



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

Planning Board Meeting Agenda

Wednesday, April 18, 2018

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 March 21, 2018 Planning Board Meeting Minutes

Public Hearing

Site Plan Approval Application #2018-0002 ó Sands Guest House

Owners: Robert & Pamela Sands / Seneca Point Properties LLC

Property: 5734 Seneca Point Road

Tax Map #: 168.20-1-42.100

Site Plan Approval 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

New Business

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, April 18, 2018

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

Guests: Robert & Pamela Sands
Jeremy Fields
John Meyer, Meyer & Meyer Architecture
Nancy Seddecki, RA, Meyer & Meyer Architecture
Marisa Sasso, Meyer & Meyer Architecture
Eric Clough, 212box Architecture
William Nosr, 212box Architecture
Bill Grove, P.E.
Wendy Meagher, Engineer
Dahl Schultz
John Ingle
George Hamlin
Katy & Chris Guider
Phil Sommer, Code Enforcement Officer
Keith English, Deputy CEO
Judy Voss, Town Clerk

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.

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 March 21, 2018 meeting minutes as written. Rodney Terminello made said motion which was seconded by Michael Staub. The motion was unanimously accepted by all board members present.

Chairman Ely: Tonight we have two public hearings and we are going to start with 5734 Seneca Point Road property known as the Sands guest house.

Public Hearings

Final Site Plan Approval Application #2018-0002

Owners: Robert & Pamela Sands / Seneca Point Properties LLC

Property #: 5734 Seneca Point Road ó Guest House

Tax Map #: 168.20-1-42.000

Public Hearing Opened at 7:04 pm

Legal 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 Planning Board will hold a public hearing on the following application:

Application #2018-0002 for property owned by Robert and Pamela Sands, Seneca Point Properties LLC located at 5734 Seneca Point Road, Tax Map #168.20-1-42.100. Mr. and Mrs. Sands are looking for site plan approval for a three bedroom single family residence plus gazebo.

SAID HEARING will take place on the 18th day of April, 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 Ely: That notice was placed in the record Diane?

Diane Graham: Yes. It has been published.

Chairman Ely: In a moment I am going to turn this over to the proponents to describe the proposal to us and the audience. I want to take just a moment to outline what we are and are not doing. This is a proposal for a single family residence, basically a guest house, garage, and gazebo. It part of a larger project. The larger project will include a pedestrian tunnel under the Seneca Point Road as well as a considerably larger structure development on the other side of the road. We are not, I repeat not, considering those issues tonight. We are only focusing tonight on the guest house structure. The other items will eventually come before the Planning Board, but at this point I cannot give you any indication as to precisely when that will be. I will point out that the Town has engaged LaBella Associates for an independent review of that project and obviously this Board will wait their report before taking any further action. With that by way of brief introduction let me invite the proponents of the proposal to come forward and bring us up to date and also explain to the public what you have in mind here. Please introduce yourself for the record.

John Meyer: I am John Meyer, Meyer and Meyer Architects. I am the first proponent. We were here a month ago. I think a lot of people did not hear everything so we will try to cover everything succinctly as possible. It is a very large and beautiful piece of property that the Sands own. Like the chair said this is a very small portion of it. The idea it is a beautiful lake piece of property that is going to have all the amenities of lakefront. There is a long expanse of lawn between the lakefront and the road which will be developed as lawns and gardens. On the other side of the road there is this smaller piece of property that is interesting because it has the woods behind it, the waterfall, and stream. It is very beautiful and different kind of character as the rest of the property. What we are doing with this is developing a little guest house

on the woodland site, but it is also located on access with the larger property to be developed and it will serve as not only a nice little guest house but kind of gate house for the rest of the property. The owners asked us to do a couple of things. One is to build it to the highest quality we could and the best materials, cut stone, graduated slate to match the main house and to obey all the local ordinances and make sure that it was respectful to rest of the Town. That is why we are here today. Pamela Sands is here and Rob is on his way. From my office Nancy Sedecki and Marisa Sasso are here. They are going to walk through the particulars. Jeremy Fields is our local advisor. Bill Grove is here to do the septic. So I will turn it over to Nancy.

Nancy Sedecki: Good evening everyone. My name is Nancy Sedecki. I am with Meyer and Meyer Architects. I will review the site plan for the guest house and we will go over the planting and landscape lighting plan and then we will have Bill Grove address the septic questions and Jeremy Fields is here to address civil questions regarding the site management and how that works. Finally Jeremy will also address the construction work hours, staging, deliveries, and parking of the ongoing development of the construction.

Here is the site plan for 5734 Seneca Point Road. North is stage left and Seneca Point Road runs along the top of the page. You will see the driveway is here. The main house is in the center of the page. To the right is the garage which also has a green roof over it. We have the septic leaching field is on the south side of the property and Bill Grove will go over that and all the particulars. In collaborating utilities for the project you will probably see up on the road so the condensers are tucked in the back and anything else is underground and not visible from the road.

John Meyer: Is the Board okay with facing the other direction?

Diane Graham: Are you okay with that?

Board Members: Yes. We have our own.

Nancy Sedecki: This is what you will see when you arrive at the property on this elevation up here. The main front entry is right here in the center. The garage to the left side of the property and you get a sense of that green roof going over the garage there. As John Meyer mentioned the materials are all natural materials. There are stone and slate roofs with copper so they are very long lasting and durable.

John Ingle: Sorry to interrupt. May I ask just so that I know is this the Morris property?

Diane Graham: Can you stand up and say what your name is?

John Ingle: John Ingle. Is this the Morris side of the road or is this the Suzanne Kennedy side?

Nancy Sedecki: Morris side.

John Ingle: So this is the smaller lot?

Nancy Sedecki: Whatø that?

Diane Graham: Can you stand up and say who you are?

George Hamlin: I am George Hamlin and I live there too.

Nancy Sedecki: Oh okay.

George Hamlin: Seventy-six years.

Nancy Sedecki: Here is the planting plan for the property. On the south side where the septic leaching field is we believe to excavate for that so the proposal includes revegetating anything we have had to remove with non-evasive native species that are nursery grown. They will be a combination of shrubbery and trees. We have trees along the front end edge of the property and one large deciduous specimen at the front on the right as you approach the framed entry. So the goal is to revegetate where we can. Everything else on the plan here is lawn. So this is all green grass and lawn.

The last architectural plan here is the landscape lighting plan. The goal is to just be as ambient as possible. Low lights no up lights at all on the property so no light pollution. We just want to provide lighting where it is needed for safety and the approach to the site. At the driveway entrance these four piers will have post lights that will light down. Anything you see around the property here is ambient glow from the house at night. We will have sconces at every door entrance which is a requirement by code. Soft garden lights at these rear steps that access the septic leaching field for maintenance. Soft glow of light at the gazebo. We have an exterior sconce and interior light in there. This orange glow here represents a fire pit in the back when the fire is on. With that unless there are questions on those, I will hand it over to Bill Grove who will go over the septic.

Bill Grove: Hi folks. I am Bill Grove from Grove Engineering. The septic plan is essentially a conventional system. We found good soils on the south part of the property. The property next door was at one time a gravel pit. It is not surprising that we have good soils there. The plan is to use a standard septic tank in the front yard of the house into a pump tank that goes up the hill into two leaching trenches. George Barden has approved the system. We do have his full approval on the septic design. It is expandable in the future if it ever needs to be, but it is sized properly for the house and the use it will get. Any questions on septic?

Ann Jacobs: When was it approved?

Bill Grove: Yesterday.

Bessie Tyrrell: Does septic system have to be set back from the property line just like any other?

Bill Grove: They do. Ten feet is the state minimum. That is where we are it with a close edge on the south side of the property.

Ralph Endres: Where exactly is the septic leach bed in reference to the creek that bisects the property?

Bill Grove: We had to maintain a hundred foot separation from the stream so the leach field is the brown area in here and it kind of comes off the plan, but it does come back over here. We meet all the minimum separation distances there too.

Ralph Endres: Okay.

Bill Grove: Anything else septic related? If you think of anything, you can come back to me later.

Chairman Ely: Thank you.

Jeremy Fields: Jeremy Fields. I am here to talk about the erosion control sediment, staging and all the various aspects of construction. So pretty typical obviously we have silt fence and bail fence during the construction. We have a staging pod for small stock pile area. All the materials will be offsite. There will be no staging during the construction process onsite. During construction we are going to have offsite parking. There will be no parking at the construction site. There is an area we created up the street on Hicks Road. Construction vehicles, support vehicles, and employees will be up there and we will shuttle them to the site. There will be no disturbance for any of the lake residents and have no vehicles all on the road down there. It is a tight spot. That will handle all of the constructing during the construction process.

The sediment and silt fences around the entire perimeter will be maintained during the construction process. That is about it for this page. There will be a stabilized construction entrance during this. We are doing a tire wash system. Any trucks leaving the site or coming to the site there is a truck washing station. It will keep the debris off the road. This is a typical drawing of the siltation fences and then also the trench systems.

Storm water and site management system is pretty comprehensive and we are handling all the water onsite. We have collection locations. There are catch basin. They will take the surface water and any water coming down into slopes and they will be directed to the stream. In addition to that we have underdrains under the entire driveway area. This drainage system will handle more than a regular grass system. If you plant the grass here, this system will actually handle a lot more volume and water. We are able to maintain and keep all that on site. Anything from downspouts to conductors will go through the drainage system.

This is our offsite staging area. We have a laid out area where all the stone masons are working. They are actually already cutting stones.

Bessie Tyrrell: We have not seen this one.

Jeremy Fields: I will turn the map around, or how about I will go through it and then turn it around. We have a stone mason area here. It is all fenced in. It has its own water, power and security. Those guys have begun to bring the stone in and they are hand cutting all the stone there. We have a parking area here. We purposefully located back on the back side so you can see this topographic map you cannot see it from the road. All vehicles are back in there and they will be shuttled down Hicks Road and brought in. The materials even for the construction portion of this will be brought in as we need them. So there will not be any large piles of stone or anything like that. As the masons are doing it they will bring what they need down. It keeps heavy traffic off the road. So all of our large trucking will be up on Hicks and bring down small mason trucks for the stone keep the road damage down. This is the construction site and then this is the staging and the parking area. They will traverse here.

