



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

Planning Board Meeting Agenda

Wednesday, April 17, 2019
7:00 p.m.

Call to Order

Pledge of Allegiance

Reading of Vision Statement

As stewards of both the land and the lake, we will preserve and protect our safe, clean, naturally beautiful, rural and scenic environment with thoughtfully planned residential, agricultural, recreational, and commercial development.

Meeting Etiquette

Minutes

Approval of March 20, 2019 Planning Board Meeting Minutes

Public Hearing

Final Site Plan Approval #2019-0004

Owners: Kenneth & Nancy R. Hayward

Representative: Bill Grove

Property: 6407 Old Post Road

Tax Map #: 185.14-1-18.311

Final Site Plan Approval #2019-0005

Owners: Joel A. & Ann R. Shamaskin

Representative: David Samatulski

Property: State Route 21

Tax Map #: 191.09-1-17.000

Old Business

Proposed local law for short-term rentals

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

Other

Motion to Adjourn

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Present: Mary Ann Bachman
James Ely
Ann Jacobs
Sam Seymour
Michael Staub
Bessie Tyrrell

Absent: Ralph Endres
Ann Marie Rotter
Rodney Terminello

Guests: Ken Hayward
David Samatulski

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 Marie Rotter, and Rodney Terminello.

Reading of Vision Statement

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

Minutes

Chairman Ely called for a motion to approve the March 20, 2019 meeting minutes as written. Michael Staub made said motion, which was seconded by Ann Jacobs. The motion was unanimously accepted by all board members present.

Public Hearing

Final Site Plan Approval #2019-0004

Owners: Kenneth & Nancy R. Hayward

Representative: Bill Grove

Property: 6407 Old Post Road

Tax Map #: 185.14-1-18.311

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 #2019-0004 for property owned by Kenneth Hayward and Nancy R. Hayward located at 6407 Old Post Road, Tax Map #185.14-1-18.311. The applicant and owner are looking for site plan approval to construct a two-story storage building.

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SAID HEARING will take place on the 17th day of April, 2019 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

Application is available for review at the Planning and Zoning Office prior to the above meeting date.

All interested parties may provide written comments, appear in person or by representative.

[Public hearing opened at 7:02 p.m.]

Chairman Ely: Thank you Diane. Briefly describe to the Board the project you have at hand here.

Kenneth Hayward: Initially the project was three things. We wanted to control the erosion. The way things are set up our neighbor's property is higher than ours. Years ago they put a culvert pipe that takes all the water on their property funnels it onto our property and runs down on our beach. So we want to control the erosion, have a retaining wall and to build a storage building. We started talking to contractors and the way the plan morphed that it could control the erosion, but the suggestion was to take this retaining wall and actually make it the foundation of a building. You are killing two birds with one stone. It sounded good to us and we started thinking about a pole barn structure. Quickly realized that was not the right thing for our neighborhood. We are going to have a pretty nice looking exterior. Interior is going to look like a garage with stud walls. We would like to have a sink and a toilet, but that is something we will have to apply for permit later. Right now we are down to the wire with money. That is it.

Chairman Ely: What will be in the storage?

Kenneth Hayward: It is a two level building because of the way the terrain goes. The lower level we are going to be storing Jet Ski, several kayaks, canoe. A lot of our friends have boats so we will have life preservers and all that stuff on the lower level. Upper level we are going to have all lawn equipment and I would like to have an area for woodworking.

Diane Graham: Do you want to speak about what has changed since the last meeting? The site plan was revised to add a bar scale.

Kenneth Hayward: Originally Bill Grove omitted a bar scale on the drawing.

Chairman Ely: As I recall last time, and I have read County Planning Board's comments, Bill Grove responded to those at the last meeting and he could not be here tonight. That is a satisfactory resolution to their comments. They took no position on the structure itself.

Diane, I think we have correspondence here don't we?

Diane Graham: Yes. I have two written comments.

April 4, 2019

To the Town of South Bristol Planning Board,

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I'm writing you today to tell you that I approve of the building project proposed by Ken Hayward. He's proposing a new storage building at 6407 Old Post Rd. This property was formerly owned by my cousin Jamie Hawks.

Thank you for your consideration!

Sincerely,

*Tom Hawks II
6202 Stemple Hill Rd*

April 15, 2019

Good Afternoon,

I am the neighbor immediately to the North of the Hayward's property. I am familiar with their proposed plans and have no objection to the project.

Please feel free to contact me with any questions.

Thank you.

Marc Album, Esq.

Chairman Ely: Is there anybody that wishes to speak to this project? I will declare the public hearing to be closed.

[Public hearing closed at 7:06 p.m.]

Chairman Ely: Board members do you have questions for Mr. Hayward? I know we discussed this at length last time. Are we ready to proceed to the next step? We will need to consider the SEQR form.

A motion was made by Jim Ely to answer SEQR questions 1-11 no or small impact and further authorize the chairman to sign on behalf of the Board, and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

A motion was made by Michael Staub to declare the SEQR to be a type II action requiring nothing further and said motion was seconded by Ann Jacobs.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. 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.

