

Town of South Bristol Planning Board Meeting Minutes Wednesday, December 5, 2018

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

Excused: Ann Marie Rotter
Michael Staub

Guests: Brendan Gooding
Dan Catone
David Burrows
Ruth Myers
Alena Chadwick
Mark & Karen Connors
Phil Sommer
Steve Cowley

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 and Michael Staub.

Reading of Vision Statement

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

Minutes

Chairman Ely called for a motion to approve the October 17, 2018 meeting minutes as written. Rodney Terminello made said motion which was seconded by Ann Jacobs. The motion was unanimously accepted by all board members present.

Public Hearing

[Public hearing opened at 7:01 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 #2018-0011 for property owned by Frank and Teresa Pupparo located at 6313 Old Post Road, Tax Map #185.10-1-7.000. Danrich Homes, Inc. is looking for site plan approval to construct a second floor addition with two bedrooms, office, full bathroom, new porch and deck.

SAID HEARING will take place on the 5th day of December, 2018 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

All interested parties may appear in person or by representative.

Chairman Ely: Thank you. I would invite the applicants to come forward and explain their proposal and answer some questions.

Dan Catone: I am Dan Catone, Danrich Homes. We just want to build a second story addition on the existing cottage.

Chairman Ely: Does this require any variances?

Dan Catone: No.

Chairman Ely: What about septic approval?

Dan Catone: All done.

Chairman Ely: You already have septic approval from George Barden?

Dan Catone: Yes.

Chairman Ely: Anything else board members would like to inquire?

Dan Catone: We did the archeological and the storm drainage approval too.

Chairman Ely: This was sent to County Planning?

Diane Graham: Yes.

Chairman Ely: And they made no formal recommendations? Is that correct?

Diane Graham: County asked the watershed inspector and watershed manager to weigh in, and they did.

Chairman Ely: That is to say Kevin Olvany?

Bessie Tyrrell: Yes.

Chairman Ely: There is no concern about your project?

Diane Graham: The application was amended to show answers to the questions on SEQR are relative to archeological.

Chairman Ely: So what we have before us is the amended application?

Diane Graham: Yes.

Chairman Ely: I see you have an archeological approval. What about our friends the eagles?

Dan Catone: It was not a requirement.

Chairman Ely: Okay. So do we have any other questions for the board?

Bessie Tyrrell: When are you going to start construction?

Dan Catone: As soon as we can get a permit.

Chairman Ely: You are planning to work through the winter?

Dan Catone: Yes. We would prefer it at this point as long as we can get down there.

Bessie Tyrrell: Is the upstairs office a home business?

Dan Catone: No.

Bessie Tyrrell: We encourage home businesses.

Dan Catone: He is a surgeon.

Chairman Ely: Do we have any written or verbal communications in connection with this project?

Diane Graham: No.

Chairman Ely: Does anyone in the audience wish to speak to this application? No. Then I will declare the public hearing closed.

[Public hearing closed at 7:05 pm.]

Chairman Ely: Any further follow up questions from the board members?

[The Board acknowledged no.]

Chairman Ely: Are we ready then to consider the SEQR?

[SEAF Part 2 ó 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 and to declare this a Type II action under SEQR?

A motion was made by Bessie Tyrrell 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, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

Diane Graham: Do you want to add the watershed manager comments and archeological in the minutes?

Chairman Ely: I do not think we need to put the archeological letter in the minutes. It is basically a form letter.

Diane Graham: Okay.

Chairman Ely: If Kevin Olvany says something that is relevant, then yes.

Diane Graham: Okay.

[Chairman Ely reviewed findings numbers 1-4]:

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 Rodney Terminello 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, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

A motion was made by James Ely to approve the preliminary and final site plan for application #2018-0011, 6313 Old Post Road, Tax Map #185.10-1-7.000 and said motion was seconded by Rodney Terminello.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

Appendix

County Planning Board Final Recommendation:

With the exception of applications involving lakefront properties or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

Comments:

1. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Inspector as early in the review process as possible to ensure proper design and placement of on-site septic.

George Barden Comments:

September 17, 2018 septic system inspection: "It appears that this system is operating adequately as of the date of this inspection. Also, given the size of the system, it does appear that it meets current NYSDOH standards for a three bedroom residence."

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

Kevin Olvany Comments:

"I have reviewed the plans and the second floor addition and deck expansion will have a minimal increase on impervious cover. If any land disturbing occur please provide silt fence protection."

[Public hearing opened at 7:11 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 #2018-0012 for property owned by IGAHFY LLC located at 6551 Longs Point Drive, Tax Map #185.17-2-14.100. Venezia & Associates are looking for site plan approval to construct a boat dock and boat station.

SAID HEARING will take place on the 5th day of December, 2018 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

All interested parties may appear in person or by representative.

Chairman Ely: Will the applicant come forward and please introduce yourself for the record.

Brendan Gooding: I am Brendan Gooding with Venezia & Associates representing our clients at 6551 Longs Point Drive. We are looking at getting approval to build a 720 square foot single stall permanent docking hoist.

