



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

Planning Board Meeting Agenda

Wednesday, May 15, 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 April 17, 2019 Planning Board Meeting Minutes

Public Hearing

Preliminary and Final Site Plan Approval #2019-0006

Owners: Joseph C. Briggs and Nancy P. Briggs, QPRT/Susan Kitchen, Trustee
Representative: Jeremy Fields
Property: 6529 Longs Point Drive
Tax Map #: 185.17-2-6.000

New Business

Site Plan Amendment Approval #2018-0002

Owners: Seneca Point Properties LLC
Representative: Jeremy Fields
Property: 5734 Seneca Point Road
Tax Map #: 168.20-1-42.100

Informal presentation of development

Owners: Mike Dittman
Property: 6396 Co Rd 33
Tax Map #: 183.00-1-29.120 - 6396 Co Rd 33 / R-3, 4+ acres
Tax Map #: 183.00-1-41.100 - Co Rd 33 / R-3, 82+ acres
Tax Map #: 183.00-1-17.110 - Co Rd 33 / R-5, 30+ acres

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

Town of South Bristol Planning Board Meeting Minutes Wednesday, May 15, 2019

Present: Mary Ann Bachman
James Ely
Ralph Endres
Ann Marie Rotter
Michael Staub
Bessie Tyrrell

Absent: Ann Jacobs
Sam Seymour
Rodney Terminello

Guests: Jeremy & Cathy Fields
Donald & Susan Kitchen
Joe Briggs
Lee & Leonore Wiltse
Jonathan & Jeanne Gage
Barbara Howard
Dan Marshall
Steve Cowley
Phil Sommer

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 Jacobs, Sam Seymour, and Rodney Terminello.

Reading of Vision Statement

Board member, Ralph Endres, read the Comprehensive Plan Vision Statement.

Minutes

Chairman Ely called for a motion to approve the April 17, 2019 meeting minutes as written. Michael Staub made said motion, which was seconded by Ann Marie Rotter. The motion was unanimously accepted by all board members present.

Public Hearing

Preliminary and Final Site Plan Approval #2019-0006

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

Representative: Jeremy Fields

Property: 6529 Longs Point Drive

Tax Map #: 185.17-2-6.000

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 #2019-0006 for property owned by Joseph C. Briggs and Nancy P. Briggs, QPRT Susan Kitchen, Trustee located at 6529 Longs Point Drive, Tax Map #185.17-2-6.000. The applicant and owner are looking for site plan approval to construct a permanent dock and boat station.

SAID HEARING will take place on the 15th day of May, 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 Code Enforcement Office prior to the above meeting date.

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

[Public hearing opened at 7:04 p.m.]

Chairman Ely: Please describe the project for the Board.

Jeremy Fields: It is a permanent dock with a permanent hoist. No special requirements. It meets all the setbacks. It is under the allowed square footage 720 square feet. There is plenty of land frontage. The water rights survey was done by Anthony Venezia. Kevin Olvany was involved. We satisfied all the governing entities outside of the town. This one is straight forward. Do you have any questions I can answer?

Chairman Ely: I take it from your comments that this proposal is in compliance with the Docking and Mooring Law?

Jeremy Fields: That is correct.

Chairman Ely: The approval for the house was done in March. At that time we had approval for the eagles and floodplain I think, correct?

Jeremy Fields: That is correct.

Chairman Ely: I do not see any problems there. Diane, did we receive any comments?

Diane Graham: No.

Chairman Ely: Does the Board have any questions? Now Jeremy we do not normally do preliminary and final site plan approval on the same night and I would never do so for a structure or barn. There are some reasons why it is appropriate here. Can you explain that?

Jeremy Fields: You basically stated that it has been through all the eagles, all the environmental and everything to do with the house just a few months ago. So there are not any site concerns that have not been addressed. With the dock it meets all the requirements, being well within all the setbacks. The other

thing that is important to the family is the reason why we are trying to get this done this evening. The hours of operation for the summer. They have some restrictions on the point. So we need get this under way and quickly as possible to get ahead of that schedule.

Chairman Ely: Are you supposed to complete by a certain date?

Jeremy Fields: So we are on a two-three week schedule and we need to get that done prior to their non-construction time.

Chairman Ely: Assuming approval this evening, when would you start it?

Jeremy Fields: We would start tomorrow. The barge is actually in Woodville being loaded with steel. We would start as soon as Phil Sommer can give us a permit.

Chairman Ely: It will be a three week project?

Jeremy Fields: Yes. That is correct.

Chairman Ely: Do Board members have any other questions? Anyone in the audience who wishes to speak? I declare the public hearing closed.

