



**Town of South Bristol**  
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## **Planning Board Meeting Agenda**

Wednesday, June 15, 2016

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 April 20, 2016 Planning Board Meeting Minutes

### **Old Business**

- Proposed Site Plan Review for Lake Front Residential District
- Further Discussion of Comprehensive Plan Update
- County Planning Board Vacancy

### **New Business**

- Preliminary Site Plan Discussion:  
Application #2016-03-P  
Tax Map #185.10-1-2.100  
Hawks Road LLC  
6289 Old Post Road

### **Other**

### **Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, June 15, 2016**

**Present:** Jim Ely  
Ralph Endres  
Ann Jacobs  
Ann Marie Rotter  
Mike Staub  
Rodney Terminello  
Bessie Tyrrell  
Mary Ann Bachman  
Sam Seymour

**Absent:** N/A

**Guests:** Bill Grove, Engineer  
Jim Ryan, Property Owner  
Dan Marshall  
Steve Cowley  
Judy Voss

### **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, Ann Marie Rotter, then read the Comprehensive Plan Vision Statement.

### **Minutes**

Chairman Ely called for a motion to approve the April 20, 2016 revised meeting minutes as written. Ralph Endres made said motion which was seconded by Rodney Terminello. The motion was unanimously accepted by all board members present.

### **Old Business**

#### Proposed Site Plan Review for Lake Front Residential District:

Chairman Ely: We are trying to touch up our site plan review criteria. I have now reviewed the draft that Kevin Olvany was nice enough to work with me on and I have reviewed it with Phil Sommer. I must get back and ask Kevin a couple of questions and then we can have Jeff Graff review it. To be honest, I had spent so much time with site approval applications that I have not had time to focus on it. I have not forgotten.

#### Further Discussion of Comprehensive Plan Update:

Chairman Ely: Dan Marshall organized a workshop some weeks ago now. We discussed basically appointing a special committee to deal with this. Dan do you want to address this?

Dan Marshall: I will speak to it. Yes. We met on the 21<sup>st</sup> of May on a Saturday morning for about an hour. Jim was there, Steve was there, and Judy Voss, rest of the town board and Tom Burgie was on board. We talked about the initial concept of a comprehensive planning committee. We've gone from at one point it was always the planning board 100%. Then I got literature that I passed out to folks and the emphasis said really you should involve more of the residents than the existing board members. So we originally had talked about possibly two members from each of our boards ó two members from zoning, two members from planning. It was not always going to be one from the town board and then we were going to get a few additional. We talked about that a little bit then we decided that we really thought maybe we need to bring more of the residents into the picture. We changed our numbers a little bit where it was going to be one from the boards including the town board and then keeping the number at seven. We were going to look for four residents. The discussion also was if we had this overwhelming response in people interested in doing it, we could consider possibly going to nine people. One of things we were trying to be careful is to not make committee so big that it becomes unmanageable. Judy placed an ad in the paper. It ran for two weeks now. We got one response. The one response that we got we send information to the gentlemen and we have not heard back from him. It is a little discouraging to think that's the way it is going. It was not just a little thing in the want ads. It was a six by six ad. It was reasonable size. It wasn't like it just did not get seen. So that was a little discouraging. I guess at this stage in the game without having actually conferred with the rest of the town board I think probably we should open it up if there is more than one member of the planning board or more than one member of the zoning board that wants to participate, send an email to Judy saying that you are interested too. I understand your plan this evening is to appoint somebody from this board which I find great.

Go ahead sir.

Chairman Ely: Well proceeding on our original plan, before I had this discouraging report about lack of resident response, I had pursued the idea of having one member from this board. As you and I have discussed, I thought that Bessie Tyrrell would be an ideal choice given the fact that she is a long-term resident, interested in our affairs, and has chaired this board.

Dan Marshall: If I am not mistaken she and Ralph were the only two that were on the previous board.

Ralph Endres: We were the only ones left that served on the planning board.

Dan Marshall: That experience is essential.

Ralph Endres: We do not need to re-invent the wheel.

Dan Marshall: There you go. You almost just took the words out of my mouth because that's what somebody at the workshop said on that Saturday was well wait a minute why don't we look at what we got and if isn't broke don't fix it. I do believe and that dirty word that he said there a little while ago over on Seneca Point Road bears some review of land use in this town. We might want to tighten things up a bit. There is discussion about that project meeting the comprehensive plan versus not meeting the comprehensive plan. In my opinion I do not know the answer because I think the comprehensive plan as we have it now might not be strong enough language wise to define things a little bit better. I would hope that maybe a new comprehensive plan would make it so the language so strong that it would be hard for any board to say okay let's swim upstream against what everybody else is thinking here and approve

something. That is what I am kind of hoping to see. So clearly anyone who has previous experience on it well that is very important. I have yet too actually to get an answer from the zoning board. Unfortunately, they have not even met this year.

