



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

Planning Board Meeting Agenda

(Updated 10/15/18)

Wednesday, October 17, 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.

Meeting Etiquette

Minutes

Approval of September 12, 2018 Planning Board Meeting Minutes

Public Hearing

Final Site Plan Approval Application #2018-0008

Owners: Thomas Hawks II
Property: 6202 Stemple Hill Road
Tax Map #: 185.00-1-32.111

Final Site Plan Approval Application #2018-0009

Owners: Robert Harris et al.
Representative: Bill Grove, P.E.
Purchaser: Mark O'Connor
Property: 6521 Longs Point Drive
Tax Map #: 185.17-2-4.000

Old Business

Discuss a noise ordinance and rental properties

Define wording for sheds 144 square feet or less

Define wording for §170-70 natural gas transfer

New Business

Preliminary Site Plan Approval Application #2018-0010

Owners: Bertino Living Trust (Matthew and Karen Bertino)

Representative: Gary Schmitz

Property: 7040 State Route 21

Tax Map #: 195.05-1-1.200

Preliminary Site Plan Approval Application #2018-0011

Owners: Frank & Teresa Pupparo

Representative: Dan Catone

Property: 6313 Old Post Road

Tax Map #: 185.10-1-7.000

Preliminary Site Plan Approval Application #2018-0012

Owners: IGAFY LLC

Representative: Anthony Venezia, Venezia Associates

Property: 6551 Longs Point Drive

Tax Map #: 185.17-2-14.100

Preliminary Site Plan Approval Application #2018-0007

Owners: Chris & Tracy Flynn

Representative: Jeremy Fields

Property: 6713 Pine Bank Drive

Tax Map #: 191.05-1-3.100

Define impervious surface coverage

Intermittent streams definition

Board members Jim Ely and Sam Seymour term renewal

Board member training reminder

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, October 17, 2018

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

Excused: Ann Marie Rotter

Guests: Jeremy & Cathy Fields
Gary & Carol Schmitz
Tom Hawks II
Jody Wilbur
Rick Hawks
Mark & Lia O'Connor
Frank & Terry Puppardo
Bill Grove, P.E.
Rocco & Pat Venezia
Dan Catone
Chris Flynn
John McKinnon
Paul Friend
Amy & David Bowen
Phil Sommer
Steve Cowley
Dan Marshall

Call to Order

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

Reading of Vision Statement

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

Meeting Etiquette Review

Chairman Ely reviewed meeting etiquette.

Minutes

Chairman Ely called for a motion to approve the September 12, 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.

Public Hearing

[Public hearing opened at 7:05 pm.]

Diane Graham read the legal notice.

LEGAL NOTICE

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 #2018-0008 for property owned by Thomas Hawks II located at 6202 Stemple Hill Road, Tax Map #185.00-1-32.111 is looking for site plan approval to construct a second single family residence on the same lot.

SAID HEARING will take place on the 17th day of October, 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: Thank you Diane. Have we received any written communication in connection with this proposal?

Diane Graham: Yes.

Chairman Ely: Will you be kind enough to read those and put them into the record?

Diane Graham: Yes.

Chairman Ely: Thank you Diane. Those will be put into the minutes probably in an appendix form at some point. I start by pointing out that because this was to be a second residence on the property this required a special use permit from the Zoning Board of Appeals. The ZBA met in September and they granted a special use permit on two conditions. They have been circulated to the Board members. Let me just read them.

- 1. Applicant to contact Kevin Olvany, Ontario County Soil and Water Watershed Manager to ensure that there are not any special considerations needed for storm water runoff that may affect other properties around you.*
- 2. Make a review of the archeology on this site.*

We have circulated a written statement indicating that there is no archeological impediment on this site and it is also my understanding that Kevin has submitted a letter supporting the project and making certain suggestions for modification. Bill Grove can speak to that briefly?

Bill Grove: Sure. This is the reason for the late plans. I spoke with Kevin yesterday I believe it was or maybe the day before. The week is flying by. He had received the plan weeks ago. A day or two days after the Zoning Board meeting I gave him a copy of the plan at their request. I did not hear from him

until earlier this week. He had reviewed the plan, had a couple of suggestions that I incorporated into the plan you have in front of you tonight. He wanted me to show the existing swale that exists at the base of the hill northwest of Tom's proposed house. There is a swale that cuts water off. It comes off of the steep hill takes it to the northeast down over the bank and sheet flows there. I pulled the footer drain and rip rap apron that it dumps onto that it is southeast of the proposed house. I pulled it back from the edge of the bank further so it has more room to return to sheet flow before going over the steep vegetative bank. Also added another rip rap apron off the northeast corner, which will be where the downspouts from the roof runoff will discharge onto. That is also well back from the steep bank and be able to sheet flow after it hits the rip rap splash pad.

Chairman Ely: So as I understand it you have dealt with all the issues he has raised in his letter?

Bill Grove: The plan you see predates the letter so this is the plan that I resubmitted to Kevin after talking with him and he wrote the email letter stating I covered everything he and I talked about. He did make a couple recommendations about the silt fence being installed prior to construction. I cannot remember if there was anything else on this as far as recommendations, but we have everything covered. *"Make sure that during development the site is properly contained with silt fence and it is stabilized as the project progresses."* That is listed on the plan and in the notes.

