



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

Planning Board Meeting Agenda

Wednesday, September 16, 2020
7:00 p.m.

Meeting at the Town Hall with face masks and social distancing

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 August 19, 2020 Planning Board Meeting Minutes

Old Business

Final Site Plan Approval Application #2020-0006 (Public Hearing)

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)

Final Site Plan Approval Application #2020-0007 (Public Hearing)

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)

Proposing a local law on brush, grass and weeds

Proposing a local law on events

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

New Business

Preliminary Site Plan Approval Application #2020-0013

Owner: Bristol Harbour Village Association Inc
Representatives: William Kim, Board President & Mike Lebowitz, Board Member
Property: 5680 Shore Drive
Tax Map #: 168.16-1-7.100
Zoned: PD (Planned Development)

Preliminary Site Plan Approval Application #2020-0012

Owner: Martin E. Gordon & Jill M. Gordon
Representative: Bill Grove, PE
Property: 6765 State Route 21
Tax Map #: 191.09-1-14.100
Zoned: R3 (Residential 3 Acre)

Preliminary Site Plan Approval Application #2020-0015

Owner: James M. & Maria C. Boucher
Representative: Venezia & Associates
Property: 5407 Seneca Hill Drive
Tax Map #: 168.12-1-8.000
Zoned: R3 (Residential 3 Acre)

Preliminary Site Plan Approval Application #2020-0016

Owner: Hans Buechler
Representative: Marks Engineering
Property: 5411 Seneca Hill Drive
Tax Map #: 168.12-1-9.000
Zoned: R3 (Residential 3 Acre)

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, September 16, 2020

Present: Mary Ann Bachman
James Ely
Ralph Endres
Ann Jacobs
Sam Seymour
Matthew Sousa (Arrived at 7:30 pm)
Michael Staub
Bessie Tyrrell

Excused: Ann Marie Rotter

Guests: Bill Grove
Melissa Scott
Scott Portuondo
Bryan Hickman
Rocco & Pat Venezia
Bruce Hunt
Michael Lebowitz
Jeremy & Cathy Fields
Joe Koehler
Tom O'Rourke
Mark & Donna Buckley
Brennan Marks
Marty & Jill Gordon
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 except for Ann Marie Rotter.

Reading of Vision Statement

Bessie Tyrrell read the Comprehensive Plan Vision Statement.

Minutes

The August 19, 2020 meeting minutes were deferred to the next meeting.

Old Business

Final 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)

Legal 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 #2020-0006 for property owned by Melissa Scott and Scott Portuondo located at 6377 Old Post Road, Tax Map #185.10-1-13.000. The applicant/owners are looking for site plan approval to tear down an existing cottage and build a new single family home with deck.

Said hearing will take place on the 16th day of September, 2020 beginning at 7:00 pm 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.

Diane Scholtz Graham
Board Assistant
Se 04
91253

Bill Grove: I am Bill Grove from Grove Engineering. I am here with Melissa Scott and Scott Portuondo the owners of the property. If you remember last month for preliminary approval, it is a fairly simple project I believe. It is a tear down and rebuild of an existing cottage down on Old Post Road. There is a new septic system that was installed last year. It might have been earlier this year. Time is getting away from me. It is a new system sized appropriately for the four bedroom house. The house is essentially in the footprint of the existing house with a few exceptions as far as bumping it out further on the south, but all within the building setbacks. We are not over height so we are not seeking any variances. There is not really a whole lot of steep slope disturbance on the site. It is a steep site, but most of the disturbance is limited to the area just around the house now. We have the footer drains and roof drains running off to a rip rap splash pad down near the shoreline. It will be placed above the mean high water mark. We did get clearance on eagles. Phil and Diane have all of our approval letters, copies of them. We have SHPO sign-off. We did not trigger the bald eagle response for this property. So we did not need that, but did get SHPO sign-off on the project.

Chairman Ely: You were exempt from County Planning review as I understand it.

Bill Grove: That is what I understand. Yes.

Chairman Ely: I got to interrupt for a minute. My mistake. Diane, has to read the public notice. Thank you Diane. Bill, your septic is a new system, right?

Bill Grove: It is. Yes.

Chairman Ely: You have had approval on that, right?

Bill Grove: We have approval. Yes.

Chairman Ely: Basically, it seems to me you have touched pretty much all the bases. Diane have we received any written or verbal responses to this application.

Diane Graham: I have not received any written comments. I do not believe I have received any verbal. I do not know about any people in the hallway. Would you like me ask?

Chairman Ely: You can ask if there are any comments.

Diane Graham: No one would like to speak on this application.

Chairman Ely: No one has indicated any interest in speaking. Alright, thank you. Do the members of the Board have any questions? Alright. Then I will declare the public hearing closed.

I would move that we answer the SEQR questions 1-11 no or small impact. I would further move that you direct me to sign the SEQR form in due course.

A motion was made by James Ely and said motion was seconded by Michael Staub.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell

Nays: 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 Michael Staub to approve findings 1-4 and said motion was seconded by Ann Jacobs.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell

Nays: 0

Motion carried.

Town of South Bristol Planning Board Meeting Minutes 9/16/2020 Approved

A motion was made by James Ely to grant both preliminary and final site plan approval to application #2020-0006, 6377 Old Post Road and said motion was seconded by Ralph Endres.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Ann Jacobs – Aye
Sam Seymour – Aye
Michael Staub – Aye
Bessie Tyrrell – Aye

Motion carried.

Chairman Ely: When do you think you will start the project?

Bill Grove: When do you think?

Melissa Scott: Tomorrow?

Bill Grove: Pretty quick. Yes.

Final 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)

Legal 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 #2020-0007 for property owned by Bryan D. Hickman located at 6233 Bopple Hill Road, Tax Map #178.00-1-67.100. The applicant is looking for site plan approval to install a pre-fabricated 12 foot by 24 foot storage shed on the land side of mean high water line.

Said hearing will take place on the 16th day of September, 2020 beginning at 7:00 pm 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.

Diane Scholtz Graham
Board Assistant
Se 04
91254

Rocco Venezia: I was here before you last month. You asked some questions and we answered them. We got preliminary approval and we are here tonight to finish it up and get final approval, but there are no changes. What we submitted is what we submitted and here we are.

Chairman Ely: Thank you. This you recall everybody was for a pre-fabricated storage shed.

Rocco Venezia: Correct.

Chairman Ely: It will have no plumbing as I understand it, correct?

Ralph Endres: Or electricity?

Rocco Venezia: That is correct.

Chairman Ely: Thank you.

Rocco Venezia: Is it going to have electricity, Brian?

Bryan Hickman: Not in the near future. No.

Chairman Ely: You have an archeology letter too I believe, right?