Jeremy Fields walked over to Planning Board members to show them offsite staging plans.

Ralph Endres: It is way off Hicks Road.

Bessie Tyrrell: Thanks Jeremy.

Jeremy Fields: Are there any questions?

John Ingle: I have some questions.

Diane Graham: Mr. Ingle can you come forward so we can hear? We just want to hear what you are asking.

John Ingle: I can talk loud, don't worry.

Diane Graham: Okay.

John Ingle: What is the timeframe for this to occur? Is this something that is going to take all summer, a year?

Nancy Sedecki: We are estimating fourteen to sixteen months for construction.

John Ingle: For this particular building?

Nancy Sedecki: For this residence. Yes. If all goes well with our permitting and we submit say next week then it would be when we hire a contractor we would start in six to eight weeks. It sort of depends on a few things. Say starting in one to two months.

John Ingle: Okay. So most of the traffic is going to be occurring between Jeremy's location and down Hicks Road to the construction site.

Nancy Sedecki: Correct.

John Ingle: The speed limit on Hicks Road is 40 miles per hour?

Nancy Sedecki: Yes it is.

John Ingle: Then down on the point on the south side of the intersection of Hicks Road and Seneca Point Road is 25, but unless I am wrong it is 40 mph from bottom of Seneca Point Hill or Hicks Road?

Mary Ann Bachman: It is now 25.

John Ingle: It is 25 all the way down?

Mary Ann Bachman: The 25 signs have been posted from right as you get to the bottom to where about this property is located.

John Ingle: Okay.

Mary Ann Bachman: In front of that.

John Ingle: That's good news.

Mary Ann Bachman: Is that Applegrove? I do not know the name of that street, but right at that spot it becomes 25.

John Ingle: At the bottom of Seneca Point Hill?

Mary Ann Bachman: To the south side. It just changed.

Diane Graham: Applewood.

Mary Ann Bachman: Applewood.

John Ingle: So they are going to be doing all the shuttling so there will not be traffic issues there? There will not be any blockage of the road going to south lake?

Jeremy Fields: That is correct.

John Ingle: That is good. A lot of good planning. I am happy to hear. The trucks you have mentioned something about not having the trucks be on Hicks Road, but not as much on Seneca Point Road. Is that what I was hearing?

Jeremy Fields: That is correct. The large truck will come off of 21 and stop north of your property. As the stone masonø work, they will take the stuff down in small mason we call them mason dumps.

John Ingle: Okay.

Jeremy Fields: The only things that will be large will be the concrete trucks and that is just during the foundation.

John Ingle: What about quitting time? When time does that happen?

Jeremy Fields: Currently the Town and we have agreed to do 7:00 am to 7:00 pm, but obviously not in the peak season. We had a lot of pre-meetings on that. I should have brought that up earlier, but yes.

John Ingle: So what is the peak season?

Jeremy Fields: I would say whení

John Ingle: July and August?

Jeremy Fields: Yes. I think so. If you are having a picnic out there in the middle of summer.

John Ingle: Usually when trucks are backing up there is a lot of beep, beep, beeping it is not the best thing for relaxing on the lake. Alright well it sounds like you have things well planned. It is glad to see that and hear that. Thank you.

Jeremy Fields: Thanks John.

Chairman Ely: Any other questions for Jeremy?

Ralph Endres: There is going to be a tunnel from the basement of this house to the main house on the lake?

Jeremy Fields: We are hoping. Yes. We are in the design phase of that.

Ralph Endres: I have lived here for twenty some years and I have seen all kinds of rain events. I walk quite extensively on Seneca Point Road and see most of those intermittent streams overflow due to rain and wash down trees and bushes and scrub from the hills. Last year in the month of June there were three events two of which were five plus inches of rain and one was just a little less than five inches. This was all in a period of overnight, or evening into night. I did not notice that much at that particular time. I am wondering if you are going to have this tunnel that is going to join basements, is it going to have some pumps, some way to make sure that the guest house basement does not flood and come down the tunnel into the main house.

Nancy Sedecki: The guest house basement does have a sump pump plan for it in the plumbing plans. We are counting for that in the guest house.

Ralph Endres: Because a little further down Seneca Point Road Wegmans had to get a special permit to dig out the creek that runs intermittently between the two pieces of property that they own. They had to get in there for about two and half or three weeks with pay loaders and everything to take what washed out down the hill. Water seeks its own level. I was concerned that you could cause a flooding event based on the creek. I am sure that your roof and everything that you are doing is what is humanly possible to do to keep it from flooding, but a creek like that you do not have a whole lot of control when that water starts rushing down the hill.

Jeremy Fields: So to answer the question I have been working with the engineers on the design. There are going to be bulkhead doors at both ends of the tunnel.

Ralph Endres: Okay.

Jeremy Fields: We have to do that as well for fire.

Ralph Endres: So you seal it?

Jeremy Fields: Yes. So there will be that.

Ralph Endres: Like a submarine.

Jeremy Fields: Exactly. Likely the safest place to be. Then also there will be an alarm system so there are moisture sensors built in. So that is a part of this as well. We have all that and the sump system Nancy was mentioning.

Ralph Endres: Thank you.

Michael Staub: When last we talked, you have mentioned channeling that through the tunnel. Obviously you are still working on the design of the tunnel, but it was supposed to go down to that aqueduct underneath the main house and be filtered through that.

Jeremy Fields: That would not be related to the tunnel. There is the aqueduct under the main house to deal with the surge of water.

Michael Staub: As it stands right now, you are just concerned about the guest houseí

Jeremy Fields: Correct.

Michael Staub: with the sump pumps and the tunnel this will be included.

Jeremy Fields: The sump pumps are included in the guest house, but anything related to the tunnel will be part of the load structure.

Michael Staub: This is a new design?

Jeremy Fields: Yes exactly.

Michael Staub: Thank you.

Chairman Ely: Other questions or comments from the public for people who are here? Questions or concerns?

John Ingle: Are there any variances included on this?

Chairman Ely: No variances are required.

John Ingle: Okay. Thank you.

Chairman Ely: Alright I have a question and I do not know who to address whether it would be Bill or Jeremy or both. I know that recently you received because they came through our office there was extensive comments from LaBella and Kevin Olvany. Could you respond in some detail to those?

Jeremy Fields: Yes we can. A lot of the comments they had were all storm water related and erosion control related. Those will be reflected on the new plans. A couple of the comments were interpretation things like where a silt fence ended and started. That comment was basically because there was elevation differences. The silt fence will be almost vertical in that case. That is why it did not show on that plan, but we are going to connect that and it will turn that in as part of it even though it is a vertical fence. With Kevin Olvany I personally went through his list with him on the phone. All of those items are addressed. They are mainly notations or comments on the drawings. One of them was that Kevin saw a stock pile on the plan and did not have the knowledge that we were taking it offsite so that stockpile is just for small materials. LaBella overlapped most of their comments. Any of those comments from Kevin Olvany and LaBella will be on the permanent set of drawings. We will add those.

Chairman Ely: Now you mentioned new plans. Is there a need to amend the site plan?

Jeremy Fields: No. It is literally notation things. It is just a detail when we send in the permits that we will have those on there.

Chairman Ely: So you will be sending in a more detailed plan to the Code Officer. Is that what I understand?

Jeremy Fields: It will address their comments if that is your question. Any of their comments will be addressed.

Chairman Ely: Okay.

Jeremy Fields: There will not be any changes to the site plan. There is no elevation changes, no grading changes, and no storm water changes. A lot of it is notation.

Chairman Ely: Phil, you have a question.

Phil Sommer: Jeremy will we get a new erosion plan and drainage plan with the elevation that Kevin suggested?

Jeremy Fields: Yes. We will provide that.

Phil Sommer: Before submitting for the permit process?

Jeremy Fields: Yes. Absolutely.

Phil Sommer: Okay.

Jeremy Fields: Absolutely.

Phil Sommer: Any time frame on that do you know?

Nancy Sedecki: Erin Joyce is not here tonight because she is on a family vacation so it will probably need a few days next week to get that figured out.

Phil Sommer: Okay. Thank you.

Nancy Sedecki: Sometime next week.

Chairman Ely: That would be attended to and be satisfactory to Phil before any building permit would be issued, correct?

Jeremy Fields, Nancy Sedecki, John Meyer: Yes.

Chairman Ely: There was some exchange I think between Phil and yourself about curb cut?

Jeremy Fields: Correct. Yes.

Chairman Ely: Can you speak to that?

Jeremy Fields: I can. There is a drawing for that. If the Town had a 40 foot curb cut and we showed it as a 50 foot curb cut, I explained to Phil and we agreed that we would make that modification if that was the only contingency. It really and you could probably speak to that as well.

Nancy Sedecki: There is a reason we have that was for traffic flow in and out that allow cars to come in and out easily. Maybe I should turn this around. At the property line this dimension here is what I think they were referring to is 50 feet. I think we would like to keep it at that so that there is an easy flow in and out. That is the reason why. It is for traffic flow

Chairman Ely: So was it the suggestion to reduce it to 40?

Nancy Sedecki: He asked us to reduce it to 40 and if that is something that he is going to feel strongly about then the Sands have agreed to reduce that amount.

Chairman Ely: To make that change?

Nancy Sedecki: Yes.

Chairman Ely: Okay. Phil do you want to speak to that?

Phil Sommer: That was Jim Wight. A condition that he was more comfortable with 40 foot versus the 50 foot.

Chairman Ely: Is that something that will be addressed in your final site plan?

Nancy Sedecki: Yes. So the plan will be any comments that we received from the Board and the various agencies involved. Unless we have any issue with that we will go ahead and incorporate those comments in our final submission to the Town for their review. We can get Phil any of those plans ahead of time just to make sure he is happy with the way that we have shown.

