environmental conditions of the neighborhood or district.

The planning board hereby grants preliminary and final site plan approval for the application by the Halls which is before us.

A motion to approve was made by Bessie Tyrrell and the motion was seconded by Rodney Terminello.

All in favor.

Aye: 7; Opposed: 0

James Ely, Ann Jacobs, Michael Staub, Rodney Terminello,  
Mary Ann Bachman, Bessie Tyrrell, Ralph Endres

Preliminary Site Plan Review

Application #2017-0002  
Canandaigua Marina LLC  
7099 State Route 21

Chairman Ely: This application requires certain variances which will have to be granted or not granted by the Zoning Board of Appeals. It also requires a site plan approval. Because this is on the lakefront it was also referred to the County Planning. The Town Attorney Jeff Graff has advised me that the Planning Board should withhold final site plan approval until after the ZBA has completed its work with connection to the variances. There is a timing issue that is involved. I had initially assumed that the ZBA would act later this month and therefore we would have a public hearing in the following month May. Much to my personal surprise the county planning rejected the proposal. I came in this past Monday to find this and Diane showed me their letter. I was completely nonplused by the letter from county. I asked Diane to pursue the reason for the county's decision. It appeared by the email we have circulated that there was a mix up at the county level. The county planning board department treated this as a residential application not a commercial application. County has rescheduled this for consideration at their May meeting. At that time the ZBA I believe will consider this request for the variances. Realistically, I do not see how this board can have a public hearing on this application before June because I do not believe we can act until the ZBA has acted pursuant to the town attorney's opinion to me. Nonetheless, I have already arranged with Mike to come this evening to give us a preliminary discussion on his proposal and to answer any questions we may have. I am sorry this will delay your project but I mentioned to you I have no control the county planning board. Hopefully we can have the public hearing and give you site plan approval in June. The key thing I can see is really the ZBA. Mike please introduce yourself to the board and explain your project.

Mike Hiller: First I would like to thank you all for your time. My name is Mike Hiller. I am the manager of Smith Boys Marine. We are located at 7099 State Route 21 in Naples. To give you a background on Smith Boys we are a marina that sells, rents, services, stores and docks boats for the local community. This property has been operated as a marina for over 50 years. We provide a valuable service to the local community as we are the only marina on the south end of the lake that services this area. You would have to basically go all the way up past half the lake to Pelican Point to see another marina. Just to give you guys an idea this project was basically brought about through concerns over safety traffic flow and improved customer service. If you could please turn to Exhibit 1-A, I would like to shed some light on the nature of the project and safety concerns that prompted this project. You will see on the top Route 21 running along the lot on the side of the exhibit. On the north side of the exhibit you will see the marina yard where a majority of the marina boats are parked. To the south of the marina yard is the existing customer service facility that we are proposing to demolish. To the south the facility you will see our launch ramp that we launch our boats into and out of the water. South of that you will find an outline for our new customer service facility. So this gives you a general idea of what these buildings are and try to

give some descriptions to them. I would like to explain to you what actually brought about this idea. Currently we trailer boats with a tractor from the marina yard out into the northbound lane of Route 21 and we then back up against traffic around the existing customer service facility around the corner back down the launch ramp into the actual water. That itself poses a major safety hazard for both oncoming traffic and our employees. What we are proposing to do by demolishing the existing customer service facility we will establish a direct route from the actual site where we store our boats on the main marina yard directly to our launch eliminating the need for us to be on Route 21 backing up boats. You will see on the diagram we propose a new customer service facility on the south end. Basically the whole idea from this whole thing is just mitigating safety risk, improving traffic flow and as an added bonus better customer service.

Ralph Endres: Mike, the present customer service building that you are going to demolish where does the right of way go through that building? Is it fifteen feet into that building?

Mike Hiller: The right of way into that building is on the survey map. It is roughly 15 feet off of this.

Ralph Endres: The new building still will be in the right of way but not anywhere near.

Mike Hiller: It is actually one foot off the DOT right of way. So 34 feet from the center of the right of way. So it is drastically improving our distance there.

Ralph Endres: Square footage how big is that?

Mike Hiller: Its 74 square foot smaller than the pre-existing building so your actual square foot of that will be 1260. The existing building there now is 1334.

Ralph Endres: Are you going to have a septic system?