Rocco Venezia: Yes. Diane has it.

Chairman Ely: County review is not required so you are exempt from County review. Diane have we received any written or verbal communication in connection with this project?

Diane Graham: No.

Chairman Ely: Is there anybody in the audience who wishes to speak on this application? There is one person who wishes to speak. Please introduce yourself.

Tom O'Rourke: My name is Tom O'Rourke and I live at 6161 Blackberry Drive. I am the neighbor immediately to the south of the Hickman property. I also know Rocco he did some work on my property. As a neighbor I know Brian typically does things very well and does not try to go around any regulations or that. He took me through what he was planning on doing. I really just had two questions: One is I am trying to get an idea if it was a storage pod or if it was something that had windows in it to make it look like he has a very nice shed, a very old shed on his property, now which he said he was going to match paint wise. That is really it, but other than that I would be fully in support of the project.

That does not look like a metal container pod. I think we are good. Thank you.

Chairman Ely: Anyone else wish to speak? Any Board members have any questions? I will declare the public hearing closed.

I would move that we answer the SEQR questions 1-11 no or small impact. I would further move that you direct me to sign the SEQR form in due course.

A motion was made by James Ely and said motion was seconded by Michael Staub.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell

Nays: 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 Ralph Endres to approve findings 1-4 and said motion was seconded by Michael Staub.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Jacobs, S. Seymour, M. Staub, B. Tyrrell

Nays: 0

Motion carried.

A motion was made by James Ely to grant both preliminary and final site plan approval to application #2020-0007, 6233 Bopple Hill Road and said motion was seconded by Mary Ann Bachman.

Vote of the Board:

Mary Ann Bachman – Aye

James Ely – Aye

Ralph Endres – Aye

Town of South Bristol Planning Board Meeting Minutes 9/16/2020 Approved

Ann Jacobs – Aye
Sam Seymour – Aye
Michael Staub – Aye
Bessie Tyrrell – Aye

Motion carried.

Discuss procedure to handle approvals of short-term rental applications

The Board had a discussion about short-term rental application reviews and chose to meet next on Wednesday, September 30th at 7:00 pm.

Proposing a local law on brush, grass and weeds

In review the Town Board had proposed tightening up the enforcement of the regulations dealing with brush, grass and weeds.

Chairman Ely shared that Phil Sommer had circulated some materials to the Planning Board members for their review. There is a long standing state rule dealing with weeds and high grass. It is not a new law. It is simply a more efficient mechanism to enforce the existing law.

The Planning Board members had a discussion and made a recommendation to the Town Board.

Resolution 2-2020

At a meeting of the Planning Board of the Town of South Bristol on the 16th day of September 2020, it was:

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to add the proposed brush, grass and weeds local law attached hereto.

Dated: September 16, 2020

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Ann Jacobs – Aye
Sam Seymour – Aye
Michael Staub – Nay
Bessie Tyrrell – Aye

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

Diane Scholtz Graham
Planning Board Assistant

Section TBD – Brush Grass and Weeds Local Law

A. Purpose.

The purpose of this chapter is to control the spread of weeds to surrounding lots and the spread of allergy-irritating pollen to adjoining lots, to protect property values, to prevent blight and the spread thereof and to ensure Town-wide, uniform yard maintenance standards that will promote the health, safety and general welfare of the residents and business owners in the Town of South Bristol, their employees, patrons, guests and invitees and any travelers with the Town of South Bristol.

B. Maintenance.

1. The owner of every improved lot within the Town of South Bristol shall maintain such lot to ensure that no growth of weeds or grass shall exceed ten (10) inches in length or height and to ensure that there is not accumulation of dead weeds, grass or brush.
2. The owner of every improved lot within the Town of South Bristol shall maintain such lot to ensure that all hedges, bushes and trees are kept trimmed and free from becoming overgrown and unsightly where exposed to public view or where the same may constitute a blighting factor thereby depreciating adjoining property.
3. It is prohibited to allow hedges, shrubs or trees to encroach onto public sidewalks and lines of sight of public roadways.

C. Administration and Enforcement.

The Town of South Bristol Code Enforcement Officer is hereby charged with the responsibility and duty to administer and enforce this section.

D. Abatement of Violations.

1. If the provisions of the foregoing sections are not complied with, the Town of South Bristol Code Enforcement Officer shall serve, by regular, first class mail, written notice upon the owner, occupant or any person having the control of any such lot or land of such violation of this chapter and which advises such owner, occupant or person having the control of any such lot or land to comply with the provisions of this chapter within ten (10) days of the date such notice of violations is mailed.
2. If the person upon whom the notice is served fails, neglects or refuses to cure the violation within ten (10) days of the date such notice is mailed, or if no person can be found in the Town of South Bristol who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Town of South Bristol Code Enforcement Officer shall cause such weeds, grass and other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal plus a service charge of fifty percent (50%) thereof to cover the cost of supervision and administration shall be certified by the Town of South Bristol Code

Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject violation. The expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

3. The owner, occupant or any person having control over any lot, land or property found in violation of this chapter shall be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Town or its agent without notice to the owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season. The costs incurred by the Town in curing any subsequent violations shall be collected in the same manner as set forth in Subsection B of this section.

New Business

Chairman Ely: Let me explain, because we are so pleased to have a number of people come out for this, that the meetings of the Planning Board are open to the public. This is a not an evening we are having a public hearing. Anyone is welcome to listen, but they are not going to have the open floor. This will be a preliminary hearing assuming that the Board is agreeable we will set this for a public hearing for our October meeting. Tonight it is a chance for the presenters to explain to the Board and interested parties in the audience what the proposal actually is and we will have some questions I am sure.

Preliminary Site Plan Approval Application #2020-0013

Owner: Bristol Harbour Village Association Inc
Representatives: William Kim, Board President & Mike Lebowitz, Board Member
Property: 5680 Shore Drive
Tax Map #: 168.16-1-7.100
Zoned: PD (Planned Development)

Chairman Ely: I invite you to come forward and please introduce yourself for the record.

Bruce Hunt: Good evening. I am Bruce Hunt here with Michael Lebowitz representing Bristol Harbour Village Association. We are both on the Board of Directors. We are here tonight to ask for a permit to install a fence on our southernmost boundary line down at the waterfront. This is a fence that was originally a three and a half foot picket fence that had been up for years. Do not know the history of that fence at all. Two years ago Mr. Bachman put up a vinyl fence to replace the picket fence because we were having security issues on our waterfront. During a recent dispute the Town discovered that the fence was there and was not permitted so it was taken down. We are here to ask for the permission to reinstall the fence. We want to move it south to our boundary line and the purpose of this fence is for the protection and reduction in liability for our residents for the waterfront. We have many people that access the waterfront down the private road. They come in on the holidays. They use our beach, our equipment, our chairs and every homeowner should have the right to protect their waterfront and that is what we are asking.

