



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

Planning Board Meeting Agenda

Wednesday, February 17, 2021

Short-Term Rentals will start at 6:30 pm with the regular meeting to follow

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

Zoom is for the public to listen and view the meeting only

Join Zoom Meeting ID: 830 5254 8934 Passcode: 364825

<https://us02web.zoom.us/j/83052548934?pwd=SE14YzhIRIFBYStxRkNuMkJtMGw2Zz09>

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 October 21, 2020 and December 9, 2020 Planning Board Meeting Minutes

Short-Term Rental Old Business

Short-Term Rental Application #2020-0041 (Public Hearing)

Owner: Keith Johnson

Representative: Kellie Sick (ski season)
Noreen Egger (rest of the year)

Property: 7 Northstar Drive

Tax Map #: 167.71-1-7.000

Zoned: PD (Planned Development)

Sleeping Occupancy: 9

Short-Term Rental New Business

Short-Term Rental Application #2020-0040 (Preliminary)

Owner: Jordan Lack and Tamar Kopel

Representative: Finger Lakes Premier Properties

Property: 24 Golfside Circle

Tax Map #: 168.15-1-29.240

Zoned: PD (Planned Development)

Sleeping Occupancy: 6

Short-Term Rental Application #2021-0003 (Preliminary)

Owner: Katherine Doyle & John Doyle
Representative: Mary Beth Graham
Property: 2 Northstar Drive
Tax Map #: 167.71-1-2.000
Zoned: PD (Planned Development)
Sleeping Occupancy: 8

Regular Old Business

Final Site Plan Approval Application #2020-0042 (Public Hearing)

Owner: Joan W. Goldberg 12 Irrevocable Trust
Representative: Charles Kenton
Property: 5803 Seneca Point Road
Tax Map #: 178.11-1-1.210
Zoned: LR (Lake Residential)

Final Site Plan Approval Application #2020-0038 (Public Hearing)

Owner: Ayers Funding LLC
Representative: Mark Bayer
Property: Storm Haven Drive
Tax Map #: 168.12-1-1.005 through 168.12-1-1.010
168.12-1-1.012 through 168.12-1-1.014
Zoned: R3 (Residential 3 Acre)

Proposing a local law on events

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

Regular New Business

Preliminary Amended Site Plan Review Application #2020-0037

Owner: Charles F. Ryan II
Representative: Charles Ryan
Property: 5689 Shore Drive
Tax Map #: 168.20-1-4.100
Zoned: LR (Lake Residential)

Preliminary Site Plan Review Application #2021-0004

Owner: Gertrude R. Raines
Representative: Richard Raines, Executor
Property: 6950 Granger Point Drive
Tax Map #: 191.17-1-4.120
Zoned: LR (Lake Residential)

Preliminary Site Plan Review Application #2021-0005

Owner: Shouting Hill LLC
Representative: Wade & Joscelyne Sarkis
Property: 5771 Blake Acres Drive
Tax Map #: 168.12-1-4.000
Zoned: R3 (Residential 3 Acre)

Grant Cushing, Brownfield Group President informal discussion on large-scale industrial community solar projects acreage limitations

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, February 17, 2021

Present: James Ely
Ralph Endres
Sam Seymour
Matthew Sousa
Michael Staub

Excused: Mary Ann Bachman
Ann Marie Rotter
Bessie Tyrrell

Guests: Mary Beth Graham
Grant Cushing
Dan Fuller
Lindsay Bolton
Wade Sarkis
Brendan Gooding
Chuck Ryan
Joe Ryan
Bill Grove
Judy Voss
Phil Sommer

Call to Order

The meeting of the Town of South Bristol Planning Board was called to order at 6:30 pm. All board members were present except for Mary Ann Bachman, Ann Marie Rotter and Bessie Tyrrell.

Reading of Vision Statement

Michael Staub read the Comprehensive Plan Vision Statement.

Minutes

Michael Staub moved to approve the October 21, 2020 and December 9, 2020 meeting minutes as written. Said motion was seconded by Matthew Sousa. The motion was unanimously adopted by all board members present.

Other

Chairman Ely: Bessie Tyrrell has indicated to me and Dan Marshall that she will be resigning from the Board. She will not be attending the meeting this evening.

