

Town of South Bristol Planning Board Meeting Minutes Wednesday, February 20, 2019

Present: Mary Ann Bachman
James Ely
Ann Marie Rotter
Sam Seymour
Michael Staub
Rodney Terminello

Excused: Ralph Endres
Ann Jacobs
Bessie Tyrrell

Guests: Jeremy Fields
Bill Grove
Peter Fernandez
Susan & Donald Kitchen
Peter Osborne
Scott Harter
Ryan Stone & Summer
Michael Gauvreau
Dick Randall
Phil Sommer
Dan Marshall
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 Ralph Endres, Ann Jacobs, and Bessie Tyrrell.

Reading of Vision Statement

Chairman Ely shared that the Town Board has adopted a new comprehensive plan for the Town with a revised vision statement.

Board member, Mary Ann Bachman, then read the Comprehensive Plan Vision Statement.

Minutes

Chairman Ely called for a motion to approve the January 16, 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.

New Business

Site Plan Approval Application #2018-0003 Amendment

Owners: Seneca Point Properties LLC
Representative: Jeremy Fields
Property: 5735 Seneca Point Road
Tax Map #: 178.07-1-2.100

Chairman Ely: We have an application to amend site plan approval that this board granted last September. After lengthy consultation with Phil Sommer, it was our decision that we did not need to have another public hearing because, in fact, the things Jeremy Fields will describe to you are making the approved site structure smaller. If the Board disagrees with my decision based on conversation with Phil, you could overrule me and direct a public hearing for next month, but I do not think that is required. Jeremy, take a few minutes and work through for the board who have not seen all the materials the changes, okay?

Jeremy Fields: Okay. Tonight I have brought along a drawing to show the improvements from a site standpoint all the way from the lakeshore to the road. Also, I have included in the plans a list from the architect and engineers of what we are going to change to improve the site. The clients have decided after seeing the size of the structure on the lot that they wanted to reduce the footprint a bit.

- Starting with the shoreline update on 7/13/18 and that is included in this. After removing the crib, the old concrete crib that was out in the water, the shoreline has changed a bit. We wanted to make sure we updated and showed that on this plan. The shoreline has shrunk a little bit.
- We removed the underground tunnel under Seneca Point Road that connected the guest to the main castle. We did that for two reasons. The guest castle is going to become a carriage house now and not a smaller residence so we deleted the pedestrian tunnel that went underneath Seneca Point Road.
- We removed the removable sheds that were up by the roadside.
- We removed the green roofs off the structure, which were the tunnels that led to both sides, the south and north side of the structure.
- We removed the fountains located in the center of the driveway approaching the residence.
- We removed the waterfall feature and bridge that was out on the lakeshore because the shoreline has changed.
- We removed the drive court with stone walls and replaced with green arborvitaes.
- The north wing of the house has been reduced so we took additional footage off this side. The red line indicated where the structure was and this is the new structure. We pulled it away from the creek to give the client more space on both the north and south side of the house. This red line around the entire perimeter is the original and everything is inside of that. We are not changing grades, storm water, any water patterns, or septic.
- We removed the pool house structure and made that a pergola.
- We removed the geothermal system, which was a series of a dozens of wells. We were able to reduce the structure so we will not need those geothermal wells.
- The house has been changed from stone to brick. The base of the structure will still be pudding stones and granite rock, but there will be brick involved in it.

Those are the changes that are aesthetic.

Chairman Ely: Jeremy, help me understand. This map is a smaller version of what you are showing. The red line is what it will be now?

Jeremy Fields: No. That is existing. The structure here is inside of that. That was the original footprint.

Chairman Ely: Okay.

Jeremy Fields: These are the original portable structures that are now gone.

Chairman Ely: So at the top of my map where it says owners drive court that is gone?

Jeremy Fields: That is correct. We have added these notes to depict what has been removed.

Chairman Ely: How much did you reduce the lot coverage? An estimate?

Jeremy Fields: Couple thousand.

Ann Marie Rotter: 3,247 square feet.