Chairman Ely: Can you elaborate the nature of some of the security issues. Have you had property destruction or anything of that character?

Bruce Hunt: No property destruction I would say in the last year or so. There was some issues a couple of years ago on Mr. Cooks' property. Kids coming in from the southern private road using the beach. We now have a camera system. We have had no reports of vandalism in the last few years, but we do have residents that notice non-residents using our waterfront.

Chairman Ely: As I understand it, and correct me if I am wrong, there are certain easements down there. Is that correct?

Bruce Hunt: Yes. There are several easements.

Chairman Ely: Can you describe those at all.

Bruce Hunt: Absolutely. There is a large easement that comes out of the lake for the water intake pipe to water pump house. This feeds all of the water to the water treatment plant and services Bristol Harbour Village. There is another easement that is a fifteen foot easement that comes from approximately the pump house crosses the beach to just the north side of the elevator. There is an easement that takes the pump discharge water up the hill to the water treatment plant.

Chairman Ely: Who is the holder of these easements?

Bruce Hunt: Obviously Bristol Harbour is, the Village Association is. The water district, Todd and Laura Cook have the easement with the water intake and it is our legal team that believes that the easement across the beach still is with the Cooks as the developer.

Chairman Ely: Does your proposed fence cut across any of these easements?

Bruce Hunt: They do.

Chairman Ely: How are you planning to deal with that?

Bruce Hunt: We acknowledge the fact that if they got to work on anything in that easement that the fence could come down. There is no restrictions from BHVA. We understand construction needs to happen. The Cooks just spent a fortune down in the pump room there. We know stuff happens. If there is work that needs to be done, if there is pipe that needs to be laid across the beach, we are not going to hold that up. We are also putting gates in this fence so there is free access.

Michael Lebowitz: A pedestrian gate and a vehicle gate.

Bruce Hunt: Yes.

Chairman Ely: I saw there was proposed to be two gates. Will these be locked gates?

Bruce Hunt: Right now we are not planning to lock either gate.

Chairman Ely: So in theory anybody could go through.

Bruce Hunt: They could.

Chairman Ely: The fence would be a discouragement.

Bruce Hunt: Exactly.

Chairman Ely: A locked gate poses, as you well know, more difficult issues than an unlocked gate.

Bruce Hunt: Yes.

Chairman Ely: Then you have questions as to who has the keys and who has access.

Bruce Hunt: Absolutely. If it gets to the point where we have to relock them, then we will make sure that everybody has the right access. We will work with the authorities, the different Towns, ambulance, fire, police to make sure it is done right.

Chairman Ely: Emergency access is very important.

Bruce Hunt: Yes. Absolutely.

Chairman Ely: I believe historically they have had emergency vehicles in the past sometimes to get in there.

Bruce Hunt: Yes. We want to do everything smart to protect our residents.

Chairman Ely: Do other Board members have questions.

Mary Ann Bachman: A point of clarification it was Crofton that put the white fence up not the facilities chair. Another guy installed the fence.

Bruce Hunt: Okay.

Mary Ann Bachman: Obviously, it would be helpful if we had the big picture because not everybody is familiar with Bristol Harbour. Just explain one, two, and three. Where does it start, especially at the water line? How is that determined? There is a mean high water mark. I am going by this and assume that it's an engineering drawing.

Bruce Hunt: Yes.

Mary Ann Bachman: Everything that is highlighted just kind of explain.

Bruce Hunt: Yes. As the map says it is about 76 feet. It starts down at the waterfront. The fence will start wherever we get permission to start it. If it is at the high water mark, it will be the high water mark. It will run up to a point where we will then have a twelve foot vehicle gate. That is access for not only Bristol Harbour who needs to access and service the beach, the elevator, their property and also dock owners. That is what that gates for. Gate number two is a pedestrian gate that is four foot. You will notice on the map there is a bridge that comes across the sluiceway and it makes sense to put that gate right there. The number one on the corner that I will call it the west corner that is where the fence will stop for now. We may come back and ask for an extension across the sluice, but we are not planning that right now.

Sam Seymour: Is the concrete block building the pump house?

Bruce Hunt: Yes.

Mary Ann Bachman: How did you determine the twelve feet? There wasn't one before, right?

Bruce Hunt: Yes. We are just going to reuse the fence that was there.

Mary Ann Bachman: Okay.

Bruce Hunt: The picket fence had some sort of gate there. I do not know the size of it.

Mary Ann Bachman: Is that enough room for something to get through?

Michael Lebowitz: It is a standard width like a single car garage.

Bruce Hunt: We bring in sand. We have an elevator renovation coming up so we have to make sure we can get material in there and vehicles. Twelve foot is adequate.

Ann Jacobs: It says here in this email that the fence is six foot high. Is that what you are looking at?

Bruce Hunt: It is a six foot high vinyl fence. Finished on both sides.

Ann Jacobs: Okay.

Sam Seymour: What color?

Bruce Hunt: It is white.

Bessie Tyrrell: So this map you are showing here you really do not know what the end point is at the lake?

Bruce Hunt: We plan to take it right to the rebar if somebody says we can. Yes. Otherwise, we will take to the high point mark.

Bessie Tyrrell: So where is the high point mark on this map?

Bruce Hunt: I believe it is the dotted line 689. So it is a few feet from where that rebar post is.

Ralph Endres: Is that where it was before?

Bruce Hunt: No. The picket fence was to the north of the sluiceway. Also, the vinyl fence that came down a couple years ago was north of the sluiceway. We have learned if you are going to put a fence up put it up on your boundary line. Solves a lot of problems down the road.

Mary Ann Bachman: How far is it from the boundary line?

Bruce Hunt: It will be as close as we can get it to the boundary.

Michael Staub: Has it been surveyed?

Bruce Hunt: Yes. It is all surveyed, staked and painted. You are more than welcome to come down and see it.

Mary Ann Bachman: I was down on Saturday because you know the Monday before Labor Day the boats and everything. Take into account the fact that who would of thought that would happen where boats start to sink. That was used as a place to take boats out. I know that does not happen, but was that taken into consideration?

Bruce Hunt: No. This is all been planned well before that event happened.

Bessie Tyrrell: So where this line is when one, two, three, four is that the edge of the property?

Bruce Hunt: Yes. That is the property line.

Bessie Tyrrell: So shouldn't a fence be away from the edge of a property? Do you have setback limits?

Bruce Hunt: Not that I am aware of. No. The attorney's that we talked to always say put it as close as you can to the boundary line because you sacrifice losing the land on the other side.

Bessie Tyrrell: Okay.

Michael Staub: That is correct.

Michael Lebowitz: A structure has a setback, but not a fence.