Chairman Ely: Is there a dock there now?

Brendan Gooding: There is no dock.

Chairman Ely: Is this compliant with the docking and mooring law?

Brendan Gooding: One hundred percent.

Chairman Ely: Diane, as I understand it County Planning does not review this application?

Diane Graham: Correct.

Chairman Ely: We do not have any concerns about your dock with archeological reviews and eagle nests, right?

Diane Graham: There is bald eagle, but they are not building a house.

Sam Seymour: Are you taking any trees down?

Brendan Gooding: We are not taking any trees down.

Sam Seymour: Why is it 60 feet long?

Brendan Gooding: Not sure. That is what the client wants and the builder as well. That is something that is not out of the norm to do.

Sam Seymour: My recollection is that the lake is a little bit deeper there so you do not have to go that far out. That is why I asked the question.

Chairman Ely: Anything else you would like to tell us about the proposal?

Brendan Gooding: It is pretty much your typical permanent dock and hoist. Nothing that exceeds the 720 square foot that is part of the shoreline allowance that we have.

Chairman Ely: When do you anticipate to start on this project?

Brendan Gooding: As soon as possible. I am pretty sure that Mr. Gerstner wants to get in there and get going to have a month long project.

Chairman Ely: You are going to work this time of year in the winter months?

Brendan Gooding: Absolutely. You can build docks all year round.

Rodney Terminello: What does IGAHFY mean?

Brendan Gooding: You got me. I am not sure if it is names put together.

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

Brendan Gooding: Is that what it really is?

Diane Graham: One of the owners told me.

Ralph Endres: Is this a rental unit?

Brendan Gooding: I am not sure.

Bessie Tyrrell: Has it been rented in the past?

Brendan Gooding: I am unaware.

Ralph Endres: It sounds like something that somebody would advertise as a rental unit.

Chairman Ely: Anybody else wish to speak to this application? Please come forward and introduce yourselves for the record.

Alena Chadwick: I am Alena Chadwick. We are on the property to the north of the proposed dock. My first question is what is the distance to our property line where the dock would start?

Brendan Gooding: I would say about 70 feet or so?

Bessie Tyrrell: So you are at 6997?

Alena Chadwick: 6547 Longs Point.

Brendan Gooding: It is about 70 feet.

Alena Chadwick: The other thing I was interested in was the distance from the retaining wall to the mean high water mark if you could give me that.

Brendan Gooding: I would say about 40 feet.

Alena Chadwick: Just for general comment and I do not know whether this gets back to the owners. We would appreciate if they would keep the height down. Just because of our view down the lake.

Brendan Gooding: Your house is aligned like this right here. Your important view shed is facing this way. So the way that this is going to be with your house right here about where the scale is that is going to be kind of focused more at looking at the cove. The way that we have it from the mean high water line to the top of the peak is fourteen and half feet. So it is not by any means incredibly tall on the grand scheme

of building docks on Canandaigua Lake. If you look at one of the docks on Menteth Point, that is well over 20 feet tall. You need enough room to be able to get a boat in a hoist and get it put up so that the cradle of the boat is protected by the canopy of the permanent structure.

Alena Chadwick: Alright. Thank you very much.

Chairman Ely: Any more questions?

Mark Conners: I am Mark Conners. I own the property to the south of that. It is difficult to walk into a meeting and know the extent of what this is. When I sit down and look at the size of this dock to know whether I am all for that or not because I thought I was going to see just a dock, but now it is a sixty foot dock that goes out, then there is a platform, then it comes back, then over and then it goes back out. This is not just a dock. I am not saying I am opposed to it or not opposed to it. I am just surprised as a neighbor I thought you were voting on this today that this would be my opportunity to see something. This is the first time I have seen a copy of it. I had to look over his shoulder.

Brendan Gooding: I have a second one.

Mark Conners: Which is fine it would have been nice if I was prepared. That is my first input. My second is that I see a front elevation and a side elevation. So does the whole dock have a cover on it? I do not think so, but I do not know where this cover is.

Brendan Gooding: The cover is going to be where it comes into the u-shaped area where you pull the boat into. That is the only spot to pull a boat into. That is where the cradle is going to be.

Mary Ann Bachman: You had said it was fourteen feet six inches high.

Brendan Gooding: Yes.

Mary Ann Bachman: Is that how tall the hoist is? Is that from the deck?

Brendan Gooding: That is going to be from below the deck. That is going to be from your mean high water line. Coming from the deck it is going to be substantially less than fourteen and half feet.

Rodney Terminello: Do you have this drawing to show him?

Mark Conners: I have not seen that drawing.

Brendan Gooding: That is the drawing that we based it off of. So as long as you and I have the same drawing. I have a copy.

Mark Conners: This dock ends up ten feet from my property line is the way I see it.

Brendan Gooding: It is not an exact ten feet since the skew of the facility line is not the same bearing as the property line itself, but it also further than ten feet from the property line itself as well.