Rodney Terminello: So you are building a guest house and then going to a tunnel. You are going to have to do some prep work in the guest house at the beginning of this, correct?

Jeremy Fields: Yes. Whatever the inner connect to the foundation, but we can cut that wall through later. It is great technology these days.

Rodney Terminello: Okay. So you are not going to start the tunnel?

Jeremy Fields: No. We just need to locate it after the foundation is in. Where they intersect.

Rodney Terminello: Thank you.

Chairman Ely: Do you have any other questions here?

Ann Jacobs: I have a question about any damage to the roads I am sure that they would be repaired.

Jeremy Fields: Yes. In the last meeting we said that any damage that was created by construction would be taken care of.

John Ingle: Does that include Hicks Road?

Jeremy Fields: Yes. That is why they are old trucks.

Chairman Ely: County Planning had made no recommendations on this application. They did raise a number of comments. A number which strike me that you have already addressed in one way or another. They are concerned about clearance over the pedestrian tunnel, but I think we can hold that for another day. They discussed the septic system, but as you correctly point out that George Barden has approved the system so I see no reason to belabor that and you are having two separate water services, correct for these two structures? That is another issue that they raised.

Jeremy Fields: Yes. That is correct.

Chairman Ely: It looks to me that in fact your comments have addressed the County's questions. County took no position on this application which means it is ultimately our call.

Okay gang, any other questions? Ready to close the public hearing. Okay I will declare the public hearing closed.

Public Hearing Closed at 7:34 pm

Chairman Ely: Should be now proceed to everyone's favorite moment the SEQR review?

Bessie Tyrrell: Sure.

Chairman Ely: Sure. Sounds like a lot of fun. Okay.

Michael Staub: Can I have root canal first?

Chairman Ely: Gang to make this as painless as I can I am going to run down these questions and the answer is no, small impact or large impact right. Are we ready?

Board Members: Yes.

Chairman Ely: Diane you know the list of questions. I can give it to you afterwards.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
2. Will the proposed action result in a change in the use or intensity of use of land?
3. Will the proposed action impair the character or quality of the existing community?
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

7. Will the proposed action impact existing:
 - a. public / private water supplies?
 - b. public / private wastewater treatment utilities?
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
11. Will the proposed action create a hazard to environmental resources or human health?

The Board Members answered no to the SEAF questions numbered 1-11.

Do I have your authorization to sign the form? I further propose that we conclude this is a Type II Action under SEQR and that there will be no detrimental environmental impact and that no further review is required.

All in favor.

Aye: 7 (J. Ely, R. Endres, A. Jacobs, A. Rotter; M. Staub, R. Terminello, B. Tyrrell); Opposed: 0

Chairman Ely: I think we should make a few findings.

Finding #1:

That this proposal is consistent with the comprehensive plan.

All board members present answered yes.

Finding #2:

That this proposal is consistent with the existing zoning?

All board members present answered yes.

Finding #3:

That this proposal will cause no negative impact to the neighborhood?

All board members present answered yes.

Any further suggestions for findings? May I conclude that those are the Board findings?

All board members present answered yes.

Are we ready for the question?

Are we ready to grant temporary and permanent site plan approval for the application properly known as the Sands project for the guest house?

I move that the Planning Board grant temporary and permanent site plan approval for the Sands project for the guest house, subject to the presentation of final plans to Phil Sommer which incorporate what the Sands team have told us verbally they will incorporate.

All in favor.

Aye: 7 (J. Ely, R. Endres, A. Jacobs, A. Rotter; M. Staub, R. Terminello, B. Tyrrell); Opposed: 0

Motion carried.

{Intermission}

Final Site Plan Approval Application #2018-0001

Owners: Hugh M. Jones IV / Jones Beach LLC

Property #: 5721 Seneca Point Road

Tax Map #: 168.20-1-23.100

Chairman Ely: Let's get under way. We have another public hearing to go forward with and once again Diane may I ask you to read the public notice.

Public Hearing Opened at 7:45 pm

Legal 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 Planning Board 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 site plan approval to do renovations and addition to existing house, reconfiguration of driveway and patio areas, and installation of new septic system.

SAID HEARING will take place on the 18th day of April, 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 Ely: Diane will the notice and affidavit of publication will be put in the file?

Diane Graham: It was.

Chairman Ely: Thank you. Let me as I did before see if I can channel our discussion a bit by offering a few comments before I invite the presenters to come forward. This application you will recall was

referred to the Zoning Board of Appeals for variance requests in connection with both setbacks and coverage requirements. I am sure the presenters are going to speak to that directly in some detail. To make a long story short the ZBA has approved a coverage variance up to 23.74% as I understand it, and just so my board members are all clear on this that stands. We cannot overturn the ZBA decision on that variance grant. Further, I should note that County Planning has recommended denial of this application. That does not bind us irrevocably but it does mean it takes an extraordinary vote to override County. I will point out that County declined an opportunity to review the revised plan. With that by way of general comments let me invite the presenters to come forward and explain again to the Board and maybe to the public what is left of the plans. I hope you will speak particularly to the decision to the ZBA so we are all on the same page.

Diane Graham: Can I interrupt? Kevin Olvany did review a second time.

Chairman Ely: Kevin, but County did not?

Diane Graham: He represents the County.

Chairman Ely: Okay.

Eric Clough: My name is Eric Clough from 212box. Thank you again for your time and for having us. William is here from my office. Wendy for structural and Bill for septic again. Last month we did go to zoning and if you remember we were here a month and half or two months ago. There are a few more diagrams and things that we did for zoning just to help to elaborate part of that presentation. We also fixed the model that shows the new addition along with the renovation of the existing house with the second floor added.

At our last meeting with zoning we had come to them with a request for three variances. We have since discussed it in that zoning meeting along with some neighbor feedback as well as speaking with the client and we had conceded two of those variances to say that we would be happy not requesting the addition to the garage which took care of the second and third variances and omitted them. That reduced our coverage request of 25% down to 23.74%. Lopping off that addition to the garage and then now focusing that on the existing addition as well as a small garbage room that we are proposing. So this was originally off and now we are just requesting I am sorry allocated that 23.74% coverage in the proposed addition and a small garbage room off the garage.

Katy Guider: How big is the garbage room?

Eric Clough: It is ten by ten.

Bill Grove: Five by ten.

Eric Clough: I am sorry.

Ralph Endres: A ten by ten would be a dumpster.

Eric Clough: I apologize.

Mary Ann Bachman: That would be a garage.

Katy Guider: Where is it going?

Eric Clough: Just here off the garage. As you remember the two cars are currently going through here and we are now bringing them actually sideways.

George Hamlin: Can I see where the position of the garbage room is?

Eric Clough: It is here.

Katy Guider: That is not on the property line?

Eric Clough: That is not on the property line. That would require needing a variance. Essentially we are doing a shed roof in the front and accessible from the garage.

Mary Ann Bachman: The original plan was for the 25%. At the March 28 Zoning Board meeting they approved the 23.74% so how did it come up with that?

Eric Clough: So that was removing the garage.

Mary Ann Bachman: So removing the garage. So on the 30th of March the plan is corrected for 23.69% revised and then on April 10 it is revised again for 23.74%.

Bill Grove: I can speak to that. I am Bill Grove with Grove Engineering.

Mary Ann Bachman: There was no garbage shed on it at all or the wall either.

Bill Grove: That was an iteration that I supplied the plans for and then I thought before they went out we brought the April 10th plans in so the March 30th plans are irrelevant I guess at this point. It is just the April 10th plans. So it was an iteration that I brought in.

Mary Ann Bachman: So at 25% you removed the garage that would bring you to 23.74% is that how that was calculated?

Eric Clough: That was estimated as something as with our currentí

Mary Ann Bachman: Was 25% is an estimation too?

Bill Grove: Twenty-five was accurate with the garage footprint that we had initially proposed.

Chairman Ely: The removal of the garage just eliminate a very small amount of your footprint then right?

Bill Grove: Correct. Yes. It was estimated number at the meeting that we knew we were in that ballpark but it did allow us with that number to add on that garbage house area within the setbacks. We did not need a variance on that.

Mary Ann Bachman: So the garbage shed was added to get to the 23.74 plus the wall? The wall was never in any of theí

Bill Grove: Correct.

Eric Clough: I should also mention in zoning there was some contingencies based on the approval. The current barn structure that houses his boat will be eliminated and taken down. That wall is just to replace that for canoes to be used.

Mary Ann Bachman: It says for existing barn which is still there and then the wall.

Bill Grove: The barn exists now, but it is going to be removed. The existing barn will be removed.

Bessie Tyrrell: It is not part of the total square feet.

Eric Clough: Could I also mention so between the zoning and the new set of drawings these trees we were a little too close on the last plans as we shifted that it just reworked some of that area. You will notice a slight change on that which produced some square footage discrepancies.

Mary Ann Bachman: Okay.

Bill Grove: Further to explain the 3/30 plans I was set to go on vacation that following week and I was trying to get something in that I thought addressed all the changes from the Zoning Board, but it was after that I realized they wanted to add the garbage house. That is why there are two sets. You should only have one. The 4/10 is the latest version and the one we should be using tonight.

Rodney Terminello: The barn does not cover has nothing to do with the lot coverage of 25% to begin with today. That was in addition to the 25%.

Bill Grove: We were already taking the barn down.

Eric Clough: We are already taking it down.

Rodney Terminello: The barn has nothing to do with the lot coverage that you are asking for in a 23.74% period. That is additional, right? If the barn was to stay, you would be covering more than 25%.

Bill Grove: Yes considerably more.

George Hamlin: It would be 35.

Eric Clough: We actually did some diagrams just to show you if you remember there was the existing cottage that used to be here and was demolished by an oak tree falling down. In those cases that lot coverage was 41% almost 42% then we are currently at 36% coverage and we are bringing everything down. If you also remember the tax we were using the tax plan that was 30,000 square feet versus 24,000. There was a discrepancy there. As we worked through the various schemes, we kept reducing the lot coverage down from 36, down to 30, down to 27, down to our original proposal of 25, and now even further down to 23.74.