Michael Staub: When you took those walls out and put arborvitae in it, were those walls in any way retaining soil?

Jeremy Fields: There was some grade that sloped up to them, but now that grade is flat rather than elevated up to the walls.

Michael Staub: So you reduced the grade.

Jeremy Fields: Yes. It is less percentage of soil. That is correct.

Michael Staub: Do you have to bulldoze it down and move it somewhere?

Jeremy Fields: It is actually already there. We were importing that soil.

Michael Staub: So you were going to build it up.

Jeremy Fields: It was an architectural design to make it look like you are entering a 1800s castle.

Michael Staub: So there is no concern about soil erosion?

Jeremy Fields: Right. Now we will not be importing that soil.

Michael Staub: They removed the green roofs. Were they only over those coverings over the driveway?

Jeremy Fields: That is correct. Now we removed the structure underneath. They were actually tunnels. They are completely gone.

Michael Staub: Was there some green roof on the remaining structure?

Jeremy Fields: It remains on the main structure. There is some with outlooks and turrets.

Michael Staub: When they were in place, they were directing water flow away from the building, correct?

Jeremy Fields: They were handling the water.

Michael Staub: So now that is going come down on the driveway?

Jeremy Fields: Which is covered by the storm water system. Your net change is no different because that water is accumulated and then brought down to the sub service system.

Michael Staub: So there is no impact on the water run-off?

Jeremy Fields: No. Because you have less actual coverage and more green space it is actually improving those net numbers that are in your calculations.

Michael Staub: I was concerned about if you took the green roofs out that water is going to come straight down on the driveway, but that is already taken care of.

Jeremy Fields: That is correct.

Michael Staub: The geo thermal, did that support the power to the house at all?

Jeremy Fields: That is for heating and cooling. There was a series of vertical wells.

Michael Staub: So you would not have to be there.

Jeremy Fields: That is right.

Michael Staub: Now they are heating the house conventionally?

Jeremy Fields: Exactly.

Michael Staub: They are going to have an air conditioning unit and a heating unit?

Jeremy Fields: That is correct. Liquid propane. It will be a standard conventional home.

Chairman Ely: How far have you pulled back from the creek?

Jeremy Fields: I would say between six and eight feet additional.

Chairman Ely: Any other questions for the board members? You have mentioned the change from stone to brick. I remember in our previous presentation there was a long discussion about these masons that were coming from far and wide and work on the stone and they were going to be housed in the community. That is being downsized, I take it?

Jeremy Fields: It is being downsized. The stone masons are still here and they are working because the boat house still has stone, the carriage house. The stone is already cut for both of those structures, but it will reduce their amount of time in town.

Chairman Ely: They are still here working?

Jeremy Fields: They are.

Chairman Ely: Any other questions? As I understand it there is to be a change in the other structure that was a guest house will be a carriage house. It will be a glorified garage. Those plans have not been submitted. I think the initial thought it may require a new site plan approval process and a new public hearing, but until we see the plans I do not think we can make any decision on that. I doubt we will see plans before March.

Jeremy Fields: You will probably see them sooner than that. The CDs will be released this Friday and I can also address that as well. We are reducing the footprint. I hope we can use the same process. I do have the site plan already. I sent it over to Phil in a preliminary form fashion. Now we are following up with the CDs on the carriage house.

Michael Staub: There is a lot of poured concrete there already.

Jeremy Fields: That is why we want to try to stay on the same footprint or even reduce that. There will be some concrete that will be abandoned. The front and rear porches we will jack hammer that back out.

Chairman Ely: Thank you. As I understand it you have the archeological determination with no impact.

Jeremy Fields: Yes. That is correct.

Chairman Ely: You are not required to get an endangered species permit in connection with eagles, right?

Jeremy Fields: That is correct.

Chairman Ely: Therefore, unless other board members have questions I think we can proceed to go forward.

A motion was made by James Ely to grant preliminary and final site plan approval to application #2018-0003 to amend the site plan approval that was granted on September 12, 2018. This will in part supersede the previous approval, and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Rotter, S. Seymour, M. Staub, R. Terminello; Opposed: 0

Motion carried.