[Public hearing closed at 7:07 p.m.]

Chairman Ely: We will need to consider the SEQR form.

A motion was made by Jim Ely to declare SEQR a Type II action requiring no further review, authorize him to answer SEQR questions 1-11 no or small impact and sign on behalf of the Board, and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, R. Endres, A. Rotter, 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, R. Endres, A. Rotter, 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 #2019-0006, 6529 Longs Point Drive and said motion was seconded by Ralph Endres.

All in favor.

Aye: 6; M. Bachman, J. Ely, R. Endres, A. Rotter, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Site Plan Amendment Approval #2018-0002

Owners: Seneca Point Properties LLC

Representative: Jeremy Fields

Property: 5734 Seneca Point Road

Tax Map #: 168.20-1-42.100

Chairman Ely: Please describe the project for the Board.

Jeremy Fields: It is very similar to the main house in the sense that we reduced all the aspects of the structure. The footprint on the first page the dotted line represented the original guest house and you can see the overlay of the new carriage house. We reduced that quite substantially. On page two we have a calculation sheet. Total allowed is 4,461, house footprint is 3,247 and total coverage is 3,628. We are way under by almost a thousand square feet. Basically it has gone to a garage. It is a carriage house rather than a guest house. On page two of elevation data you can see the height is also reduced. So the maximum allowable height is 35 feet. We are well under that. They reduced it by nine feet in height. If you look down in the right hand corner, it gives you the spot points of all the elevations for that calculation.

Chairman Ely: How does this project sit in relation to the creek?

Jeremy Fields: It is actually further away now. If you look at the north side of the property, we have a ten foot setback. If you look at the new location of the house, there is another five feet from that ten foot dotted line. That is represented on page two as well.

Chairman Ely: The various gazebos, patios, fire pits they are gone?

Jeremy Fields: All eliminated. The last two pages are the profile. It has gone from guest house to a carriage house. It is essentially a four car garage.

Chairman Ely: There would be potential upstairs for subsequent rooms, if that correct?

Jeremy Fields: There is an open space with a loft. It is only framed though. The only installation that has been done is what is required by code for the permit. There is no finishing, no drywall upstairs. It is all studded out.

Chairman Ely: How many cars would it accommodate?

Jeremy Fields: Four cars. It is currently two and we are adding two to the north of that where the first floor would have been in the house. Septic system stays the same so it is way oversized now. It has already started so we left it alone. The driveway reduced. Everything reduced in square footages.

Chairman Ely: Just even the most casual walking by this project you see there is a quite a bit of concrete already poured.

Jeremy Fields: That is correct.

Chairman Ely: What will happen to that? Will it be incorporated, changed or taken out?

Jeremy Fields: Ninety-five percent of it is incorporated. We tried to stay on the same wall lines. We will go inside of those walls and pour some straight walls and then the outside we will jack hammer out and it will be under grade. We will not take it all out. We will put it under the grade. The garage and retaining wall work stays the same.

Ralph Endres: I have seen that creek overflow Seneca Point Road on a number of occasions. Are you going to doctor that creek bed so that it flows better than it does right now? I know that it is only seasonal flow.

Jeremy Fields: The intent is to put some rip rap along on the back side. That is a whole other permit with the DEC in our watershed. They would like to see it. Kevin Olvany is involved in that. There is some duckweed back there that they want removed. The DEC does not want any of that. Part of that is to mediate that and put a rip rap wall on the backside of that.

Ralph Endres: If you want to have Olvany give me a call, I can tell him the reasons that it should not be removed.

Jeremy Fields: Yes. He is very involved.

Chairman Ely: I understand from your comment that this would be a separate project?

Jeremy Fields: Yes. A separate project. You would not be involved at all.

Chairman Ely: What will your timetable be assuming this is approved tonight?

Jeremy Fields: This is an eleven month project. We would start it as soon as we have the permit. This would be done by next spring.

Chairman Ely: So if you do not get underway on this, will it be somewhat independent from the main property?

Jeremy Fields: They will go in parallel and that is the reason for that.

Chairman Ely: Do you have to submit building plans in connection with this?

Jeremy Fields: There will be a new set of structural plans that goes into Phil Sommer for approval. Once we have the site plan approval we will submit the structural plans for the garage.

Chairman Ely: The exterior material is it going to remain the same masonry work?

Jeremy Fields: Yes. It will match the main house. It will still be stone and brick. The cladding is exactly the same.

Chairman Ely: Any questions from the Board?

This was sent to County Planning and they did not make any response. We will make our own decision and move forward.

Does anybody in the audience wish to speak to this proposal? We have something that is written?