Mike Hiller: We are not. There will be no bathrooms.

Ralph Endres: There are no bathrooms?

Mike Hiller: This is just a building.

Ralph Endres: What are you going to do with the one that's there now with the bathrooms?

Mike Hiller: The bathrooms on the side of the building will be demolished as well.

Ralph Endres: The septic system you are going to pull the tank out?

Mike Hiller: No.

Ralph Endres: It is just a holding tank that has to be pumped?

Mike Hiller: It is just a holding tank that has have to be pumped and that will stay.

Ralph Endres: Okay.

MaryAnn Bachman: It was a two story and now it's a one story?

Mike Hiller: That's correct.

Ann Jacobs: When is the plan to put this up?

Mike Hiller: We originally planned on slowly doing things during the summer but ideally probably in the fall to actually demolish and build.

Ralph Endres: Is the new building going to be steel fabricated?

Mike Hiller: It will. Steel roof and siding.

Rodney Terminello: Cement floor?

Mike Hiller: Yes. I believe so yes.

Chairman Ely: The roof will be flat, or tell me how the roof will be?

Mike Hiller: The roof we had proposed to try to eliminate the actual view we were not going to put a straight roof we are going to put an angle roof so that will slope down approximately ten feet on the lower end and around sixteen on the higher end so we can actually get bigger boats into the actual building.

Chairman Ely: Now will that slope be in toward your property or the neighbor's property?

Mike Hiller: The slope would be towards the neighbor's property. The smaller end will be towards the neighbors.

Chairman Ely: Is that going to result in increased run-off into their property?

Mike Hiller: It won't because we are going to put gutters on there that will direct it away from their property.

Chairman Ely: How long is the project once you start? How long do you anticipate to complete this?

Mike Hiller: The project from start to finish I would say once we start demolishing the project that would probably take a matter of one or two days. The actual building I have gotten estimates of three to four days to build the building.

Chairman Ely: Obviously you anticipate as you said work will be completed in the fall.

Mike Hiller: Yes. That is correct.

Chairman Ely: Obviously you want to get that done before the weather turns cold.

Mike Hiller: That's right.

Sam Seymour: Access to the building would be in and out the north side?

Mike Hiller: Access to the building would be on the north side actually.

Bessie Tyrrell: There are no restrooms?

Mike Hiller: There will not be.

Bessie Tyrrell: Anywhere?

Mike Hiller: Right now we currently have porta-pottys and we have existing bathrooms inside the other building on the marina grounds as well. This building we are proposing will not have any bathrooms inside.

Rodney Terminello: We have to show them now where the bathrooms exist, right?

Mike Hiller: Yes. Well no, the bathrooms exist right now in the existing customer service building.

Chairman Ely: Now with this project once completed would this project eliminate the need to back the boats out onto Route 21 that mentioned earlier or would this simply reduce the frequency?

Mike Hiller: It would reduce the frequency. There is an occasion when the customer drops the boat off across the road we would then have to retrieve that and bring it to the marina grounds across Route 21, but for us the daily activities we would no longer have to be out on Route 21.

Chairman Ely: Boats would not be stored across the road would they?

Mike Hiller: There are some that get parked over there on trailers occasionally. It will reduce significantly the amount of traffic that we will have to impede.

Ralph Endres: That building is just going to be a service building?

Mike Hiller: It is just going to be a customer service building. We have tools in there. We store round gear, life jackets, we offer rentals. We have to store all that somewhere.

Chairman Ely: The facility is that where the rentals and things are in there or is just going to be storage area?

Mike Hiller: It is going to be basically storage and customer service. We have an actual sales office across on the other side there.

Chairman Ely: Where the business will be normally transacted?

Mike Hiller: That's correct.

Bessie Tyrrell: Every year my family/children rent a boat from you and the service has been great. It has been a really good experience.

Mike Hiller: That is great to hear that.

Chairman Ely: Do you let people launch other than full time customers? Do you charge a launch fee if they do that?

Mike Hiller: We do. We charge a launch fee if someone wanted to come and use the launch.

Chairman Ely: Any other questions for Mike at this point?

Sam Seymour: What do the neighbors to the south think of this?

Mike Hiller: The neighbors to the south. I briefly talked with them and they just were curious about what we were doing.