Mark Conners: Where the boat starts to come in, how far is it from the shore right here? The shoreline to this to where the boat is? It looks like 30 feet. The front of the boat when it is in the hoist is 33 out from the shoreline. I can tell you that it is deep right there.

Sam Seymour: So this sticks way out?

Mark Conners: It sticks way out. I have a 28 foot boat and I go out 30 feet from shore and my boat drops right in. Unless you are going to put a 40 foot boat in there, maybe you are.

Brendan Gooding: You cannot put a 40 foot boat in a 30 foot slip.

Ralph Endres: It is only twelve foot wide. A 40 foot boat would be fourteen.

Brendan Gooding: I am just making a statement.

Sam Seymour: It seems really a huge overkill. You are way out in deep water. You are way too far out.

Ralph Endres: I guarantee you do not see the bottom from there.

Mark Conners: I can tell you that the Chadwicks and I do a lot of swimming there. Her brother is swimming laps in the cove. For him to swim 60 feet past the front of his property now. I am using this as an example. It is very difficult for me to look at this for the first time and say this is a great idea or not a great idea. Has Oliver even seen this?

Alena Chadwick: I just texted it to him today.

Mark Conners: I am not saying I am opposed. Are you voting on this today?

Chairman Ely: We could be voting on this today. I appreciate your concern about having information in advance. One of the reasons that we have the announcement of the public hearing is that people interested can go to the town office and see the plans.

Mark Conners: I had no idea. I had something that said go to the meeting so I came to the meeting. I guess that could be my problem then.

Ralph Endres: Is this a rental unit?

Mark Conners: I have no idea.

Ralph Endres: You do not know the people that are there?

Mark Conners: Oh yes. I know the people that are there. I do not think they are going to use it as rental. I would be shocked. Do you know who they are?

Ralph Endres: That is why I asked the question.

Mark Conners: David Flaum and the Flaum family.

Ralph Endres: He has boat docks around the corner.

Mark Conners: I am not saying what he should do or not do. It is his property. Nice neighbor, nice guy. Yes. There is a boat dock around the corner.

Ralph Endres: One thing for swimming, the dock that sticks out that far will make the people to the north of it that are swimming safer because no boats are going to come in are going to hit the dock. That is not to say that personally I think that this goes out to far. I have fished in that area and I know what you are saying. It is about 30 feet deep 30 feet off shore.

Mark Conners: That is why everybody fishes there. You know that there are no permanent docks in that entire cove. If they have a dock it is short and removed.

Sam Seymour: This is a perfect challenge for the docking and mooring law because this is in a cove. This dock actually faces a little bit to the south east, but generally south down to the lake and cuts off the view to the neighboring people in the cove. It one of those challenges that has been debated in the design of the code.

Brendan Gooding: This is a dock that meets all the criteria of the docking and mooring law 100%. Maybe it is time to get in the books and say that something needs to get adjusted to keep up with the times and get all the townships together to rework the law, but this dock does fit the law.

Mark Conners: Sixty feet is within the law?

Brendan Gooding: It is 60 feet unless you need to get out further to reach water of greater depths to get your boat in and out.

Mark Conners: I am going to throw this at you. If I came in another month, and I had a very similar dock that I wanted to put ten feet on this side on the property line that would be okay?

Sam Seymour: Just on that other side of that dotted line.

Mark Conners: I could make a mirror image of this dock if I felt like it.

Sam Seymour: Yes you can.

Brendan Gooding: Yes.

Ralph Endres: We are not saying that the law is not perfect, but for right now it is the only thing we have to go on.

Bessie Tyrrell: Can you explain the basic shape of the dock? Is the point to go into this enclosed area for swimming?

Brendan Gooding: That is going to be where the boat lift will be.

Ralph Endres: She is talking 30 feet between that and the shoreline.

Rodney Terminello: You could put a 60 foot boat in there looks like to me.

Brendan Gooding: Where the 40 foot finger comes out there and as it turns right to the twelve?

Bessie Tyrrell: Yes. What is that for?

Brendan Gooding: Swimming area with a ladder, water trampoline if you want to.

Bessie Tyrrell: You are not going to ever have a boat come in that way.

Brendan Gooding: A boat could very well come in that way and park on the 20 foot portion of it and on the 30 foot portion of it.

Bessie Tyrrell: Is that ten feet wide enough to bring a boat in there from the neighbors?

Brendan Gooding: The ten foot offset line?

Bessie Tyrrell: If it is only ten feet from the neighboring property and you want to bring a big boat in there and even a small boat.

Brendan Gooding: At that point it is over a body of water.

Rodney Terminello: Looks like you could bring in five boats in there. You could put one on the outside of the 20 foot, on the inside of the 20 foot, the 30 foot inside that u-shape there, then you are going to have a lift, and the 30 foot section on the outside.

Brendan Gooding: Dimensionally yes. You could put five boats there if you wanted to.