Diane Graham: Yes. A neighbor in the audience gave it to me.

*Proposed construction noise limits for Sands building site on Seneca Point Road
Presented to South Bristol Planning Board May 15, 2019*

By Leonore and Lee Wiltse for our family who live at or visit our summer home at 5733 Seneca Point Road, next to Sands building site on the lake.

Background:

In discussion with Phil Sommer, South Bristol Code Officer, we learned there were no regulations on hours governing construction noise. He suggested we present our proposal at this meeting.

Five generations of our family have owned, lived in, and faithfully paid taxes on our summer home for the past 78 years.

Our wonderful clear view of the south end of the lake from the front porch has been negatively impacted by a Sands boat house.

Restrictions requested:

For the months of June – October

No noise Saturday or Sunday

Monday – Friday no noise before 8:00 am or after 5:00 pm

Why?:

Leonore and Lee are in residence from early June until end of October

Some or all of our additional (14) local family members come to stay every weekend

Additional out of town family and friends regularly visit

Four of our eight bedrooms are located about 20 feet from the lake side building site. Leonore and Lee use one of those.

Please accept our proposal so that we may continue to enjoy our precious family home.

Chairman Ely: This is a plea for limited hours of operation.

Diane Graham: Yes.

Ralph Endres: At least from June through October.

Chairman Ely: My first question would be to you Jeremy. What are your normal hours of operation?

Jeremy Fields: We are actually friends. We see each other almost every day. We accommodate many things for their family. Whether it is a reunion or certain weeks they do not want us to work. Some of it is not unreasonable. Saturdays we like to work part days, so off on Sunday is no problem at all. We tend to start earlier than that. We start at 7:00 am and we shut down by 7:00 pm. The unfortunate thing is that it is right in the construction season. I know it is summer, but we have to pour concrete. It is the time to do that. We have to work together. We have been very amenable.

Lee Wiltse: Do I get a chance to speak? My name is Lee Wiltse. My wife Leonore is here. Maybe I should start from the beginning. Is that alright? What Diane read is absolutely part of it.

Diane Graham: I read the whole page.

Lee Wiltse: You read the whole page?

Diane Graham: Yes.

Lee Wiltse: Let me read the revised addition. I just revised part of it anyway. The family has a long tradition of being at a place called Basswoods. It starts with an 1883 built log cabin. They had a beautiful south view of the lake and now we are looking at a boat house. Sands wanted a three boat house and he got it.

Leonore Wiltse: It is blocking our view that we have been looking at for 78 years.

Lee Wiltse: I could not hear what you said all the time. I guess you talked about the bedrooms also. Did you read that part?

Diane Graham: Yes.

Lee Wiltse: We have eight bedrooms, but four of them are on the creek, which is twenty feet from the building lot. I am talking about the lakeside building lot. It is going to be a little hard to sleep in when Jeremy is out there driving his cranes around at 7:00 am in the morning. If Turbo Fields is on the job, he will have them warmed up at 6:30 am. We would like to see some restriction on the hours. They tore down Sue's house and we witnessed a lot of construction activity already even though they have not even

started except for the boat house, which is in full swing. We are trying to protect our losses basically. The only way we can do that is to keep this guy on a different agenda than we do about getting this job done. I was amazed when I talked with Phil that we do not have a code that governs how soon someone could get you out of bed in the morning and how late at night they can work. How he can drive his crane down into the basement Sunday with his son. Anyway it is a long story. This guy is crazy for building and to see he and his son working together is wonderful except if it getting you out of bed in the morning. I think there should be some sort of requirement of hours of work. We do not have it. Now I am asking for help. It is a proposal because there is no law. There should be one from my perspective at least. I am totally exposed to what they want to do. He is driven by money and Sands has a lot of it. The project is moving forward. Now it is delayed a little bit because of what is going on with him moving to Florida and cutting back on the size of things. I guess he is cutting back the big building. I guess you did not have a meeting on that yet?

Jeremy Fields: No. We did.

Lee Wiltse: I missed that. You have already had that meeting. So you know that things are different except one thing that is not different our 1883 log cabin that is still lived in by us, our kids and relatives still come. It is going to be very different when we cannot hear one another because of things banging, cranes running around, cement trucks coming, etc. I think there should be a regulation much like I said here. I said 8:00 am. He said 7:00 am. Maybe he will stop at 5:00 pm. Saturday he wants to work and Sunday he takes it off. We need restrictions on how much noise we have to tolerate and when. Right now there is nothing on the books. I think it is pretty simple. I can give you a copy of what we said. I appreciate your interest in this. I appreciate that it is a public forum and its legal and all that. I am sorry I was not here when the rules were passed out. I did get a notice of your meeting by the way. That is the request. Our bedroom and three of the other bedrooms are along the creek, which puts them twenty feet from Sands lot line. It could be happening right outside my bedroom window. I do not know how we do this. I need to have an understanding so I can communicate with my family about where does this go? Is it just between Jeremy and me?