Chairman Ely: I have communicated this information to Thomas Burgie the Chairman of the Zoning Board of Appeals and he has indicated to me that he is satisfied that the conditions are met. Unless there is some dissent from Board members I am going to declare that the conditions have been met and, that therefore, in regular course you can apply for and receive the special use permit.

We come to another issue, which you and I have discussed a bit informally. I do not know how to play this. It is new to me certainly and I hope the Board members will have some thoughts. County Planning Board has raised some issues on this and other projects concerning bald eagle habitats. Let me read you what County said. "The applicant and this referring body should check with the DEC regarding proper safeguards to protect identified bald eagle habitat." I am not qualified to check on bald eagle habitats. I know you have made some efforts Bill. Can you tell us what you have been trying to do to deal with this?

Bill Grove: I have a contact that works at DEC so I checked with her to see who would be the person to ask that question of. She gave me a name. I called and left two voicemails for that person and have not heard back. The first one was two weeks ago and the second one was a week ago and still no answer. So my question was, we have not run into this before what do I need to do to satisfy the Board that we can keep the project moving forward? I do not have an answer. I can tell you with certainty that there is no impact on this site. There are no trees that are going to be taken down. The area where the house is going to go is essentially a gravelly area now.

Ralph Endres: No trees?

Bill Grove: No trees. It is wide open and flat. There is certainly eagles in the area, but this project will not have impact on them.

Chairman Ely: I should note for those of you who in this room for other applications that County Planning Board seems to be getting more active in the whole bald eagle situation and this may be an issue that will come up for other applications. You can see the frustrations in trying to get anyone to return their phone call. It is hard to know quite what to do. For Board members I would like to solicit your input. I

read to you what the county had said. They do not say you cannot proceed. They say you should check. People have made some reasonable effort to check. How do you feel we should handle it with respect to this application at the very least? We could defer the public hearing, simply proceed on the grounds that reasonable effort to check with DEC have been made, or we could grant some type of conditional approval. I would be interested in some of yours or other suggestions. I am not exhausting the suggestions.

Rodney Terminello: You and I talked earlier. Is Pat Dormer the person you tried to contact?

Bill Grove: No.

Rodney Terminello: He is a state ranger who lives down here on Phillips Road. I could contact him to see if he has any suggestions about who else you can talk to or him himself. He knows where the habitats are. This is his area he patrols. There is actually a nest right below Phillips Road and 21 right down at the bottom of the hill there, which is far from where this site is. I know there have been sites south of the lake in Woodville. I can try to contact him to see if he can come and speak to us. I do not know how we or who we would proceed with.

Bessie Tyrrell: If the house is not taking down any trees and it is not as high as a tree, I do not see how it would impact eagles if they were there. I actually kayak around the south end of the lake and see eagles at the end of the lake and on the other side on the high banks. I have not seen any nesting where you are, but that would be just first-hand.

Chairman Ely: What would be your suggestion that we just proceed?

Bessie Tyrrell: That we just proceed exactly.

Chairman Ely: What about the rest of you?

Ralph Endres: I have been on the lake more than anybody on this panel. I have seen bald eagles both at the northeast end and south of your property Tom, but I have not seen them around your property. That does not mean that they are not there. I have seen them up by Wegmansøhome. I was fishing and had one fly over my head. It was not more than ten feet off of my head so they usually like tall trees and close to the water.

Diane Graham: Phil Sommer had done some research to find out a process. I do not know if he wants to speak to it.

Phil Sommer: Jim has the paperwork.

Diane Graham: So I do not know if you want to reference that or not?

Chairman Ely: I will share that. Yes. I want to get a sense of how we want to proceed on this application. I do have some information about how other people confronting this issue may be able to proceed. I am hearing from the Board members we will proceed.

May I then offer a motion that it is the sense of the Board that the applicant has made reasonable efforts to contact the DEC in connection with bald eagle habitats.

The motion was made by Michael Staub and said motion was seconded by Bessie Tyrrell.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

Chairman Ely: County has made no formal recommendation one way or the other. They simply raised the issue of the bald eagles. Now we have come to the time we can see if there is any more public comments. Do you or Mr. Hawks have anything to add Bill or should we see if there are any questions from the audience?

Bill Grove: The only thing I guess I would add that the bald eagle question came up because of the online SEQR form. You pick a geographic location and anything that has an environmental sensitivity within a certain radius of your project will trigger that response. It is an automatic thing. It is not that I checked a box yes and said there is bald eagle habitat there. It is within a certain range. Same for the archeological. It came back as a site with potential impact because it is within a certain radius of a known site.

Chairman Ely: Unlike the bald eagle people, Park, Recreation and Historic Preservation got back very quickly and found no archeological site. We are not going to pursue that one. Does anyone in the audience wish to participate? This is the public hearing time. Alright no questions. I will declare the public hearing closed.

[Public hearing closed at 8:17 pm.]

Chairman Ely: Board members do you have questions you would like to ask Mr. Hawks or Bill Grove or discuss among yourselves or proceed to disposition?

[Board members acknowledged to proceed.]

Chairman Ely: The Zoning Board has already declared this a type II action under SEQR and they have filled out the SEQR form so I am going to move we concur with the Zoning Board and agree that this is a type II action and it requires no further steps.