Short-Term Rental Old Business

Short-Term Rental Application #2020-0041 (Public Hearing)

Owner: Keith Johnson
Representative: Kellie Sick (ski season)
Noreen Egger (rest of the year)
Property: 7 Northstar Drive
Tax Map #: 167.71-1-7.000
Zoned: PD (Planned Development)
Sleeping Occupancy: 9

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Planning Board will hold a public hearing on the following short-term rental application where the applicant/owner is seeking a short-term rental operating permit:

2020-0041 for property owned by Keith R. Johnson located at 7 Northstar Drive, tax map #167.71-1-7.000;

Said hearing will take place on the 17th day of February, 2021 beginning at 6:30 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

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

Diane Scholtz Graham
Board Assistant
Fe 04
95374

Dan Fuller: My name is Dan Fuller from Bristol Mountain. I am here this evening in regards to a short-term rental application for Keith Johnson. Mr. Johnson right now is a Canadian resident and is unable to come to the United States and appear himself so he has asked me if I would represent him at this meeting. He does put his rental into our rental program at Bristol. We are responsible for renting his unit out to other individuals on a two-night basis.

Chairman Ely: You handle the rentals through your agency is that correct, Dan?

Dan Fuller: Yes. Currently his unit is the only unit that is in our rental pool. He is the only one we are representing this year.

Chairman Ely: Apparently he sleeps nine it would appear from here. Is a two night rental your minimum?

Dan Fuller: Yes. Two night is our minimum rental and that really is due to the cleaning costs having it cleaned properly between. It does not make sense to do it on a one night rental. We have done it on occasion, but in very rare instances.

Chairman Ely: You do not have events there I take it?

Dan Fuller: This year we actually have no events.

Chairman Ely: I did not mean at your main facility. I meant in the rental unit.

Dan Fuller: No. There is nothing in the unit at all. Those are rented to families that come in to visit from destination markets. Many fewer this year actually. The ones that are interested are from the greater Rochester area. They want to get away for the weekend or for a couple of nights during the week.

Chairman Ely: Do you have a lot of rentals in the winter because of the ski operation?

Dan Fuller: Yes. Usually that would be the time this would be used to the greatest extent for the winter time. During the summer time I believe he has handled it previously with having a long term renter for several months.

Chairman Ely: He would do that directly I would take it?

Dan Fuller: He has done that directly. A lot of times if we get a contacted in the office we just forward the name to Mr. Johnson. He will handle it between himself and the potential person who would be staying there for the summer.

Chairman Ely: Other members have questions for Dan? He was here a month ago I know.

Dan Fuller: Yes sir.

Chairman Ely: I move...

Diane Graham: Oh, can we close the public hearing?

Chairman Ely: Oh close the public hearing. Thank you.

Diane Graham: Actually before we close I have a neighbor comment?

Chairman Ely: Oh I am sorry. I did not see that in my notes. Please go ahead.

Diane Graham: This is an email from a neighbor:

Dear Planning Board Members,

Since March 2015, we have owned 4a Northstar Drive, which faces Keith Johnson's townhouse and is only separated from his by a very small grassy area and sidewalk. During that time, we have found Keith Johnson to be very responsible in renting his unit. We are not aware of his past renters causing any problems. As we occupy our unit most days of the week in ski season and from time to time during the rest of the year, it is highly unlikely that there were problems about which we were unaware. Consequently, we urge you to grant Keith Johnson a short-term rental operating permit.

Yours truly,

Roger K. Vince

Pamela A. Cooper-Vince

Chairman Ely: Thank you Diane. You will add that to the record?

Diane Graham: Yes. Now do you want to close the public hearing?

Chairman Ely: I already closed it I thought.

Diane Graham: Okay.

James Ely moved that based on a review of application 2020-0041 and the testimony presented at the Planning Board meeting on January 20, 2021 and public hearing on February 17, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Said motion was seconded by Ralph Endres.

Roll call vote:

Michael Staub – Aye

James Ely – Aye

Ralph Endres – Aye

Matthew Sousa – Aye

Sam Seymour – Aye

Motion is carried.

Short-Term Rental New Business

Short-Term Rental Application #2020-0040 (Preliminary)

Owner: Jordan Lack and Tamar Kopel

Representative: Finger Lakes Premier Properties

Property: 24 Golfside Circle

Tax Map #: 168.15-1-29.240

Zoned: PD (Planned Development)

Sleeping Occupancy: 6

Chairman Ely: Is there anybody here? Please sit down and identify yourself for the record, if you would.

Lindsay Bolton: I am Lindsay Bolton. I am the marketing manager for Finger Lakes Premier Properties. We are here on Mr. Lack's behalf representing the property. We do manage this property year round.

Chairman Ely: It says here you sleep six, right?

Lindsay Bolton: Yes.

