



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

Planning Board Meeting Agenda

Wednesday, August 19, 2020
7:00 p.m.

Meeting will be in-person at the Town Hall with face masks and social distancing

Zoom only for listening and viewing Board

Join Zoom Meeting ID: 859 2650 1252 Passcode: 165943

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 June 17, 2020 Planning Board Meeting Minutes

Old Business

Proposing a local law on events

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

New Business

Preliminary Site Plan Approval Application #2020-0006

Owner: Scott Portuondo & Melissa Scott
Representative: William Grove, PE
Property: 6377 Old Post Rd
Tax Map #: 185.10-1-13.000
Zoned: LR (Lake Residential)

Preliminary Site Plan Approval Application #2020-0007

Owner: Bryan D. Hickman
Representative: Venezia & Associates
Property: 6233 Bopple Hill Rd
Tax Map #: 178.00-1-67.100
Zoned: R-3 (Residential 3 Acres)

Preliminary Site Plan Approval Application #2020-0008

Owner: Philip & Lucy Sheils
Representative: Wendy Meagher, PE
Property: 6847 & 6877 Walton Point Drive
Tax Map #: 191.09-1-2.110 & 191.09-1-4.000
Zoned: LR (Lake Residential)

Preliminary Site Plan Approval Application #2020-0010

Owner: Andrew & Marie McNabb
Representative: Venezia & Associates
Property: 5697 Applewood Drive
Tax Map #: 168.20-1-9.000
Zoned: LR (Lake Residential)

Discuss procedure to handle approvals of short-term rental applications

Proposing a local law on brush, grass and weeds

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, August 19, 2020

Present: Mary Ann Bachman
James Ely
Ralph Endres
Ann Jacobs
Ann Marie Rotter
Sam Seymour
Matthew Sousa
Michael Staub
Bessie Tyrrell

Guests: Bill Grove
Melissa Scott
Scott Portuondo
Nikki Burmeister
Bryan Hickman
Rocco & Pat Venezia
Marie & Sandy McNabb
Daniel Hackett
Lucy & Phil Sheils
Wendy Meagher
Peter Heintzelman
Marie Kenton
Ellen Horbachewski
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 pm. All board members were present.

Reading of Vision Statement

Ann Jacobs read the Comprehensive Plan Vision Statement.

Minutes

Chairman Ely called for a motion to approve the June 17, 2020 meeting minutes as written. Bessie Tyrrell made said motion, which was seconded by Michael Staub. The motion was unanimously accepted by all board members present.

New Business

Preliminary Site Plan Approval Application #2020-0006

Owner: Scott Portuondo & Melissa Scott
Representative: William Grove, PE
Property: 6377 Old Post Rd
Tax Map #: 185.10-1-13.000
Zoned: LR (Lake Residential)

Bill Grove: I am Bill Grove from Grove Engineering here representing Scott Portuondo and Melissa Scott the owners of the property at 6377 Old Post Road. Their intention is take down the existing cottage that is there now and rebuild a new cottage essentially on the same footprint although it does extend a little bit further south than the existing cottage and a little bit east than the existing cottage. It fits within setbacks. It is not over heights. We do not need any variances. Lot coverage is not an issue. I designed and we had installed a new septic system prior to this application so the idea is we will connect into that new septic system. We have all the sign-offs on archeological. I think we have everything in order for the project. It is a steep slopes site, but we are not disturbing much in the way of steep slopes because we are using the existing footprint of the cottage. We are proposing a retaining wall on the uphill side of the cottage to give them some level area for entering the house. As far as storm water goes, we are directing everything to a rip rap splash pad that is down near the shoreline, but above the mean high water line.

Chairman Ely: You mentioned the new septic. Has that been inspected?

Bill Grove: Yes. We have the sign-off from the Watershed on that as well.

Chairman Ely: Is that in the file somewhere?

Bill Grove: Yes. It should be. Phil should have received a copy. I have a copy here.

Chairman Ely: That is fine. I do not need it right now.

Diane Graham: This Board does not have a copy. Phil has it in the file.

Chairman Ely: I will take your word for that. As long as it is in the file. County review was not required, right?

Bill Grove: It is my understanding. Yes.

Chairman Ely: You are not seeking any variances. This is more or less on the same footprint of the existing structure?

Bill Grove: Yes.

Chairman Ely: Board members have questions? I will then recommend that we set for public hearing at our next meeting in September. Hopefully all will go smoothly as this did and you can get your permits.

Bill Grove: Okay.

Chairman Ely: Thank you.

Preliminary Site Plan Approval Application #2020-0007

Owner: Bryan D. Hickman
Representative: Venezia & Associates
Property: 6233 Bopple Hill Rd
Tax Map #: 178.00-1-67.100
Zoned: R-3 (Residential 3 Acres)

Rocco Venezia: My name is Rocco Venezia. I am here on behalf of Bryan Hickman here on my left. He is the landowner. What Bryan would like to do is construct a barn. It is not a garage because it is not going to house cars or anything. It is a barn for storage of lake stuff, right?