The motion was made by James Ely to concur with the Zoning Board and agree this is a type II action and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

Findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

The motion was made by Bessie Tyrrell to approve finding numbers 1-4 and said motion was seconded by Ann Jacobs.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

Chairman Ely: I propose that the Planning Board grant both preliminary and final site plan approval for the Hawks project as described in this application.

A motion was made to approve the preliminary and final site plan by Rodney Terminello and said motion was seconded by Ralph Endres.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

Appendix

Email #1

To the South Bristol Town Board Member;

Please consider this letter as our sentiments regarding the project that Tom Hawks is presenting to the town Board. Gary and I have known Tom for more than 15 years. We know that his building project has been a long-time dream of his. His passion to develop that property has been with the up most consideration to all environmental impact. Gary and I as near neighbors at 6539 Longs Point have no problem with Tom's building plans and would ask the Board to grant Tom a variance for his project.

We thank you for possibly considering this letter as you form your decision.

Respectfully,

Gary and Vicki Profetta

Email #2

My wife and I reside at 6252 Stemple Hill Rd and are the adjacent owners and neighbors to the south of Mr. Hawks' proposed construction. I have discussed Tom's plan with him personally and reviewed the site plan at the Town Hall. We have no objections to the proposed plan.

Richard VanGelder

Email #3

Tom,

As a reasonably close neighbor I want to tell you how pleased Nancy and I are that you are planning to build a home on that beautiful property you own above Hawks Point. I can't think of a better location for your new home, especially since it is in our neighborhood, affords you wonderful views and is not near or objectionable to those of us in the area, as far as I know. I wish you the best with your plans and look forward to the day we can visit you in your new abode.

Joe Briggs

Letter

October 2, 2018

South Bristol Planning Board

Good Evening,

South Bristol resident, Tom Hawks, is planning to build a home on his property above Cooks Point and I am writing in support of his application. Tom is a life-long resident of South Bristol and, as a reasonably close neighbor, I am pleased to add my voice to those who are in favor of his plans. He has a beautiful spacious site and is not near or objectionable to those in the area, as far as I know. I hope you will act favorably on his application. Thank you.

Joe Briggs

6529 Longs Point Drive

Ontario County Planning Board Comments:

1. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Inspector and the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
2. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Manager and the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
3. The applicant and referring body should check with the NYSDEC regarding proper safeguards to protect identified bald eagle habitat.

Chairman Ely: The Town Code now requires a person who receives site plan approval has to obtain the building permit within six months and make some significant work on the site. It has to be started within six months or the approval expires. You can always reapply.

[Public hearing opened at 7:21 pm.]

[Diane Graham read the legal notice.]

LEGAL NOTICE
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 #2018-0009 for property owned by Robert Harris et al located at 6521 Longs Point Drive, Tax Map #185.17-2-4.000. Mark O'Connor, purchaser is looking for site plan approval to remove the existing cottage and shed with construction of a new cottage, driveway, and related utilities.

SAID HEARING will take place on the 17th day of October, 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: The next project is the Harris and O'Connor because the property is in the process of being sold Bill, is that correct?

Bill Grove: It is my understanding that it is now just the O'Connor project.

Chairman Ely: Okay. Thank you. This is at Longs Point, right?

Bill Grove: Correct.

Chairman Ely: Variable center of the bald eagle concentration? You are going to be the representative?

Bill Grove: Yes.

Chairman Ely: Would you please take a moment to describe. We did not have any ZBA problem here.

Bill Grove: No ZBA problems. The O'Connors are here with us tonight. Their proposal is to take down the existing cottage at 6521 Longs Point and build a new cottage with four bedrooms all within the setbacks. All below the maximum height. All below the maximum lot coverage. They will get water from the lake and waste water will be handled with a new septic system which we do have final approval on from George Barden. It is a tight lot, but the house does not need any variances for setbacks.

Chairman Ely: So the coverage requirements is satisfied?

Town of South Bristol Planning Board Meeting Minutes 10/17/18 Approved

Bill Grove: Coverage requirements are satisfied. Yes. From a zoning perspective everything is good with it. The hold up from last month was the related to the SHPO department for the archeological significance which we did get a letter back from SHPO with no archeological significance on the site. I think that is it in a nutshell.

Chairman Ely: Floodplain application has to be filed. Have you filed that?

Bill Grove: Floodplain yes. We just signed it and gave it to Phil Sommer.

Chairman Ely: Alright good. Septic and archeology are all taken care of. County did note here since the property is in the floodplain the referring body should confirm the finished floor elevations two feet above base.

Bill Grove: Which it is.

Chairman Ely: You are confirming that?

Bill Grove: Yes.

Chairman Ely: They do not mention eagles here.

Diane Graham: It is on the application.

Chairman Ely: It is on the application though. Okay. Same thing have you made some efforts here Bill?

Bill Grove: Yes. When I called DEC, I said I have two projects in South Bristol that just triggered with the same story as last application. I did not hear back from them.

Chairman Ely: Okay. Do we have the same reaction here that we had to the Hawks property?

[Board members acknowledged yes.]

Rodney Terminello: You are not taking trees down?