Bessie Tyrrell: It is a rental property?

Mike Hiller: I think so.

Chairman Ely: Can you refresh the board's recollection on applying to the ZBA? It is a totally separate application for two variances. What are the nature of these variances?

Mike Hiller: Our first variance is a variance for  $\phi$  so we are seeking a variance for 19 feet for the south side of the building. That would be the building towards the neighbor.

Chairman Ely: So you are asking for a variance for a foot basically right?

Mike Hiller: We are seeking a variance for 19 feet.

Chairman Ely: You are asking for 19 feet closer?

Ralph Endres: You are increasing it then?

Mike Hiller: The actual paper went in for 19 feet that is what we are seeking. The actual law states you are supposed to be twenty feet. We are one foot off.

Ralph Endres: Right now the existing building that you are demolishing is within five or six feet.

Mike Hiller: No. I am talking the actual perimeter for the new building.

Ralph Endres: What you are doing is getting rid of one that is in the right of way very much in the right of way and your building one that is only going to be one foot over the legal limit of twenty.

Mike Hiller: No. Let me restate that. The front side of the building which is what they consider the side that is towards the road. That right there we are seeking a 47.9 foot variance for because the actual town has 50 foot setback.

Sam Seymour: Is that the state?

Mike Hiller: I am sorry the state. DOT has a 33 foot variance. What I was proposing what I was talking about we are going to 19 feet from the south side that is the distance from the neighbor and the property line. We are one foot off the actual setback of the twenty. The other areas we are seeking is 23.9 feet for

the rear which is the side of the building that faces the lake. I apologize for the confusion when I first looked at that I said the front of the building wouldn't that be the side of the building the doors are on. The front of the building would be the actual part that is towards the road.

Sam Seymour: In the zoning it is the lake. In this town?

Mike Hiller: Is it? Oh sure.

Chairman Ely: Any other questions for Mike at this point? Thank you for your presentation. I we have some guests here. Anybody else like to speak? I know this is preliminary but if anybody else would like to offer a thought or two I encourage you to join us. You understand that it will have to go back and have a public hearing, advertised, and go through this again and that depends on the ZBA.

Mike Hiller: I would like to add one more thing if that is okay. So we will be replacing a building that is practically almost on the road with a building that is significantly farther back off the road and mitigating a lot of safety risk. That's kind of the idea of this whole project.

Ralph Endres: I see it as a plus.

Mike Hiller: Absolutely.

Ralph Endres: Even though in your request for variances the variances that you are requesting are not as bad as the variance to build that building there in the first place. It is a lesser evil.

Mike Hiller: We have exhausted every other option out there to mitigate that risk and this seems like it is a win-win for everything. It is going to improve the character of the actual site farther back off the road and allow for a safer environment. Thank you for your time.

Review of code §170-38(C) request additional residential structures on same lot must have same postal address

There was a discussion about amending the code and it was concluded that Keith English, Deputy CEO will contact Ontario County 911 addressing center to inquire further about process for either two house numbers or same house number adding an A and B.

Review suggested proposal to amend §170-94(A) (3) to extend site plan review to all uses in the C-1 district

The planning board proposed amending the town code to extend site plan review to all uses in the C-1 district contiguous to the lake.

All in favor of resolution.

Aye: 7; Opposed: 0

James Ely, Ann Jacobs, Michael Staub, Rodney Terminello,  
Mary Ann Bachman, Bessie Tyrrell, Ralph Endres

RESOLUTION

TOWN OF SOUTH BRISTOL PLANNING BOARD

At a meeting of the Planning Board of the Town of South Bristol on the 19th day of April, 2017, it was:

RESOLVED, the Planning Board recommends that the Town Board amend the town code §170-94(A) (3) to include all uses adjoining Canandaigua Lake in the C-1 district.

Dated: April 19, 2017

By Order of the Planning Board of the Town of South Bristol.

Diane Scholtz Graham  
Planning Board Secretary

**Other**

Phil Sommer, Code Enforcement Officer has been out of the office since March recovering from surgery. He is doing well and may be returning in June or later. Keith English, Deputy CEO has been helping in his absence.

**Motion to Adjourn**

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by Rodney Terminello. The motion was unanimously accepted and meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Diane Scholtz Graham  
Board Secretary