Bryan Hickman: Yes.

Rocco Venezia: So Bryan called me and asked if I could help him with this and basically it was a matter of putting together a survey of the whole property so you could see where he is building this on his property. Identifying the high water line, which we show on the map, getting the proper setback and then, of course, Bryan had a number of stakes in place where he wants to build the barn so we surveyed those stakes to put together the site plan for you guys so you can approve or disapprove of what he is doing. I would hope that you would approve it. That is the two-bit tour.

Chairman Ely: This barn that you are describing it or shed that is described in the application papers. This will have no utilities, is that correct?

Bryan Hickman: Correct. There is no water or electricity. Basically the distance from house is great and we need a place for storage of lake items and a place to change clothes.

Rocco Venezia: It is a storage building plus maybe a place to get out of the rain or weather temporarily.

Chairman Ely: This is a pre-fabricated shed. Does that mean it comes in pieces and assembled?

Bryan Hickman: Yes. Normally they truck the whole thing and put it on site, but to get down the hill they are going to have to go down with a trailer and assemble it there. Guy Rogers is going to do a stone pad.

Chairman Ely: Assuming that this gets approved next month at public hearing how long will it take for the installation to occur? Pretty quickly?

Bryan Hickman: I did not think that I had to go through this process so I paid a 50% down payment. So I will have them install it this fall.

Chairman Ely: This fall.

Bryan Hickman: Two days of assembly.

Rocco Venezia: Once we get this approved from you guys we will go forward and get the building permit and put this thing together.

Chairman Ely: Rocco, will you be assembling it or your company?

Rocco Venezia: No. We are the engineers. We put the site plan together.

Chairman Ely: Any other questions for Mr. Hickman or Rocco?

Ralph Endres: Is this shed going to have electricity?

Bryan Hickman: No.

Bessie Tyrrell: There is already a little building down there.

Bryan Hickman: There is a playhouse that was in our back yard in Rochester. We moved it down 50 years ago in the 1960s.

Chairman Ely: Any other questions? Okay. We will set this for public hearing next month and it will be advertised.

Preliminary Site Plan Approval Application #2020-0008

Owner: Philip & Lucy Sheils

Representative: Wendy Meagher, PE

Property: 6847 & 6877 Walton Point Drive

Tax Map #: 191.09-1-2.110 & 191.09-1-4.000

Zoned: LR (Lake Residential)

Wendy Meagher: I am Wendy Meagher with Meagher Engineering. The Sheils are going to give a little history and we have Peter Heinzelman from Method Architecture is going to talk about the house and then myself and project engineer will speak briefly about the site details.

Chairman Ely: Thank you.

Lucy Sheils: I am Lucy Sheils and my husband Phil is behind me. We live in Rochester. We bought the northern property 6847 Walton Point Drive when our youngest child was born in 1997. We and our four kids have spent every summer there since. The house currently has two bedrooms and the kids slept in two sets of bunkbeds in the second bedroom. It is primitively winterized, but we usually close it up in the fall. We bought the southern property directly from Janet Bassett about six years ago. Janet's father Art had died and she wanted to sell the cottage and use the proceeds to buy a larger home for her family. We hired Bob Fladd to stabilize the riverbed in-between on both sides. We put a small walking bridge between the two properties. We have used the southern cottage for our family only and we have never rented out either property. All of children are out of college, working or in graduate school. They come home often to enjoy the lake especially. We want to rebuild the northern property and live there year round and continue to use both homes for our family only. Two years ago in 2018 we got a letter from Ontario County Public Works "*Based on NYS Environmental Conservation Septic System Replacement Program Guidelines your septic system project has been selected to receive a grant to cover up to 50% of the eligible costs.*" I am sure you are familiar with this program. We filled out the application and received a letter back in August 2018 from George Barden saying that it was approved based on the age of the system, the fact that it was less than 100 feet from Canandaigua Lake and there is an unknown leaching system. He specified that engineered design would need to be completed. In the course of that time my husband and I decided we would like to live there year round. Redo the northern property and we

hired Wendy and that was over a year ago. She will take it from there. Do you have any questions for me at this time?

Michael Staub: Welcome to the neighborhood.

Lucy Sheils: Thank you.