Bill Grove: We are taking a few trees down to site the house and driveway.

Diane Graham: The nest is on Longs Point somewhere.

Chairman Ely: Do I have a sense of the Board that the applicant has made a reasonable efforts to investigate?

Rodney Terminello: There are no nests in those trees?

Bill Grove: Not in those trees. No.

Chairman Ely: I move that the applicant has made reasonable efforts to investigate the bald eagle habitat.

Town of South Bristol Planning Board Meeting Minutes 10/17/18 Approved

The motion was made by James Ely that the applicant has made reasonable efforts to investigate the bald eagle habitat and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

Chairman Ely: Septic has been approved, County has been dealt with. There are no active farms in the area?

Bill Grove: I believe there were not any within 500 feet.

Chairman Ely: 500 feet. That is what my notes indicate.

Bill Grove: I think you had me fill one out.

Chairman Ely: Just confirming this for the record that is all. Does anyone else in the room wish to speak to the O'Connor project? No. We had no written communications Diane on this project?

Diane Graham: There was a phone call from Debbie Harris who wanted to be in attendance, but could not be. She was sending a representative. I do not know if he is in the audience or not, Paul Friend. I do not know if they are in opposition or in favor.

Paul Friend: I believe that Leslie Wagner and Debbie Harris the co-owners of the adjacent property are very excited to have the O'Connors as new neighbors. They look forward to having positive interactions with them.

Chairman Ely: Thank you. Anybody else have anything to say? No other communications Diane that we have received, right?

Diane Graham: No.

Chairman Ely: I will declare the public hearing closed.

[Public hearing closed at 7:27 pm.]

Chairman Ely: Do Board members have anything they wish to add? Okay we will have to address the SEQR.

[SEAF Part 2 Impact Assessment questions were read by the Chairman and the Board answered no to questions 1-11.]

May I have a motion to answer all these questions in the negative, direct me to sign them, and to declare this a Type II action under SEQR?

Town of South Bristol Planning Board Meeting Minutes 10/17/18 Approved

A motion was made by Michael Staub to answer questions in the negative and declare this a Type II action under SEQR, and said motion was seconded by Ann Jacobs.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

Chairman Ely: Now we have SEQR out of the way. Proposed findings. You just heard me read the four proposed findings for Mr. Hawks.

Bessie Tyrrell: I think we should copy those.

Chairman Ely: Same ones.

Bessie Tyrrell: Yes.

Chairman Ely: How does that sound?

[Board members acknowledged yes.]

Findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

A motion was made by James Ely to approve finding numbers 1-4 and said motion was seconded by Bessie Tyrrell.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

A motion was made by James Ely to grant preliminary and final site plan approval for Mark O'Connor and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello; Bessie Tyrrell; Opposed: 0

Motion carried.

Appendix

Ontario County Planning Board Comments:

1. No expansion area is shown for septic system.
2. The referring body must ensure future landscape and maintenance activities protect the function of the swale area.
3. Since the property is in the floodplain, the referring body should confirm the finished floor elevation (FFE) is two feet above the base flood elevation (BFE). To avoid cumulative floodplain impact, the referring body should confirm no reduction in floodplain storage volume resulting from the importation of fill material.
4. The applicant is encouraged to recycle building materials as appropriate. All demolition materials must be disposed of at a permitted disposal facility.

Old Business

Discuss a noise ordinance and rental properties

There was a discussion about increased noise related to rental properties. Renters have been bothersome to neighbors who have been complaining. The Town Board has adopted a resolution asking the Planning Board to prepare a noise ordinance. Other towns have already addressed these.

The board members were asked to review copies of town codes for noise ordinance and rental properties from other towns that was circulated to discuss at a future meeting.

Define wording for sheds 144 square feet or less

This was deferred to another meeting.

Define wording for §170-70 natural gas transfer

This was deferred to another meeting.

New Business

Chairman Ely: This is an opportunity for the applicants to present their proposals to the Board. We will have preliminary questions perhaps and/or necessary we will send it to County Planning. Otherwise, we will schedule for a public hearing at our next meeting, which will be December 5.

Preliminary Site Plan Approval Application #2018-0010

Owners: Bertino Living Trust (Matthew and Karen Bertino)

Representative: Gary Schmitz

Property: 7040 State Route 21

Tax Map #: 195.05-1-1.200

Chairman Ely: The first one up is Bertino proposal. I understand that Ms. Bertino is a resident of the United Kingdom, but she will have a representative here. Gary Schmitz is that right?

Gary Schmitz: That is right. Yes.

Chairman Ely: Please describe your proposal to us.

Gary Schmitz: Okay for consideration Karen and Matt are looking for a site plan approval to replace an existing storage shed. The existing building is approximately seven by twelve foot in size. They are proposing a twelve by twenty-four foot structure, two story, barn-style building. I do not know whether pre-fab is the right wording. It is one of those sheds that come in on a trailer and they drop it off on a skid and it is put on a base.

Ralph Endres: They put it on an existing slab or cement blocks?

Gary Schmitz: Yes. This would be on a skid type four by four on a crushed stone base. There is also a setback that could not be met from the fifty foot Town setback. They are requesting I believe it is a 13.5 front setback from the Zoning Board.

Chairman Ely: Has that been submitted to the Zoning Board?