Chairman Ely: The map that I have here does it show the easements?

Bruce Hunt: Yes it does. Not as clear as this big map does. Do you have this with the one, two, three, and four on it? Okay. Let me walk you through that.

Down towards the bottom of the map where number four is. Just to the right of that you will see a solid black line going east/west. That is the start of the easement for the water company.

You will see that arrow that goes to the other black line. That easement comes across BHVA property then it crosses the Fields property and into the pump house.

The other easement starts at number one and right by number two you will see another solid line heading north. That is the fifteen feet easement across the beach.

Chairman Ely: That again is for what purpose?

Bruce Hunt: That original easement was for the developer when they owned the water district, this newly converted residential lot and that was their access across the beach for anything they had to do for the docks, elevator shaft or anything over on that side of the property.

Chairman Ely: Pedestrian access?

Bruce Hunt: Yes.

Chairman Ely: That is why you have the gate?

Bruce Hunt: Yes.

Chairman Ely: The vehicle gate which is number three?

Bruce Hunt: Number three, correct.

Chairman Ely: That is not in connection with an easement per se that is simply an opportunity to get vehicles to actually go in there?

Bruce Hunt: Correct. We realize that fifteen foot easement where that comes out in relation to the Cooks property on the concrete building there. There is not room for a twelve foot gate there for a vehicle to cross that fifteen foot easement. There is never going to be an issue that if somebody else needs to get across and over to that easement that is not a problem with the vehicles.

Chairman Ely: I notice this was sent to County Planning for technical review some of which you already answered. Let me put this on the record. They asked us, does installation involve disturbance to steep slopes or shale cliff areas?

Bruce Hunt: None. It is all on flat land.

Michael Lebowitz: That is why we started and ended it at one.

Bruce Hunt: Yes.

Michael Lebowitz: That was done intentionally. Ideally we would like it to go perfect, but because of the slope issue we ended it at one.

Chairman Ely: The other questions County asked concerning the fastening mechanism and the length and height of the fence is really already addressed.

Bruce Hunt: Yes. It is 76.24 feet long. It is six foot high vinyl fence. I am not sure what they mean by fastening mechanism. It will be posted and concreted.

Michael Staub: It is the fence to whatever you put up. Are you going to secure it with bolts or you going to secure it with clips or how would you secure that fence to the posts?

Bruce Hunt: I think it is all that one vinyl fence assembly that is all bolted in.

Michael Staub: So it is bolted in?

Town of South Bristol Planning Board Meeting Minutes 9/16/2020 Approved

Bruce Hunt: Yes. It will all be bolted. We realize sections may have to come down with these easements so we are going to make sure that it can be done.

Chairman Ely: Other questions for our presenters?

Sam Seymour: Would you consider a different color?

Bruce Hunt: Sure.

Sam Seymour: It is a little loud.

Bruce Hunt: We are just trying to save some money and use the fence that we had already purchased.

Sam Seymour: Tan or something would be nice.

Bruce Hunt: If you come back and tell me we have to do tan, we will do tan.

Chairman Ely: If there are no more questions, I suggest that we set this for our public hearing at our October meeting. That entails that you would have to repeat some of what you said for the record and will see if there are any issues raised by the community at large.

Bruce Hunt: Okay.

Bessie Tyrrell: Does that mean this exact plan will come back to us in the exact same way?

Chairman Ely: How would you like it to come back in a different way?

Bessie Tyrrell: If they are not sure whether it is going to be the high water mark or where it is placed, I think that needs to be clarified.

Chairman Ely: We cannot give you final approval until that is clear, right?

Bessie Tyrrell: Right. Maybe we should know by now.

Bruce Hunt: Who would tell us that?

Chairman Ely: Phil?

Sam Seymour: The property ends at the mean high water level.

Bruce Hunt: So that is where it will go to then.

Bessie Tyrrell: So this map would be adjusted to show that?

Bruce Hunt: Sure. We could adjust it.

Bessie Tyrrell: See what I mean?

Chairman Ely: I see what you mean. Yes.

Bruce Hunt: We will just stop it at the mean high water mark, which is a few feet from where the rebar is to take it up to number one.

Diane Graham: Can you get confirmation of where that is? The surveyor will be able to do that?

Bruce Hunt: Absolutely.

Chairman Ely: You can just make the correction on the map for next time?

Bruce Hunt: Yes. I will have him draw it right in.

Chairman Ely: Okay. Alright again, any other questions? Bessie good point. Okay. Thank you. See you next month.

Preliminary Site Plan Approval Application #2020-0012

Owner: Martin E. Gordon & Jill M. Gordon
Representative: Bill Grove, PE
Property: 6765 State Route 21
Tax Map #: 191.09-1-14.100
Zoned: R3 (Residential 3 Acre)

Bill Gove: It is me Bill Grove, Grove Engineering. I back in front of you tonight to present the project for Marty and Jill Gordon. They are both here. They are the owners of the property at 6765 State Route 21. If you are not familiar with where the property is. It is just south of Pine Bank. There is a sign at the top that says Hidden Pines. It is a shared driveway down to three separate cottages I believe, right? Almost across from where Phillips Road south end comes back onto 21. If you take that driveway back you get to Marty and Jill's house, but their proposed project is down at the lakefront. There was an existing boat house there that we understand got taken out in a heavy snow storm. They did not keep it up very well. The weather eventually got it. The foundation of it is still there. It is like a plywood platform. The proposed project is to build a two story storage building basically in that same footprint. It may be hard to see on the plan, but the existing building overlaps the mean high water mark. It is lake side of the mean high water mark. Initially we were going to propose to build on that exact same footprint and try to get a variance, but a variance for a negative setback is tough to ask for so we revised it and pushed it back so that we are one foot from the mean high water mark on the land side. The reason that we cannot achieve more than that is because of the very steep shale bank behind it. We are trying to use the existing footprint of the structure as much as possible not disturbing the steep bank. That is why we need a variance for that. We are asking for one foot where 25 feet setback is the required. As far as steep slope disturbance, we are under the threshold of what would typically be a steep slope project. I handled it the same way as if it were a steep slope project. So you can see the contours behind the building. The idea is that they are going to eliminate an existing shed and walkway that is in this area on the plan. Kind of a honeycomb patch area. So that is the existing structure there of a shed and walkway. They want to put in a new bridge to get across the existing watercourse. The new structure gets built right here with a new retaining wall behind it so that we have some access to the beach on the south side it and also to be able to clean out the shale that sluffs off the bank there. The proposed structure is going to be built on piers so that we can get it up above any kind of flood elevation. Our proposed finished floor is 696.0 where the existing boat house foundation is at 690.9 so we are going up 5.1 feet higher than that existing. We do not need a variance for height. We are good with building height. It is just that rear setback that we cannot

achieve. There is really no place to build down there to put the structure where we could meet that front setback. I guess Marty can talk a little bit about why they want the building there. It is a really long winding path up to the house from there. I believe it is about 2,000 feet distance with switchbacks to get from the house to the shoreline. There is an existing pathway there that you can drive a side by side or a four wheeler type vehicle down to the beach.