Wendy Meagher: I am Wendy Meagher with Meagher Engineering. We originally placed a new footprint for their permanent home on this site and proposed a septic system on the lake side of the house. We submitted to the State Health Department, but do to the shape of the lot, the constraints of water on the front and along the property line we ended up with seven specific waivers or variances for the septic system. The State Health Department said you need to go back to the drawing board to find another location for this. It is too close to the lake. So fortunately, the Sheils own the adjacent parcel and we proposed to merge the two parcels. In fact it is currently at the County being merged as one parcel and we are going to get one tax account number any day. Proposing to do the septic system for both the new proposed home and the existing guest cottage in one leach field. We have been working with the Canandaigua Watershed and Tyler to get this approved. He is on board with it, the State Health Department is on board with it. It creates a better situation for the septic system being away from the water course as well as the lake. We are looking to get final approval from the State Health Department once we get a feel for the Planning Board's decision. Like I said we have already started the process with Mr. Sommers to merge the parcels.

Diane Graham: The annexation was filed today per Venezia and Associates. It takes a period of time to get that new tax map number. We do not know how long that will take. We will get one new tax map number for parcels.

Ralph Endres: We have done this before with other properties. The only thing we may make contingent as part of an approval would be that if you sold the property both houses would have to be sold to the same person. Could not be split.

Wendy Meagher: Absolutely. It is considered one parcel.

Ralph Endres: Right. What you are saying it is never going to be split?

Wendy Meagher: That is correct.

Ralph Endres: Okay.

Wendy Meagher: It is going to remain one parcel and we are also going to the Zoning Board to request a Special Use Permit to allow the two dwellings to remain on the single parcel.

Ralph Endres: You may have some problem with the post office trying to figure out if you have two different numbers.

Wendy Meagher: It is going to become one address and mostly likely the main address now of the larger house.

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Ralph Endres: Okay. We have had people in here before and that was the biggest problem was with the post office once the lots were combined.

Wendy Meagher: Okay. I also have Pete from Method Architecture who can go over a little bit about the house and how it sits on the lot.

Chairman Ely: Are you also seeking a variance from the Zoning Board?

Wendy Meagher: We are only requesting one variance and that is setback to the private road. The existing drive along Walton Point the current house sits adjacent to the road. We are actually improving that setback. The setback is here so it gives us this little triangle to develop. It is well within the character of the neighborhood of all the other homes up near the road. We are requesting just a front setback. Because we are combining the lots we are able to actually reduce the lot coverage of 21% plus down to 20% so we are bringing the lot coverage into compliance. The Special Use Permit to have the two dwellings on one parcel.

Ralph Endres: What is the acreage on the combined lots?

Wendy Meagher: It is just about .4 acres. I apologize.

Diane Graham: So what is it?

Peter Heintzelman: .852 acres

Ralph Endres: Okay. So it is almost an acre.

Wendy Meagher: Yes sir.

Ralph Endres: 40,000 square feet or thereabouts.

Michael Staub: The septic system that is going to be put in is going to supply both houses?

Wendy Meagher: Yes sir. It is. It is going to contain a five bedroom design main and two bedroom design for the cottage so a total of a seven bedroom leach field. Both houses will have their own septic tanks and then they will have small pump stations that will pump to the leach field.

Ralph Endres: Common leach field?

Wendy Meagher: Yes. It is under a 1,000 gallons per day so we do not need a SPEDES permit for it. It falls under a conventional system.

Chairman Ely: Just to be sure I understand the septic arrangement, you have had conversations with the Department of Health, right?

Wendy Meagher: We have.

Chairman Ely: You are awaiting final approval as you understand it?

Wendy Meagher: We have submitted to the State Health Department. We have not submitted the final response yet. We are planning on doing that right after this meeting.

Chairman Ely: You know that is absolutely essential before we would proceed to any kind of final approval.

Wendy Meagher: Understood. We have been working closely with Tyler Ohle in the Canandaigua Watershed and he is on board with approvals as well.

Chairman Ely: Any more questions for this presenter? Is there someone else on your team that wants to speak to us?

Wendy Meagher: Yes.

Chairman Ely: Please introduce yourself for the record if you would.

Peter Heintzelman: I am Peter Heintzelman with Method Architecture Studio. The architect for the project. I do apologize there are more people than I thought were going to be here. I have handouts of just a few photos.

Chairman Ely: We will circulate.

Peter Heintzelman: There is a couple reference photos. I do not know if anybody plans to take a look at the property or not. What Lucy was referring to with the amount of plants and work that they had done on their lakeside. Both the north and south property. When we started looking at this project in terms of taking the existing cottage down on the north property and rebuilding a more usable house for Phil and Lucy for a full-time residence plus their family and children growing and extended family. We really wanted to take into account keeping all of the work that they have done on the lake, which is tremendous amount of stone work, vegetation and landscaping work. There are a number of very large mature trees that are helping to minimize the impact from the lake to the house and from the house to the lake. We did a lot of work both with the houses on and with Wendy in terms of grading to make sure we could maintain most of these trees. Wendy will be able to go over it a little bit further. We were able to maintain pretty much all of that with the proposed house plan that we developed. It is essentially a ranch style house with a walk out basement towards the lake. From the road side it is going to look like a single story house with a realm of modern craftsman style home. Phil and Lucy are looking for browner earth tones in terms of color of the house. We are trying to blend it in to the site itself, but also the background, which the background of this property on Walton Point is a fairly large steep hill that is fully wooded. We are trying to sink this house seamlessly into the existing landscape while using what we have with the lake frontage to stream the house from the lake by also blending into that background of the hill. [*There was a brief description of the entrances of the house.*] The average building height is 28 feet so we are well under the requirement of 35 feet. Does anyone have questions?

Ann Marie Rotter: Do you have plans for the other structure?

Peter Heintzelman: The guest house?

Ann Marie Rotter: Yes.

Peter Heintzelman: The guest house is actually going to stay right now as is.

Ann Marie Rotter: Okay.

Peter Heintzelman: There is a guest house and a boat house that are going to remain. All that is included in the lot coverage that Wendy was discussing.

Michael Staub: Do you have a floor plan for the house?

Peter Heintzelman: No. I actually do not have floor plans.

Michael Staub: We can only judge egress and square footage of the house. When do you plan to come up with the floor plan?

Peter Heintzelman: The floor plan is there. I just do not have them. I apologize for that.

Ralph Endres: How many square feet is that house?

Peter Heintzelman: Roughly 32ish under three. The size wise is five. There will be three and half baths. Actually there is only three bedrooms, but because of the size of the house the square footage we needed to make it five bedrooms for septic system.

Ralph Endres: Is that counting two downstairs?

Peter Heintzelman: Yes. There is only one bedroom upstairs on the main level. Most of the time it will be just the two of them. They have children that like to come to the lake at various points in the year. Mostly in the summertime. Really gearing that 70-85% of the time it just the two of them. They can theoretically live on just the main level with their bedroom, kitchen, dining, living room and garage comes in on that main level. They can spend all their time on the main level and access to the outdoors from there. When the children are in town, they have extra bedrooms downstairs, rec room and the existing guest house.

Ralph Endres: Is that geothermal heating?

Peter Heintzelman: It is something we have discussed, but we have not specified anything quite yet.

Ralph Endres: If you use geothermal, you will have to drill.

Peter Heintzelman: Correct.

Ralph Endres: Much cheaper in the long run, but more expensive initially.

MaryAnn Bachman: Right now it is a gravel driveway. Will it stay that way?

Wendy Meagher: The private drive is impervious gravel. The parking area in front of the garage and area in front of the cottage is going to be permeable pavers. The site is very permeable. We got perk rates between one and two minutes. We actually have to import soils underneath the leach field to get it approved. For two reasons because we have such permeable soils out there we are not as concerned about the runoff and the fact the Sheils' have a natural barrier of plantings, wild flowers not only along the

shoreline, but all along the *inaudible* area. It almost acts as a bio retention area. It does not have a sump or ledger drain, but it does not really need to with rates between one and two minutes.

Michael Staub: We get some cloud coverage around here. It comes in hot and heavy. I got over an inch of rain in 15 minutes at our place. It can come on pretty quickly. As long as it is adequate drainage and like you said, a good perk rate, it should not be a concern.

Wendy Meagher: Across the stream is a pretty steep landscape over here, but it all funnels towards kind of a ravine captured in this creek outlet here. It is a pretty good size. Anything uphill is funneled through here and it is kind of spread out. We are not proposing any more pervious on the second lot. It is actually less than it is now. This lot has a 21% plus lot coverage and we bringing it down to 20%. Overall we are improving the conditions.

Michael Staub: Thank you.

Sam Seymour: Regarding runoff how old is the culvert or bridge over the stream for the roadway? Did you guys have any trouble with that in the famous flood?

Lucy Sheils: Yes we did.

Phil Sheils: I am Phil Sheils and Lucy and I own this property together. Yes. We had a landslide up above the block pit culvert and the water basically came through our house so we had to probably spend a couple hundred thousand dollars to restore it to where it is. That is when Bob Fladd came and did the retaining walls and retention on the river side to stabilize it because it was all eroding. The shoreline was all erosion and falling into the lake. We boxed all that in and we have been doing a lot of plantings ever since. We did have to make a flood insurance claim there because we had two inches of silt through the entire first floor. Some of the issues with the house now in addition to being 175 years old goes back to that flood because part of where we started with this three years ago is the siding had been ripped off the house when that flood came through. We had to reside and we noticed it was rotting down below. We asked Charles Kenton who is going to be our builder with Marie to look at it. They tore the wood out and saw that it was all rotting and then we had looked at the sill on top of the foundation. The sill plate is gone. There is nothing plum with that house. We talked about rebuilding the foundation and raising the house up, but by the time we got done we would still have the same problems. It did not make sense. We would not be able to live there year-round, which is our plan. We lived through that.

Sam Seymour: In the reconstruction where the fixing up after that was the culvert enlarged?