Bill Grove: The site as it sits right now is at 35% lot coverage with the existing barn, the main house structure, and the driveway. We are going to eliminate quite a bit of the driveway area. We will not have

to drive to the barn because the barn will not be there any longer so we are eliminating that and restoring it to lawn. The rest of the hard surfaces will be permeable other than the roof areas so we are effectively going from 35% existing down to 23.74% proposed. It is a pretty significant drop in impervious coverage.

Chairman Ely: So just that I am clear with the fence that you made reference and this garbage shed you made reference you are still within the ZBA 23.74% correct?

Bill Grove: Right at that.

Chairman Ely: Right at that, okay. As part of the total scheme the existing barn will be gone right?

Bill Grove: It will. Yes.

George Hamlin: The existing barn was built to replace a storage garage then they tell a story and the upstairs could be a dormitory for the grandchildren. That idea lasted about eighteen months I think. So they are pulling it down.

Chairman Ely: Okay. Let's go ahead with your presentation.

Eric Clough: The septic as well at this point because we also have been approved.

Bill Grove: It took some doing, but immediately before the ZBA meeting we were able to get the septic approval letter from George Barden. There was some back and forth with DOH and George as to who was going to be the approval entity. Ultimately George determined he could approve the system and did so the day before or the day of the ZBA meeting. That was one thing the ZBA wanted prior to them granting any or considering any variances that we would have septic approval. We do have that now. This one is a pressure dosed system with an aerobic treatment unit ahead of it. It is in the side yard on the south side of the cottage so there will be a grass area. I think you will probably get into Kevin Olvany's comments, but we addressed all those earlier last week.

Ralph Endres: Do you know how much higher Seneca Point Road is than the level of that garage?

Bill Grove: I may. If you give me a second, I may have this.

Ralph Endres: I eyeballed it and it looks to me like about five to six feet difference, but I am not an engineer.

Bill Grove: Well I am, but I still have to look at the survey. I have the survey map right here, but unfortunately I cannot read the contour elevations. I can tell you from the road to the portion of the property in the back it is at least six feet. It is probably closer to ten feet I would guess.

Ralph Endres: As I walk back on that property on the 6th of April I noticed erosion in the driveway from Seneca Point Road towards the house. As I walked back there I see a drain right in front of the garage. What is that drain? Where does that drain go and will it remain?

Bill Grove: That is a great question because I saw it today for the first time. I do not know if somebody had parked on it and I did not notice it before. It was not picked up in the survey. It may have been

weather related. I do not know if there was snow on the ground. I do not know where that drain goes. With the proposed improvements the water will be shedding away from the garage and around the house. There is not a need for the drain to be in there.

Ralph Endres: So where does it go after it goes around the house? Into the lake?

Bill Grove: It will. Yes. Roof runoff is collected into the proposed leaching chambers. One on the west side of the house and one on the east side of the house and whatever rain water those cannot handle that would back up and overflow to splash blocks and travel as it does now on the north side of the house to some degree, but it ultimately ends up in the shorelines.

Ralph Endres: Just as a point of reference this day there were fifteen five mile an hour winds of the southeast and I stood where this addition is going to be built and the water was breaking over the break wall. About ten or twelve years ago I saw the water three feet higher than it is today and that would put the new building under water and it was not a hundred year flood. I also saw it in 1972. I could not get all the way through there unless I was in a boat. I was working for the State Police at the time. That was all flooded. I worry when you build that close to the lake about the damage that could be done to the erosion and the best sewer system in the world is not going to work if it is under water. The treatment plant will not work if it under water. Those are my comments.

Bill Grove: So I can address the septic side of that specifically. The aerobic unit and pump tank are to be water tight up the 691 elevation which is a foot higher than the ten year flood elevation that is a requirement that George has. It may be in the new waste water law that it's in fact a law. It has always been his requirement to have any septic components water tight to 691. The same with the leach lines as well. The bottom of the leach lines or where the leach lines meets the soil is to be at least 691. So we are able to maintain that here. We are a foot above the ten year elevation. The hundred year flood elevation is 692. That was the comment that Kevin had about the construction of the addition. It does meet setback requirements so can by law build within the setbacks where the addition is but Kevin's comment would we be excavating somewhere else on site to offsite the impact we would have to the flood plain. I think you make a valid point it is a low area. Suppose the break wall can be added to help with some of the wave action. It is not in the proposal. It could be part of the landscape plan to help with any crashing waves, but it does not help the fact that it is kind of a low lying lot.

Sam Seymour: For perspective can you tell us what Agnes was in 72?

Bill Grove: I don't know.

Ralph Endres: I think it was 1972. What the elevation was? Considerably higher than it is today.

Bill Grove: I think it was over the 692 I want to say. I know I have heard George say it a few times and I do not remember what it is.

George Hamlin: I was there.

Ralph Endres: Were you here George?

George Hamlin: Our cottage was above it and it did not get to the first step of the porch, but over at the Gulsters it was at the door knob level and I took Rose in our canoe and we paddled into his living room.

Ralph Endres: I understand I had a friend who actually served on this board years and years ago, Eddy Pevear, who owned a piece of property on the point. He was the only one they were given permission to raise the level and he was the only one who took advantage of that. Actually jacked his house up and put a crawl space under it and got it up above that hundred year flood plain.

Bill Grove: We are required by building code to have to two feet of free board above the hundred year flood elevation. The finished floor elevation at 694 of the house. It is usually two feet of storage in theory above the hundred year flood elevation of 692.

Ralph Endres: Looking at these I was not here in March or the February meeting. I did have the plans and I did do some email conversations with the Board Secretary on things I thought should be brought up. About four years ago we had a public hearing on a proposed project that was going to go on a septic system for a fifty room hotel. It is still in the works. It has not been pulled off the table. They were going to use a septic system and at that hearing a fellow testified that he was a waste water treatment man for one of the wineries around here and he said that it is common knowledge over a period of years that septic systems fail. One out of ten of them will fail. Is this going to be inspected yearly?

Bill Grove: Good question. The answer is yes. It would be inspected twice a year because of the aerobic unit that we are proposing. I should have specified that. There is actually a septic tank and an aerobic unit and then a pump tank. There are three separate tanks. The fact that we are using the aerobic unit to do enhanced treatment of waste water requires a maintenance contract to be provided for the life of the unit. The service providers are really good. If you do not renew the contract they send George Barden a letter that so and so did not renew. George sends them a letter. It is an income stream for the maintainers.

Mary Ann Bachman: I think it is Ontario County law twice a year and then the maintenance company has to report back.

Bill Grove: State law. Correct and George does keep good records of all those maintenance inspections. A lot of times on the lake properties they are done in the fall at shut down time and then again in the spring when they start up. It is mandatory to meet the NFS 40 standard that the treatment units have to meet to be inspected twice a year. By doing that by having a system that has enhanced treatment or aerobic treatment that effluent that goes to the leach area the waste strength is a lot lower and typically the leach areas do not fail over time. A system on a standard septic tank generally the same under normal usage you start the clock running when it goes in and you get twenty or twenty-five years out of it before you have to do something to replace the leach field. The aerobic unit ahead of it will extend the life of it. Theoretically forever it is a mechanical component so parts will break down, but that is a good point in having a maintenance contract is to have somebody there who knows before it breaks down what may happen to fix those parts.

George Hamlin: Excuse me. Where is the effluent I mean you talk about this mechanism that is going to make the effluent disappear. Where is it disappearing to the leach field and is it going to be in the side yard?

Bill Grove: In the side yard yes.

George Hamlin: George did something for us. Our leach is in the back acreage up there. It is up there by the road. That was a \$25,000 and I could have supported South Bristol on that. It was replacing a 600

gallon I do not even know what it was, but it was put there in 1913. Nobody knew where it was and it worked perfectly until people started to clog it up with things you put in a toilet you see and jig was up and we had to replace the whole thing. The tanks are next to the house but everything went up and we put in 500 feet of leach lines, but it is up there by the road. You are going to treat it with this mechanical thing and I think I heard you say that the effluent is so much treated it is a little bit like Bristol Harbour and you could drink the water that came out of the creek. Is that?

Bill Grove: I did not say that.

Ralph Endres: You can water your lawn with it, but you cannot drink it.

George Hamlin: But you do not have any land back there because it is tied together with an easement that belongs to his cousin or something that is up there along the road, but they would not sell the land to him.

Bill Grove: To get to your original question.

George Hamlin: The original question you answered. You said that the leach field is in the side yard. That will be under water. It is only a question of when.

Bill Grove: In a hundred year storm event that is true.

Ralph Endres: We do not know whether 72 was a hundred year event because it has not been a hundred years. We do not to get into semantics.

Bill Grove: We have recently been getting 100 year storm events with regularity. Two or three a year. Last year those five inch rains were even more than the 100 year event so it is not that they happen every 100 hundred years it is the chances of event of that nature. It is a 1% chance per year, but things are changing and that is becoming more of the norm those gully washers. It does not mean the lake is going to come up to the 100 year flood event, but we do get rains that are flood events.

Chairman Ely: How much of the entire parcel is within the 100 year floodplain?

Bill Grove: Is it roughly 50%.

Chairman Ely: It is roughly 50% and part of your response to this is that it is required by law that structures in the plain are elevated. Is that correct?

Bill Grove: Correct.

Chairman Ely: That would be your proposal?

Bill Grove: Yes.

George Hamlin: There is going to be a berm inside there?

Bill Grove: No sir.

George Hamlin: Well then it is going to be under water. It is only physics.

Bill Grove: Correct. If the water comes ups whether the addition is built or not, the water will be there.

Sam Seymour: Is the leach field going to be raised or is that the current elevation?

Bill Grove: It is in the ground a portion in the southeast corner will have to come up about six inches over what is there now to level it off. It will slope gently to the lake, but it is not a huge amount.