Bessie Tyrrell: I do not think you can do that actually.

Brendan Gooding: Visiting.

Ralph Endres: Once it is built if they put temporary buckles, people are going to tie up to it. If he reports him, by the time anyone gets out there to take a picture with their cell phone it will be gone. It does appear to me to be overkill for that area.

Brendan Gooding: But it meets the law, meets the code.

Bessie Tyrrell: If it is used as docking space it doesn't. Do you see what I am saying?

Brendan Gooding: As a permanent docking space?

Bessie Tyrrell: Yes. I do not even know if for temporary space. I cannot put twelve boats around my dock.

Brendan Gooding: Is there anything in the code because I am not up to date on the code talking about this. Is there anything in the code that says you cannot have a certain number of visiting guests coming to your house via boat? That is like saying you cannot have five cars coming over and parking in your driveway for visitors.

Ralph Endres: You own your driveway. You do not own the lake.

Brendan Gooding: I understand that.

Ralph Endres: You own to the shoreline. What you just said has nothing to do with what we are talking about right now.

Sam Seymour: The Docking and Mooring code addresses the number of boats on a per foot basis with the shoreline ownership. That does not prohibit you from parking more boats on a given day.

Bessie Tyrrell: It sort of does.

Sam Seymour: It does not. You can have a party and have the whole lake show up boat. Line them right up on the shoreline. It is a resident type thing.

Chairman Ely: Is it the thought that this appears compliant with the Docking and Mooring Law and that is the determining factor, or do the Board members wish to consider this further?

Mary Ann Bachman: Is it cement?

Brendan Gooding: It is going to be wood with pilings driven in. Your typical permanent dock. You cannot use cement and fill in waterways.

Mary Ann Bachman: I have seen some that look like a break wall effect and it was a dock. That is why I asked. Okay.

Brendan Gooding: You are not doing that anymore.

Ralph Endres: The Army Corp of Engineers does something like that. It is not that it couldn't be approved, but the Corp has the right to approve it.

Sam Seymour: It would be very difficult to do it.

Ralph Endres: You have to show a need.

Brendan Gooding: Circumstantial. Yes.

Mark Conners: What is the maximum distance you can go out into the lake?

Brendan Gooding: Sixty feet.

Mark Conners: It is 60 feet from the red line? What is the red line called?

Brendan Gooding: It is the mean high water line.

Ralph Endres: In the late summer and fall of the year it will be short. In the spring it will be different.

Mark Conners: Thank you for letting me talk.

Sam Seymour: This pushes the rules to the maximum length from shore regardless of the depth. The Docking and Mooring law is designed to handle wide variety types of shoreline. Ninety percent of docks in this neighborhood are much shorter because they get to deep water very quickly.

Mark Conners: You are not going to find a permanent dock of that nature until Menteth Point, which is very shallow. That is where my parents are. Their dock goes out to get to deep water.

Ralph Endres: The east side of the lake is very shallow.

Sam Seymour: That is one of the considerations of the mooring law.

Ralph Endres: I can remember years where some of those docks they could not get them off the hoist. Not enough water below the hoist to float the boat. Some genius came up with the idea of putting an inner tube that fits around the boat. Fills that up with air and drops the boat on that and then slides it out. I can understand when you are writing this law you are writing it for the whole lake and not just individual places. This to me is pushing to the max everything that they could possibly do. I am not happy with it, but that is the way the law reads.

Chairman Ely: I guess the question we have come down to is this. Ann has already suggested she would like to defer this for further consideration.

Ann Jacobs: I would like to become more familiar with this. It seems like overkill.

Mark Conners: You can drive down the road tomorrow and take a look at the spot and see what it is going to look like.

Chairman Ely: If we were to defer, pending onsite inspections, of course, as you are suggesting, is there any other information that we would like?

Bessie Tyrrell: Let's just say you could park a boat on this that would then come over to the Conners' property line. Can you do that? Boats are 12 feet and it is only ten feet from the property line. Is that alright?

Brendan Gooding: You can crisscross on the lake through pretty much where ever you want to.

Bessie Tyrrell: I remember my buoy line my boat could not go into their water space. It seems to me that this is encroaching on the neighbor to the south's water space.

Ralph Endres: Can you tell me if there are any turn buckles on that 60 foot piece, 20 foot piece, and the 30 foot piece?

Brendan Gooding: I cannot tell you offhand if there are any cleats or turn buckles on any portion of the dock. Visually looking at the dock you could park a 30 foot boat on that finger if you wanted to, you could park 20 foot boat on the north side.

Ralph Endres: If you do not have a buckle, you are going to have a tough time keeping it there.

Brendan Gooding: You are talking about a cleat, right?

Ralph Endres: Yes.

Brendan Gooding: You need to have cleats to dock a boat.

Ralph Endres: Are there going to be cleats other than where they are parking a boat?

Brendan Gooding: I am sure there absolutely will be. That is why you have guests come and visit.

Ralph Endres: This almost borders as a marina.