Chairman Ely: Will you describe the structure a little bit to me?

Bill Grove: Sure.

Chairman Ely: Is it going to be a house, beach shack or have facilities?

Bill Grove: Yes. I will let Marty talk about that.

Marty Gordon: I am Marty Gordon. This is our permanent residence at 6765 State Route 21. My wife Jill is right behind me here I think. The issue is we have a shed down there. We call it a shack. It is falling apart. That is where we store things for the water. It is currently infested with mice, rotting and it looks disgusting. There is a tree ready to fall on it so as Bill mentioned part of the project is to remove that and put a new storage building in. The only thing the building will have is a composting toilet. Some space for storage and basically hanging out during the day because our house is just under a half mile up the hill. Two hundred feet up the hill. I like to joke our tram is our side by side. Without that we couldn't Jill's parents who are close to the eighties down there. Other friends that are not in such good shape have to get down to the water. We rely on that, but once you are down there is nothing. We cannot be bringing stuff up and down from the house. It is not really feasible. As Bill mentioned, the existing foundation that is there is over the mean high water mark so the idea is to make it more compliant. We will push it back a foot at least out of there. We will make it look better. Ironically we just met our neighbors to the south, Mary Standish today because we got rid of some lake debris and she came over to introduce herself. Looking at our property from her view it is not too pretty right now. So people living on Walton Point have this view of the foundation that has weeds growing up through it. There are remnants of an old tram style boat lift out of there and all of that is going away. You see the new plans for the storage building.

Bill Grove: Do you have copies of the architectural plans at all?

Ralph Endres: I see it has a kitchen in it. Where does the kitchen waste go?

Bill Grove: It is not a kitchen. There is not going to be any water service into this building.

Ralph Endres: It shows what looks to be a sink.

Marty Gordon: There was a set of plans that had a sink in it that was in error because we do not plan on having a sink in there. We do plan on having electricity so we will have a beverage frig down there, but no sink.

Michael Staub: So you are going to run electric to it?

Marty Gordon: There is already electric to the shack. There is already a meter on a pole so we will just move it over.

Mary Ann Bachman: The shack is this red structure?

Marty Gordon: Yes. It is on the right of your picture there.

Matthew Sousa: Where do you plan on putting the waste from the compost toilet?

Marty Gordon: We have a field up above.

Matthew Sousa: So you will bring it up the tram?

Marty Gordon: Up the trail. Yes.

Sam Seymour: How much excavating behind this house into the cliff?

Chairman Ely: Bill, why are you seeking a variance again?

Bill Grove: For the setback from the mean high water line.

Chairman Ely: Okay.

Bill Grove: We cannot meet that without the variance.

Chairman Ely: Not to be a harbinger of ill will, but you know that County Planning was not positive in you doing it.

Bill Grove: Yes. I did read their notes. It looked like that was boiler plate for any lakefront variance request.

Chairman Ely: A lot of their recommendations do strike me as boiler plate, but nonetheless that is still something that you have to still take into consideration.

Bill Grove: Yes. It seem to me when you look at it asking for a one foot setback where 25 feet is required seems pretty substantial, but you add the fact that there is already a structure there that we are going to make it more conforming or less non-conforming than the structure that was there. To do anything to meet that setback would require way more excavation into the steep slope shale bank there, which we do not want to do. Sam had a question about how much excavation we are actually planning to do there. Behind the cottage it is a little bit of excavation and some fill to create the level area. If you are coming down the path across the bridge, there would be a lane behind the cottage that would be level and then a retaining wall and from the retaining wall down to the deck. I have the wall design max height of it to be eight feet with seven feet of retained soil behind it. There is really not a lot of excavation. There is more fill in that area. I do not know if you want it in square footage or in kind of depth? Essentially, this here would be excavation and everything on the lake side of that is fill.

Sam Seymour: The wall is the tie line?

Bill Grove: The wall is the tie line, correct.

Sam Seymour: You are excavating some behind that to get the wall in?

Bill Grove: Yes. Some excavation and leveling of the area behind that wall then excavating in front of the wall. It would be great to be able to hold that shale to give us some separation between the structure and the shale bank.

Sam Seymour: It is a huge cliff. Any rocks come flying down that cliff it will go right through the roof of the house. I did it with my place so I know that happens. The wall is nice to have.

Bessie Tyrrell: What you are calling the structure it is just a foundation or is there really walls and ceilings on it.

Bill Grove: It sits up off the ground. It is basically a plywood box. It is not quite as big as this room. It is pretty good size. The whole footprint of that is on the survey.

Bessie Tyrrell: What is the material that is made out of?

Bill Grove: The existing structure?

Bessie Tyrrell: Yes.

Bill Grove: It is wood.

Bessie Tyrrell: So it is a wood platform?

Bill Grove: Yes. It is a wood platform.

Bessie Tyrrell: Like you put a tent on or something?

Bill Grove: You probably could I guess. A tent?

Marty Gordon: Yes.

Bill Grove: It was a boat house. Is there a notch out of it Marty where the tram used roll into it?

Marty Gordon: Yes.

Sam Seymour: You can see the tracks in the picture.

Matthew Sousa: Is there a previous variance for the existing boat house or is that pre-existing non-conforming?

Bill Grove: I do not know. Do you know Phil?

Phil Sommer: There was not a permit for that.

Bill Grove: It may predate the permit process.

Marty Gordon: You brought up the County Planning Board and the boiler plate response that they gave us. I reviewed that as well. They actually made a comment the entry level looks to be at second floor level. It looks like is coming out of an existing cottage. They also made some other comments that did not seem to apply to this project at all. I also found some other similar projects in their report that used the exact same boiler plate. It was like they copy and pasted it from there.

Bill Grove: It will be a conversation for next week with the Zoning Board of Appeals.

Diane Graham: Definitely, answer those questions or try to answer those questions if you do not think they are not accurate.

Chairman Ely: The other thing to keep in mind. I know the County's language talked about not wanting to overdevelop the shoreline. I do not know exactly how much of frontage you have?

Marty Gordon: 630 feet.

Bill Grove: They have 630 feet of frontage, which is an anomaly on the lake to have that much frontage. One structure on there so it does not strike one as being over development of the property.

Bessie Tyrrell: None of that frontage gives you enough room to go 25 feet from the water to the cliff?