Diane Graham: It is on their agenda for next week.

Dan Marshall: Okay. We really need to get going on this process. We are long overdue.

Chairman Ely: Overdue actually. I think it is more important that we try not to meet an artificial deadline. Still there is no excuse for not starting.

Dan Marshall: The conversation that I am trying to have is I think regardless we had a plan when we left our workshop on the 21<sup>st</sup> of how we were going to try to find people and it clearly is not working. So now I say it's time to open the flood gates let's ask anybody who be interested.

Judy Voss: We have two.

Dan Marshall: The other thing that I really want to see is involvement from the entire town. I have reached out to a gentlemen over on West Gulick Road because their concerns are different from others concerns but we all have to be on the same page. Haven't gotten a reply or a response from that gentleman yet. We have talked to a few people who are willing to participate but I am still probably shy four people. As Judy has a few folks.

Chairman Ely: Judy, you have two you said?

Judy Voss: Yeah. I could have three. It is a husband and wife. They both said they would do it.

Bessie Tyrrell: Herman called and said he is in. Count him in.

Dan Marshall: Okay. If you appoint Bessie this evening, which I hope you do, then there is one for sure. We do have Herman Arnett who has indicated he is willing to do so. He used to be the chairman of the ZBA so he's got some background as well. We have yet to nail one of the town board members. I would like to find somebody who is willing to do it Steve. Just kidding.

Steve Cowley: Just another meeting.

Dan Marshall: I have a fairly full plate myself. If I cannot do anything full forward, then I will not be there. I really am just kidding with Steve. I had a couple other board members sort of say that they expressed an interest. One of the things we did at the workshop was to define the obligation because that means a lot to a lot of people. You are not going to meet two times a week four hours a day. Our proposal was once a month for an hour and a half and then it should be over.

Ann Marie Rotter: How many months?

Judy Voss: Whatever it takes.

Dan Marshall: Well that how many months is a question.

Ralph Endres: Almost three years. From start to finish.

Dan Marshall: They can. They can take that long.

Ralph Endres: It shouldn't take that long.

Dan Marshall: But it can. The Town of Victor just went through one that took them three or four years. We are not Victor. We should be able to probably take the current comprehensive plan, get the pencil out, sharpen pencil, and start scratching in changes. The issue that Jim brought up was is that we do have money in our budget. The number is now I thought \$8,500.00 but it is actually \$8,000.00 that can be used if the comprehensive planning committee once formed feels it is necessary to bring in some outside help/consultant like LaBella or somebody like that. After you review the current comprehensive plan and take a look at it maybe you will say we do not need to spend that kind of money or wait a minute there just too many problems here we do need to talk about it. I would think that that would be something that that committee once formed should decide. How much help do they want or maybe we can do this ourselves?

Chairman Ely: I do think there is some value in the survey of residents.

Dan Marshall: If you want to use that money to have some outside company create that questionnaire for you. We have done that before. I assume you gather a lot of information from it.

Ralph Endres: I think we got the old questions. I think the first thing to do is go through the comprehensive plan and see where you want to tighten it up. That might take three, four, or five meetings to get to that point. Then we go and work on one thing at a time. We should not have to change all of this. It should be little parts of it that need to be changed.

Dan Marshall: There was at one point, some talk that given the Everwilde project, given a few other things that maybe it was getting bigger than the rest of us if you will. That it was time for some outside help. Outside help doesn't come cheap.

Bessie Tyrrell: Just during that discussion there was so many of us that did not agree on whether the comprehensive planning committee addressed it. That was something to be clear on.

Dan Marshall: My personal opinion it that gives you some ideas. It does not really hammer it.

Ralph Endres: No it does not nail it down.

Mike Staub: It was never intended to be the end all. It was basically to draw a circle around your town and say this is our vision.

Dan Marshall: Perhaps the time has come to start getting more detailed about that. The comprehensive plan is simply a plan and then it turns too alright we want to tighten up the usage of the land along the lakeshore. Then I have to come back to the planning board and you guys create whatever the

comprehensive plan was directing you to do. They will say well why are you doing this? Because it is in the comprehensive plan and the majority of the residents in the survey said this is what they wanted. That is why we are doing it.

Chairman Ely: Let me suggest that weí

Dan Marshall: One more thing. This is related to the comprehensive plan and I need to address something Sam Seymour had asked earlier about what George Barden wants to put together along the shoreline. Let me give you a little history on that. That was first brought to the Canandaigua Lake Watershed Council as a proposal. It was right out loud and there was sort of stony dead silence as it was being discussed and there was not a whole lot of enthusiasm much hope for this thing. Not much was said about it. There was thought that maybe we should have a lawyer put his two cents in. So finally at one point I suggested that because there were three towns that surround the lake that our part of the watershed district that utilize the same water that perhaps we contact him and ask him to read the proposed what was written by George and Kevin Olvany and make comments. It was agreed to do that. The nice thing about that is rather than pay the whole bill the Town of South Bristol, Town of Gorham, and the Town of Middlesex share three ways on the cost of having Jeff Graff review it. It was interpreted by Kevin and few others that because I made that suggestion that I was all for this proposal. I had to explain to them wait a minute here I am not sure yet. I am not sure. I surely wanted a lawyer to put his two cents in. Jeff apparently has made some suggestions and what have you. To that end tomorrow at 4:00 PM the Gorham, Middlesex, and South Bristol and myself are meeting with Kevin to talk about it some more. I am going to tell them the same thing. I am not convinced that this is the way to go. It's pretty restrictive. There is some real serious questions in my mind about the inspection procedures and frequency of inspection procedures. In some cases every two years. That sounds pretty restrictive to me. Who is going to do the inspections? You would presume it would be George Barden maybe not. So anyways there is a lot to go and I would not call this a law that is eminent in any stretch of the imagination. Enough said.

Chairman Ely: Ok. Let me then propose that we name Bessie as the planning board member to the soon to be formed special committee to review the comprehensive plan. The motion was seconded by Ralph Endres. All in favor. Aye: 9 Nay: 0

One last thing to follow up though that Dan has just said. They are still looking for residents and that can include any member of this board that might be interested andí

Dan Marshall: Send an email, send a notice, and send something to Judy telling, expressing your interest.

Ralph Endres: I would volunteer. The only thing I am gone January, February, and March. There is nothing that precludes me from picking up the phone and talking with Bessie or talking to other people.

Dan Marshall: Okay.

Ralph Endres: If it happens to be okay with Bessie, I would do it.

Bessie Tyrrell: Anybody from the planning board it was useful for the planning board to be there.

Judy Voss: Absolutely.

Dan Marshall: Well, the other original reason for trying to have a separate committee to do the comprehensive plan was it came across to me that this board was already pretty busy and to throw the comprehensive plan on top you would have been a little crazy.

Ralph Endres: It's like the boulder that's on the cliff has been over our heads for the last two years. This is not a shot in the dark we knew it was coming. We have had time to make peace with what we need to do.

Mike Staub: My grandfather always said if you want something done give it to a busy person.

Chairman Ely: Anyone else from the board interested?

Dan Marshall: Send an email off to Judy. We will accumulate all of these things. We may have seven or eight people to choose. It is not looking very good. Thank you.

County Planning Board Vacancy:

Chairman Ely: That county planning vacancy we have discussed was filled. Bert Crofton from the zoning board (ZBA) was named by our town board and has been affirmed by the board of supervisors. Bert attended his first meeting and he participated in discussion on this proposal we will shortly consider. Of course, he had to abstain. Nonetheless, I talked with Bert today I know he was shocked in a way. The first time I came to a meeting of this board I was just in shock and I did not say a word.

Bessie Tyrrell: Could you tell Bert from time to time it will be useful to hear updates?

Chairman Ely: Yes. I think that will be a very good idea and once he gets a little more seasoned and settled into it. He called me today to see if he should come tonight and I really did not see any need for him to come after one meeting. When he has been to several meetings it will be interesting for us to get a better sense of things. Just a brief update.

Dan Marshall: From my experience for every one application to South Bristol there is thirty from other towns.

The county planning board existence is being considered. Nothing anytime soon. There is a lot of review going on as to whether their function is essential as was originally thought.

Chairman Ely: I think having their comments is helpful.

Dan Marshall: I wouldn't disagree with you for a second. I quite often think that having somebody else come in and say no makes it easier.

Ralph Endres: Makes it easier for us to say no.

Dan Marshall: In all honesty there are issues that you as a local board may not think about where the county says wait a minute this is. If we do this here, Victor is going to want to

Chairman Ely: Kevin came up with a number of interesting points that the applicant did not address.

**New Business**

Preliminary Site Plan Discussion:

Application #2016-03-P  
Tax Map #185.10-1-2.100  
Hawks Road LLC  
6289 Old Post Road

Bill Grove: I am Bill Grove of Grove Engineering. I am the engineer who developed the septic and steep slope site plans that you have. The Ryan family has a property on the south side of this property where Jim and his sister have spent a lot of years. The subject property came up for sale. They decided to buy it and share it. There was an existing cottage on the property in the footprint on what your plans shows as the Minges residence ó the south cottage. So they have raised that structure and now the lot is vacant. What they propose to do is to keep it as one lot and keep two separate residences which I understand is allowed by a special use permit per your zoning code. We met months ago before we started with any of the planning of this with Phil here in the office and initially tried to figure out the best way to go about accomplishing this. Whether it be one structure that shared a common area so that they could each have a wing of one large house per se or if they subdivide and do separate houses. Thatø when Phil said well you know that itø in our code that you can have two dwellings on one property in the lake residential district. So we said that sounds like a good idea ó letø go down that road.