Gary Schmitz: Yes. The meeting is next week.

Chairman Ely: So you will have to await Zoning Board's decision there.

Gary Schmitz: Right.

Chairman Ely: If they grant the variance, then we can move forward. If they do not, you will have to regroup. That is out of our control.

Diane has this been sent to County Planning?

Diane Graham: Yes.

Chairman Ely: I want to see if I have County's recommendation here.

Ralph Endres: It looks to me like anything she is going to build there is an improvement over what is there.

Gary Schmitz: Exactly.

Rodney Terminello: How much bigger is it than the current shed?

Gary Schmitz: Pardon.

Rodney Terminello: The shed that is going down is seven by twelve?

Gary Schmitz: Seven by twelve is coming down. Yes.

Rodney Terminello: How big is the one going up.

Gary Schmitz: Twelve by twenty-four.

Rodney Terminello: It is like a one car garage.

Gary Schmitz: Yes.

Rodney Terminello: Have you been down there? It is pretty crowded down there.

Sam Seymour: This is not even close to the road though.

Ralph Endres: I do not think you can see it from the road can you?

Gary Schmitz: It is all the way back to the bank.

Diane Graham: It is 13.5 feet from the highway right-of-way. So they are looking for a 36.5 foot variance.

So County final recommendation was no formal recommendation to deny or approve application involving one single family residential site, including home occupations. They did have comments.

The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Gary Schmitz: There is a gully. Call it a ditch that is not active. It is only active when there is a heavy rain storm. It is not a continuous flow. That will be improved. The owner Matt already talked with Guy Rogers. He is more or less going to do the site work and the crushed stone base. The diagram on the map it shows putting in a better retaining break wall along that gully on Bertino's side that extends up and around the back where the new proposed building would be, which will help keep the shale from coming down the back of the hill.

Chairman Ely: One of County's recommendations is that the applicant should consult with Kevin Olvany, right?

Diane Graham: Kevin Olvany. Yes.

Chairman Ely: That would be a good thing to initiate.

Diane Graham: Prior to the final approval.

Chairman Ely: Yes. Prior to the final. Contact Kevin Olvany who I am sure will be very helpful. Diane was there any mention of the eagles and archeological sites?

Diane Graham: No, but I looked it up.

Chairman Ely: County did not mention it?

Diane Graham: No. It has bald eagle and archeological.

Chairman Ely: Who is this?

Diane Graham: Berino's property.

Chairman Ely: How did you come up with that if County didn't?

Diane Graham: By the tax map number through the state EAF mapper.

Chairman Ely: Then in addition you have to get a variance you know that. Application is pending and that has to be obtained. If you do not get that, then the ball game is really over. In addition they want you to consult with Kevin Olvany. If you do not have his phone number, I am sure Diane can give it to you.

Gary Schmitz: I have that.

Chairman Ely: Kevin is very busy, but reasonable and realistic. I think he will be helpful. The same problem with archeology and eagles. Again we have some information on how to go about making some contacts there.

Gary Schmitz: Okay.

Chairman Ely: You can check with Diane. Okay. Assuming arguing that you obtain the variance that you need, we can set this for public hearing December 5th. If the variance is not forthcoming, back to the drawing board. I am not saying the project would be dead. It may have to be delayed and revamped that is all.

Gary Schmitz: Right.

Chairman Ely: Do you have any other questions for us?

Gary Schmitz: No.

Chairman Ely: So you check those three things highlighted and we will see what the ZBA comes up with. Okay?

Gary Schmitz: Okay. Fine. Thank you very much.

Preliminary Site Plan Approval Application #2018-0011

Owners: Frank & Teresa Pupparo

Representative: Dan Catone

Property: 6313 Old Post Road

Tax Map #: 185.10-1-7.000

Chairman Ely: Next we have Frank and Teresa Pupparo. Please introduce yourself and describe your project.

Dan Catone: These are the Puppas. I am Dan Catone, contractor. We are proposing a simple second story addition with very little site work on the site. We will have three pier footings. We have had the septic system inspected and approved. That is good to go. Other than that it is pretty straight forward.

Chairman Ely: The septic has been approved?

Dan Catone: Yes.

Chairman Ely: We have that behind us. What about County Planning recommendation?

Diane Graham: They had no formal recommendation.

Dan Catone: No site work really. There are three piers.

Diane Graham: No formal recommendation to deny or approve and two comments that were similar in the same nature regarding septic and storm water and erosion control measures.

Chairman Ely: We already have the septic dealt with. We have a letter in the file, right?

Diane Graham: Right. Any storm water would be Kevin Olvany.

Chairman Ely: The only suggestion is that you touch base with Kevin Olvany.

Dan Catone: Okay.

Diane Graham: There is an archeological one on this as well.

Chairman Ely: Oh archeological there?

Diane Graham: Yes.

Dan Catone: Really.

Chairman Ely: Diane can give you Kevin Olvany and archeological parks information as well. Any other questions for this proposal adding a second story addition?

Bessie Tyrrell: How far up will the roofline go?

Dan Catone: How tall is it?

Bessie Tyrrell: Yes.

Dan Catone: It should be on your drawing. I think it is 26 feet at mid-point because it is on a steep hill.