Jeremy Fields: Do we need to redo the SEQR as well?

Chairman Ely: Do you think we need to go through the SEQR process? Does anybody think we need to go through the process?

Michael Staub: It is a reduction.

Jeremy Fields: I am good with that as long as we have covered the bases.

Chairman Ely: What would be your work time table?

Jeremy Fields: Obviously, the excavation has been ongoing. We will continue that. We will start driving our shoring for the soil replacement. We would like to pour concrete within 30-40 days.

Chairman Ely: Within approximately a month on the main house?

Jeremy Fields: On the main house. That is correct.

Chairman Ely: When do you think you will finish?

Jeremy Fields: Project schedule right now is ending June 20th of next year.

Chairman Ely: A year plus, right?

Jeremy Fields: Right.

Chairman Ely: That is more ambitious. The last project that was projected two years.

Jeremy Fields: That is right.

Rodney Terminello: Does that include the carriage house too?

Jeremy Fields: The carriage house hopefully will go in parallel. That is ready to take off as soon as we get CDs back in and we get through the process.

Rodney Terminello: How much reduction do you think that is going to be?

Jeremy Fields: In space. Probably in the structure it is close to a thousand square feet.

Michael Staub: There will be a lot less heating and electricity involved.

Jeremy Fields: Right. It truly is a carriage house with a bonus room above and then just parking. Thank you.

Preliminary Site Plan Approval Application #2019-0002

Owners: Sierra Kilo India LLC
Representative: Scott Harter, P.E.
Property: 6586 County Road 33
Tax Map #: 183.00-1-25.110

Chairman Ely: Please explain your project and introduce yourself for the record.

Peter Fernandez: My name is Peter Fernandez, Carter VanDyke Associates. We are landscape architect and planners. We are representing the client on this project. As you well know this is the Ski Valley property. It is C-1 with a special exception we want to convert it to one single family residence. So as you can see from this board you have the whole parcel and the house is down here. The lodge is just north of where the house is. It is actually pretty simple. We do not have a surface or coverage issue. We do not have any setback issues. It is going to be a timber frame modular. It looks down the valley and we sided it so it will fit right into the character of the neighborhood. We used the existing drives. Just extend the drive up near the old lodge, which is shaded here. The house is here. It will allow in the plan we are showing there we had showed parking area. The owner would prefer to have this turn around. It is a very simple drive turnaround. We want to screen the house from County Road 33 and some other views. We added a few shade trees and evergreen trees to screen the property. Other than that is there any other questions?

Chairman Ely: What about the old lodge?

Peter Fernandez: The old lodge is going to be torn down. It will be a nice grass area.

Ann Marie Rotter: How many acres is that?

Peter Fernandez: One hundred eighteen. I think it is pretty much consistent with the character of the valley. I actually can see the slopes from my property so I am happy to see this happening.

Rodney Terminello: This other plan is the actual house that is going to be constructed?

Peter Fernandez: That is correct.

Rodney Terminello: This is a kit?

Peter Fernandez: Yes. Because it is in a C-1 we have to go for a special use permit. Next week we are going to the Zoning Board.

Chairman Ely: Historically this was a ski area, right?

Peter Fernandez: That is correct.

Chairman Ely: Does the owner envision skiing here?

Peter Fernandez: He has a big back yard so he can do that.

Chairman Ely: So it will be for family and friends?

Peter Fernandez: Yes. It is backyard just like anybody else.

Sam Seymour: Will the old lift be taken out?

Peter Fernandez: Not sure about that. It is still up in the air. I am not sure it is necessarily needed, but that is my opinion.

Ann Marie Rotter: It is not part of this project, right?

Peter Fernandez: No.

Chairman Ely: We have sent this to County Planning as well. I cannot see that County Planning makes any recommendation here, but they did raise a comment or two that I would like to run past you.