George Hamlin: I must not understand. I do have a degree in law and physics. I lived through as a young lawyer in 72. I watched the water come over three hundred yards at three feet and go in the back door of most houses and out the front door. I have pictures. You want to see them. Our front porch was not under water. The first because my grandfather built a 100 year old house up on piers. That side yard is next to ours. So I think you said a treated effluent is going to end up in the side yard.

Bill Grove: It is yes. It is designed to infiltrate into the soil.

George Hamlin: The only reason it will not be under water is because you are going to build a mound now.

Bill Grove: No.

George Hamlin: So where does the effluent other than be in the side yard?

Bill Grove: So when you say the side yard it is located in the side yard it is not intended to surface in the side yard. Is that what you are asking?

George Hamlin: Where is going to go?

Bill Grove: It is going to infiltrate into the gravelly soil that is underneath the leach field.

George Hamlin: Even though it's underwater now by five or six feet?

Bill Grove: No. If we get a flood, the flood elevation exceeds 692 then we will be under water.

George Hamlin: The stuff under the current grade will be under water even more so.

Bill Grove: Correct.

George Hamlin: I do not see how it is going to leach through when there is water above it. Is that true?

Bill Grove: That's true.

George Hamlin: I come back to the fact that the treatment plant and all the wonderful stuff you see. If it means the treated waste is apparently is so well treated it is drinkable and therefore not harmful to be in the side yard except that doesn't work some of the times because it hasn't worked for Bristol Harbour. They dumped into the Seneca Glen and sometimes you can smell it. So that is because the sewage treatment plant fails and if this is a mechanism that is underground and the sewage treatment plant and you are saying it is not going to smell just because it is going to leach down through the gravel beneath it.

There is four or five feet on top of the grass I think that water is really going to screw up the leach field and the effluent and the whole system will not be working and we will have effluent just like we had before coming down. When things fail and everything fails, always something fails always. So you build it below what this is likely to be the level and if water is going to forever go downhill and George Barden says you have to go all the way out to the north part of the whole field in back of you and put in 500 feet of leach lines. I am not sure that the first twenty feet of each of the lines is ever more used, but we have ripples in the back field there.

Chairman Ely: Bill did George Barden address some of the issues that have been raised here?

Bill Grove: The only specifically the 691 elevation is the one that he is most concerned with as far as flood elevation. In an event where the water level exceeds 691 feet, Mr. Hamlin is correct, the leach lines will be partially submerged. You will still get treated effluent that will go out there. There will be more water to dilute it.

George Hamlin: More to dilute the effluent. If it was gin, I would buy it.

Bill Grove: So the system does not require an aerobic treatment unit. Based on the proximity to the lake we added that in for extra treatment. If we did not take a reduction in the footprint of the system, where the state said you can theoretically reduce the footprint if you do an aerobic treatment because the soil cleaner waste water so you do not require as much soil in size, footprint, or depth to get that final polishing of the effluent. We did not take a reduction in this design. We added the aerobic unit to give you enhanced treatment. If it floods it will not be the only system. There will be hundreds or thousands of systems that will experience the same problem if the water exceeds 691.

George Hamlin: That does not justify it.

Bill Grove: The system is approved by the watershed inspector. It meets all the state standards.

Eric Clough: Could I also remind that we are replacing are existing septic system and improving it. The existing septic system is in the exact same location just rotated.

Bessie Tyrrell: You are also adding more bedrooms. I have a question for you. The leaching chambers in location 1 location 2 are they set back far enough from the boundary line? Should there be setbacks from the property line?

Bill Grove: I do not know if they would be considered structures. We couldn't meet setbacks on the rear because it is a fifty foot rear setback so that would be I think if we put it in the setbacks it would be too close to the foundation then. We could pull it away from the north property line. There is room there for that. I do not know if they are considered structures as far as zone goes.

Bessie Tyrrell: Do you think it is okay to having leach chambers that close to the property line? I guess that is what I am asking because I do not think it is.

Wendy Meagher: By state law they only have to be ten feet from the property line.

Bill Grove: For a leaching chamber or for a storm water they are talking about?

Bessie Tyrrell: Are they ten feet?

Bill Grove: They are not showing ten feet no, but they can be.

Wendy Meagher: For septic she is talking about?

Bill Grove: They are talking about the leaching chambers for storm water? I do not know if there is a requirement for that. Phil have you ever?

Keith English: For storm water?

Bill Grove: Correct.

Keith English: No.

Ralph Endres: The previous hearing we had how many bedrooms with the addition is this house going to have?

Eric Clough: Six bedrooms.

Ralph Endres: That is two more, three more than the house that they are building across the street. One more than the main house if that gets approved. This house will have one more bedroom than the Sands property's main house. That has five.

Bill Grove: It is designed for six.

Ralph Endres: It is designed for six.

Bill Grove: The guest house is designed for four.

Ralph Endres: Is this property rented?

Katy Guider: Yes.

Ralph Endres: So you could have thirty people in there.

George Hamlin: They normally rent it for six thousand a week and they typically have three families as they say they can sleep twelve. The two davenport in the living room work like that and they are typically six cars parked for the last ten years.

Eric Clough: Did I mention when we were all together I was misinformed they have rented it in the past and are currently. In the future after this renovation Hugh had said he is not interested in renting it because of the renovation.

George Hamlin: But he cannot guarantee that.

Ralph Endres: As I said I have lived here twenty and I have seen properties change hands especially on a lake. Some are here for the long pull and some people are not.

Eric Clough: You will remember this is his retirement home. That is why we are doing the retirement addition.

Mary Ann Bachman: I thought in February the question was asked if it was going to be rented and no it is going to be his retirement property.

George Hamlin: He is 49 years old excuse me.

Mary Ann Bachman: Will that change?

Bessie Tyrrell: He is 49 years old?

Ralph Endres: There is nothing we can do about it, but the fact is the possibility exists that you are going to put thirty people in that piece of property.

Bessie Tyrrell: So they already have ex number and they are adding three bedrooms you would expect more renters there.

Ralph Endres: I am used to that high density. I used to work in the City of Rochester. I know to stay away from that.

George Hamlin: I know for three generations and four and five. I sang in his wedding at the Plaza Hotel off of Central Park in NYC. We have a very strange situation here because he lives in Chicago and his sister lived in Boston and now the sister is not there any longer, but they felt they had to rent it in order to cover taxes.

Chairman Ely: Please introduce yourself.

Katy Guider: I am sorry. I am Katy Guider. Chris and I live north.

George Hamlin: On the other side of the property.

Katy Guider: On the other side of Hamlin's. I was going to make a comment that Hugh has written a letter to us basically saying that once this gets approved and the house gets completed they don't want to rent it. However, when Hugh and his family are here for four weeks in the summer time and he is a good businessman why would you let the property sit vacant when you know you can \$30,000 in rental income because you are not going to be there anyway. So that is sort of my concern.

George Hamlin: That is what they have done for the last ten or fifteen years.

Katy Guider: As Chris will attest, Chris has had to be the policeman when all of a sudden they are using our tennis court or they are on our beach or they are throwing garbage on our property. It has gotten better over the years, but initially bringing an RV in and things that go to that extent. I wanted to make that comment. Why would a good businessman not rent when he is living in Chicago.

Bessie Tyrrell: When it is his retirement home and he is 49, we are talking a long time.

Katy Guider: So my next question was I am assuming that if you are going to have six bedrooms that the septic can handle twenty people because it is not uncommon to have grandparents rent it, their kids come down, and bring their four, five, and six years old. That is when you say talk about the three families. That is what happens.

Ralph Endres: That is why you come to the beach.

Katy Guider: Right. Then the grandparents can afford the six thousand a week and whatever. I would assume there is the capability to handle a large number of people.

Chairman Ely: Can you speak to that Bill?

Bill Grove: I sure can. The design based on the six bedrooms. It is also based on a 150 gallons per day per bedroom. The state minimum is 110 per day per bedroom with low flow fixtures. The new waste water law that the town has adopted for any lakefront properties they are required to design for 150 gallons per day per bedroom to account for the resort usage that a lot of these properties get. We did have to supply George Barden with architectural plans and a full plumbing schedule which he reviewed and scrutinized.

Eric Clough: Down to the shower columns.

Bill Grove: Everything down to how many gallons per minute each thing contributes. We have extreme low flow fixtures. I did not know they even made toilets as low flow as they got so it is a dual flush. One for yellow and one for brown. The low flow is .8 gallons per flush and the high flow is 1.1 gallon per flush. There is one shower that is proposed to have dual shower heads but the flow is either four or five gallons per minute total if both heads were going. It is not unusual to have a master bathroom with a shower like that in a new house. We design for it. We designed for a maximum daily design flow. I cannot guarantee that even a couple in a house with six bedrooms could use over that much water in a day. We design for what we assume will be a worst case scenario where peak loading. It still takes some monitoring per se. People have to be cognizant of the water usage. It is not as if it is on a sewer where it is an unlimited water supply in and water supply out. They could potentially have issues if they are over a 1,000 gallons per day. It is designed at 900 gallons per day. The aerobic treatment unit is capable of treating 1,000 gallons per day. If you get over that, then it could go bad.

Ralph Endres: Could this leach field be raised?

Bill Grove: Yes. We have to pump it to get to the location that it is in anyways. So that theoretically could come up.

Rodney Terminello: You are expanding the leach field because you are upping the number of bedrooms, correct?

Bill Grove: Correct. Yes. There are leach lines in that that run parallel to the shoreline so we are going to be above those. They are already pumped to but they are below the 691 elevation so we are going to be higher than those with an absorption bed. It is not an individual trench. Every six feet it is a bed where pressure dosing to get distribution across that whole area.

Bessie Tyrrell: Is it true that there is a pool? What about flooding that and cleaning that every day and all the things that you have to do with an indoor water source an indoor pool?

Bill Grove: I do not know. Do you know Eric where it is plumbed to?

Ralph Endres: They have a pool boy because I ran into him the day I was there. It has to be taken care of. You cannot let it sit there. It is indoors. It is there.

Bessie Tyrrell: I do not know.

Ann Marie Rotter: Is that tapping the water sourcing?

Bill Grove: That is a separate system. None of that comes into the waste water system.

Ann Marie Rotter: It has its own system.

Bessie Tyrrell: Where does it go?

Bill Grove: They must have a mechanical room with pool filter, and pumps. I would assume it when they backwashed they do it out into the lawn area. I am not sure. That is where I would do it if it were my pool.

Ralph Endres: Getting back to the elevation change from Seneca Point to the garage. The day I walked back there it was not raining, but there was considerable signs that there was erosion on the driveway going in.

George Hamlin: You are right. That is very true.

Ralph Endres: It had rained. I had been here since the second of April it has either rained or snowed. It hasn't rained that hard. We had one day and that was after I was there. If you get a five inch deluge in an eight hour period which is not unusual for this area there has to be a lot of water going down onto that piece of property.

George Hamlin: It goes down driveway as well.

Ann Marie Rotter: Speaking to that if that is not be your area, but maybe help me understand how the all permeable surfaces. You have one at the patio, you have the planting bed and you have the permeable asphalt driveway that will presumably address the water flow events.

Eric Clough: It is all permeable surface. Yes.

Ann Marie Rotter: So my question about that is how long permeable surfaces lasts. Asphalt does not last forever, concrete maybe. What is the life expectancy of this permeable surface? Does it have maintenance needs and that sort of thing?

Eric Clough: I do not think maintenance would be required other than normal if it cracking or something. All is permeable and those materials have not been specified. We are calling it all permeable and we will adhere those as soon as we specify.

Mary Ann Bachman: Kind of along those lines I know that you have responded to Kevin's comments. You said you agreed the product would be inspected regularly by manufacturer's representatives. He had recommended maintaining permeable sections of the property so they continue to infiltrate water. What type of a maintenance plan? I know a landscaper who does the paving. I will just stick with that driveway or patio whatever that is. What type of maintenance plan could be provided as part of the approval process? You can sign off on all kinds of contracts and then something happens with that landscaper quite or ten years down the road a family member decides to take out the pavers for some reason and decides to put down asphalt. Do you know what I am saying? What prevents that from happening?

Bill Grove: I think there is two parts to that. One is I believe there is going to be some sort of a maintenance requirement. I do not know if it is a contract with someone to inspect it yearly or every other year. The pores in that permeable surface need to be open. You get leaves and dirt and debris that would settle in there and over time would make it impervious. I think part of the maintenance would be to pressure wash it. Maybe even shop vacuum out the particles to make sure the water can get down through there. The second part of that I assume would be something on the permit side that Phil would have to take care of. In that could somebody come and seal that permeable asphalt and someone goes to Lowe's with a bucket of sealer and pours it on there and then there goes your permeability. The owner's would have to be made aware they cannot do anything to make it impermeable. I do not know the mechanism by which you do that. I guess we are probably open to suggestions on how to do that.

Eric Clough: That is also an expensive proposition on permeable surface so ruining that you are going to be pretty careful.

Mary Ann Bachman: Your aerobic system I mean it is set in law, right?

Bill Grove: Yes. There is a police already.

Mary Ann Bachman: To regulate that can something be in writing that is part of the site plan?

Ralph Endres: If it is permeable, that means the water goes through it? What happens if we have a winter like we had a number of years ago when Niagara Falls froze over? That is going to heave. When the frost line goes down two feet that that is not going to heave.

Bill Grove: It shouldn't. It should be free draining. I cannot say that it won't at all, but it should be free draining.

Ralph Endres: Like a friend that has a well the year that it froze he did not have a well unto well into May before it thawed.

Bessie Tyrrell: I am still a little worried about the swimming pool water. Where is that going on the property? What is that going to do to the leach field?

George Hamlin: It was built with the house originally.

Bessie Tyrrell: Yes. I know. There is a lot of water. It takes a lot to maintain.

Ann Marie Rotter: There are no problems with that historically is what you are saying?

Bessie Tyrrell: What I am saying is there is already a lot of water from the pool going into the ground.

Bill Grove: I do not know where that water goes.

Eric Clough: That should be a closed system.

Ralph Endres: We won't know who you are.

Bessie Tyrrell: Thank you. Thank you.

Eric Clough: If anything, it is evaporating when it is heated. So if anything it is just evaporating.

Rodney Terminello: The driveway does past their property line. Is that not correct?

Bill Grove: It is on an easement from the property line out.

Rodney Terminello: How far is that?

Bill Grove: Probably seven hundred feet.

Rodney Terminello: So you planning on that permeable to catch all the water that is coming off the non-permeable?

Bill Grove: The driveway should shed some off to the sides.

Rodney Terminello: We already noticed erosion on there already.

Bill Grove: I wonder if they were tire ruts from it being wet.

Ralph Endres: It is in the middle. It wasn't on the tires. It was in the middle that showed erosion. There was a force of water that pushed it towards the garage. It is just crushed stone right now. If I see that on a day that there isn't much rain I really worry when we do have a rain event because we will have a rain event within the next six weeks. We will get a rain that is going to be four to five inches in an eight hour period. It seems like these hills caused the water to drain. You get one line of thunderstorms and it keeps on coming over the same area to the south end of the lake and the north end of the lake may not get it, but when they hit, they hit in one area and just keep on going east to west or west to east.

Bill Grove: The permeable driveway area is designed to capture the water that falls on it and allow it to go through. It will likely do a good job of collecting any water that flows onto it and allowing that to permeate through it as well. In a demonstration when they take a five gallon bucket of water and pour it on it and it is gone. It does not get on a spot any bigger than that. So it is capable of taking.

Michael Staub: It depends on what is underneath.

Bill Grove: Very true.

Rodney Terminello: Whatever is washing down the driveway that is not on that surface it is going to go in there then you are going to have the issues we talked about earlier.

Bill Grove: Right. We have to maintain offsite flowing out to it.

Ralph Endres: Is this permeable driveway going to go all the way out to Seneca Point?

Bill Grove: No. Just to the property line.

Ralph Endres: It is kind of a moot point. I do not know why we are talking about it because it does not make any difference. You have seven hundred feet of driveway coming in to what you do on the last hundred feet it. It is not going to make a whole lot of difference.

George Hamlin: Right. You got it exactly.

Bessie Tyrrell: I have some more questions. The new construction I am sure it is lovely it looks like me it would interfere with the line of site for some of the neighbors.

George Hamlin: It does.

Bessie Tyrrell: Anyway. It looks like to me that it would impair the view of people that are already down on that property. I wondered if you would address that or what your feedback is.

I also noticed from when this was first presented the roofline is much higher and I am not sure why that is.

Chairman Ely: I wanted to ask that question too. I am glad you brought it up.

Eric Clough: The exterior building is still being designed. So originally we have a 35 foot maximum height restriction on it. As we have been designing this, you remember all the addition used to be just off of this and we were not building a second floor. As we have been adding the second floor to the existing structure we found engineering wise that we need to raise the second floor up so that we can balloon over the existing house. That framing will create almost a two foot gap between the existing ceiling or where the original floor was so that we can frame and run all the duct work. The earlier conversation about some of the crawl spaces underneath the house there is a two foot crawl space. There is existing duct work that runs from the area variance and feeds most of the rooms on that ground floor. All of that because we are changing more than 50% of the house, etc. we needed to bring that equipment up so now we need to create additional pockets of space within that ceiling and floor. We have raised that in anticipation of that and then we are studding the peaks exactly what the house looks like. If you recall, we were looking at these present images. This is the new addition, this is from the lake, and this is the renovation of the existing living room with a second floor on with a bridge connecting the addition. This is pretty much the present image of a datum of stone, fascia, and then a board and bat system that is eight inches and then four inches on the second floor then a roof. We have been looking at Tesla Solar panels are now roofing tiles that will be a Tesla home system, but as we've looked at that we are still designing that. This is more about the lot coverage and the footprint.

To your also question, we did discuss this in the last both in zoning and at the planning meeting. Most of the views are pretty much the same along the north edge and George's house in particular is affected with a view corridor in-between his daughter's house and this house and then currently a view corridor through

right off the living room so here. As we go up with the new addition that obscures I would say two-thirds of that view from his house that sits in the back.

George Hamlin: What is not normally understood is excuse me that the property lines are not normal in the sense they are ninety degrees with the shoreline. In this particular case, the Jonesø and the Hamlinø have been friends for generations and we share docks and other kind of stuff and it did not come up, but it really inclined when they had the cottage there with single story and our frontage was half way in front of their cottage because they looked out to the lake this way and our property line since 1913 has been inclined at forty-five degrees you see. We are looking down this and they said they were going to replace the old cottage that a big old tree laid over. When that happened, they called me and I managed to get the contractor and we figured out a way to do that. Mrs. Jones did not want to replace the cottage. They now had their two story and it was on the north side, but what they are going to do here you see they are going to replace with a two story you see. We live on the second floor of our house in back of the old homestead as my father did the same way when he built a house two or three doors down and they lived on the second floor. They got to see right down the fence line, but we do not get to do that anymore because they are going to build along the shore. We are not sharing the dock and all that because we are not sharing it with the three families that rent the same family house and have all the six cars. It does change and we are there more than half the year and they are there maybe six weeks to seven weeks.

Rodney Terminello: I thought we asked this question of you guys at the first hearing and everybody said that nobodyø view was going to be obscured.

Sam Seymour: So question for the architect will all this additional building going on we have not seen any plan that looks at building over the pool. Is there an opportunity to add square footage to the existing building over the pool or is that a structural issue?

Eric Clough: We are not adding square footage over the pool.

Sam Seymour: That would seem to be a tradeoff for getting more square footage without impacting the profiles.

Eric Clough: There are skylights in that over the pool and that is about the only light that it gets other thaní

Sam Seymour: Southern exposure. That seems to be a logical tradeoff.

George Hamlin: But they do not want to do that.

Sam Seymour: That is why I am asking the question.

Eric Clough: That is going to create a largerí

George Hamlin: They do use the pool. They really do use the pool.

Eric Clough: We are trying to replace those with really nice garage doors that open up to bring the inside out feeling.

Chairman Ely: Excuse can I ask another question?

Eric Clough: Yes.

Chairman Ely: You have the original house and you have the proposed addition? Are these two structures? Are these two houses? Is it one building?

Eric Clough: No. One building. Yes. They are connected.

Chairman Ely: How are they connected?

Eric Clough: You mean in this location here?

George Hamlin: It is an L configuration.

Mary Ann Bachman: If you look at it, it all glassed enclosure, right?

Eric Clough: We have changed this to mahogany wooden doors here, but the idea is as you walk in you can see the lake. I am trying to get the view of the lake there in addition to then upstairsí

George Hamlin: Why don't you tell them what the upstairs rooms are as you go from east to west?

Eric Clough: This is the proposed ground floor plan and second floor.

George Hamlin: On the second floor name?

Eric Clough: The second floor is Hugh and Chrissy want to retire here and when they do not have family they do not want to heat the entire house. Part of the program was to create a more of a retirement house that could be closed down to the rest where upon coming the up the stairs there is a living room, a master suite, along with a study and office that all becomes one active living area while they are just there.

George Hamlin: They called it the master bedroom, the master living room and then the office.

Chairman Ely: That is what he said.

George Hamlin: That is on the second floor.

Eric Clough: Downstairs there is a kitchen and dining room so they can seal off the rest of the house when it is just the two of them there.

Chairman Ely: What connects those to the rest of the house, rest of the structures?

Bill Grove: It is essentially a hallway isn't it?

Eric Clough: Yes. This is a passage here.

Chairman Ely: An inside passage?

Eric Clough: Yes.

Chairman Ely: Yes. Okay.

Mary Ann Bachman: Is that a glass enclosure?

Eric Clough: Depicted. Yes.

Mary Ann Bachman: Will that change to become more permanent to make it all one structure?

Eric Clough: Yes. It is permanent. I will refer you to this image. This is our present image at the moment. So you have two structures and what we would like to do is from the both when everyone is using the pool and as these doors go up there is a gathering area here you still want to be able to see and access to the lake. View wise that will be kind of a beautiful moment. Hugh has asked us to make those glass there.

Chairman Ely: My concern goes to whether in fact it might be construed as two structures which would require a special use permit from the Zoning Board of Appeals.

Eric Clough: No. This should read as one cohesive house.

Chairman Ely: One. Okay.

George Hamlin: Except for the breezeway that is now enclosed. There was always was a pathway that went through there between the cottage and the big house.

Bill Grove: But it is one structure.

Eric Clough: One structure.

Diane Graham: Who is speaking?

Wendy Meagher: Wendy Meagher, Engineering. I was questioning for clarification the max height is 35 feet but the total height of both house is below the max.

Eric Clough: When you average the proposed height with spot elevations we are at 32.7 feet on just the top peak line along with the chimneys.

Ralph Endres: This is after raising it up?

Eric Clough: Yes. We have been working through that.

Bessie Tyrrell: It says 34.6.

Eric Clough: I am sorry that is based off the elevation line off the finished floor. If you go by the grade it is 32.7.

Bessie Tyrrell: I see.

Eric Clough: That can found on Bill's plan and the little box checked. Just that box on the bottom right.

Sam Seymour: Question for Bill. Will this very conservatively designed waste water system you mention a septic tank and an aerobic unit is there a plan for odor control with this?

Bill Grove: The aerobic unit when operated properly will not have an offensive odor to it. It has an earthy smell.

Sam Seymour: Is the septic tank going to be allowed to turn septic?

Bill Grove: It is not sized for the total usage. It is trash tank made ahead of the gross solids from going into the aerobic unit. It is not a requirement, but it is a strong recommendation from the aerobic unit manufacturer.

Sam Seymour: It is not a septic tank in terms of size?

Bill Grove: Correct. It could be a stand-alone on its own.

Sam Seymour: Do you vent the aerobic unit somewhere?

Bill Grove: The aerator will be vented in the cap of the lid as a small vent in it.

Sam Seymour: So it will be exhausting it.

Bill Grove: There is an air pump that pumps air into the aeration unit at the bottom of the tank if the bubbles come up then that air does not escape through the vent. It is also vented back through the house venting and up through the roof.

Sam Seymour: Depending on if you are using the trash cap.

Bill Grove: True.

Sam Seymour: That could be an ongoing concern to think about just for the people that use this area. It is all right there. You could open the doors up and be swimming in here and parking here and walking through the front door and out the patio area they use in the cooler season I am sure.

Bill Grove: If it is an offensive smell, it would mean that there is an issue with it. They would take care of probably quite quickly.

Sam Seymour: Even a healthy aerobic unit is a little less than desirable.

Bill Grove: Perhaps.

Sam Seymour: Some consideration of venting may be worth it.

Bill Grove: I will put a chargeable filter on that.

Sam Seymour: Or run it up a stack through a building.

Michael Staub: On the septic system you said it is going to be maintained twice a year. Honey dipper is going to come down there and clean all three chambers?

Bill Grove: The maintenance contract will be the aerobic unit specifically that they would inspect that twice a year. They would recommend a pumping schedule with trash tank ahead of it which would likely be depending on the usage probably every four to five years. They may have to pump the aerobic unit down for maintenance purposes if they need to replace a part and they need to pump that out. The pump tank would not likely need to be pumped out. The pumps are in there that would evacuate to the leach field.

Michael Staub: You said you could raise that leach field?

Bill Grove: We could but I do not know whether the clients would be amenable to the yard being a foot higher in that area?

Eric Clough: No. We could work on that and we could also work on a berm if that is a better solution for the neighbors.

Sam Seymour: Question towards that for Katy and George is, during really wet seasons do you have ponding in your yards?

George Hamlin: Yes.

Sam Seymour: Do you have ponding along the side of the house in between the tennis court?

Katy Guider: A little bit. Not a lot.

Sam Seymour: Typically the soil here is great at shedding soil.

George Hamlin: They were building property a hundred years ago it was all raised up. I am telling you it is three feet between the north point and the south point can make a difference.

Bessie Tyrrell: I have another question.

Eric Clough: I would be happy.

Bessie Tyrrell: Do you see this well, there is an indoor pool, and a Jacuzzi that is even more water that has to be treated?

Bill Grove: I was thinking about that. To go back to your pool question. I assume that they a company that comes and maintains the pool.

Ralph Endres: I met the pool boy.

Bill Grove: The only water that will be leaving that they are doing a back wash on the filter and likely it is not a lot of water, but I would think they could pump that into a tank and haul that away so it is not a discharge into the lawn.

Bessie Tyrrell: Is that the same with the Jacuzzi?

Bill Grove: Yes. I think that is even less often. That may be depending on usage of course, but I think twice a year probably.

Bessie Tyrrell: There are three and four year olds.

Ann Marie Rotter: We are not using it ever.

Bessie Tyrrell: If there are a lot of children you know what I mean you have to do it more often.

Bill Grove: I think with that we can make that a requirement that the water discharged to the lawn.

Chairman Ely: Is there anyone else who wishes to offer a comment or a suggestion? Thank you. Well Board Members do you have any questions of Eric and Bill here?

Ann Marie Rotter: I think I am done.

Chairman Ely: What is your pleasure? Do you want to move forward to consideration or do you want more time to deliberate?

Michael Staub: I think we need to consider to raise that leach field as a condition and the berm was described to direct flow or keep water from getting in that leach field. I share that concerns that if that leach field gets submerged that there may be consequences later. If the septic system is maintained as it is pumped, I would think you might want to pump that more regularly than five year and you raise that berm that would mitigate a lot of that. If you raise that leach field and put in a berm that would mitigate a lot of a threat of an overflow. You have got good permeation underneath that so a lot of that would be dissipated. As it sits now it is too low for me. That is my perspective.

Bill Grove: As far as raising the leach field, I think we can easily do that because we already have to excavate a box out of the soil and replace that with stone. If we raised it, we would have to excavate less and build a box up so that is easily done and would be cheaper to do it that way. The berm I do not quite understand if you are considering a berm to keep lake water from getting into that.

Michael Staub: Yes.

Ralph Endres: It is going to come in the sides.

Bill Grove: Yes. The issue with that is going to be already in the flood zone and you do not want to fill in the flood zone because you are raising the flood elevation somewhere. In my letter to Kevin I calculated what would happen to the flood elevation with the proposed addition and getting around that. It is an immeasurable amount. It is a calculable amount, but it is 0.005 inches. Across the flood zone with the project so it is certainly not a significant thing, but I worry about any additional fill into the flood zone to try to keep that water out. I do not think there is a way to keep that water out. It would still come in from one side or another if the lake level reached that high. We could put a berm around the whole property, but that would defeat the purpose of trying to get the storm water off of it or even the storm water that comes from other properties would become a problem.

Michael Staub: How about a living barrier for some kind of planting more that absorbs a lot of water or detracts from the wind and wave erosion from coming in? That would be a planting issue.

Bill Grove: You could do something along the top of the break wall to help with some wave action, but I do not want add something that is going to grow real tall there.

Ralph Endres: If the lake level comes above break wall, you could dike up that whole lot and it is still going to come around the back.

Bill Grove: That is what I mean.

Eric Clough: It would create bigger problems with the neighbors.

Bill Grove: True. I think raising the leach field area letting that shut off I do not have a problem with that. We are at the minimum elevation. We could certainly go above that without having to alter the plans at all. The pump raising it a foot or eighteen inches or whatever it happens to be the pump is still capable of getting there with no problem.

Michael Staub: You mentioned you are removing all the stuff underneath the house from the crawl space and moving them up to the top?

Eric Clough: Yes.

Michael Staub: So that is going to be an open crawl space? Is the house going to be vented or like if water comes in it is going to get out of there, right?

Bill Grove: We have to put the louvers in so when it is flooded the water can still get out after the flood recedes. You almost design it to be flooded.

Michael Staub: Yes. That is my point.

Bill Grove: It is going to happen.