Bessie Tyrrell: That is what I am thinking.

Ralph Endres: I would send it back for clarification. Find out from Docking and Mooring whether they looked at it to see if the possibility of other boats docked there would be a marina.

Chairman Ely: As I understand it, our code officer reviews the Docking and Mooring Law for this Town.

Bessie Tyrrell: I do know if my boat on a buoy gets into my neighbor's property, they could complain.

Brendan Gooding: Ms. Tyrrell is your boat on a mooring is that permanently stationed there?

Bessie Tyrrell: Yes. In the summer. It is not supposed to swing into the neighbors.

Brendan Gooding: I get that. I grew up on the lake. I am very aware of the swing radius, the trampolines that get in the way of the hoists and people getting in and out. In this circumstance there would be one permanent part of this dock, which would be the boat hoist. Anything besides that is going to be used for visiting guests. There is going to be no permanency on this dock beside the hoist. Everything else is a place to park and have guests come visit and leave that day and so forth.

Rodney Terminello: Why does he need to go out 60 feet then? Why does it have to be so big?

Ralph Endres: Because he can. You in all good faith could say this to us right now that there is going to be no permanent. I would like something from Mr. Flaum that saying that there would be no permanent boats other than his boat. Not adding that I am not going to vote for it at this meeting.

Chairman Ely: We have had at least two people suggest we defer. Is that the same for you Bessie?

Bessie Tyrrell: Yes. I need more information.

Chairman Ely: If we defer it is not a matter of stalling, we want to get more information, right?

[Board members were in agreement.]

Chairman Ely: What do you want the applicant to do for us? What do we need?

Mark Conners: There is no rule about how big a boat you can have, right?

Ralph Endres: The bigger your boat the wider the beam. This is 12 foot so realistically the most you could really put in that space is a ten foot beam. That is stretching it.

Bessie Tyrrell: Yes. There needs to be room on the side.

Ralph Endres: You have to have room to get it in. It is not like lines in a highway you can steer it in there that way.

Alena Chadwick: So from your collective knowledge do you know if that beam encompasses a cigarette boat?

Brendan Gooding: Cigarette boat is a manufacturer of boats. If you have a high performance boat, which is going to be a lot noisier boat that goes fast around the lake, right? Usually high performance boat has a beam typically nine and half feet and wider.

Alena Chadwick: So it could accommodate it?

Brendan Gooding: It very well could accommodate it, but the problem is that with a high performance boat you only have 26 feet of room in here, so you are not going to get a boat in there that's longer than 27 feet.

Bessie Tyrrell: Except for the inside footers.

Alena Chadwick: Can you pull it in here?

Brendan Gooding: Hypothetically, I am sure you could get a boat in there, but with the swing radius, the shoreline and this beam you are not going to get a boat in there safely.

Chairman Ely: Okay. I think it is time to make some decisions here. How many members would like to defer and resume the public hearing on this application at the January meeting? I will make a motion.

Brendan Gooding: Mr. Chairman before we finish this can we go back over what exactly fine details that you would like to know so we could hopefully put this out for the next meeting?

Chairman Ely: I think that is a very fair question and I tried get some dialogue on that. I think the applicant and the applicant's team ought to have knowledge of what it is that is the nature of our concern here. For example, the mere fact that the Docking and Mooring Law says you can go out 60 feet does not necessarily mean we have to approve 60 feet. We could approve something less. We cannot do more, obviously.

Mary Ann Bachman: The Board is not comfortable just because you can does not mean you should.

Rodney Terminello: Our concern it does not fit in with what is going on in that cove.

Bessie Tyrrell: Not just that, but the boat hoist is out 60 feet. If it were in ten feet, that is different than out 60 feet. Do you see what I mean? It impacts the view shed of the other people. We do not have view shed laws, but it does impact them.

Sam Seymour: One thing that would help is a depth profile from the shoreline. That gives us a quantitative number.

Mark Conners: It would be nice to see how it affects Chadwicks view down the lake.

Alena Chadwick: It is peripheral, but it does take away to a certain extent.

Chairman Ely: I have to emphasize at this point because this comes up quite frequently in our deliberations, there is no right to a view in this state. It may be un-neighborly to block the view, but assuming the requirements of law are met, there is no right to a view per se. What I am hearing is that some members of the Board think this is perhaps further out on the lake than it need be. Possibly the client would consider a modification. I do not know and there were other issues that were raised. I heard a depth chart was requested.

Rodney Terminello: Is that the 60 foot requirement because that gives you a chance to get into deeper water? We are saying that you do not need to go that far to get into deeper water.

Brendan Gooding: If the water depth is not available you can go farther than 60 feet.

Rodney Terminello: Sixty feet is a mean to get out to the lake so that you get to deeper water. What we are saying is the water is right there so there is not a reason to go out to 60 feet.

Bessie Tyrrell: I would like to know how many boats could be parked around this structure (minimum and maximum).

Rodney Terminello: It looks like six to me maybe more.

Sam Seymour: Another important dimension to have would be from the south west line. There is 60 feet on the catwalk side to the platform. How far is it from the shoreline to the end of the catwalk on the west side?

Ralph Endres: It appears to be longer.

Sam Seymour: It will be longer than 60 feet because it is a trapezoidal shape.

Ralph Endres: It is a parallelogram.

Brendan Gooding: It is close to 70 feet.

Mary Ann Bachman: Can you ask what the purpose for its design of this dock?

Brendan Gooding: It is a fairly typical dock in the grand scheme of things of the docks that we do help build and see of that nature. I think it is the first of its kind in this area of Canandaigua Lake to be presented and brought into the community as such. There is nothing atypical about this dock that I see from all the docks that we have done and all the clients we have represented.

Mary Ann Bachman: You are speaking of South Bristol?

Brendan Gooding: Canandaigua Lake for the Docking and Mooring Law.

Chairman Ely: Docking and Mooring Law is the whole lake.

Ralph Endres: Is this dock at the end of the 60 feet going to be attached to the bottom?

Brendan Gooding: It is going to be metal pilings driven into the shale.

Ralph Endres: Round pipe.

Brendan Gooding: Usually about an eight inch diameter.

Ralph Endres: I am familiar with the pilings. I think it is overkill.

Bessie Tyrrell: So this is 70 feet from the shore on the southern side.

Mark Conners: So is it going to 70 feet out there not 60 feet?

[Some Board members acknowledged yes.]

Mark Conners: If you were pulling a boat in to get where it is out 70 feet, you are going to have to drive it out sideways.

Ralph Endres: I do not live there and I can fish 15 feet off the shore.

Mark Conners: That is true.

Ralph Endres: I do not think you can control that. Even to put a buoy out there you have to get a permit to do it. I do not think stop people from using the lake up to the shoreline. If they push this back another ten feet, then the side by you would be 60 and the other side would be 50. That is something.

Brendan Gooding: It is all how you measure it.

Ralph Endres: You take the measurements from the mean high water line like you have it. On one side it is 60 on the other side it is 70. I do not personally know what the Docking and Mooring says about that. How do you measure it? When we talk about height, it is the mean line. In other words it is the line from the middle of the shoreline out. I do not know how they determine this. I would like somebody who is more familiar with the Docking and Mooring Law than I am to explain why this is the way it is. Ask you client if he would modify in some way his docking proposal.

Brendan Gooding: Okay.

Chairman Ely: Does that give you some guidance these various comments from Board members?

Diane Graham: May I summarize? Board members would like to know:

- Purpose of dock design
- Dimension from south west mean high water line to end of catwalk
- Water depth profile from mean high water line
- Minimum and maximum boats docked
- Suggest modification of dock length

Bessie Tyrrell: Questions we may want to ask about Docking and Mooring too!

Chairman Ely: We may want to pursue those as well.

Ralph Endres: We would be amenable to him to modify his proposal.

Brendan Gooding: Who?

Ralph Endres: Mr. Flaum.

A motion was made by James Ely to extend the public hearing on this application and resume it at the January meeting of the Board and said motion was seconded by Bessie Tyrrell.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

[There was an intermission.]

New Business

Preliminary Site Plan Approval Application #2018-0013

Owners: Ruth Myers

Representative: David Burrows

Property: 6995 Coye Point Drive

Tax Map #: 191.17-1-26.000

David Burrows: I am David Burrows. I am Ruth Myers' architect. I was asked to design an addition so Ruth could expand the house and make it more four seasons as opposed to three seasons. It was built fairly simply in 1952 and we are in the process of adding, remodeling and correcting some structural deficiencies in the foundation. The project is to add along the east side four foot addition that clears the setback and that will allow the kitchen to expand and give more room in the living room with a foyer and a closet. The bedrooms now do not have closets and this finally will. We would be able to add a washer and dryer. A1 is the floor plan that shows the dotted line and under the main plan shows the existing

footprint. The shaded lines show the new walls. We are adding 213 square feet to the existing 888 square feet for a total of 1101 square feet. There was a previous version of this that was a little bit bigger that needed a zoning variance which was denied so I redesigned it so it does meet the zoning code.

Chairman Ely: So at this point no variance is required?

David Burrows: No variance is required.

Ralph Endres: What is the total square footage of the lot?

David Burrows: On the S1 site statistics box gives you all that. The lot is 11,117 square feet and we are allowed to build 22.23 square feet and we are at 22.18 square feet. So we are under the 20%.

Rodney Terminello: You had a note that it 21.4%.

David Burrows: That is the old version. That is the one where we would have needed zoning variance. You should have a drawing dated 11/20/18.

Bessie Tyrrell: Yes.

Mary Ann Bachman: County Planning Board minutes. It has not been updated since then.

David Burrows: The one that was denied in early November. We scrapped that. This is done so that we do not need a zoning variance. Hopefully you have the 11/20/18 11 by 17 sets of drawings.

Ann Marie Rotter: Yes.

Ralph Endres: You are five square foot to the good.

David Burrows: Yes. It was hard to get it that tight. To make it meet zoning and make it a better house and more livable we got pretty close to the 20%.

Ruth Myers: Apparently I could go up without any problems, but I am getting to old to go up.

Ralph Endres: We understand.

David Burrows: We really did not consider a second floor. One of the nice things about this is it is still low profile one story house. It does not really occupy much more of the volume of the site because you will see over the house from the road. The style of the house is fairly simple, eclectic. It still looks like a cottage. The exterior materials will be similar to what they are now. We will be using harvey board, which is fiber cement product. It is a durable solid material. Looks better than vinyl. Looks more like real wood. I think it will improve the looks of it.

Chairman Ely: Alright. Any questions? No variance is required.

David Burrows: Correct.

Chairman Ely: You are not in an agricultural district.

David Burrows: No. We went through the historical preservation office for archeological and fish and wildlife for the water, DEC to make sure were not near a bald eagle habitat. There are no long eared bats.

Chairman Ely: What about eagles?

David Burrows: We checked that. We have a letter from DEC.

Diane Graham: It is in your packet.

Chairman Ely: Thank you Diane. Basically agricultural district is solved, archeological is solved, and eagle are solved. Okay. We will move right along.

Bessie Tyrrell: There is a dock, right?

Ruth Myers: Right.

Bessie Tyrrell: How far out in the lake does that go?

Ruth Myers: It is not 60 feet I can tell you that. I do not know if you all know this that my husband drowned. He took our boat out in 2017 and was the one that drowned so I do not have a boat anymore. I have the dock, but no boat.

Bessie Tyrrell: So sorry.

Ann Jacobs: Is this the one where there was concern because the drainage off of 21 that slopes towards the parcel?

Chairman Ely: Who expressed that concern?

Ann Jacobs: It was in the one of the notes from George Barden.

Chairman Ely: Where do we sit with the septic approval?

David Burrows: We are waiting to hear on that. I know Diversified Contracting, Ed Reid the engineer met with George and there were several requirements that George came up with that we were under the impression that were being resolved. I do not know where that stands now.

Phil Sommer: The last conversation was October 31st. The engineer had not gotten back to George. I know George wanted changes.

Chairman Ely: That is up in the air right now?

Phil Sommer: Correct.

Ruth Myers: Yes.

Chairman Ely: You understand, of course, that George Barden's written approval would be required before site plan approval?

David Burrows: That is required for the final site plan.

Chairman Ely: I noticed that County Planning wants you to coordinate with Kevin Olvany. Have you done that?

David Burrows: I do not know who he is.

Chairman Ely: The Watershed Manager.

David Burrows: Oh. Okay.

Chairman Ely: "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 for storm water and erosion control measures."

Ruth Myers: That would be Diversified Contracting.

David Burrows: I am the architect for the house.

Chairman Ely: They would be handling that?

David Burrows: Right.

Chairman Ely: We would need to have something from Kevin Olvany in the record in order to satisfy County's request.

David Burrows: That is relative to the septic system?

Chairman Ely: Yes. Exactly.

Phil Sommer: I think Kevin is going to be looking for an erosion plan for silt fence so runoff is not going into the lake. Your contractor should be doing an erosion control plan.

David Burrows: It is for the construction process?

Phil Sommer: Correct.

David Burrows: Okay. Could I get some information on that? This is the first I have heard of it.

Diane Graham: It was in the County's response that I forwarded to you.

David Burrows: Okay.

Diane Graham: Back in November. Kevin Olvany, Canandaigua Lake Watershed Manager.

David Burrows: It was in the County review? So those are things we will do as routinely?

Chairman Ely: I understand. This is the reason we have the preliminary hearing.

Ralph Endres: So that you know what you have to have so we can approve it when it comes before us.

Chairman Ely: We will be looking for something from Kevin Olvany and we would certainly be looking for approval from George Barden for the septic.

David Burrows: We have been told that was being done.

Chairman Ely: I understand. I know that George Barden is busy too. Do bear in mind no septic approval no permit. It is as simple as that.

Diane Graham: There was one more comment you had mentioned on the second part of DEC email from Scott Sheeley. Did you resolve that with him?

David Burrows: Okay if this is what we are talking about. öIf there is no work associated with the current project proposed at or below the mean high water line of Canandaigua Lake, a protection of waters permit will not be required at this time.ö

Diane Graham: On the second part he asked about where the lake was on your site plan and if it was existing water line or a new water line wording on your site plan.

David Burrows: This was a question from him?

Diane Graham: It was either Scott or Tom.

David Burrows: Oh. öTo determine whether protection of high waters permit is required for the project additional information indicating whether there will be excavating or filling below the mean high water line of the lake is needed.ö

Diane Graham: Something from him that it is not required.

David Burrows: From Scott Sheeley?

Diane Graham: Yes.

David Burrows: Okay.