Marty Gordon: No. It is all extremely steep shale. It is a unique shale formation for the lake. It is the only spot that this specific shale formation comes down to the water. It is very crumbly. I think for that reason it is not possible to build anywhere else. We just have this little bit of land where the existing foundation for whatever that was there. A boat lift is still in there as I said. It is all metal and rails you can see in the picture going into the water.

Chairman Ely: Any other questions?

Ralph Endres: I think I am aware of where you place is. I do not know if you are down close to the cliff whether you could ever see your house. I think you have to be a mile out into the lake to be able to see the house.

Marty Gordon: Yes. You are correct.

Ralph Endres: It is so steep.

Marty Gordon: Yes. That is correct.

Ralph Endres: I think you have to go before the Zoning Board of Appeals and get that squared away before you can come back here for final site plan approval.

Marty Gordon: We are on the schedule next week for the Zoning Board.

Bill Grove: I think we would like, if possible, if you would issue preliminary approval without the Zoning Board or if we could ask to get preliminary and final at next month's meeting after we have met with the Zoning Board assuming that the Zoning Board rules in our favor.

Chairman Ely: I think that we could give you preliminary and final at the next meeting assuming the Zoning Board acts positively on your request.

Bill Grove: Okay.

Chairman Ely: If they turn you down, then you go back to the drawing board. I will not put you on the agenda at all. As simple as that. Otherwise if they grant the variance, unless other board members have other concerns and questions, we could in theory go forward.

Bill Grove: Okay. Yes. We had submitted this to be on the agenda for last month, but then we got into the issue about it being over the mean high so we pushed it back and hate to lose another month.

Chairman Ely: Our usual practice is to grant as we did earlier this evening a preliminary and final at the same meeting. This preliminary meeting is for use to understand the project and ask questions and give you a chance to make any modifications we would desire.

Ralph Endres: My feeling is that you are asking for quite a bit going from 25 feet to one foot. I do not want to prejudice the Zoning Board of Appeals. I would rather have them look at this make their decision and if it comes back to us then we can make our decision.

Bill Grove: I understand.

Ralph Endres: I think that is substantial.

Bill Grove: I agree, but I think it is less substantial because we are moving it back.

Ralph Endres: I know where the property is and I can understand with that amount of shore frontage that you have. The problem being not your project right now, but it will be the next one that comes before us. I do not want to set precedent.

Bill Grove: I understand.

Ralph Endres: I feel more comfortable with letting the Zoning Board of Appeals make a decision and we will go from that. That is just my opinion.

Marty Gordon: It is interesting. I understand. I am also an engineer. Not an engineer that does this sort of work, but I have to explain things quite a bit. One of the things I think is relevant, in this case, the frontage we have is very unique on the lake. I mentioned it is a unique geology. It is the only spot that this particular shale comes down to the water. I think pretty much in every other location you might have more room without the steep slope, but it is the segment of undeveloped land that we happen to own that has basically no place to put anything down by the water except for this one spot.

Bessie Tyrrell: How long have you lived there?

Marty Gordon: About two and half years. The property was on the market for quite a while and we did quite a bit of work to make it livable.

Ralph Endres: We had another piece of property south of yours.

Marty Gordon: Is that Cherniss?

Ralph Endres: Pardon? Way south of yours almost at the Town of Canandaigua/South Bristol border.

Marty Gordon: North of ours?

Ralph Endres: North of you. They wanted to do a lot on the waterfront. They had 600 and some feet of property also. We sit here trying to maintain an even balance. It is not easy sometimes to make those decisions, but as again I feel better if another set of eyes looked at with a different perspective that we have and go from there.

Marty Gordon: Okay.

Ralph Endres: Thank you.

Marty Gordon: Thank you.

Chairman Ely: Alright, do we have any more questions? I am going to tentatively schedule this for a public hearing for October. In the event, however, that the Zoning Board of Appeals does not act positively or act at all, I do not know whether we will be able to go forward. I will have to take it off the agenda and move it to later. I will tentatively set it up. Is that okay? Do you understand where we are? The key thing it seems to me I am building off what Ralph said you have to get straight with the Zoning Board of Appeals. Alright?

Bill Grove: Yes.

Chairman Ely: Thank you both.

Bill Grove: I forgot to add that we have gotten clearance for the potential eagle impact and historic preservation. The SHPO signed off on it.

Diane Graham: Can you send the eagle information to me because I do not recall getting that?

Bill Grove: Marty did it.

Marty Gordon: It was direct from the DEC.

Diane Graham: Was it a formal?

Marty Gordon: Yes.

Diane Graham: It has to be state and federal for eagle.

Bill Grove: Usually we get something from each of them or from one of them and the other one usually says yes I agree.

Diane Graham: I do not recall if we received both. We did not according to Phil.

Marty Gordon: We did not.

Bill Grove: Okay.

Diane Graham: So you will need that before Zoning Board of Appeals because they are doing the SEQR.

Bill Grove: Okay.

Diane Graham: The local permits office made a comment then they asked questions and I did not see a response.

Bill Grove: We will get to the bottom of it. Our intention is to not harm any eagle habitat.

Chairman Ely: Thank you both.

Bill Grove: Thank you.

Preliminary Site Plan Approval Application #2020-0015

Owner: James M. & Maria C. Boucher

Representative: Venezia & Associates

Property: 5407 Seneca Hill Drive

Tax Map #: 168.12-1-8.000

Zoned: R3 (Residential 3 Acre)

Rocco Venezia: I am Rocco Venezia. I am here on behalf of James and Maria Boucher. They are not here. This property is at 5407 Seneca Hill Drive. The house is way up on top of the hill above the lake. What they would like to do is to build a boat hoist and a dock out in front of their existing dock. There is a framed building down there at the lake that is to the west of the water line. There is a tram that goes over the cliff and a set of stairs to get down there. What we are trying to permit, if permitted, right now is this proposed dock 1037 square feet. I believe we are allowed 1080 square feet with the amount of frontage we have, which is excess of 300 feet. We have a cross section of the roof above it will look like. The maximum height of the roof is going to be fifteen feet above the mean high water. Ends up being about thirteen and a half to fourteen above the walking surface. The deck surface. That is the overview. We have applied to CRIS for SEQR. They sent something back they want another picture. We sent the picture back, but they keep sending me stuff back so I am not sure where we are at with it. I will try to follow that up before the final meeting. Right now we do not have a response from them as of now. This has happened before to me. What happens is they just kind of lose interest in it and they do not respond. Kind of falls through the cracks. I trying not to let that happen here. There are people behind the scenes the conversation you are having is with a computer. When you try to come back, and they want additional information you are trying to interface with a computer, but you cannot get to a live person. The questions they ask you are not cut and dry and you need somebody to interpret it. They are very unresponsive. Especially with the COVID it is even worse because they are all working at home. It is little bit of a glitch right now. I do not know what is going to happen next month if we do not have it?