There has been a lot of going back and forth on the septic designs. The proposed north cottage is proposed to have a conventional system along that north property line. The south cottage we were hoping was going to be able to use what they call a peat modular system that would have been above the driveway area to reduce the footprint and keep the cost down on the amount of tree clearing down. That would have been as a repair and replacement system for the existing structure that got torn down. Unfortunately we are not able to do that. The state health department got involved and said that is not an approved system for repair and replacement if they would have kept the existing structure it would have worked fine for that but with the new structure we had to go back to the drawing board. So that is why the new current version we are proposing to install an enhanced treatment system and then pump up to the area in between the two existing driveways in that circle area there.

Diane Graham: The maps that they have are the originals.

Bill Grove: That these folks have?

Diane Graham: Yes.

Bill Grove: Okay. So this map shows that area that you guys have in between the driveways is a blank tree area where the south septic system is going to go now. So the latest development is that the state health department says that the area for the north cottage is about 18-18 ½% slope where 15% is the maximum so they are requiring that either we submit to them for a specific waiver because of that slope difference or another option we may be able to do is to do a site modification and level that area to 15% before we put the system in so I talked to Sheryl Robbins from state health department today and George Barden about that option. We do not know which way we are going to go with the septic. It might be an option we would have to redo some soil testing after it is modified. If the soil conditions changes because of the modification, then we may be into something other than you see proposed. We need to weigh the risk with the reward with that. I cannot remember the total acres of the parcel. It is a fairly large parcel



it's obviously steep from last part of Old Post Road down toward the cottages going to go and very steep down to the lake. The site plan that you have the proposed location of both cottages. We got comments back from Kevin Olvany at the soil and water. I have addressed his comments late this afternoon back in an email. I did not see anything too major in his comments that we cannot overcome. I can go through each of those if you would like me to and tell you how I would propose to answer them but the biggest thing is that the south cottage is going to shift back away from that steep bank.

Jim Ryan: Rocco is going to come re-stake it with Dale but I think we are talking four feet, four to five feet. I think is what the last I have heard that Dale thought was.

Bill Grove: So both cottages in their current placement meet building code requirements which basically says that the from your footer on your if your building on a steep bank where your footer is from there a forty-five degree angle to where the bottom of the bank is the footer has to be below that forty-five degree angle. So basically if you have fifty feet of rise you have to be, you can be no closer than fifty feet back to maintain that area. So we are good from a code perspective but I know that can make Kevin and George a little bit nervous with how close we were with the proximity to that steep slope. So we are going to pull that south cottage back. I think the north cottage was ok it as not as steep as it might appear on the plan on that front side but it definitely was on that south cottage.

Chairman Ely: Now if you pull that back does that necessitate going into a steep slope?

Bill Grove: No because the elevation that we had we kind of filled in between the house and the driveway area so pulling it back would just eliminate a little bit of that fill material in there. So elevation would stay roughly the same it would just slide back closer to the driveway.

Ralph Endres: Was this two separate pieces of property and then combined?

Bill Grove: Not that I know of.

Jim Ryan: Not that I know of either here. When we bought the property, the Keller family owned it and I think they have owned it since 1973 and as far as I know it has all been the same. It's one cottage on the 3.4 acre.

Ralph Endres: Do you have access to the lake right now? Is there a stairway?

Jim Ryan: Yes. Stair and a tram.

Bill Grove: The recommendation that they be fifty feet from the top of the bank. To my knowledge it is not a code requirement but it's a recommendation. Maybe Jim can speak to the reason why they do not want to pull it back to fifty feet from the top of the bank. I do not think it is warranted in this case. Yeah that south cottage should be a few feet back from where it was staked. I think probably Jim you saw that when you were down there. It's kind of close to edge.

Chairman Ely: Yeah it appears very close.

Jim Ryan: Where it is staked now and Dale is going to meet with Rocco they are going to pull it back from what you saw.

Bill Grove: Keep in the mind because the way that it's a walk out basement on the front both cottages have walk outs in the front. Where that stake was in the front all they have to do there is a footer excavation. They do not have to dig down for a full basement. It's a footer excavation trench. Basically that elevation is almost the walk out elevation there ó basically for both of them.

So if you want I could go through Kevin's comments.

Chairman Ely: That would be helpful. You do not have to repeat them all - give us your thoughts.

Bill Grove: Sure. I believe Kevin reviewed the plans prior to the county meeting and submitted his comments to the county and probably to you. So his first comment was about the driveway that connects this Ryan property with the parent's property next door was installed in the fall of last year.

Jim Ryan: Last year.

Bill Grove: That kind of spur that sticks out towards the south. That driveway was installed before I got involved in the property. So I did not include that in my calculations of disturbed area. So when I went back and recalculated it with that and with all what we currently have as proposed septic designs we are still under an acre of disturbance. Kevin's concern was that we may be over an acre if we include the work that was previously done but we are not. We are good with that. It's about 38,000 square where the acre is 43,560. He had commented about the silt fence that I show a row of silt fence below each of the cottages. So his comment was that may not be enough and also on my construction sequence notes I had a reference to check dams and I did not show check dams on here. We will likely have check dams along the driveway edge. We got to modify a few things on the steep slope site plan and get it back to Kevin for review is how I feel we should proceed with it. We would add additional silt fence and likely staked straw bales on the lower side of the disturbed areas to keep any sediment from washing down over the bank. The bank currently is very heavily vegetative which is good. We are not proposing to disturb anything on the steep bank. We definitely want to keep as much sediment as we can from washing down into that area. So part of that would be to divert any upland storm water away from proposed disturbances. So I will do a better job of depicting where those swales would go to divert that clean water that is getting down there so that it not going over the dirty disturbed areas. I will also to check to see where they seem to be required. He suggested additional rows of silt fence on the uphill side of the house. Check dams on the driveway and that I adjust the construction sequence to match better what we are going to do there. I said that I would agree with all those and add those to the plan. He was concerned with a concentrated flow path on the south side of what's shown as the Minges house the south cottage how it's directed right to the silt fence. Although it's not a very large drainage area that would be going there, especially after we cut off the storm water from above it, it would be important to use some additional staked straw bales in there something to keep that storm water from pushing the silt fence over. Perhaps even additional rows of silt fence. I always think the steep slope site plan is a good starting point once we get approval but it really a lot of it is contractor, engineer, and code enforcement officer making sure that the site has what it needs for erosion and sediment control. It is kind of a working document in my opinion the plan shows that I am putting silt fence here that is the only place I really should put it. I think it needs to go where it needs to go and sometimes we don't know ahead of time where it needs to go. I know from when they tore the cottage down they do have a row of silt fence on the lower side of all that disturbed area now. He asked about the calculations on the existing thirty-six inch culvert which is across that new part of the driveway that goes to the parent's cottage on the south side. So I ran the

calculations on that and we've got no issues with the capacity of that culvert. It can handle 175 cubic feet per second at half full. If we get that much water then there's certainly a lot more issues than the ability for the culvert to take the water. It is an immense amount of water. That is mostly due to the slope of that pipe. Slope plays a big factor in the calculations. Probably would be fine with a twelve inch pipe there quite honestly because of the slope. Offsite drainage that flows through the area needs to be safely routed around the disturbed area in a non-erosive manner. I said that I agree we need to show additional swales to divert that water. We are not allowed to divert it to neighboring properties without permission. There is a gully along the south side of the development we can easily direct some water to that. There is plenty of wooded area on the north side we could get some water off and return it to a sheet flow before it gets to any property lines. The question about whether the tram was existing or proposed. If it was proposed, we needed to add that into the disturbed area but that is an existing structure and we have got no proposed disturbance on the steep bank.

Chairman Ely: Does the tram operate at the present?

Jim Ryan: We haven't operated it and were not real confident of it because the old owner did a lot of his own electrical. We've already had a boat house burn down on the beach because of the electrical problems. So we basically shut everything off.

Chairman Ely: Shut everything off. Okay.

Jim Ryan: We also found the septic system we were actually interested to maybe use it. We found out that there was no confidence there either. I don't think there was any leach field. I think it such an old place it went to the tank and right into the gully. So for a lot of reasons it lead us to the decision to take it down.

Chairman Ely: So there is no immediate plan for a new tram?

Jim Ryan: No, but we probably will want to consider. We never had one at our place next door. My parents and as everybody gets older it might be a good idea.

Chairman Ely: Life marches on.

Bill Grove: The next question was about any proposed additional docking down on the waterfront. To my knowledge there isn't anything proposed at this time. If they do propose some in the future they will have to come in and get permits for that.

Ralph Endres: What is the square footage of these two properties?

Jim Ryan: The two places. They each ironically developing them separately with Dick Randall and Dale is going to build them. Each first floor is about 1800 feet. Then they are going to have a partial basement. So we intended each to have three bedrooms. So one of the plans it listed one of the places as four bedroom that just incorrect. They are both going to have master bedrooms on the first floor and two bedrooms on the lower level for both places.

Ralph Endres: Are you going to build these simultaneously?

Jim Ryan: Yes. Even though Dale tells me that one has to go ahead of the other so there will be three week to start to one.

Ralph Endres: Yeah but you are not going to build one in one year and go back in í

Jim Ryan: We are both doing...

Ralph Endres: If you are going to disturb it, you might as well get it done at the same time.

Jim Ryan: I was talking to the tree guy the other day about the trees and the footprint. He said oh, no in our life it is a lot easier when there is no one here and you can take trees down versus when there are places then you do not have to have them crash on somebody's house. That is what costs a lot of money.