Phil Sheils: They found a bigger pipe under the culvert there. Guy Rogers did that work for us. Again when we bought the property south of us, which was Art Shriner's place that had serious erosion. We have six massive sycamores on the property that we are trying to preserve and keep in tack. The one sycamore the root ball was totally exposed from the street. Part of the other side of it was to Bob Fladd come back again and do the other side to protect all that. He did it in a way that was like a stream bed with Eddys coming down and permeable so it would flow under the property. We invested a huge amount of money just to do the landscape. If you ever come down, it is beautiful and natural. Everything in there is native stuff.

Sam Seymour: That is a big concern at the bottom of the hill.

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Phil Sheils: Yes. Well we lived through it. I do not know how many year flood we are looking at. It would not surprise me. We are hopeful that this project the way it is being designed if it does happen again, rather coming through the house it will go around it. That is the plan. Any other questions?

Diane Graham: I sent out an email about County Planning comments, but I did not get a response back.

Chairman Ely: Any other questions? Okay. Let me suggest this. I know you have an application pending with the Zoning Board of Appeals, right?

Wendy Meagher: Correct.

Chairman Ely: You need permission for two houses on the same parcel and also a variance, right?

Wendy Meagher: Correct.

Chairman Ely: Is that hearing scheduled?

Wendy Meagher: It is scheduled.

Chairman Ely: Before this Board meets again.

Diane Graham: It is not scheduled for August.

Chairman Ely: Okay. So when Diane will it be scheduled?

Diane Graham: It will be scheduled when we receive bald eagle determination.

Wendy Meagher: They gave us the determination a half a day after we needed it.

Diane Graham: It was in the application without that determination.

Wendy Meagher: I understand. We went ahead and requested that. We got the determination that there was no impact, but we got it Tuesday instead of Monday.

Diane Graham: I did not know that.

Wendy Meagher: We have not forwarded it to you. We got emails and they are formalizing it into a letter for us. That will be in your hands prior to the next Zoning Board meeting.

Chairman Ely: We obviously cannot go forward with final site plan approval until the Zoning Board of Appeals has acted.

Wendy Meagher: Correct.

Chairman Ely: That is why I was trying to get a sense when this matter might come before the Zoning Board of Appeals.

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Diane Graham: The Zoning Board of Appeals Chairman wants the eagle determination prior to scheduling a public hearing. It will be September.

Chairman Ely: It will be September before the Zoning Board of Appeals can meet.

Diane Graham: Yes.

Chairman Ely: When do they meet relative to our meeting?

Diane Graham: A week after yours.

Chairman Ely: We have to put this over to October is what you are telling me.

Diane Graham: Yes.

Chairman Ely: What we will do then I will tentatively schedule this for public hearing for final site plan approval before this Board at our October meeting.

Wendy Meagher: Okay.

Chairman Ely: Hopefully then you will have your Zoning Board of Appeals approvals and you will have received the eagle curative letter. We will have those matters resolved. Obviously if you do not get Zoning Board of Appeals approval we are back to the drawing boards, right?

Wendy Meagher: Okay.

Chairman Ely: Assuming that goes forward we will see you in October hopefully.

Wendy Meagher: Sounds good.

Chairman Ely: We cannot do anything without septic approval.

Wendy Meagher: Understood.

Diane Graham: Ontario County comments will need to be addressed as well.

Wendy Meagher: Yes. We will have all that addressed.

Chairman Ely: County Planning Board actually made no recommendation in your case.

Diane Graham: They have three comments.

Chairman Ely: Are we all set then?

Wendy Meagher: Yes.

Chairman Ely: Thank you all.

Wendy Meagher: Thank you for your time.

Preliminary Site Plan Approval Application #2020-0010

Owner: Andrew & Marie McNabb
Representative: Venezia & Associates
Property: 5697 Applewood Drive
Tax Map #: 168.20-1-9.000
Zoned: LR (Lake Residential)

Rocco Venezia: I am trying to get Dan Hackett to do the presentation. The owners are the McNabbs. You have to bear with me tonight as my children stuck me with this tonight because they worked on it. Hey Dad, we have to be over here can you be over there? So I am here. I know a lot about the project so I think I can get us through it. This a tear down and rebuild. The shaded area is the new home. We are proposing to have a driveway that connects to the road in a u-shape piece in the front. This site is very low and we struggled to come up with an engineered solution for holding back the storm water. If we dig down in, I think we will bring the lake on top of us. So what we proposed to do is use this area in the driveway and put a condensed bigger stone underneath more of it to store storm water. We met that requirement in the area we are showing suffices that. Everything else is pretty straight forward and meets all the criteria. I do not think we need any setbacks for the building, but we do need an area variance. Are we not scheduled for that?

Dan Hackett: We are. There is a front setback.

Rocco Venezia: There is a front setback. Okay. So when are we going, August?

Diane Graham: There is a rear setback. Lakeside is rear. There is a Zoom public hearing next Wednesday.