Bessie Tyrrell: Okay.

Dan Catone: The architect put it on the drawing you can see the roof height. The mean grade is 26 feet.

Bessie Tyrrell: Okay thank you. Is there a property behind it?

Frank Puppardo: No. We are building on the front half of the home only not the lake side.

Dan Catone: It is a three acre lot. Nobody's view would be impeded.

Ralph Endres: The new disturbance is going to be those three posts on the north elevation. That is going to overhang how many feet? Six feet maybe?

Dan Catone: Six or eight feet.

Chairman Ely: Any other questions? You do not need ZBA approval, no variances?

Dan Catone: No.

Chairman Ely: I mentioned a couple of things that you should put your minds on between now and December 5. I think we can set this for public hearing on December 5.

Dan Catone: Okay.

Chairman Ely: Do try to have something from Kevin Olvany about the storm water and archeology. Diane can give you information on that.

Dan Catone: Alright.

Frank & Teresa Puppardo: We will be away.

Chairman Ely: You can have a representative if you are away.

Dan Catone: That would be me.

Preliminary Site Plan Approval Application #2018-0012

Owners: IGAHFY LLC
Representative: Venezia Associates
Property: 6551 Longs Point Drive
Tax Map #: 185.17-2-14.100

Chairman Ely: IGAHFY

Diane Graham: It is "I Got a House for You."

Chairman Ely: Do you want to introduce yourself and describe your project?

Rocco Venezia: I am Rocco Venezia. I am here on behalf of the LLC. I am going to say it that way. This is probably the first one you have seen. It is a site plan for a dock. We started doing these probably in the late 1990s. Dock marine surveys they call them. At the time we would do one or two a year and we do thirty or forty a year now. The lake has gotten so crowded that rules that pertain for docks has to be

followed strictly otherwise we run into problems. This site plan you are looking at is actually showing a facility line which are lines that are governed by the Canandaigua Docking and Mooring Law. If you look on there, you will see the green lines and connecting lines on the shore line. Then you will see lines that extend out into the lake. They are called facility lines. Those lines are a function of a bisection angle between the frontages of the parcel, adjoining parcel, and our parcel. That creates the parameters of the area that we can build the dock within. Of course, we have to apply a ten foot offset on a residential and twenty on commercial. We have done that and shown the proposed dock, which meets the minimum requirements and maximum requirements in that area. We are asking for approval of this dock.

Chairman Ely: This would not go to County because they would not review docks.

Rocco Venezia: I have never had one go to County.

Chairman Ely: Have you satisfied the Docking and Mooring Law?

Rocco Venezia: Yes. Absolutely.

Chairman Ely: Obviously eagles and archeological are not an issue.

Rocco Venezia: I would not think so.

Rodney Terminello: Is there a second story on this?

Rocco Venezia: There is no boat house or anything.

Board Members: It is a regular dock?

Rocco Venezia: There is no height to it?

Chairman Ely: What will the building material be?

Rocco Venezia: I am not sure what he is going to use. I am sure the frame will be out of steel. A lot of them use the Treks material.

Chairman Ely: Has there been a temporary dock there in the past?

Rocco Venezia: I do not know what they had. This is permanent. We are not showing one here. I am not sure they had one. Typically if there was a seasonal dock when we did the work, in the time of year we did it, we would expect to show it on here.

Sam Seymour: How deep is the water this year?

Rocco Venezia: I think it goes out a ways before it drops off.

Sam Seymour: It is forty-four feet according to the drawing.

Ralph Endres: Was there a swim platform and a dock off of that?

Rocco Venezia: That is a boat slip there to the south with a walk around. I guess you could say that is a swim dock there. That large area.

Rodney Terminello: There is a roof over the lift though. There is some height there.

Michael Staub: Fourteen six feet.

Rocco Venezia: Are they showing a roof over the lift?

Rodney Terminello: On the last page you have a boat lift that is fourteen six.

Rocco Venezia: I was not aware of that. That is the contractor's sketch.

Michael Staub: It is fourteen and half feet high from the mean high water.

Ralph Endres: So this piece of property is south of the point. Actually south and west. I know the property well. I think there was a cement block house they built a new house on that piece of property at one point.

Rocco Venezia: I was involved with that early on and they were going to build a home there. That is correct.

Ralph Endres: There was a non-descript house and they built a substantial house. They put a pool in later. I fished there. I am trying to think if you go forty feet off the shoreline it is probably fifteen to eighteen feet deep. I am going by what my depth finder says.

Rocco Venezia: Of course. We are on the shore. I cannot tell you how deep it is maybe 60 feet out there.

Ralph Endres: You will find out when you start driving pilings in there.

Rocco Venezia: I will not find out. Somebody will find out.

Ralph Endres: I am just trying to say from my knowledge it is probably fifteen to eighteen feet deep. There are some spots not too far from that would probably be 60 feet.

Bessie Tyrrell: So there is a structure there?

Rocco Venezia: Pardon me.

Bessie Tyrrell: This shows a structure there.

Rocco Venezia: So maybe it does have to go to County Planning.

Chairman Ely: I am under the impression that County Planning did not review docks.

Ralph Endres: Docking and Mooring issue.

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Chairman Ely: Phil can you help me with this? Do you review Docking and Mooring for the Town, is that correct?