Chairman Ely: How long is the short-term rental? Is there a minimum stay?

Lindsay Bolton: Yes. Two nights. Depending on the time frame it can be two-three nights. That is the minimum we would do.

Chairman Ely: That would be the minimum?

Lindsay Bolton: Yes.

Chairman Ely: How long do people stay: a week, two weeks?

Lindsay Bolton: Well, this rental does long-term rentals as well. It currently has a tenant in there that is going to be in there until May 31st. After May 31st, the owner uses it as a short-term rental. We do this for a variety of our properties that way during the lull of tourism season they can still get some income from their properties with long-term tenants. We do check in, we do inspections and we manage it year round.

Chairman Ely: So a long-term tenant can come in November/December and stay four or five months?

Lindsay Bolton: Yes. We have an application process that we go through with our long-term tenants. They pay a monthly rent. We have a long-term department that oversees those tenants. Any maintenance issues or any ongoing issues that they need taken care of we take care of it for them. This property also sits within the Bristol Harbour who also has additional permits that we have to fill out. We have to let them know about every tenant that is coming in. We fill that paperwork out for Bristol Harbour for each tenant including the long-term tenant.

Chairman Ely: So you have both a long-term and a short-term segment of your operation, right?

Lindsay Bolton: Correct.

Chairman Ely: What about events?

Lindsay Bolton: Events?

Chairman Ely: Parties, weddings, fill in the blank.

Lindsay Bolton: No. We do not host any of those. We do sometimes have people who are staying with us who are attending those events. For example, when Bristol Harbour was open and having weddings this unit would get some wedding guests. For the most part seasonal families. We get mainly families that stay with us.

Chairman Ely: The season that would be the two days short-term rental would be the summer months basically, right?

Lindsay Bolton: Correct.

Ralph Endres: Most of those are weeks.

Lindsay Bolton: Yes. It depends on the owner and what the owner prefers.

Ralph Endres: My daughter lives next door so I know the unit.

Lindsay Bolton: Oh there you go.

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Ralph Endres: She has had some dealings with the owners relative to some damage that was done to her. He said just get it fixed and send me the bill. You could not ask for a better neighbor.

Lindsay Bolton: Great to hear that.

Chairman Ely: Do we have any other questions? Where do the guests typically come from? Far away or local?

Lindsay Bolton: Well, this year it is mainly guests from New York State.

Ralph Endres: Previous years?

Lindsay Bolton: Previous years it is typical five hour drive market that we usually get to this region. Anywhere from Maryland, Washington DC, a lot from NYC area, Massachusetts, Michigan. For the most part our tourists/guests are from the five hour drive market.

Chairman Ely: Thank you. Unless there are any other questions.

James Ely moved that the Planning Board accept the short-term rental permit application 2020-0040 as completed and set the application for final review/public hearing on March 17, 2021. Said motion was seconded by Michael Staub.

All in favor.

Ayes: 5, J. Ely, R. Endres, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Short-Term Rental Application #2021-0003 (Preliminary)

Owner: Katherine Doyle & John Doyle

Representative: Mary Beth Graham

Property: 2 Northstar Drive

Tax Map #: 167.71-1-2.000

Zoned: PD (Planned Development)

Sleeping Occupancy: 8

Chairman Ely: Please introduce yourself.

Mary Beth Graham: My name is Mary Beth Graham. I have been cleaning and taking care of the Northstar Village #2 for the Doyles. It has been three years and they live in Canada. That is why they are not here.

Chairman Ely: It says here that you sleep eight, is that correct?

Mary Beth Graham: That is correct.

Chairman Ely: Is it family oriented, is it a two night minimum?

Mary Beth Graham: I would definitely say family. It is like a home away from home. It has everything for people washer, dryer, dishes. They have made it really nice. It is like their second home maybe but because they have not been able to be here. In the winter time they have been renting it out. I would say definitely yes two nights. I have never had anyone stay overnight. The lease has been two night minimum. We usually get people since the COVID from New York State. There has been no out of state people. When there is maybe Pennsylvania, like the women was saying right before. Like Maryland, Pennsylvania, no cross country people.

Chairman Ely: Is the business largely seasonal or do you operate year round?

Mary Beth Graham: Yes. In the summertime there are a few, not as many as in the winter. There are a few and it gets really good reviews. In the past if people were going to an event say a wedding or something some of the guests would stay at the house.

Chairman Ely: You mentioned that winter was the busy time, is that skiing season?

Mary Beth Graham: Yes.

Chairman Ely: You mentioned events. You do not have events at your property?