Ralph Endres: It goes away in a year when they are finished. The problem is to accommodate you somehow and to accommodate what the laws of the Town of South Bristol say or do not say. I do know whether this body, at this time, can tell Jeremy what are his hours of work. We can only suggest what hours we feel is representative. It may be like Monday through Friday from 7:00 am to 5:00 pm. Maybe Saturdays 8:00 or 9:00 am until 1:00 or 2:00 pm and Sunday no construction. If it is not in an agreement with you and Jeremy, I do not know if the Town has the ability to tell them when they can build and when they cannot build. We have already given him permission to build.

Lee Wiltse: With no restrictions?

Ralph Endres: Well there are restrictions. All building codes and everything in the Town of South Bristol.

Lee Wiltse: I know. Regarding hours.

Mary Ann Bachman: We do have a noise ordinance that was adopted in November. *Reasonable use of property maintained and operated lawn mowers, hedge trimmers, leaf blowers, snow blowers, recreational vehicles, and other domestic power tools and devices utilized for the care and maintenance of one's property between the hours of 7:00 am and 9:00 pm.*"

Ralph Endres: That is not going to help you.

Lee Wiltse: That is a neighbor to neighbor kind of thing. As nice a guy as Jeremy is, we spent the whole last year wondering if he was going to start driving piles in our front yard. He was very accommodating under those circumstances with no question. Now we are in the free fall where all hell breaks loose. It is not going to be me and Jeremy talking about when he is going to be driving his piles. It is hard to picture this. We say we are having a gang coming in for a party and he would not do it. He did not do it the whole summer actually. He did not do it until this spring.

Leonore Wiltse: They are not going to do it anyway Lee.

Lee Wiltse: We did not realize this was going to be delayed so much. We expected it was going to be balls to the wall and it just did not happen. Now we know it is going to happen.

Leonore Wiltse: We do not know how many more summers we are going to have. We would like to enjoy this next summer. Let's go Lee. There is nothing you can do.

Phil Sommer: I think we have to look at construction time frame of hours of operation, which we do not have on the books. I understand what Mr. Wiltse is saying and I can understand the contractors point. I do not know if I have the authority to act as a mediator between the two parties and try and come up with some agreement for hours of operation. I do not know if I need permission from the Town Board or your Board, but I think something can be worked out. It is going to take a mediator to sit down and come up with something that both parties agree with and the Town and put it on the building permit when it is issued. If that is agreeable to both parties, I am looking for permission to do that.

Chairman Ely: Phil, that is a very constructive avenue to explore. This Board does not have any legislative authority. It is not given to us to impose hours of construction work. The Town Board could consider I suppose legislating a code to that effect, but it is not in effect right now. Possibly by meeting a solution can bring some temporary relief. Will that be agreeable to you Jeremy?

Jeremy Fields: Yes. We can work together. I could have built the dock at any point and I held off. The house was because we were changing the design. The dock was not. We talk when we run into each other or they come over to the job site. It is not like there is any animosity here. I am not the general contractor on the main house so I am not the guy to talk to about that schedule when they are going to work or not.

Phil Sommer: That is Eric from LaChase Construction.

Bessie Tyrrell: I think the 7:00 am morning time would work. I think our Noise Ordinance would apply. Nothing should start before 7:00 am.

Jeremy Fields: That is typical. The City of Canandaigua has construction hours from 7:00 am to 7:00 pm.

Lee Wiltse: The guy who said 7:00 am was not sleeping with this woman twenty feet from a bulldozer.

Ann Marie Rotter: We certainly empathize with what you are going to experience, but it just extends the whole project.

Bessie Tyrrell: They have a right to stop things at 7:00.

Ann Marie Rotter: I think 7:00 am is a compromise.

Lee Wiltse: What about Saturday? Is that in your regulation?

Ann Marie Rotter: No.

Mary Ann Bachman: I can understand.

Lee Wiltse: Is Sunday in your regulation?

Board Members: No.

Leonore Wiltse: Can we go?

Lee Wiltse: Okay. I am sorry. Seeing Sands dock blocking half of her view to the south and to the lake is troubling.

Leonore Wiltse: I cannot even say what it does. Good night.