Phil Sommer: Yes.

Chairman Ely: It does not go to County?

Phil Sommer: No.

Chairman Ely: This has been reviewed, right?

Phil Sommer: Yes.

Ralph Endres: It conforms to Docking and Mooring?

Phil Sommer: Yes.

Chairman Ely: Any other questions here about this proposed dock?

Rodney Terminello: I know we are talking about this lift. Here I am reading all boat stations and houses require an elevation drawing to be submitted.

Rocco Venezia: We should add a sketch of the elevation section that is shown on that application there on this drawing. I think it should be added to this drawing. The contractor made that sketch. I think we should add to this drawing that we are using as a site plan. That would be the proper way to do it.

Diane Graham: So you are going to update the site plan?

Rocco Venezia: Yes. We have to come back anyways, right?

Chairman Ely: Yes.

Bessie Tyrrell: Other than the owner's property is there anything behind this?

Rocco Venezia: I am not sure.

[Ralph Endres and Phil Sommer describing where property is with a house being near there.]

Ralph Endres: Have we heard anything from Mr. Conners?

Chairman Ely: Any more questions here? Okay. We will set this up for public hearing on December 5.

Preliminary Site Plan Approval Application #2018-0007

Owners: Chris & Tracy Flynn

Representative: Jeremy Fields

Property: 6713 Pine Bank Drive

Tax Map #: 191.05-1-3.100

Chairman Ely: That brings us to the last item on our agenda Chris Flynn who had the opportunity to meet just a few moments ago. Chris, Phil and I had an email exchange over the weekend. Please come up.

Rocco Venezia: I am Rocco Venezia with Venezia Associates representing Chris.

Chairman Ely: Thank you for introducing yourself again. Very helpful. Who else?

Rocco Venezia: Jeremy Fields.

Chairman Ely: He has to introduce himself.

Rocco Venezia: I am going to page C2 the grading plan. I can start talking and Jeremy can jump in. There is a driveway that comes in off of Pines Bank and drops down to an existing residence. There is no change being proposed to that. There is an existing home that is shown on this plan that is dotted. That is going to be removed and this new home is going to be built and that shows prominent on this drawing. So the proposed wood frame residence at 745.5 feet above the lake is going to be built in that position almost where the other house was. The septic system is going to be to the west of the driveway. It will be a series of tanks and pump station up there. They are just off the northeast corner of the house. There is not a lot of grading being done here. There is a little bit of grading and retaining walls on the west side of the driveway right across from the residence. It is very minimum. There is some grading done to the north and south of the house to direct surface flow around the new house. There is no disruption at all on the lake front. That is the overview.

Michael Staub: You say the driveway exists already?

Rocco Venezia: Yes.

Michael Staub: It is already paved?

Rocco Venezia: That is correct.

Michael Staub: You want to tear down the original structure and put a wood frame house?

Jeremy Fields: Yes. That is correct.

Rodney Terminello: The boat house and docks are already there?

Jeremy Fields: Already existing. Yes. All the waterfront work is done. The septic that Bill Grove P.E. designed is already approved. Mostly the existing tanks will be relocated. We will replace the pump with a larger one.

Michael Staub: So you are pulling the existing tanks and putting in new tanks?

Jeremy Fields: Yes. They are going to be in the way of the footprint.

Michael Staub: So the tanks will all be new, right?

Jeremy Fields: That is right.

Ralph Endres: Are you using the same leach field?

Jeremy Fields: No. It is actually the view going down Pine Bank. The field is all cleared completely installed.

Michael Staub: So it is a new leach field?

Jeremy Fields: Yes.

Michael Staub: It is already installed?

Jeremy Fields: Yes. We held off doing the tanks and inner connection because we knew this was coming. It did not make sense then because we would be digging up exactly what we put in. We held off on the lower work. The other page of this is the erosion control plan. I do not know if you want to switch over to that one.

Ralph Endres: Is that already approved by Kevin?

Jeremy Fields: Yes. This is done by Erin Joyce. You will see all the typical silt fences, barriers, bale fences, filtration system and storm water. So you have all the various components to the storm water management system. That is pretty much it.

Diane Graham: Jeremy, did you say that it went to Kevin?

Jeremy Fields: This has not gone to Kevin yet. That is the next step.

[Phil Sommer mentioned he will be taking these soil and erosion plans to review with Megan Webster, Ontario County Soil & Water next week.]

Chairman Ely: We are referring to County Planning?

Phil Sommer: Yes.

Chairman Ely: When do they meet next Diane?

Diane Graham: The second week in November.

Chairman Ely: So we might get an answer by the fifth.

Diane Graham: Usually when we get it is a few days before the meeting. By the fifth yes.

Chairman Ely: We will have to see what County has to say. Bear in mind they might come back with some of their favorites eagles and archeological. Do not let that go until the last minute to get your answers.

Jeremy Fields: We have already been through that process. In fact now it pops up immediately when you put the permit in. Actually you do not need to wait for that. The guidelines are online by the way. It is

basically if you want to learn about it. You have to be 400 feet away minimum. This is 822 feet away. The regulations are out there. You do not actually have to talk to somebody. They have it all published. We met all that. When you are looking at it, it is all distance and flight path.