Bill Grove: Yep. To add on to what Jim said with the septic design for that north cottage was based on four bedrooms. It was a preliminary architecture plan that showed it having a future bedroom in the basement. There is room for it so if you want it to be four you probably could.

Jim Ryan: I am watching the budget and we are trying to not add.

Bill Grove: So that will be revised as part of the revision for the septic plan whichever direction we decide to go with that.

The next comment from Kevin was that the location of houses were concerning. He said he had seen numerous cliff failures in this dynamic shale environment that is unstable. The applicant and planning board should consider greater set back from the edge of this area we've recommended at least fifty feet in the past to provide a minimal buffer. I think we've already discussed moving sliding that south cottage back. I think for two reasons: 1. It is more buildable if it is not right on that steep edge. 2. We would like to keep the surface as far away from the steep edge is as practical. I think that we are further back from edge than the existing cottage was. I think we have that going for us. I think pulling it back really affects the view that you see from there we do not want to clear cut everything in front to have a view. We want to probably have some view windows through those trees that are on the steep bank. Pulling them back you do not get the same effect. I think they will be in a safe spot to build and won't be an erosion concern.

Jim Ryan: I think that is right. I think they are going to both be back further from the original place was. Working with Dale so that we talked about the south being pulled back which is all agreed to. The north we are going to kind of turn it so it comes away from the steeper part. Talked a lot with Dale and Rocco is going to go re-stake it. We are going to look at it. We cannot go too far back either because our driveway isn't going allow us to go too much further back. We don't want to take more trees out to create more driveway. We do not want to build a house that has any chance of falling. We are going to look at that pretty closely.

Sam Seymour: To that point though, can the splash pads for the foundation and gutter drainage - can the one be guided to the gully?

Bill Grove: Yeah. I think that probably a likely scenario. One of the things that came up in the septic review was the septic tanks. Although they are on the flatter part they are still closer to the top of the bank

than George would like. So we have been working with Dale to try to figure out what is acceptable for us. So those tanks will be moved back as well. As I showed them on there, we had gravity flow from the basement so they had a future bathroom in the basement with gravity flow up before pumping up the hill. The new plan will be that they will gravity flow from the first floor out to the tanks and any basement plumbing will have to be pumped up a story. Those tanks will be relocated a little bit further back and that will give us room to move those flash pads away from the steep bank.

Sam Seymour: You want to keep the water away from the cliff face. It will save yourself a lot of erosion over the years.

Bill Grove: We can pipe it anywhere that's downhill obviously. It may make more sense so that it flows a gentler path down into the gully rather than down over the steep bank and into the lake.

Sam Seymour: I do not know what you can do about the north house because it all pretty steep there?

Bill Grove: We kind of do the same thing with where the tanks locations are shown on there. Those tanks will be moved back to that west northwest corner of that house where the 27.5 foot dimension is and it leaves us that lower corner to do that splash pad. I think that makes a lot of sense.

Next comment was that the site was going to lose a lot of trees as part of the development. There should be more detailed planning to maximize the number of trees that will be saved as part of this development. Because the trees do a tremendous job in holding soil and shale together. Yeah you can't deny that the trees are vital. There is a note on the plan in the note section that says that tree removal should be kept to minimum. That is another one that the contractor has a lot of say, not a lot of say but they have to be prudent about what they need to take down. Obviously it is easier to work a site when there is absolutely no trees in the way.

Jim Ryan: The other thing we have done two years in a row since we had it is plan ground cover on the front so it's fully wooded. We have a lot of trees on the front that we actually not a lot but we have personally done a lot of planting of crown vetch which is what we have next door. That has been great ground cover. This year it really multiplied we were kind of disappointed that more did not take. That in addition to leaving all the tree stumps out. We definitely do not want to take any tree stumps, trees stumps out in the front there.

Bill Grove: Right yup. Your parents' house next door actually has a tree growing through the porch. Right on the front. You can see it from the lake.

Jim Ryan: Pretty soon it is going to pull that porch out.

Bill Grove: Well yeah. For years I have always on lake been by there on a boat and thought that was the coolest thing I have ever seen there is a tree growing through their deck. I can add stronger notes on there about tree clearing.

Chairman Ely: Okay. That is what you can do at this point I think. Right.

Bill Grove: I think so. Yeah. I do know how else to approach it. I guess that is what I have normally done is try to minimize it unless the board may have some way that I do not know of. You have been to

the site Jim. Maybe that is part of it helping to figure out what trees to take out. They obviously must take trees out to build the houses and clear for the septic. The whole lot is wooded and the amount of tree removal in the whole sense of the project is not a large area but it is significant down here in the development area. The rest of the lot will stay wooded.