- 1. Demolition debris should be reclaimed or recycled where feasible with the remainder disposed of in a licensed disposal facility.*

Peter Fernandez: That is correct. It is already being done. All the metals are being recycled. Whatever can be recycled will be. They also had to do a full asbestos remediation. I guess the other owner had really messed it up. The whole building is contaminated. That is all being taken off.

Chairman Ely: That was a lot. Other than that it does not seem to me that County had anything terribly new to suggest. Other than how the Town of South Bristol might handle their internal affairs. Any other questions?

Mary Ann Bachman: Planning to add any additional lighting other than what a home would have?

Peter Fernandez: He might want to do some night skiing. I am not sure if there would be some lights if they still work. I would imagine they would be off at a normal hour. Right now I can read a book on my property from the reflective light from Bristol.

Michael Staub: No plans for animals on the property?

Peter Fernandez: No.

Ann Marie Rotter: How about the water treatment? How is that designed?

Peter Fernandez: The water treatment there is going to be a new septic system. We already did the deep hole perk tests and everything. Scott Harter, P.E. designed the system and those plans are there in the set.

Chairman Ely: Do you have approval for the septic plans?

Scott Harter: I am Scott Harter. We submitted our plans to County and Town and I have not heard any comments back from them regarding the septic system that it needs to be approved by Ontario County Soil and Water.

Phil Sommer: Just received Tad Gerace review today and you are all set.

Chairman Ely: I will schedule this for a public hearing at the next meeting. In the meanwhile, of course, you will have your decision from the Zoning Board of Appeals about your application for a special use permit.

Peter Fernandez: February 27th is the Zoning Board public hearing and then we have a public hearing after that?

Chairman Ely: Public hearing here after that. I realize there is a certain amount of repetition. I think a lot of the questions that we have tried to pose to you in your helpful presentation can streamline that. The public hearing is an opportunity for any interested persons to communicate written or verbal comments about your project.

Peter Fernandez: Okay.

Chairman Ely: Should you not get Zoning Board approval all bets are off and we will have to regroup. Let's think positively. Assuming that goes forward we will schedule you for a public hearing and Diane will advertise it in the Messenger.

Peter Fernandez: Very good. Thank you.

Chairman Ely: Thank you.

Preliminary Site Plan Approval Application #2019-0003

Owners: Joseph C. Briggs and Nancy P. Briggs, QPRT/Susan Kitchen, Trustee

Representative: Susan Kitchen / Bill Grove

Property: 6529 Longs Point Drive

Tax Map #: 185.17-2-6.000

Chairman Ely: Next is the Briggs application.

Bill Grove: Good evening folks. I am Bill Grove with Grove Engineering. I am here representing the Briggs Family. The property is 6529 Longs Point. It is owned by a Trust. Susan Kitchen is the trustee of the trust. She is here with us tonight. She is Joe Briggs daughter. The Briggs home was lost in a fire this past December and so the plan before you is to rebuild on essentially the same footprint. To bring the house back from the ashes I guess. Certainly unfortunate that the fire occurred. I think this will be a good project for them. The proposed house is essentially on the same footprint with the exception of a wall that a small alcove in a deck area on the southeast side. Now that wall has been straightened out. What was part of the deck is now going to be part of the structure and then the deck will extend out from that. The deck went shorter and the house went a little bit wider there. Still within the same footprint or even a little bit less. Dick Randall is the architect on the project. He was able to make the house a smidge smaller in each direction to stay within the footprint of the existing. I spent a lot of time trying to get an approval for an onsite waste water treatment system on the lot. We looked at trying to use the existing system. Ultimately, we were not able to do that. It was too close to the water both on the north and east side.

George Barden and health department both decided there was not enough room there to meet separation distances well enough. It would have been too many waivers. They forced us into a holding tank scenario. It is what it is. We cannot do anything better than that. The configuration of the property made it difficult to do anything other than a holding tank. Although I am pretty confident I could have gotten a system on there that would work fine.

Chairman Ely: I have this letter from George Barden dated January 29th. He has approved the holding tank.

Bill Grove: The septic was approved on the 29th. I sent the project to SHPO for determination on archeological significance and came back they signed off it on January 7. The SEQR form triggered bald eagle habitat. I called DEC and talked with about four different people in one phone call. Nobody seemed to know the answer. I finally got somebody who said here is what you need to do. Send us a copy of the site plan and a narrative of what you are planning to do. The equipment you are going to use. I did that on January 25. I had a conversation with Diane she also informed me to email it to two different people. One at DEC and one at Federal Fish and Wildlife Service. I emailed them on the 28th of January. Received a response on the 29th from Fish and Wildlife that said they would look into it and let me know. I followed up again with an email on February 15th and as of today we are still waiting.

Chairman Ely: So we are still waiting on the eagles.

Bill Grove: Yes.

Chairman Ely: You do not need that tonight. You will need that for public hearing.

Bill Grove: In the email on February 15, the fellow from Federal Fish and Wildlife Service hoped to have answer for us tonight, but he was waiting on DEC. There are some trees that are scheduled for removal. That is a matter the fire had damaged them so badly that they cannot be saved. That is a comment from the County.

Chairman Ely: That is correct.

Bill Grove: Not our intention to take down trees that we do not have to, but some of them have to come down due to the damage the fire caused.

Michael Staub: Any replanting of those trees?

Bill Grove: I do not know.

Donald Kitchen: We do plan to plant some trees although we have not gotten anywhere near putting the landscaping in.

Susan Kitchen: A couple of the big trees we are keeping that did not get damaged.

Donald Kitchen: There are two big trees that are staying.

Michael Staub: Excellent.

Chairman Ely: Did you have to get a non-conformity certificate? Can you explain that to the Board?

Bill Grove: We have not yet, although I heard it pre-meeting that we will probably need that. Right Phil?

Phil Sommer: Yes.

Chairman Ely: So that will be forth coming again in time for the public hear?

Bill Grove: Yes.

Chairman Ely: Is there a dock involved with this project?

Bill Grove: Not as part of the rebuilding of the house. I believe that is a separate project.

Chairman Ely: That is not before us tonight?

Bill Grove: Correct.

Chairman Ely: It would not be part of the public hearing?

Bill Grove: Right.

Chairman Ely: Any other questions about this project?

Michael Staub: The holding tank is there going to be a maintenance agreement in place?

Bill Grove: Not a maintenance agreement. There will be an audio visual alarm on that so when the level of the tank so all the water they use in the house will go into the tank and it will build up until it triggers an alarm giving them 400 or so gallons capacity after the alarm stage to get a septic hauler down there. That is one way to do it. The other way is to have a septic hauler routine schedule so they would come down weekly or every other week and take whatever is there. Bill by the gallon versus by the trip I guess. They will have to figure out what is going to work best for them. There is no real maintenance contract that needs to be maintained for that. That septic hauler will have to provide records to the Watershed.

Michael Staub: So there is some paper trail?

Bill Grove: Yes.

Michael Staub: So we know it will be serviced and if it isn't somebody will say something, right?

Bill Grove: Yes.

Ann Marie Rotter: Is this seasonal or a year-round property?

Susan Kitchen: It is a year round, but nobody is going to be living there year-round. We will use periodically during the year. It used to be year-round house for my Dad.

Michael Staub: The old septic system is going to be removed?

Bill Grove: Correct. There is essentially two septic systems there. There is two separate tanks, one leach field and one seepage pit. Those will be all be taken out. That is part of the demolition of the house.

Michael Staub: Very good.

Chairman Ely: As I have forewarned you, I feel somewhat duty bound to review these suggestions from County Planning.

Bill Grove: Yes.

Chairman Ely: Let me just read them to you.

OCPB Comments

1. *The site plan does not provide the quantity of fill proposed. The referring body should require applicant to minimize fill in the floodplain as any fill reduces flood storage capacity and increases chances of flooding elsewhere.*

Bill Grove: To meet current building standards. We have to elevate the finished first floor of the house up. The site plan does show grading around the house so you do not have three or four feet of foundation wall exposed. I did not quantify the amount of fill to do that. There is a minimal amount in the floodplain. It is a method to minimize the amount of foundation wall height that we are going to see.

2. *Roof drains that daylight in close proximity to the lake do not provide for filtration of storm water. Consider daylighting to bio retention trenches on northwest side of house that drain to grass swales and then to Lake.*

Bill Grove: We could consider that as an option. My answer to that is the soil is permeable there so we do not expect a lot of run off from the site. The roof run off we want to direct that to a splash pad. I would be surprised if you get any surface run off from roof drains that makes it to the lake surface. I think it will infiltrate before it gets there. We are accomplishing that just by the permeability of the soil there.

3. *Existing vegetation should be retained as much as possible including existing tree at northeast corner of the house designated for removal.*

Chairman Ely: You have already answered that question.

Bill Grove: We all agree with that.

Chairman Ely: Some trees are damaged beyond recall.

4. *Demolition debris should be salvaged or recycled when possible and any remainder disposed at a licensed facility.*

Bill Grove: I think if you have been to the site and seen the condition that it is in. There is not any salvaging that can be done there. I think that is a boiler plate statement from the County.

Chairman Ely: Any other questions, concerns or comments?

Sam Seymour: You mentioned the elevation of the floor will be elevated. About how much from the original? Can you give us an idea?

Bill Grove: I thought I had that on one of the original plans. I think it was about two and half feet.

Donald Kitchen: One foot. I think three was the original.

Bill Grove: So about a foot. 691 was the elevation on side yard.

Sam Seymour: The house is now a two story house where it was generally a one story.

Susan Kitchen: It was two stories.

Sam Seymour: Okay. Hard to remember. I have picture after the fire, but not before.

Chairman Ely: I asked you earlier about the preexisting non-conformity. That really speaks to the coverage question, doesn't it?

Bill Grove: It would speak to that. Yes.

Chairman Ely: You are rebuilding on the same footprint.

Bill Grove: Yes.

Chairman Ely: Which is slightly larger than what we would now allow, but it was pre-existing non-conforming. That is why you would get that certificate. This Board does not issue certificates. Phil would issue that.

Does that answer your question?

Rodney Terminello: I guess. I think we have had this issue a couple of the times.

Chairman Ely: This is the first time where we had a house that burned down.

Rodney Terminello: Right. So I guess the question is that it is a new house do we go back to the new zoning regulations?

Chairman Ely: If they build on the same footprint, I think they regard that as a pre-existing non-conforming use. In other words if the zoning comes in after the structure is up, we cannot make you take it down.

Mary Ann Bachman: What is the code?

Phil Sommer: Let me read right out of our code §170-85 Restoration and alterations. (C.) Any nonconforming building or structure that is destroyed intentionally or by natural causes such as fire, may be rebuilt within one year of such destruction, provided that any nonconformities of the building or the structure or its use do not exceed the nonconformities of the destroyed building or structure.

They are perfectly fine.

Mary Ann Bachman: Within a year.

Chairman Ely: Let me suggest this Bill. I will set this for public hearing. We will advertise it and all I see you have outstanding is the eagles.

Bill Grove: Eagles. Correct.

Chairman Ely: All set then.

Bill Grove: Thank you.

Old Business

Proposed local law for short-term rentals

There was board short-term rental discussion:

- Neighbor complaints
- Zoning Board of Appeals members have received working document for review
- Hosted or un-hosted
- Short term - one night and up to 30 days
- Types of rentals
- Septic system capacity
- Occupancy
- Enforcement
- Parking
- Collect other Ontario County Town Code samples
- Board members are to provide their feedback to Diane Graham

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

This item was deferred to the next meeting.

Other

Dan Marshall shared that the Town Board will have one public hearing for all the Planning Board recommended code amendments and a separate public hearing on the new noise law.

Motion to Adjourn

Being no further business, Ann Marie Rotter made a motion to adjourn the meeting and it was seconded by Rodney Terminello. The motion was unanimously accepted and the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham". The signature is written in black ink and is positioned to the left of the typed name.

Diane Scholtz Graham
Board Assistant