Phil Sommer: I think it is going to be a three prong approach. I have to reach out to Eric who is the general contractor who is building the house. It is going to be between Mr. Wiltse if he would like to, Jeremy, Eric and myself. If that is okay with the Town Board, I do not have a problem meeting with them.

Chairman Ely: I think that is a very constructive step. Realistically that is all we can do at this point. We cannot impose hours of work. We do not have the authority to do that. I have said this many times that there is no right to your view over your neighbor's property.

Bessie Tyrrell: Other towns do have that law. Ours does not.

Phil Sommer: No. Not with Docking and Mooring.

Ralph Endres: If you are within your rights by the Docking and Mooring Law and if are within your rights of the Town of South Bristol's building height and width and all of that. The only way you can control a view is to own the property below you.

Jeremy Fields: No one has a problem with 7:00. That is when everybody schedules.

MaryAnn Bachman: If you take Saturdays away, it delays the construction.

Chairman Ely: Jeremy, do I understand from your last comment that some towns do have work hours during construction?

Jeremy Fields: Yes. City of Canandaigua 7:00 am to 7:00 pm.

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Chairman Ely: Okay. So the 7:00 am to 7:00 pm would not satisfy their concerns.

Jeremy Fields: We get there before. We warm up and grease our machines, but we cannot startup operations until 7:00 am.

Chairman Ely: I think warming up the machines is a problem for them.

Jeremy Fields: I know. In all the towns you are allowed to do all your maintenance, you just cannot actually start activity until 7:00 am.

Chairman Ely: That is food for future thought I am afraid.

Ralph Endres: I thought all the machines were going to be started up on top of the hill.

Jeremy Fields: He is talking excavators, concrete trucks. They are talking everything.

Ralph Endres: You are talking about people who come to your site that you hire.

Jeremy Fields: Everybody comes in at 7:00 am.

Chairman Ely: Any more questions on this project?

Jeanne Gage: I am Jeanne Gage. I live on Hicks Road. It is great to see Planning Board in action now that I am a civilian. I am in this room and have not been able to look at the site plan review for the project at hand and respectfully asking permission to look at the site plan for Sands.

Chairman Ely: Of course you can. That is available in Diane's office. Anybody who wants to come in from the public can see the site plan proposals.

Jeanne Gage: I just wanted to take a look.

Chairman Ely: It is no secret. These are open to the public. Any other thoughts from the audience? Are we ready to move forward? Okay.

A motion was made by Jim Ely to grant preliminary and final site plan approval amendment to application #2018-0002, 5734 Seneca Point Road, which supersedes in part the site plan approval granted on April 18, 2018, and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, R. Endres, A. Rotter, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Chairman Ely: Jeremy, the original site plan was approved a year ago?

Jeremy Fields: That is correct.

Chairman Ely: I know you have poured some concrete and then basically been at a standstill for a period of time, right?

Jeremy Fields: That is right.

Chairman Ely: Are you prepared now to move forward on that?

Jeremy Fields: Yes. We are.

Chairman Ely: Once Phil Sommer approves the plans, right?

Jeremy Fields: Yes. We have to get a new permit. We have to update the existing plans.

Chairman Ely: How long do you anticipate that may take?

Jeremy Fields: They are done. Phil and I just have to go through them. It is a lot simpler then when we came for the house.

Chairman Ely: Once you obtain from Phil the building permit then you plan to move ahead?

Jeremy Fields: Correct.

Informal presentation of development

Owners: Michael Sandman sales contract with Mike Dittman

Property: 6396 Co Rd 33

Tax Map #: 183.00-1-29.120 - 6396 Co Rd 33 / R-3, 4+ acres

Tax Map #: 183.00-1-41.100 - Co Rd 33 / R-3, 82+ acres

Tax Map #: 183.00-1-17.110 - Co Rd 33 / R-5, 30+ acres

This item was deferred to June to receive detailed concept information.

Old Business

Proposed local law for short-term rentals

Chairman Burgie and Chairman Ely attended the May 13 Town Board meeting regarding proposed short-term rental and Town Board would like the Planning Board to draft this new local law.

There was a discussion and questions about special use permit versus rental permit, budget/staffing, permit renewal term, planned development, enforcement, parking, fire inspections, inspection fee, violation/penalty, insurance policy and notification.

Chairman Ely will revise draft local law by adding enforcement for the Boards review.

The Planning Board members to review the Village of Greenwood Lake short-term rental law.

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.

Motion to Adjourn

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by Ann Marie Rotter. The motion was unanimously accepted and the meeting was adjourned at 8:14 p.m.

Respectfully submitted,

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

Diane Scholtz Graham
Board Assistant