Sam Seymour: Question about the driveway. Is Applewood a dead-end road?

Andrew & Marie McNabb: Yes.

Sam Seymour: It is dead-end?

Andrew & Marie McNabb: Yes.

Sam Seymour: You come in from by the creek?

Andrew & Marie McNabb: Yes.

Sam Seymour: So that is part of why this loop is there because you have to be able to turn around.

Andrew & Marie McNabb: Yes.

Sam Seymour: Okay.

Dan Hackett: I am Dan Hackett Landscape Architect. The McNabbs own the house to the north. This is a separate parcel guest cottage. They are living in it. It will be for the children and things of that nature. The access to get in there again with lot coverage there is no parking really at the guest cottage. So part of the

strategy was not only for storm water we want to save the large trees on the site and position the house between the two oak trees. By adding that circle driveway it is very narrow down there and we will have people parking on the street so people going down can get by. Keeping the vehicles on the site and a safe situation. The oak trees are magnificent and we certainly want to preserve this. The storm water was the catalyst to get a circular drive. I hope that helps you. You are welcome to look at the landscape plan.

Sam Seymour: It is a hedge question because it goes to the surface area issue.

Dan Hackett: I am sorry what's that?

Sam Seymour: All that driveway space when you explain it that way makes sense, but you could probably cut back on the driveway to meet your surface area set limits.

Dan Hackett: Well cutting back on the driveway to get parking for the guest house alone you are getting into those tree roots and then they are damaged.

Sam Seymour: Right.

Dan Hackett: Okay. You have less driveway and have this pull-off thing and it is over on the side. Then you have this issue with now you are a neighbor having a three car parking area, which could be permissible. Again looking at the character of the neighborhood and trying to preserve that there are some other houses on the street that have circular drives for a lot of the same reasons.

Sam Seymour: Yes.

Dan Hackett: Directly that is where we wanted it. With the landscape plan overall the two large trees with the other large deciduous trees incorporated. Along the lakefront right now there are no trees. They would like to get some large trees out there, which are located basically on the two sides and in the middle of the home. Then there would be foundation planting with some screen planting along the road just to again prioritize it not have this big audacious thing basically to keep the scale down of the house, the feel for the people in the neighborhood. I hope that answers the question you were asking?

Sam Seymour: You are fine.

Dan Hackett: Okay.

Sam Seymour: Good.

Ann Marie Rotter: What is the material you are using for the driveway?

Dan Hackett: The material on the driveway will be a clean angular stone because feeds a water to void space. That void spaces are used quite often in rain gardens. Again, it is for soil retention. This site is extremely level. The existing septic is here. The proposed septic, which they have a plan here tonight is going across the street. They have actually purchased an easement for that. The perk tests have been done and we have that plan. This soil will be excavated out around the house because of flood plain. You have to raise the house so it will be soil added in the flood plain. You have to compensate for that soil. So by moving the septic and getting rid of that thing that looks like a burial mound in front of the house bringing the grade down with a very level front. So the controllable storm water we would have to do something.

Digging a hole in the ground because the site is so low we are going to have lake water coming up. This capacity of space for this driveway as clean angular stone will handle all the storm water for the front of the house, but what that is going to do is it acts as an active holding tank to allow you filtration back down through the soil profile to the lake. It is kind of a dual strategy for storm water management and it allows them access to create a safe situation. Someone is not backing out on a blind turn. It will keep cars off the road for neighbors. How does this work best for everyone? Those were the considerations we took into place to come up with this design.

Ann Marie Rotter: How about ice?

Dan Hackett: With the ice capacity what you have is you are going to have in that clean angular stone. You are going to have a freeboard profile. Your freeboard profile is usually that top four to five inch that filtrates when it goes down through. When it freezes, clean angular stone, because of the void space, the ice pushes through the void space. It does not heave it like an asphalt or something. When the ice expands, it goes through the void space then when it melts it goes back in so filtration can take place. You are also because of high lake level you do not get the frost down so deep. You are still getting infiltration even in the winter in the soil profile because of the water temperature is underground. That is really the theory behind doing these large holding areas. You will see it sometimes where they put pavers on it. They call it permeable paver driveway. This is the same idea, but this is everything that goes under a permeable paver driveway without actually putting a hard surface that you get runoff in the infiltration because you get total infiltration into the area.

Ann Marie Rotter: Okay. Thank you.

Bessie Tyrrell: You had said that the septic system is across the street?

Dan Hackett: Yes. Can I show you?

Bessie Tyrrell: Yes. That is on property owned by these good people?

Dan Hackett: Is it Crofton?

Marie McNabb: Crofton and Hubbard.

Dan Hackett: Crofton and Hubbard own the property. You guys have purchased an easement for this?

Marie McNabb: An easement.

Dan Hackett: A legal agreement. They have that. The plan is very small and sent them to the Town.