The next comment was about the driveways crossing neighboring properties before entering onto this Ryan property. The existing driveway that comes from the upper top left corner that narrow driveway that comes down the hill that has always been the access prior to last year when they cut the driveway in from the neighbors. So where that does cross on the neighbor's property up there is already an easement for access to the property so that won't change. My comment back to Kevin was that the newer driveway is there for convenience at this point because it is family that lives next door to the parents. I do not know if you were to sell or they were to sell you were to need that driveway for any reason? I know Dale is planning on using the old driveway for all the new construction trucks and deliveries and everything going to use that driveway. It is there for convenience but I do not know if it is a necessity. If it was going to be kept there for an extended period of time then they would have to look into getting an easement from probably from a couple of properties at that point to get from your parents' house out and not how that driveway works. So I do not think that is an issue certainly not at this point.

Chairman Ely: Now are you going to be responding to Kevin?

Bill Grove: Yeah. These are the comments that I wrote back to him this afternoon.

Chairman Ely: You already written him?

Bill Grove: Yes. I copied you in on it I am pretty sure. It was late this afternoon.

Chairman Ely: I haven't check that yet. Thank you for doing that.

Bill Grove: My first comment on here was that I haven't been avoiding Kevin. That was all of his comments on it.

Chairman Ely: That was his comments.

Bill Grove: So I think that we made some modifications to the plan to satisfy Kevin. We meet all the setback requirements. We meet everything from a building code perspective for where the houses were on the plan. Like Jim Ryan said I will get the re-staked position of the north house if he is going to rotate it. I will get that from Rocco and plot that precisely on the site plan and same with that south cottage sliding back and make sure I get that accurate.

Ralph Endres: Do you have to take soil samples if you are going to lower that from eighteen to fifteen feet?

Bill Grove: That is what I found the design manual has a section about site modifications if you are not over 20% slope you can do site modification to get it to 15% or less provided you haven't sufficient depth of usable soil. So in that spot we found really nice useable soil for conventional system. It was really neat. I did a perk test at the normal level and I even did it at the bottom of the deep hole which I don't normally do but I thought let me throw in a five gallon bucket in there and it went away. Just north off of

the sheet on here is a pretty steep building so I think that there was some looser material that obviously washed away in the gully but to answer your question, yes we would have to do if we do site modification to get back to 15% we would have to go in after that and retest the soil. There is a chance that it may not perk the same that it did the first time. I want to talk to Guy Rogers about that and see what his thought is. I can see scenarios where you could do damage to the soil structure by being in there with heavy equipment or on a wet day but Guy's big excavator that he had in there I think he could stay off of that area so he does not reach all the way to the top and pull material down. It is essentially taking soil from the top side and moving it to the bottom side to level that spot off. It's lacking 18-24 inches on the bottom side. It is not a big number but it is more than 15% as it sits today.

Sam Seymour: Are you familiar with George Barden's proposal for changing the rules?

Bill Grove: Slightly. I haven't read the whole thing yet.

Sam Seymour: Do these systems conform to that?

Bill Grove: They would. Yes. On the plan you see it shows the peat moss system you can see that versus what as a septic designer I think of myself as I do a lot of septic designs usually pretty good with that stuff. You can see the size of the footprint of the peat system which would serve three bedrooms versus what we have to do with the area for conventional system to serve the same three bedrooms. I do not want to say too much about the proposal. It is similar to what they have in the Keuka water shed. The biggest thing I think is the inspection program. The ongoing inspections of systems. It would certainly turn into a lot of work for me upfront if they decide to enact that. There are a lot of system that would have to be upgraded quickly I think.

Chairman Ely: Are there any questions?

I do not mean to repeat some things you said. I want to make sure we are on the same page here. County planning did give you conditional approval.

Bill Grove: Oh okay.

Chairman Ely: There were are several conditions one was really already addressed. The question to getting approval of waste water systems from George Barden.

Bill Grove: Sure.

Chairman Ely: I gather you are in negotiations with him and hopefully that will be forthcoming.

Bill Grove: Yes.

Chairman Ely: Obviously you cannot proceed until that is done. Secondly, steep slopes you have filed an application with Phil or you are about to file an application for steep slopes?

Bill Grove: We did fill out an application. I am quite sure we did.

Chairman Ely: I am not questioning. That would go to Phil as the person to review that.

Bill Grove: I had to drop off a bunch of plans and I thought that was with those. I am pretty sure, right? I do not know why I would be able to submit it without.

Diane Graham: I do not have the permit.

Chairman Ely: That was the second condition. The first was the Barden approval. The second was steep slopes approval.

Bill Grove: If I didn't, I will make sure I do that.

Chairman Ely: Make sure you do that. Then third before we can approve is Kevin Olvany's list of concerns.

Bill Grove: I have to get his feedback. I think to make sure that he is satisfied.

Chairman Ely: I am sure you sent it to me when I go home. I will check and find out.