Diane Graham: I will have a deadline for public hearing notice. If I do not have it in an email, I would not be able to schedule.

Rocco Venezia: My understanding is that if they do not respond in 30 days, that there is no concern. If it still an open ended deal with the 30 days and it has been 40 days and we are back and forth because I cannot communicate with them I do not know how that works. I am frustrated with it to be honest with you. I am not quite sure on the docks. One of the comments I got back was why are we sending a dock? A dock is in the water. Why are we sending the docks? Nobody else is doing it so they are questioning me why I am doing that. Don't you know any better? I am not the one asking for it trust me. It is Phil.

Phil Sommer: You have confirmation of the submission to SHPO on the 31st of August. Did you get something back from them saying they wanted more information?

Rocco Venezia: Three times so far.

Phil Sommer: What were they looking for?

Rocco Venezia: They were looking for pictures and we got them more pictures. Then they were looking for another agency. They wanted an additional agency that we would report to. There is no other agency accept you, you and the SEQR. That's it.

Diane Graham: You have Phil listed, right?

Rocco Venezia: When I was able to submit the picture you can click on the link and submit the picture, but to answer the question there is no other agency there is no place to do it. I cannot get back with the numbers they give me back to the initial submission to right a paragraph. There is no place to put a paragraph. It is to be honest with you quite frustrating. It is more frustrating for a dock application than it is for a house application. They seem to turn that right around. I have not had trouble. With the McNabbs, right through. That is my experience. I have done a lot of them so I do not think I am doing it wrong.

Phil Sommer: They asked you for an attachment of photo or survey for the project?

Rocco Venezia: We did that twice.

Phil Sommer: Confirm what other agencies for your project.

Rocco Venezia: See that. That is the one. I have not been able to answer that question, Phil.

Phil Sommer: Basically it is a yes or no answer. Other agencies that will now or will be involved in this project.

Rocco Venezia: I got him right where I want him now. So type in yes or no and send it in to see what happens because if you do you are brighter than I am. I have not been able to figure out how to do it.

Phil Sommer: It is under your name so it on you. I am just reading what they are asking for.

Rocco Venezia: No. I know. I have to get a hold of somebody there. It is like trying to pin jello to a wall. It is just not happening.

Bessie Tyrell: Is this pretty far out in the water? That is my understanding here.

Rocco Venezia: The dock itself the length is 30 feet. It is probably about 15 feet out in front of the building so it is going out 45 feet, which is not very far.

Sam Seymour: There is an existing deck in front of the building. Is that over the water?

Rocco Venezia: The existing deck is over the water. Yes.

Sam Seymour: So you are adding to it.

Rocco Venezia: Yes. The water in this vicinity the bottom drops off quick. The water is really deep out there.

Bessie Tyrrell: Closer in would be too shallow is that the point?

Rocco Venezia: This drops off quick. This really takes off right in this area.

Chairman Ely: Let me just try to be clear. You are proposing to build a boat house as well as enlarge the dock?

Sam Seymour: The boat house is existing. It is a very old building.

Chairman Ely: Okay. The boat house is existing.

Sam Seymour: It has been there a long time.

Rocco Venezia: What we are building is boat hoist.

Chairman Ely: Boat hoist. Okay.

Ralph Endres: Do you have a picture of it on your phone?

Sam Seymour: Yes. It is a very old location.

Ralph Endres: I know where it is now.

Sam Seymour: The frame building is probably built in the 1920s or before.

Rocco Venezia: Yes. It is an old building.

Bessie Tyrrell: It is 50 or 60 feet out into the water.

Rocco Venezia: Fifty to sixty. Yes.

Bessie Tyrrell: Well it seems like a long way out.

Ralph Endres: The depth out there is at least 30 or 40 feet deep, isn't it?

Rocco Venezia: The depth? It drops off. I am not going to say how deep it is.

Ralph Endres: I fish there.

Rocco Venezia: It is definitely over my head. I can tell you that. A couple three times over.

Diane Graham: Is the length of the dock on the survey?

Rocco Venezia: Everything is on there. Yes. The existing dock is on here.

Diane Graham: Is the length written on there? Normally you put a line where 60 feet is.

Board members reviewing and discussing the site plan.

Rocco Venezia: I am having a hard time hearing. I apologize.

Diane Graham: The 60 feet line that you usually put on the survey.

Rocco Venezia: There are dimensions on here to show how far out we are.

Matthew Sousa: It is definitely not 60 feet out according to what they are showing.

Rocco Venezia: It is under 60 feet out. You want a good estimate 46.

Matthew Sousa: Thirty feet on the dock, 11.7 foot. It is about 50, but you are still under 60.

Rocco Venezia: It is probably 45.

Matthew Sousa: I am looking on the plan where it says framed building and deck. That dotted line that is perpendicular to the mean high water. We do not have a length of that. I am curious what the length on that is and that would give us a total. Assuming to scale that looks like approximately the 11.7 is comparable with a foot or two.

Board members discussing dock length and water depth.

Rocco Venezia: I can add that offset. I can you tell you how far out it is from the building.

Matthew Sousa: From the mean water line.

Rocco Venezia: Yes. Not a problem.

Bessie Tyrrell: How far out does Docking and Mooring allow you to build a dock?

Matthew Sousa: Sixty. They are in compliance with that.

Chairman Ely: Matt, is this in compliance with Docking and Mooring?

Matthew Sousa: Yes. I think so.

Chairman Ely: It is. Okay.

Matthew Sousa: That is what there letter on the application says it is.

Rocco Venezia: It is.

Ralph Endres: It is based on 300 feet of frontage.

Matthew Sousa: The house boat station checklist question number one says it is in compliance with Docking and Mooring Law.

Chairman Ely: As you know Board members we have very little discretion if something is in compliance with Docking and Mooring. That is the lake wide regulation.

Sam Seymour: Have you considered a hip roof on the ends of the roof?

Rocco Venezia: Well it is above my pay grade. I am not the one that makes that decision. Most of them look like this. Maybe I have seen one or two like that. I can suggest it.

Sam Seymour: It might give a little smoother look to the neighbors. The view is down the lake right through that location down to Black Point and all that down that way.

Rocco Venezia: The guys who build these stick to a pretty basic, this is the way it is kind of deal.

Sam Seymour: Yes. There is a number of hip roofs they look really nice when they are planned out that way. Especially with something this long.

Ralph Endres: Are you going to have a cat walk going from the existing to the new?

Rocco Venezia: It is not a cat walk. It just kind of interfaces about six feet. The new one butts up against the old one.

Ralph Endres: Okay.