A motion was made by Bessie Tyrrell to accept findings 1-4 and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

A motion was made by Jim Ely to grant preliminary and final site plan approval to application #2019-0004, 6407 Old Post Road and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Final Site Plan Approval #2019-0005

Owners: Joel A. & Ann R. Shamaskin
Representative: David Samatulski
Property: State Route 21
Tax Map #: 191.09-1-17.000

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 #2019-0005 for property owned by Joel A. Shamaskin and Ann R. Shamaskin located at State Route 21, Tax Map #191.09-1-17.000. The applicant and owner are looking for site plan approval to remove a portion of existing dock that is non-conforming within ten feet of the water rights line, add a

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swim platform to the existing dock on the south side, and add two feet to the existing swim platform on the north side with a total finished surface area of 1,213 square feet.

SAID HEARING will take place on the 17th day of April, 2019 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

Application is available for review at the Planning and Zoning Office prior to the above meeting date.

All interested parties may provide written comments, appear in person or by representative.

[Public hearing opened at 7:10 p.m.]

Chairman Ely: Please describe the project for the Board.

David Samatulski: The project is to add a swim platform to the south side of the dock and add two feet of extra swim platform to the already existing north side to keep them in the same length and symmetrical in that aspect. We will also be removing some dock that is currently non-conforming to the Docking and Mooring Law. This is on the north side and it is shown in the drawing that it is within ten feet of the facility area line, the water rights line. We will be removing this in order to complete our project.

Chairman Ely: So the project you are proposing for us this evening is fully compliant with the Docking and Mooring Law?

David Samatulski: Yes sir.

Chairman Ely: I know we have discussed aspects of this at our previous meeting and you had determinations there were no eagles and archeological disturbances, right?

David Samatulski: Correct.

Chairman Ely: Diane, I do not think we received any written notices, have we?

Diane Graham: No.

Chairman Ely: Is there anybody in the audience that wishes to speak to this? Hearing no one. I will declare the public hearing closed.

[Public hearing closed at 7:12 p.m.]

Chairman Ely: Board members do you have any questions about his dock project? We will need to consider the SEQR form.

A motion was made by Jim Ely to answer SEQR questions 1-11 no or small impact and further authorize the chairman to sign on behalf of the Board, and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

A motion was made by Michael Staub to declare the SEQR to be a type II action requiring nothing further and said motion was seconded by Ann Jacobs.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. 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.

A motion was made by Ann Jacobs to accept findings 1-4 and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

Motion carried.

A motion was made by Jim Ely to grant preliminary and final site plan approval to application #2019-0005, 191.09-1-17.000 and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

Motion carried.

Old Business

Proposed local law for short-term rentals

There was a discussion and questions about wording changes and enforcement. The new Noise ordinance will be in affect so neighbors would call in noise complaints to law enforcement agencies. The mechanism for the proposed short-term rentals would be the Zoning Board of Appeals would revoke the special use permit of the owner.

- Incorporate unhosted C (1) into C (2) page 2 to regulate but not prohibit in all districts.
- Occupancy maximum 12 includes children and one person per 200 square foot of habitable space
- Remove J (2) page 5 enforcement penalties fine or imprisonment
- Move J (3) page 5 revocation up to J (1)
- Notification requirements I (3) page 5 number of vehicles allowed
- Clarify short-term unhosted definitions 1 (a) and 1 (b) to all occupants
- Unhosted ó important to require owner's agent and contact information 24 hours, proof of ownership, and list all owners in LLCs
- Airbnb, property rental management agencies, yurts, glamping, etc.
- Business year-round rental versus homeowner renting a couple weeks of the year
- Review Town of Geneva and City of Canandaigua rental policies
- Check Bristol Harbour Village Association rental policy number of days/occupancy
- Condos hold \$500 deposit in escrow for fines
- Publicize with Messenger Post, Town Hall bulletin board, website, mail letter to all residents

The Zoning Board of Appeals will meet on May 24th to discuss short-term rentals and provide feedback to the Planning Board.

Chairman Ely will recast suggested changes for the Boards review.

The Planning Board members will review the Town of Geneva and City of Canandaigua short-term rental laws previously emailed.

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

Briggs dock application

There was a discussion about the Briggs dock site plan application and request for one meeting to be able to complete construction prior to July 1st building restriction deadline. It was determined by the Board that in this situation the application looked to be complete and could move forward to a preliminary and final site plan review/public hearing on May 15. If it was determined by the Board on May 15 that the application is not complete, then the public hearing would be deferred to June 19.

Sands guest house amendment application

There was a discussion about Sands guest house site plan changes. The site plans change from guest house to carriage house is a reduction and the Board will meet on May 15 to review.

Motion to Adjourn

Being no further business, Ann Jacobs made a motion to adjourn the meeting and it was seconded by Michael Staub. The motion was unanimously accepted and the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

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

Diane Scholtz Graham
Board Assistant