Chairman Ely: Distance from where?

Jeremy Fields: Distance from the nest.

Ralph Endres: This is an existing nest, right?

Jeremy Fields: Right. If you have an existing nest, you have to be more than 400 feet away.

Chairman Ely: A lot of applicants may not know if they have an existing nest.

Jeremy Fields: They actually publish it.

Ralph Endres: If there is an eagle's nest, you will know. It is big.

Rocco Venezia: I want you to ponder this. I have been engineering/surveying on the lake for 30 years for this County. There were no eagles 30 years ago. The last 30 years we have built a lot of houses and now there is a bunch of eagles. I do not know that one single house and I do not know how we can sit up here and truthfully say that we are going to affect the eagles one way or another.

Ralph Endres: If you were building a windmill, you might have a point. A house does not move. The eagle is going to go where it needs to go.

Rocco Venezia: You know where we see the most eagles nest is on the north end. We were surveying a cottage and right above our head is this huge nest with a family of eagles. We are surveying underneath them and they could care less. They think we are safe. They have learned to adapt to their environment on the lake. I do not think they react to the homes at all that is what I am trying to say.

Ralph Endres: I agree with you. They go where they want to go. If the house is there, it is not going to stop them from going where they want to go.

Rocco Venezia: Right.

Rodney Terminello: The regulations you were quoting are on their website?

Jeremy Fields: Yes.

Chairman Ely: I am not quarreling with anything you say. We have to be mindful when County Planning makes a recommendation or proposal, we have to respond in some constructive way.

Rocco Venezia: No I understand, but I made that comment at the County where it is coming from. It is tough to sit here and you look like you are being uncaring if you say there is no way this house is going to affect the eagles. If you keep saying that for the next twenty years because we have to answer that sooner or later an eagle is going to get hurt on a house or something. What is apparent now, if you did a study, the houses that have been built over the last twenty years have not affected them at all.

Ralph Endres: I have worked for the State for the last twenty-three years and they never had a form that they ever did away with the form. You still had to fill it out whether there was a problem or not because all they did is add new forms. They never subtract stuff.

Chairman Ely: Is an agricultural data statement required?

Rocco Venezia: We are not within 500 feet of a farm.

Chairman Ely: Not within 500 feet of an active farm?

Rocco Venezia: No.

Diane Graham: No vineyards?

Rocco Venezia: No.

Bessie Tyrrell: How long will it take to prepare the site?

Jeremy Fields: There is really not much modification so the demo will take one week and we will be digging for foundation. In one week the site will be ready to start pouring concrete.

Chairman Ely: We cannot, of course, get on this project until December 5 at the earliest, right?

Jeremy Fields: That's right. For final.

Chairman Ely: You know that?

Jeremy Fields: Yes.

Chairman Ely: For your final site plan approval and realistically when after that will you be able to start?

Jeremy Fields: We would start weather dependent almost immediately.

Chairman Ely: I mention that to this point I mentioned earlier the Town Code now requires within six months after the site plan approval has to be a building permit issued and some work done on the site. You could be able to do that, right? Some significant work?

Jeremy Fields: At the very latest probably April.

Ralph Endres: What is your build time?

Jeremy Fields: I am actually not the general on it, but I have heard twelve months. Average twelve to fourteen months.

Ralph Endres: Because it is a custom built house?

Jeremy Fields: Is that good?

Chris Flynn: Ten to twelve months.

Bessie Tyrrell: There is this driveway that goes all the way down to the lake, right?

Jeremy Fields: That is existing.

Bessie Tyrrell: Does the water go down that just fine?

Jeremy Fields: Yes. It is actually pavers. It has a couple drains on it. No problem with that.

Bessie Tyrrell: The steps are there?

Jeremy Fields: Yes. Steps are there. Boathouse is there. Everything below the dotted line is existing conditions.

Bessie Tyrrell: How long have the steps been there, long time?

Jeremy Fields: I would say five years.

Bessie Tyrrell: Ok okay. They are not thirty years old?

Jeremy Fields: No.

Chairman Ely: Any more questions for our presenters? We will schedule you also for December 5 public hearing. We will have to see what County Planning has to say and be prepared to do something about eagles and archeology.

Jeremy Fields: Absolutely.

Chairman Ely: At least indicate that you made an effort.

Jeremy Fields: Thank you.

Define impervious surface coverage

Discussed that impervious surface coverage needs defining. This was deferred to another meeting.

Intermittent streams definition

Discussed that intermittent stream six months or more definition is inadequate. It was suggested to remove intermittent stream six months or more. Anything considered a stream to build twenty-five feet from it. This was deferred to another meeting.

Board members Jim Ely and Sam Seymour term renewal

Diane Graham mentioned board members terms are up this year and will be asking the Town Board for their renewal.

Board member training reminder

Chairman reminded board members of their 2018 training.

Other

Diane Graham mentioned that the Zoning Board of Appeals had asked for a status of their resolution
öReview of code §170-38(C) request additional residential structures on same lot must have same postal
address.ö This was deferred to another meeting.

Motion to Adjourn

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by
Mary Ann Bachman. The motion was unanimously accepted and meeting was adjourned at 8:26 p.m.

Respectfully submitted,

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

Diane Scholtz Graham
Board Secretary