Diane Graham: Phil, were the septic plans sent to you?

Phil Sommer: I have not seen them yet.

Diane Graham: I have not either.

Dan Hackett: We can give you this. I know this is small scale engineering. Just to explain it quickly. Here is the house. This is the existing septic field that looks like a burial mound. That gets raised down. There

is an easement coming across to this area that is owned by Crofton and this is the septic field location. It is across the road and out of the flood plain and up in. Again an agreement has been made with Crofton. Everything is legal. Glenn Thornton has this with the County now. I think the County would like to see the final architectural just make sure measurements are correct. The McNabb's have been waiting to get their approvals to actually build so the architect can finish the final plan to give it to the County. We have a chicken and egg scenario. So that is why we are here. It seems as if Watershed Inspector/County is on board waiting for the final architectural, which will be done once we have the variances that this house can be built. There is no sense in doing final architectural if you do not know this house can be built here. We will not know that until the variance maybe. Again, that is the chicken and egg.

Michael Staub: So you are going to have to have a pumping station?

Dan Hackett: It already exists. Yes. There is a new pumping station and system. I am sorry.

Michael Staub: New pumping station?

Dan Hackett: Yes. That is going to be located the times are outside the house per the setback. The new pumping from the guest house the existing that comes into the same system. The system is sized for both and goes across the street to the dual bed system.

Michael Staub: How far apart is it going to have to pump uphill?

Dan Hackett: Uphill? I do not know exactly. I cannot say more than three feet.

Michael Staub: Alright.

Chairman Ely: You make reference to the easement on to the Crofton property. That is that large field, is that correct?

Marie McNabb: Yes.

Dan Hackett: Yes. That field where it goes way down in it is kind of wooded.

Marie McNabb: There is the pasture and then there are the woods. It is in a clearing in the woods.

Chairman Ely: Alright. Fine.

Ralph Endres: I think there is already an existing house on Shore Drive that uses - that goes across the street.

Dan Hackett: There is. Yes.

Ralph Endres: The feds seized it. They did not realize that they had to seize the property on the other side. They could not sell because they did not have a leach field. There is precedence for that type of a thing in that neighborhood.

Dan Hackett: I think Sandy (Andrew) emailed it to Phil this week. Never the less we will get the email right from Glenn Thornton so you have visual files. Would anybody else like to see?

Chairman Ely: Diane will show to us. Thank you.

Michael Staub: Diane is very efficient.

Ralph Endres: I think the problem that I see is that the house is too big for the lot.

Dan Hackett: The house is too big for the lot?

Ralph Endres: It takes up almost 25% percent.

Dan Hackett: No. The house size without the driveway I believe the size is in compliance.

Rocco Venezia: The area of lot is 24,000 square foot. The house is 4,500.

Ralph Endres: The house, driveway and shed.

Ann Marie Rotter: The lot coverage is 25.5%.

Dan Hackett: So the lot coverage is 25.5%. So it is 5.5% over the 20%. Existing there now what would guess is there now for lot coverage?

Ralph Endres: Right now. The existing is 52.25 the proposed is 61.12 according to this.

Rocco Venezia: The maximum lot coverage is 20%.

Ralph Endres: The lot coverage is 26.5%.

Rocco Venezia: We are looking for 5.5% lot coverage variance. Right now the house and improvements are 22.5% and we want to go to 25.5% so that is a 3% increase over.

Dan Hackett: 22.5% exists now. It is going to be 3% higher with the proposal of the driveways, house and everything. So that is the amount of change with lot coverage.

Chairman Ely: That is why you are seeking a variance with Zoning Board of Appeals, right?

Dan Hackett: Correct.

Chairman Ely: So you are seeking a variance for setback and lot coverage, right?

Dan Hackett: Correct.

Chairman Ely: Thank you.

Ralph Endres: I do see unless they get the variance this is not going to fly.

Chairman Ely: You will have to get the variance.

Dan Hackett: We realize that.

Rocco Venezia: If we do not get the variance, we are dead in the water. We will have to redo it.

Ralph Endres: Then you have to go back to the County. The County may look at it more favorably.

Rocco Venezia: We understand. We are well aware of it. We have to start somewhere.

Ralph Endres: I would go for the variance, but I would not be hanging my thumbs waiting for it. You may have to make some other cuts.

Dan Hackett: We may, but again if you look at variances five test questions. In those test questions are uniqueness of site seeing trees, there is health, safety and welfare that the municipality needs to look at, which is why we want a circular drive. Not people parking out on the side. So in those test questions and I understand what you are saying, but there is a means to look at that and that is why we want to have an open discussion with the Zoning Board about. That is really where we are at right now.

Chairman Ely: Let me just complicate things a little bit if I may.

Dan Hackett: Okay.