Michael Staub: If you are going to take that stuff out, well then if the water comes in you want it to go back out so it is not going to hurt anything. Your ventilation is going to be all up on top?

Bill Grove: Yes.

Ralph Endres: This drawing here. Where is the pool exactly I am sorry?

Eric Clough: It is on the other side. I am on the lake side here and the pool is here.

Ralph Endres: Okay. So this is an entryway?

Bill Grove: If you are in a boat looking out around the dock down there. The addition on the left of the existing structure.

Eric Clough: If you want to get to the pool from the lake, there is a dock here. You come in through those doors.

Ralph Endres: It is facing east southeast.

Rodney Terminello: That is just all open, right? If I am on the second floor of either one of those structures can I walk across from there without having to go downstairs?

Eric Clough: Yes.

Rodney Terminello: Okay.

Eric Clough: That is the master suite.

George Hamlin: The rectangle of the two story house will be there. You can think of it as a corridor going right down the center. The Jones, Mr. and Mrs. Jones their master bedroom is on the northwest corner of that and they wanted to be able to walk from their bedroom into the pool. The living room is a T over here that goes in front of both sides and opposite the pool is the kitchen. A pool, bedroom, entry way, and living room across the front. It was a basic rectangle with a half story above it. They have two bedrooms above it with parquet floors and all the rest of it. Now they want to go in this direction and what was happening is they used to have a single story three bedroom cottage there built in 1955. There is a space that was slated over in between the two because there was an L here and there was a flow here and that sort of made sense. They could walk through and they are trying to do the same thing with glass doors. The two structures, one single and one double that was surrounding the pool. Everyone was using the pool.

Rodney Terminello: I was just going back to Jim's question about it being two structures. Whether or not that really is just a walkway and not really enclosed.

Eric Clough: It is all one upstairs. It is all one continuous spot here. You can see that on the second page.

Eric Clough: This is the cottage that they took down.

Rodney Terminello: I got it.

Bill Grove: Yes. That is the cottage that was demolished by the tree when it fell down.

Chairman Ely: How do you want to proceed?

Ann Jacobs: I would like to read the minutes from the Zoning Board of Appeals.

Chairman Ely: We would have to adjourn our meeting to do that. Bessie how would you like to proceed? Do you want to vote tonight or do you want to get more information? What do you folks want to do?

Bessie Tyrrell: I would be ready to vote tonight, but I do not know if everybody else would be. There might be more information to be useful.

Ralph Endres: I am ready to vote.

Ann Marie Rotter: I am ready to vote.

Chairman Ely: How about you folks?

Michael Staub: Like I said if they raise the berm then they have to address the plans to put that in. I would have to see that. I would say to wait if the majority is ready to vote, then vote.

Chairman Ely: I do not know how everybody wants to vote. That is what I am trying to get a sense here. You recall because the action of the County Planning we have to have an extra majority vote to carry this. So if you want to vote we can go ahead and at least take a preliminary vote and see how you want to do. It that what you would like to do, gang? Diane call the roll.

Diane Graham: So you are not doing any conditions?

Chairman Ely: Well, I think we ought to see what people's thinking is on this.

Diane Graham: So you want to vote without?

Chairman Ely: We are going to take a preliminary vote, just a preliminary.

Diane Graham: Oh preliminary. Okay. How do you vote?

Michael Staub: I would have to vote no as it is until I saw additional information on the leach field raising and some kind of structure around the drainage, but no as it is now.

Ann Jacobs: No as it is.

Rodney Terminello: I would say no too. I would like the minutes from the Zoning Board of Appeals.

Jim Ely: I think we should resume discussion of this in May after we have had more opportunity to assess information and perhaps gather more information.

Diane Graham: So that is a no.

Ann Marie Rotter: I am going to vote no for the same condition.

Ralph Endres: No.

Bessie Tyrrell: No because of the site problems for some of the neighbors. The pool, Jacuzzi and the water issues for now.

Ralph Endres: And the flood plain.

Bessie Tyrrell: And the flood plain.

Chairman Ely: As disappointing as I am sure it will be for the proponents, I would suggest that we schedule for May. I have not closed the public hearing. We will adjourn the public hearing and resume in May, but at that time the petal has to hit the metal.

Ralph Endres: I would like to see a complete set of plans and know exactly what we are voting on.

Chairman Ely: What we are voting on exactly.

Bill Grove: Let me ask you do you feel that you do not have a complete set of plans other than the septic system being elevated from what it is now?

Ralph Endres: A lot of questions that we raised you did not answer. Like you did not know where that drain went in the driveway.

Bill Grove: I do not. It is not going to remain.

Ralph Endres: I would like to know where that goes.

Bill Grove: Okay.

Ralph Endres: A lot of the other questions the main thing is that this house 40% of it is in a floodplain. I have seen the water high enough to flood that house myself. I have witnessed it with my eyes. I can't in good conscious vote to have somebody invest a lot of money in a place that is going to flood at one time or another it will flood.

Bill Grove: That is a code concern. I guess to design it to meet code because of the location it is in and the proximity to the flood plain.

Ralph Endres: That lot could not meet code in today's code.

Bill Grove: I think it can for building code in a flood plain. Yes sure it can. I want to get a sense of what you need from us to move forward because I do not have a clear sense other than the septic being elevated.

Michael Staub: That is my concern.

Bessie Tyrrell: What are they doing with water from the pool and Jacuzzi?

Bill Grove: Okay.

Ann Marie Rotter: The maintenance of the permeable surfaces. I would like something from manufacturer. I do not need a huge demonstration or anything. I have a concern as Ralph mentioned the erosion that he saw I am assuming once that is down that will be eliminated.

Bill Grove: That is not on our property. We could put a trench drain across the driveway and the property line.

Rodney Terminello: You have no control over that, but you have to control it if it comes down there.

Bill Grove: Yes. Once it comes on our property.

Michael Staub: I have a question about roofing. You mentioned using solar panels. So you have not determined what your roofing is going to be yet?

Ann Marie Rotter: They do not have to do that.

Eric Clough: There is standing scene roof all along visually where you see it around the perimeter and on this interior portion. We are using a Tesla home shingles.

Michael Staub: So that is just going to be one portion of the roof?

Eric Clough: Yes. It looks like this.

Michael Staub: I understand what that is. I know what it is, but my concern as it is opposed to a green roof or standard roofing tiles or a metal roof. What is the water runoff of those panels?

Bill Grove: One hundred percent.

Michael Staub: One hundred percent so as opposed to regular asphalt shingles it is going to slow that right down as it comes down your gutter. This is more like a metal roof. It is going to come right off the top and that is going to increase your flow to your gutters and to your drainage system.

Bill Grove: No because it is not a long enough time of concentration for it to make an impact. We do not consider the asphalt shingles to slow water down.

Michael Staub: So this is one portion of roof though, right? It is not the whole roof?

Ralph Endres: I read in the minutes of the February meeting something about these solar panels that they would not pass fire code muster. In other words the fire department would have something to say about it.

Bill Grove: No, I think there was confusion about the type of panels. These are actually the roof shingles as opposed to solar panel.

Phil Sommer: Eric is going to be giving me some information on the Tesla because you are 100% right. The solar panels I know this first hand being on the fire department, you have to have so many inches from where the valley of the roof is. You have to have so much space to ventilate so I am trying to get information on those to find out if they are going to be acceptable of where they do it to meet the code. I think one thing you should provide that I would like to see is several manufacturers that you are considering for pavers. We will be able to get their installation instructions, maintenance schedule so the Board would have something to look at and at that point if the Board agrees some kind of agreement with the owner like a septic that it has been maintained.

Bessie Tyrrell: Does the new construction interfere with your view?

Chris Guider: To answer your question no. We are on the other side.

Rodney Terminello: It is going to obstruct your view?

George Hamlin: About a quarter of it because of where the property lines are everyone variably thinks rectangular they are not.

Bill Grove: I would like to respectfully say that the view shed should not be a concern. It is a tough subject, but if we are within the building height requirements and the setback limits that is something to consider we meet those criteria.

Rodney Terminello: I understand. We are concerned with land use and that is our purview. When it was first presented to us that was said to us and the question was asked and you all said nobody's view would be obstructed. You brought it up so that is why I asking. Then if it is then that is a small concern for me. You all said it would not be.

Eric Clough: I did not realize George's lot was not connected to his daughter's house. I thought that was all one lot.

Rodney Terminello: I am not trying to make an argument. I was just saying what was said.

Chairman Ely: Let me just wrap this up then with a couple quick thoughts just to pursue the last exchange. Of course, there is no right to a view over your neighbor's property under New York law. However, un-neighborly it might be is one issue, but we have not got a legal basis to enforce that.

Secondly, the question of rental has been raised. This is not the first time possible abuses of rentals have come to the Board's attention. As you know, there is presently no restriction in the Town of South Bristol on rentals. It may be that we will have to at some point consider some limitation on rentals. I understand that would be a controversial subject, but right now it is a very fair point. You are not the first person to come in a raise some of the issues that you have raised. I appreciate you coming forward with it tonight. Right now we do not have any basis in which to turn that down except that we have to be sure the septic will work for a huge herd of people, but beyond that we have no basis to turn it down. Maybe we should in the future I do not know. We will have to consider rental policy at another time.

Rodney Terminello: The noise issue was raised on another application.

Chairman Ely: We have had questions of noise come in. I have talked to counsel about this. Phrasing a noise ordinance is very difficult that will actually stand up. That is another issue that I am aware of. There is not a one sentence answer to it. Next month we will have a continuation of this public hearing, but we will not have you explain everything again because the public may not be back.

Public Hearing Continued

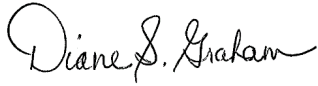
Other

There will be an informal proposal on development for Ski Valley at the next meeting.

Motion to Adjourn

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by Ann Jacobs. The motion was unanimously accepted and meeting was adjourned at 9:19 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham".

Diane Scholtz Graham
Board Secretary