Chairman Ely: Any more questions for our presenter? Okay. If this is in compliance with Docking and Mooring. This is exempt from County review. They do not review the docks. Basically, I will set this a public hearing next month.

Diane Graham: Tentative.

Chairman Ely: Oh yes, he needs to resolve some issues. We will tentatively set you up for next month.

Rocco Venezia: I will get an answer.

Chairman Ely: I am sure you will.

Rocco Venezia: We thank you.

Chairman Ely: Thank you.

Preliminary Site Plan Approval Application #2020-0016

Owner: Hans Buechler
Representative: Marks Engineering
Property: 5411 Seneca Hill Drive
Tax Map #: 168.12-1-9.000
Zoned: R3 (Residential 3 Acre)

Brennan Marks: Hi, I am Brennan Marks from Marks Engineering representing the Buechlers. I will start out by saying we have our SHPO no impact letter. We are neighbor to the south of the last application. We are proposing a new single family residence on a vacant lot on Seneca Hill Drive. It is a private drive. The new residence will have a new driveway off of the private drive. It will be set a little bit lower than the drive so there are a couple of retaining walls that surround the house on the western side. The driveway will have a small pull off area. We got a new septic system, which will be a Presby System that we reviewed with the Canandaigua Lake Watershed, which is located on the uphill portions of the site. We have some new drainage swales to divert the runoff and control it around the driveway and house structure. The house was placed so that it has the most southern exposure as possible because they are planning for solar panels on the roof. You are requesting an approval on the site plan. I think that this is a steep slopes application and permit also.

Chairman Ely: What septic arrangement do you have?

Brennan Marks: It will be a proprietary system. You have probably heard of Presby. It is a raised sand bed with an alternative proprietary device in it to treat the waste water affluent.

Chairman Ely: Do you have approval?

Brennan Marks: We do not have approval yet. We have reviewed it with the watershed inspector. We are pending approval.

Chairman Ely: When do you anticipate hearing from them?

Brennan Marks: So I cannot speak for the watershed inspector, but hopefully soon.

Chairman Ely: You understand, of course, we cannot give you final approval until we have the septic approval.

Brennan Marks: Understood.

Sam Seymour: Just out of curiosity. This is beyond what we do. Was the Presby System selected because the nature of the soils on the site and not being able to get soils that perk?

Brennan Marks: A couple reasons we went with a Presby. One is footprint. It has a relatively small footprint. Two is slope. We are on a relatively steeper slope here. Being around 15% at the area where the bed is going to be. Actually it might be 20%. The soils are not that great. There is a foot of useable soil. Then we get into fractured shale and some heavy silts.

Sam Seymour: One of the issues that I see with the site is that the water is discharged above the house and the house is built right on the edge of the cliff. Right on the edge of the bluff.

Brennan Marks: There was a lot of back and forth with the owner about this. They would like it to be out even further.

Sam Seymour: Yes. I know.

Brennan Marks: As far as I understand there is no setback requirement from the bank, however, there is common sense, right? So we applied common sense to it to set this house 20 feet back from the embankment. That was a rule of thumb we used. The reason why we came up with 20 feet is judging that it is all shale near vertical face, which is very common around the lake and the high banks. If it does erode, it is going to find an angle of around 80 percent. That is common whether it is fractured shale embankments on these high banks. We are looking at embankment and location of the structure and drew a line at an 80 percent slope coming up. Eighty-three percent sorry not 80 percent.

Sam Seymour: Have you considered any special foundation as a result of that?

Brennan Marks: Half of the house is on piers and the northern half has foundation. That will be up for the structural engineer to determine the foundations for the structure. We are not doing the structural engineering.

Sam Seymour: Okay. One of the neighboring houses went to extensive extent to run pilings in on angles back to support the house. The architect told me that story. He was very concerned about that.

Brennan Marks: The one thing that does give you a nice feeling about it is some of these trees here are hundred years old. They are not showing signs of falling off the cliff so the cliff has been there at least one hundred years.

Mary Ann Bachman: The proposed lot coverage is very low.

Brennan Marks: The lot is very big actually. This gives you an outline of what the lot is. It is up past Seneca Hill Drive.

Michael Staub: Does the second story go the whole distance of the first story or is truncated?

Brennan Marks: So what I can give you is the south elevation as you are looking from the lake. The second story and a wing that is a single story. Would like to see these?

Michael Staub: I would like to see it? Yes. Thank you.

Brennan Marks: Sorry I only have so many copies.

Michael Staub: Is the second story going to be over the solid foundation and the other part over the piers?

Brennan Marks: Hang on one second sorry. What is that again?

Michael Staub: Is the second story going to be over the part with the foundation?

Brennan Marks: Yes.

Michael Staub: And the single story would be with the piers?

Brennan Marks: That is correct.

Michael Staub: You are not doing the foundation, someone else is?

Brennan Marks: I am not doing structural design, no.

Michael Staub: It is a lot of weight.

Bessie Tyrrell: It is my understanding that in between shale there is sand it can move. Segments can move.

Brennan Marks: Even bedrock moves, right? The closer we can get to bedrock the more stable the structure is going to be.

Bessie Tyrrell: So you will go down to bedrock is what you are saying?

Brennan Marks: I do not know the depth of bedrock in the area. I would assume that shale bedrock is relatively shale given you can see it from the lake.

Ralph Endres: Not too far from you at Bristol Harbour the new construction there is all pinned into shale/bedrock to keep those duplexes from sliding down the hill.

Brennan Marks: Makes a lot of sense, right?

Chairman Ely: Any other questions here for our presenter? Can this be then set for public hearing at our next meeting?

Michael Staub: Would we need to find out how the foundation is going to be set?

Chairman Ely: What should we get then a letter?

Michael Staub: Something that would say the structural foundation will be.

Chairman Ely: We certainly can insist on that at the time of the hearing.

Michael Staub: Okay.

Chairman Ely: Of course, we already mentioned they have to have septic.

Brennan Marks: That is fine. If you set it for the following month, I will do my best to meet that, the septic approval.

Chairman Ely: If you cannot, we will just delay it a month.

Brennan Marks: That is understandable.

Chairman Ely: Tentatively at least we will set you up for next month. Okay. We will be in touch through Diane or Phil.

Brennan Marks: Just to recap a little bit. We are looking for septic approval that is the only thing for final, right?

Chairman Ely: Right.

Brennan Marks: Okay.

Chairman Ely: And foundation plans.

Brennan Marks: You would like to see foundation plans?

Michael Staub: Yes.

Brennan Marks: Okay. I will request those from the architect.

Michael Staub: That would be appreciated.

Chairman Ely: Thank you.

Brennan Marks: Thank you.

Motion to Adjourn

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by Mary Ann Bachman. The motion was unanimously accepted and the meeting was adjourned at 8:55 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant