



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

Planning Board Meeting Agenda

Wednesday, October 18, 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 August 16, 2017 Planning Board Meeting Minutes

New Business

Preliminary Site Plan Review

Application 2017-0005

Fields Enterprises, Inc.

Shore Drive, Tax Map #168.16-1-8.110

Consideration of meetings during November and December

Old Business

Update on solar energy systems local law

Review §170-94 site plan review

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

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, October 18, 2017

Present: James Ely
Ralph Endres
Ann Jacobs
Ann Marie Rotter
Sam Seymour
Michael Staub
Bessie Tyrrell

Excused: Mary Ann Bachman
Rodney Terminello

Guests: Jeremy Fields
Cathy Fields
Brooks Lyon
Tim Tyskiewicz, RA
Albert Crofton
Daniel Marshall
Judy Voss

Call to Order

The meeting of the Town of South Bristol Planning Board was called to order at 7:02 p.m., followed by the Pledge of Allegiance. All board members were present.

Reading of Vision Statement

Board member, Bessie Tyrrell, then read the Comprehensive Plan Vision Statement.

Minutes

Chairperson Ely called for a motion to approve the August 16, 2017 meeting minutes as written. Michael Staub made said motion which was seconded by Ann Jacobs. The motion was unanimously accepted by all board members present.

New Business

Preliminary Site Plan Review

Application #2017-0005

Fields Enterprises, Inc.

Shore Drive, Tax Map #168.16-1-8.110

Chairman Ely: The principal business we have tonight is site plan approval of the application of Fields Enterprises and I see representatives here. I think it might be best if we started, Jeremy, by having you or your representative make a presentation to this board. Explain that you have various maps I have seen. The site plan has been shared with the board members. If you could explain what you have in mind here, and then I am sure the board members will have questions.

Tim Tyskiewicz, RA: My name is Tim Tyskiewicz architect from Victor, NY and I am here for Jeremy and Cathy. They would like to construct a single family residence on this lakefront property. They have already built the driveway up to it so we know what the footprint is. It has a footprint of about 4,000 square feet. It is a steep lot so we are aware there are drainage issues, and we have addressed them with a system of cisterns and drywells to take care of the water from the roof. I think it's a thorough design. It is a lovely property and we are excited to build it.

Chairman Ely: Do board members have questions?

Ralph Endres: It is going to be on Bristol Harbour water and Bristol Harbour sewer?

Tim Tyskiewicz: It is.

Ralph Endres: Does the level of the house require that sewers have a pump to pump it up to the sewage treatment plant?

Jeremy Fields: It is a small E1 ejector pump and it goes into it.

Ralph Endres: I think that there are already two or three at Bristol Harbour right now.

Jeremy Fields: Yes there are.

Bessie Tyrrell: It's considered lake front property because of this little leg down here?

Tim Tyskiewicz: Correct. It is in the RD 1 district. [*Lake Residential District*]

Ralph Endres: What is the total acreage? 1.289

Tim Tyskiewicz: Yes.

Ralph Endres: And the house is going to be a couple thousand square feet of that approximately 50,000 square feet.

Chairman Ely: It appears on the site plan that you are within the coverage requirement?

Tim Tyskiewicz: Yes.

Chairman Ely: You show a water line here. Does the water line go into the lake?

Tim Tyskiewicz: There is a 20 foot waterline easement with Bristol Harbour?

Jeremy Fields: That is correct. That's actually the easement you are seeing on there is the easement for the Bristol Harbour community.

Ralph Endres: That the sluice way?

Jeremy Fields: No. That is actually the intake for Bristol Harbour. There is a pump station there.

Chairman Ely: So where the line seems to start from your projected residence down here that is from Bristol Harbour?

Jeremy Fields: That is the line coming from Bristol Harbour.

Chairman Ely: Coming from Bristol Harbour?

Jeremy Fields: That is correct.

Chairman Ely: So you will not be drawing water from the lake?

Jeremy Fields: No. We obviously could but it doesn't make sense because we have a treatment plant.

Ann Jacobs: The back side of the house ó is it going to butt up to the land back there?

Tim Tyskiewicz: It is only ten feet from the back property line. It is steep enough that we are building a stone wall for part of it and a swale to redirect the water away from the house.

Ralph Endres: How far is it to the back of your house from Seneca Point Road? I know there is a guardrail there.

Jeremy Fields: Bert Crofton's property runs that gap so I would say it is about 1 what do you think?

Albert Crofton: I have not seen a map so I do not know at all.

Jeremy Fields: I would say it is 500 feet.

Albert Crofton: I am sorry 500 feet from what?

Jeremy Fields: From Seneca Point Road to your property and mine.

Ralph Endres: Then when the house is built the only thing you are going to see from Seneca Point Road is probably the peak of your roof?

Jeremy Fields: Yes, if that. I do not think you will even see that.

Chairman Ely: The arrangements for sewer and water ó I believe you have contracts dealing with that?

Jeremy Fields: That is correct. We provided a copy of both documents for water and sewer.

Ralph Endres: That is in the footprint of Bristol Harbour?

Jeremy Fields: That is correct. The agreements are with Bristol Harbour.

Ralph Endres: They can make an agreement but not have it in the footprint? They have had agreements that haven't been in the footprint. I have not seen the new footprint. Has the new footprint been approved?

Judy Voss: Yes it has.

The approved Bristol Harbour footprint was displayed for all to view.

Ralph Endres: What is the pool 137 square foot that would be on the north side of your property?

Jeremy Fields: It is a plunge pool.

Ralph Endres: Then I see all these 1,000 gallon cisterns. Do they fill up consequentially with the water that comes off your roof?

Tim Tyskiewicz: Rainwater comes off the roof and goes in to the first cistern and that is for storage for irrigation. So that later when it is dry it can be used for watering the grass. The overflow from that goes to the drywell. The drywell fills up and then over time the water seeps into the ground through both of them.

Ralph Endres: Does it go to the second drywell?

Tim Tyskiewicz: Overflow from the first drywell goes to the second drywell. We are trying to keep all the rainwater from the roof from getting down to the driveway and causing problems. We are trying to slow down that water.

Ralph Endres: The second drywell does that end up in the creek?

Tim Tyskiewicz: Overflow from the third element goes down into the ditch and then the ditch leads to where there is a 24 inch culvert. After the rain, when it fills up the first, the second, and the third then that ditch drains down to the lake.

Sam Seymour: Is that an existing culvert?

Jeremy Fields: Yes.

Ralph Endres: Who is going to take care of the culvert?

Jeremy Fields: The way the property is all written is everybody like even Bert Crofton is the farm owner, myself. Every owner down there is responsible for the drainage ditch.

Ralph Endres: The reason I bring that up Bristol Harbour was sued by one of the people down there because we caused erosion. The reason that person has a lot down there is because of a million years of erosion. That's how points end up being points. The fact is Bristol Harbour before the present owners used to go down there and clean that. In a real gully washer what happens is you end up with all kinds of brush ends up coming down. I know that you have taken a lot of that brush out of there.

Jeremy Fields: We have cleaned the ditches.

Ralph Endres: Yes. It is a hundred percent better than it's ever looked in the twenty years I have lived there and walked that because I walk that all the time.

Jeremy Fields: The culvert actually I replaced that. When you had that last lawsuit, I replaced that for the Ryan's. I was hired to replace that whole thing.

Ralph Endres: Well it is looks much better than when you did that work. The present work looks very good, but I would hope that the homeowner's down there keep it from plugging up so that they don't have a flooding situation so that the water does run back into the lake.

Jeremy Fields: They are supposed to. Everybody is supposed to share in that. Whether they do that or not is hard to predict.

Ralph Endres: I do not think you have a lot to worry about where your house is situated. You are at the top. They are the ones that need to make that decision when it is time to clean that out.

Jeremy Fields: The original person was Dick Morris. He was the one responsible for it. Since the property has been sold multiple times they just share it.

Sam Seymour: Do you have potable water coming from the Harbour?

Jeremy Fields: Yes.

Sam Seymour: The treatment plant is way up the hill, right?

Jeremy Fields: It comes down to all the condos. We are tying into condo water.

Chairman Ely: You mentioned that the driveway is completed, right?

Tim Tyskiewicz: I would not say completed. It definitely goes up the hill.

Chairman Ely: Is that on a steep slope? Did you get a steep slopes permit for that?

Jeremy Fields: We did. We did the erosion control plan and steep slopes.

Chairman Ely: Am I correct that Kevin Olvany looked at that?

Jeremy Fields: Yes. He approved it and county approved it.

Chairman Ely: That part of it is more or less set?

Jeremy Fields: Yes. There is a copy of that on file here.

Ralph Endres: The house does not need any provisions like the houses/duplexes above? They are anchored to bedrock.

Jeremy Fields: We are sitting on rock. It will be pinned into rock.

Bessie Tyrrell: Do you think there will be a problem with erosion on the planted part of your property that comes down to the existing path there?

Jeremy Fields: We have not had any of them. We have had the worst spring of all springs. A couple weeks ago we got three inches of rain. So there has been nothing and we put a lot of plants in.

Bessie Tyrrell: It looks nice to be honest.

Jeremy Fields: As we built up, we have a berm, landscaped, and put pine trees in. We have not waited until the end.

Chairman Ely: You had mentioned earlier this is for your personal residential purposes. Have you envisioned rental?

Jeremy Fields: No.

Chairman Ely: Let me ask you this question that you and I have discussed Jeremy. Under the town code we have to be clear that you have reasonable access to your property. I am aware that there is litigation pending involving use the existing gravel road way, what they call Shore Drive?

Jeremy Fields: Yes.

Chairman Ely: Can you fill us in on that?

Jeremy Fields: The litigation has nothing to do with this building lot. It has to do with the marina. In 1990 there was an agreement, a very stupid agreement that was signed by the third developer of Bristol Harbour saying that for marina use they would limit the road uses. We have to be careful because there are three right of ways down there but there is a road in use which is a road that exists there. Based on that road which there is a map in the 1990 agreement which I brought a copy of it with me that says there are conditions on it for marina commercial use. They do not want boat traffic, boats launched there at all. So they signed this agreement. It has nothing to do with the right of ways easements, only pertaining to Bristol Harbour Marina activity. Honestly, if you go back to the agreement they leveraged the fact that the developer Joe Curse wanted to build Bristol Harbour Lodge and wanted to build homes up there. So they said listen we won't object to your phase one environmental study if you put these conditions on for the traffic to the marina. The litigation is over the use of getting to the marina. So I cannot launch a boat there. What fires them up is people will pull a jet ski out. If you talk to the original developer, Fred Sarkis, it has been done there since 1968 when he bought it, but the challenge is the neighbors who actually bought after the fact, after 1968 all of them, filed this concerned community citizen's grievance and they agreed on these stipulations. The litigation is the same litigation that every owner of Bristol Harbour has had to go through. All have been sued and we are the next one on it. It is not pertaining to the building lot. It is pertaining to the marina.

Chairman Ely: So at the moment though are you able to use this road access?

Jeremy Fields: Yes. We are able to use it but the neighbors want to take the next step further. They do not want people walking on it. They do not want walkers and bicycles. They do not want anything. That is a whole other battle. Something that they have to take up with more than myself. They have to take it up with Bristol Harbour, the developer.

Chairman Ely: As you see it, the litigation only pertains to the kayak racks?

Jeremy Fields: No. It pertains to the marina.

Chairman Ely: The whole marina?

Jeremy Fields: Yes.

Chairman Ely: But not to your residential use area?

Jeremy Fields: Yes. Absolutely.

Chairman Ely: I have walked up there too and seen that there is a chain fence. Is that suggesting that they do not want people in there?

Jeremy Fields: They do not want people walking. They do not want people doing anything. If you have a kayak down there the judge said we are allowed to get the kayak. We are allowed to go in and out. It's service to the marina. We are allowed to take people in and out, but the average person they do not want them walking on that.

Chairman Ely: Can you tell me anything about the history of the road? You referred to it as an easement. Was it granted as some point in time?

Jeremy Fields: Sure. There is two other right of ways to the property and none of the right of ways were filed. In 1916 Seneca Parks was created. It's a corporation and it was given for us by Hamlin and they bought the property and started dividing it up. So they created this map in 1916. Map #298 it's on Ontario County record. It has two right of ways one that goes straight to the parcel and one that comes off Applewood. That was one circle. It was all a circle around Applewood. They divided it up into eight lots and the hill that we are on is now Bristol Harbour wasn't owned by them. That was owned by Raines in 1900. That parcel at the time is the person who is suing us. Cook, Ryan and Weaver was all part of Bristol Harbour. That was sold in 1921 and then a new map was created in 1921 because what happened is people drove around in a circle through there. In 1921 they went and fixed the problem Hamlin did on the lot number one where there was an old creek and break wall which is now the Reeves property. They amended that map so that was the right of way a full circle. In 1960 they created a new map that showed the road that everybody was driving. So you end up with three right of ways. You end up with a road in use which was the one that everybody drove and then you end up with a right of way from both ends. It is disconnected. At that time it was Higgins which is now the Weaver property. They severed that road. There is no release on that right of way. Actually that right of way still exists but they built a septic system over it. It is a whole bigger problem now. So the road in use goes through a septic system and the right of way is next to it and passes through both properties. What you are talking about is three right of ways.

Chairman Ely: You had showed me a map. Did you bring those maps? I think the Board might find it instructive to see that.

Ralph Endres: I think when the federal government seized that property they did not seize the septic system and they sold at public auction, the house without the septic system. Then it took almost a year to get that squared away.

Jeremy Fields: So I hired a surveyor to survey all the properties.

Jeremy Fields and Tim Tyskiewicz reviewed maps with board members and Albert Crofton. There were multiple informal conversations.

Chairman Ely: Come back to the pending lawsuit for a moment. I understand from our conversation previous to this there is a mediation that has been ordered?

Jeremy Fields: That is correct. Yes.

Chairman Ely: Will you be a part of that?

Jeremy Fields: Yes.

Chairman Ely: Are you a named defendant in this lawsuit?

Jeremy Fields: The Company is for the marina.

Chairman Ely: You will keep us posted as to what develops if anything from the mediation? You are telling me the litigation pertains only to the marina and access to the marina by assorted people?

Jeremy Fields: Yes. That is right.

Chairman Ely: There is no legal barrier right now aside from getting site plan approval to starting your work on the house. Despite the fact there is only a sign up saying only emergency and service vehicles. Are you emergency and service vehicles?

Jeremy Fields: For the marina again that pertains only to the marina. It pertains to BHVA as well. It's not just the marina. It's the developer, Bristol Harbour Village Association, and myself. All three of us.

Ralph Endres: I have lived there for 18 years and over the years the part where they are worried about people launching boats has had two or three boats that have sunk. We got them going toward shore and run it as long as they could because it was taking on water. Otherwise they would have sunk out near the water intake. There have been times it has been used for emergencies. Same with ambulances that have been down. We have had people slip on the sluiceway where it says do not walk. They either do not read or it does not register, but the road is the only way to get to those people especially the one that broke his leg. You would not have gotten up in the stretcher on the elevator. So that they had to bring the ambulance down there.

Jeremy Fields: It happened this spring. They called me and I said cut the gate. I do not lock the gate. I told the emergency people to cut it and knock it down.

Chairman Ely: Among other things we are supposed to inquire as to adequacy of parking. Talking to your architect I gather there is enough parking for four cars up here? What happens if you have parties? You cannot park in that gravel right of way.

Jeremy Fields: No parties.

Chairman Ely: Seriously you would not have any big parties? Is that your plan?

Jeremy Fields: I would not need to park more than four cars there.

Chairman Ely: As you come up the present gravel road, you do not go directly into Seneca Point Road. There is a little dirt parking area. People have been parking there since the dawn of times. As far as you know who owns that?

Jeremy Fields: Bert Crofton owns it but it is actually part of the road. Years ago the road used to come out there. On the map that I showed in 1916 and 1921 the road came further down almost to where it intersected and now it has become parking because people have cut the corner. Bert does own the land.

Chairman Ely: Bert Crofton owns the land subject to whatever rights that are established, correct?

Jeremy Fields: Right.

Chairman Ely: The so called present existing gravel road that I walk on is that shown on deeds in the county clerk's office?

Jeremy Fields: It is on a 1916 map.

Chairman Ely: It is on a map okay. Is there any deed that goes with that?

Jeremy Fields: Yes. It is filed with the county clerk.

Chairman Ely: The deed is?

Jeremy Fields: I do not know about. I am sure that Bert Crofton has a deed that shows that piece of it.

Chairman Ely: Well maybe not from 1916.

Jeremy Fields: I have never looked at his abstract unfortunately. I pulled all other abstracts because of the suit and I had all the other properties surveyed but I have not pulled Bert's abstract. It is in everybody else's abstract.

Chairman Ely: What is?

Jeremy Fields: It defines the right of way of 1916 about Seneca Park Cottage. [*Seneca Point Cottage Park Company*]

Chairman Ely: The right of way of 1916 is that the present site of the gravel road or is that a different one?

Jeremy Fields: It is a little bit different. The parking area is part of the 1916 map.

Chairman Ely: That is good.

Jeremy Fields: *Jeremy came forward to board members to explain maps further.* What you are talking about is right here. So here is the highway and this is where that parking area is and this is a 90 degree turn. So what they have done is cut the corners. So this is the 1916 map which is the most accurate.

There isn't 100% accurate, but see where it used to almost intersect Applewood. So this is the parking area. This is shown and this is the right of way. See that 90 degree? So there is a right of way across Bert's land straight in and this is the actual road in use that used to be in use that's now severed and here is the other right of way. So I have highlighted the right of way that exists. So this is the parking area.

Chairman Ely: The present road was that just simply built not necessarily on any specification with the original easement?

Jeremy Fields: Horse and buggy, Model As and they drove around.

Chairman Ely: It was built slightly off the actual plan at the time.

Jeremy Fields: I thought it was the easy way to do it rather than carve through here. There is a ditch here and you would have to be on the other side of the ditch. They would have had to build another pipe or bridge. So it was much easier to go into Bert's field to drive the circle.

There was a discussion with Albert Crofton and Jeremy Fields et al on the road.

Chairman Ely: All the people would have to agree to maintain it. I think you have done some maintenance work yourself.

Jeremy Fields: We put gravel on the road.

There were multiple informal discussions.

Chairman Ely: Any other questions?

Diane Graham: I have asked Jeremy for a copy of what he has shown you today so that if anyone comes into the office they can look at it.

Chairman Ely: That is an excellent idea Diane. Thank you for being proactive on that. People may want to come in more leisurely time to study it and this affords that opportunity. I can certainly be confused by maps. I have to rely on the code officer to explain most of those things to me. Any other questions?

Ann Marie Rotter: How big is the house? How many square feet?

Tim Tyskiewicz: The footprint is 4,200 including the sidewalks. So roughly 4,000 square feet all the way around.

Chairman Ely: One story or two story house?

Tim Tyskiewicz: One with lofts.

Ralph Endres: No walk basement or no walk out?

Tim Tyskiewicz: It will have a walk out.

Sam Seymour: The ridge lines are parallel with the hill or perpendicular to the hill?

Tim Tyskiewicz: Parallel. The major roofline.

Chairman Ely: Any other questions? Let me thank you. Let me just explain the next thing we will do is send this to the County Planning Board because it is in the lakeshore. County Planning will be looking at this. We hope we will get an answer in due course from County Planning. We will schedule this for public hearing at our next meeting. Obviously, with a public hearing people may come in and have questions. If we are not satisfied, we will have to adjourn the public hearing. No promises, but that will be our agenda anyway. Thank you for coming and I think it is very helpful that both of you came.

Consideration of meetings during November and December

There was a proposal and discussion to combine November and December meetings into one meeting due to dates falling around the holidays. The board unanimously agreed to hold one meeting on Wednesday, December 6th at 7:00 p.m.

Old Business

Update on solar energy systems local law

Dan Marshall shared that the Town Board had a public hearing last month on the solar energy systems local law and that they will need to do another public hearing to complete the SEQR. It should be done at the November meeting.

Review §170-94 site plan review

Chairman Ely shared that he hopes to have the updates incorporated and present at our next meeting.

There was a discussion about the status of the Planning Board Resolution 2017-1 and Resolution 2017-2.

Motion to Adjourn

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by Ann Marie Rotter. The motion was unanimously accepted and meeting was adjourned at 8:01 p.m.

Respectfully submitted,



Diane Scholtz Graham
Board Secretary