Chairman Ely: County Planning Board recommended disapproval of your project and why they do not bind our decision ultimately we do take County recommendations very seriously. If we were to disagree with them, we would have to have an extraordinarily large vote in order to override County's decision. Now, I appreciate your fact that Venezia and Associates got a very prompt letter back in response to County's concerns. Unfortunately, I only received it today and have not had an opportunity to really digest. I appreciate you getting on it so promptly. It speaks well for the organization. It may be Zoning Board of Appeals if they grant you the variances we will dispel some of County's concerns. That is the issue that would have to be addressed if you came back to us for final site plan approval. Just so we really understand that you have to speak in some way that persuades this Board that either County should revise its opinion or we have to be persuaded to override.

Dan Hackett: Yes.

Rocco Venezia: Yes.

Chairman Ely: That is fine. Obviously septic approval would be essential, but I understand that is pending other approvals first.

Rocco Venezia: Right.

Ralph Endres: I really do not think you will have a lot of problems with that. That is the least of your problems. The septic will get approved. I would be surprised if it didn't.

Rocco Venezia: I am confident. I think there is a little tweaking to do here for the Town, but we will get through it.

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Bessie Tyrrell: I had a question just because I am curious. So the septic system is in that wooded area. Is that forever wild?

Rocco Venezia: Basically it cannot be cut.

Bessie Tyrrell: Okay.

Sam Seymour: It has a deed restriction on that, right?

Marie McNabb: Yes.

Sam Seymour: So it cannot be built on, something like that?

Marie McNabb: Yes.

Dan Hackett: Yes. I believe that it is deed restricted.

Rocco Venezia: It has to be mowed and maintained.

Bessie Tyrrell: Okay. So it is not forever wild it cannot be... I get it. Thank you.

Rocco Venezia: Forever septic. Until we decide to right sewer down then that will go away.

Chairman Ely: Other questions for the team? No. I guess my thought is that since you are on the Zoning Board of Appeals agenda coming up. I will tentatively schedule this for a meeting in September public hearing.

Rocco Venezia: Can I ask one question?

Chairman Ely: Yes. Of course.

Rocco Venezia: If we are successful and we do get the variances as requested, would that then be an issue, the size of the house, Ralph for you to not vote on?

Ralph Endres: I would like to see the house come in compliance with our law. Just a couple of years ago we crafted this law because the houses were taking up 30% and 40% of the lot.

Rocco Venezia: We are not doing that in this instance.

Ralph Endres: I know.

Rocco Venezia: What I am getting at is when we meet next week, high five ourselves about getting the variances and then where do we stand with you guys?

Bessie Tyrrell: My understanding is that if they grant the variances we cannot say you cannot do that.

Rocco Venezia: Okay. If I get the variances, I will not attempt to change this.

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Chairman Ely: My understanding based on advice of counsel, is that if they grant a variance that is conclusive on us. We may have other questions including the septic will be a question and maybe County has other concerns, but if they grant a variance we cannot reopen that issue.

Rocco Venezia: I have been involved in projects so a Zoning Board has to grant a variance for a certain thing and the Planning Board did not like it. To keep the peace we negotiated something with the Planning Board. Because of your objection Ralph, I am a little concerned we might be in that situation when we come back. I think you answered my question. I think I am comfortable with that.

Chairman Ely: We have had a situation in which Zoning Board granted a variance and this Board did not like it. That is what prompted my exchange with counsel.

Rocco Venezia: We actually got denied one time after we got a variance from the Zoning Board and the Planning Board denied the project. When we came back we did a little tweaking, but I think the Planning Board kind of got admonished. It was not this Town. They got read the riot act by the Town attorney. They had to change their toon a little bit. It does not happen very often, but it does happen.

Chairman Ely: We would not be inclined to reopen a variance once it is granted by the Zoning Board of Appeals.

Rocco Venezia: No. I know. It is a done deal. Alright.

Chairman Ely: Okay.

Rocco Venezia: We thank you for your time.

Chairman Ely: Hope to see you in September.

Rocco Venezia: September what?

Diane Graham: The 16th.

Discuss procedure to handle approvals of short-term rental applications

The Board had a discussion about whether to hold a separate meeting to review short-term rentals or review at their regular meeting. The Board decided to hold a separate meeting on Wednesday, September 30th at 7:00 pm, if any applications were ready for preliminary review.

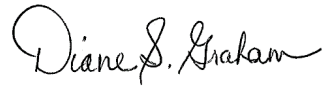
Proposing a local law on brush, grass and weeds

The Board reviewed the brush, grass and weeds local law from the Town of Hopewell and listened to comments from Planning Board members, Dan Marshall and Phil Sommer. The Board agreed to defer the discussion to the next meeting and the Code Enforcement Officer will provide Board members with the New York State Maintenance Code definition on weeds, etc.

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 8:40 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham". The signature is written in black ink and is positioned above the printed name.

Diane Scholtz Graham
Board Assistant