Diane Graham: He said he did not know where the lake was on your site plan.

David Burrows: Oh right. öIt is unclear whether this line is existing or proposed line.ö

Diane Graham: Yes. If you do need to make an update to the site plan, then we would need that before the next meeting.

David Burrows: Okay.

Ruth Myers: But it is existing.

David Burrows: Right. We are not changing anything at the lake. In fact, everything is from the lakeside of house and back. So we are not getting any closer to the lake than the house already is.

Chairman Ely: Any other questions or concerns we should emphasize from Mr. Burrows or Ruth Myers?

Bessie Tyrrell: Looks like a great project.

Ruth Myers: I would like to have it done by next summer.

Chairman Ely: We will advertise this and set it for our January meeting. Assuming that the information we highlighted for you is available, I think you anticipate moving forward fairly smoothly.

David Burrows: So what you are going to need before the January meeting is George Barden's approval of the septic system and Kevin Olvany's approval?

Diane Graham: Right. Any changes to the site plan, we will need an updated ones.

Ruth Myers: Sounds good. Thank you.

Old Business

Discuss noise ordinance and rental properties

There was discussion about the proposed noise ordinance and short-term rental local laws that were modeled after the Town of Victor. The Board was asked to review the proposed noise ordinance local law for recommendation to the Town Board at our next meeting.

Review intermittent streams definition

There was discussion about intermittent streams. The Board agreed to amend definition and recommend to the Town Board.

RESOLUTION 2018-1

TOWN OF SOUTH BRISTOL PLANNING BOARD

At a meeting of the Planning Board of the Town of South Bristol on the 5th day of December 2018, it was:

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to amend §170-63(A) preservation of natural features local law as follows:

öNo structure shall be constructed within 25 feet of the bed of a stream, creek or dry creek with the ability of carrying water, except for private bridges, drainage conduits, embankments and similar structures as are necessary to permit access to the lot or as are incidental to the lawful use of the lot. Such structure shall not adversely affect the flow of the stream nor substantially increase the likelihood of flood or overflow in the area.ö

Dated: December 5, 2018

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

Diane Scholtz Graham
Planning Board Secretary

A motion was made by Rodney Terminello to amend the local law definition per Resolution 2018-1 and said motion was seconded by Ralph Endres.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

Define wording for sheds 144 square feet or less

There was discussion about the definition of sheds 144 square feet or less. The Board agreed to recommend to the Town Board amending definition.

RESOLUTION 2018-2

TOWN OF SOUTH BRISTOL PLANNING BOARD

At a meeting of the Planning Board of the Town of South Bristol on the 5th day of December 2018, it was:

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to amend §84.3(B)(1) building permit exemptions local law as follows:

öConstruction or installation of playhouses or similar uses, provided the gross floor area is 144 square feet (13.38 square meters) or less;ö

Dated: December 5, 2018

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

Diane Scholtz Graham
Planning Board Secretary

A motion was made by Rodney Terminello to amend the local law definition per resolution 2018-2 and said motion was seconded by Ralph Endres.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

Define wording for §170-70 natural gas transfer

There was discussion about transfer of natural gas and petroleum products by pipelines. The Board agreed to recommend to the Town Board amending definition.

RESOLUTION 2018-3

TOWN OF SOUTH BRISTOL PLANNING BOARD

At a meeting of the Planning Board of the Town of South Bristol on the 5th day of December 2018, it was:

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to amend §170.70(A)(3) prohibition against the exploration for or extraction of natural gas and/or petroleum local law as follows:

öTo transfer pipeline, store, process or treat natural gas and/or petroleum;ö

Dated: December 5, 2018

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

Diane Scholtz Graham
Planning Board Secretary

A motion was made by Bessie Tyrrell to amend the local law definition per resolution 2018-3 and said motion was seconded by Ann Jacobs.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

Define impervious/impermeable and pervious/permeable surface coverage

There was discussion about amending the definitions of impervious/impermeable and pervious/permeable surface coverage. The Board was asked to review the proposed definitions for discussion and recommendation to the Town Board at the next meeting.

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

Agenda item was deferred to the next meeting.

Discuss 2019 meeting dates

There was a suggestion to schedule meeting dates for the year in order for applicants to plan their projects accordingly. There was a discussion about the 2019 meeting dates around Thanksgiving/Christmas holidays. The Board agreed to retain their monthly 3rd Wednesday meetings January through October and hold one November/December meeting.

A motion was made by Rodney Terminello to hold one November/December combined meeting on Wednesday, December 4, 2019 and said motion was seconded by Ann Jacobs.

All in favor.

Aye: 7; M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, R. Terminello; B. Tyrrell; Opposed: 0

Motion carried.

Motion to Adjourn

Being no further business, Ralph Endres made a motion to adjourn the meeting and it was seconded by Sam Seymour. The motion was unanimously accepted and meeting was adjourned at 8:31 p.m.

Respectfully submitted,



Diane Scholtz Graham
Board Secretary