Bill Grove: Okay.

Chairman Ely: Then lastly, you and I have already discussed this and I know Phil has. You must get ZBA approval special use permit for two houses and that is an application to a separate board.

Jim Ryan: That is next week.

Chairman Ely: That is next week.

Jim Ryan: We've applied. We submitted all the paperwork.

Chairman Ely: That's perfect. I just want you to know we cannot give you final approval until ZBA has given us the permit that's all. If it's in hand then that's great. I have been in touch with ZBA and they indicated that they have to move on this at some point. So we'll have to see. They are a separate board and they do not report to me.

Jim Ryan: Can we get approval here tonight pending zoning board approval?

Chairman Ely: In fact I am glad you asked that question. I wanted to know where we go from here. We have to have a public hearing. So what I am going to suggest is that we set this for a public hearing next month at our July meeting. Now a couple of things to be sure that we are all on the same page here. I will have to then proceed on the assumption that we have ZBA approval for the two houses that you got the steep slopes permit, and that George Barden has been satisfied. It sounds like he's hoping that most of Kevin's concerns are met. Then, of course, you are going to submit a more detailed plan showing your plans?

Bill Grove: The revised site plan. Yes.



Chairman Ely: If we have all that by the July meeting, we will have the public hearing and we have to advertise even though, have the public hearing, and then, seems to me, we should be in a position to move forward with your proposal.

Bill Grove: Okay.

Chairman Ely: With a recommendation of approval. Phil issues the permits. We can go forward with the site plan approval but those are all things need to be done.

Bill Grove: Okay.

Chairman Ely: If for some reason you get part way into the next few weeks and you can't get them together let me know and we will have to delay the public hearing until the next month. It looks like you are making some serious efforts to negotiate the problems here and speak to some of the concerns. Let me go ahead and schedule it for next month.

Bill Grove: Okay.

Chairman Ely: Is that okay?

Bill Grove: Yeah.

Jim Ryan: I appreciate that but I just want to make sure I have the fourth. So we need steep slopes

Chairman Ely: You need steep slopes, ZBA approval because that's required. It's a permitted use but it is permitted on a special use basis. So you've got to get the special use permit from ZBA.

Bill Grove: Yes.

Chairman Ely: Kevin Olvany's concerns and then of course George Bardens.

Bill Grove: Yes.

Jim Ryan: and a more detailed plan as to where how we are going to site plan.

Chairman Ely: Exactly.

Bill Grove: Revised site plan.

Jim Ryan: Which we are working on.

Chairman Ely: There have already been changes to this little sketch.

Jim Ryan: I guess that is how building goes.

Chairman Ely: Please be in touch.

Bill Grove: Definitely.

Chairman Ely: If you need extra time, let me know.

Bill Grove: Okay. Just to let you guys know on the septic side of things because of the slope issue that we got. If it's got to be submitted to the state health department they say it is a 6-8 weeks turnaround from submission date and so that is what we are trying to avoid.

Chairman Ely: If that comes into play, let me know and we will set it up for August.

Bill Grove: Hopefully we will have an answer before that.

Chairman Ely: Keep me informed. Keep Diane informed. Keep us in touch.

Bill Grove: Definitely, ideally I think we are close on everything.

Chairman Ely: Yes.

Bill Grove: We'll know well ahead of theí

Chairman Ely: The one thing you mentioned earlier in your presentation, if you do not get state approval then all bets are off.

Bill Grove: That can take add considerably toí

Chairman Ely: Otherwise, this has been very helpful unless the board members have other questions/ concerns.

Board Members: No. Thank you.

Chairman Ely: Okay. Thank you.

Jim Ryan: Thank you.

Chairman Ely: We look forward to seeing you next month with everything buttoned up. Right.

Bill Grove: Do you know the date of that meeting?

Diane Graham: The third Wednesday.

Bill Grove: The third Wednesday. Okay.

Jim Ryan: The zoning?

Diane Graham: No, zoning is next week. That is the fourth Wednesday but the next planning board in July is the third Wednesday. July 20 I believe. July 20.

Bill Grove: 20th Okay.

Diane Graham: So we have to notify the paper of the public hearing so we would need to know for sure prior to ó I'd like a week before.

Ralph Endres: Before we must go to the papers for the public hearing.

Bill Grove: I will have an answer. I will make sure I stay in touch with you.

Chairman Ely: Stay in touch with me and stay in touch with Diane because she will do the advertising. We do not want to necessarily advertise it without the necessary approvals but I will be happy to schedule it. At that time if everything is buttoned up, we should be able to move forward.

Bill Grove: We will plan on that.

Diane Graham: Your neighbors are aware?

Jim Ryan: Yes.

Diane Graham: We will send something to them as well.

**Motion to Adjourn**

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

Respectfully submitted,

Diane Scholtz Graham  
Board Secretary