Mary Beth Graham: No. Absolutely not.

Chairman Ely: Anyone else have questions for our applicant? No.

James Ely moved that the Planning Board accept the short-term rental permit application 2021-0003 as completed and set the application for final review/public hearing on March 17, 2021. Said motion was seconded by Michael Staub.

All in favor.

Ayes: 5, J. Ely, R. Endres, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Regular Old Business

Final Site Plan Approval Application #2020-0038 (Public Hearing)

Owner: Ayers Funding LLC

Representative: Mark Bayer

Property: Storm Haven Drive

Tax Map #: 168.12-1-1.005 through 168.12-1-1.010

168.12-1-1.012 through 168.12-1-1.014

Zoned: R3 (Residential 3 Acre)

Chairman Ely: Ayers Funding are not going to be on our agenda tonight. They had to make a correction to their site plan. They are going to submit a slightly revised site plan for us to consider at our next meeting.

Ralph Endres: That is on behalf of the Cooks?

Chairman Ely: Yes. That is right. I had suggested to them that we put that off until March and they seemed quite agreeable.

Regular New Business

Grant Cushing, Brownfield Group President informal discussion on large-scale industrial community solar projects acreage limitations

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

Grant Cushing: My name is Grant Cushing. I live in Canandaigua NY. I own a small company called Brownfield Group and we are a solar development company.

Chairman Ely: You wanted to make an informal presentation to the Board. Our next applicants have not showed up so you are on.

Grant Cushing: I got lucky. I think it will be short. My company has developed over 1,000 megawatts of solar in New York in two categories. One is a community solar, which are smaller facilities that service local residents and the like. We are also a utility scale developer, which are the larger power plant size projects that put electricity into the grid and not so much into the local distribution system. Those are really large projects none of which will be in this region, but the smaller ones the community solar projects are right now limited to five megawatts, which requires 25 acres of land. They are not economical if they are not at that scale. The other issue that we have had in Ontario County is that the IDA up until recently was reluctant to write pilot agreements for solar, which we need. I think we are making progress on that front. You have a couple limitations in your zoning code that would be make it prohibitive to have this scale of project I am interested in pursuing. Being right up front, we are not interested in being in a Town that does not want solar. I could not tell from the code whether that was an intentional limitation or whether there is some flexibility and just want to chat about it. We have more than enough projects than we need frankly. If this something that you are interested in pursuing, we would love to develop a project here. Obviously, it is your call.

Chairman Ely: The Board members may have questions. Let me offer you a thought or two. You understand, of course, that the Planning Board did not write the law. We helped formulate it and adapted it. Only the Town Board can make a change. We do not have that power to make a change. Secondly, I think it is fair to say, I do not mean to speak out of turn that the community on the whole has been skeptical about industrial size projects.

Ralph Endres: How close to an electrical plant do you have to be with your industrial size solar?

Grant Cushing: The community solar projects that are five megawatts or 25 acres connect to the distribution lines that are along the road. Any road frankly. You have to have three phase power and the right infrastructure in the line, breakers and wires. We do not know where we can place a project until we make an application to the utility.

Ralph Endres: There is one that is now in the southeast corner of the Town of Canandaigua that looks like it hooks directly into a substation.

Sam Seymour: Monks Road.

Grant Cushing: I am familiar with that project. It was Cypress Creek was the developer.

Ralph Endres: How many acres is that? I do not think it is 25.

Grant Cushing: I do not think it is five megawatts. Matt do you know? It's two and half or three?

Matthew Sousa: I do not know off the top of my head. It is not five.

Grant Cushing: It is a smaller project. Two years ago they changed the limits on these projects. We used to only be able to build two megawatts and now we can build five megawatts. I think that is a smaller project.

Ralph Endres: When we developed the Town ordinances on solar and wind. We had a group from Buffalo that wanted to clear-cut from Ontario County Park behind and to Bristol Mountain a hundred yards on both side and put 35-40 story windmills. The thing with that is when you have that amount of windmills you need to access to get it on a power grid and there was none there. If you are looking for who now owns, it was RG&E at that time, they have not invested in infrastructure at all. When it goes down they fix it, but they do not better it.

Grant Cushing: What we would have to do is make an application. Anywhere there is three phase power and the right size lines there is the probability that we can get some level of solar into that system. We do not know the actual hosting capacity until we make an application. There are much better areas. As you get closer to the cities, the hosting capacity in the lines are much bigger.

Ralph Endres: The shelf life on windmills is between 18 and 22 and half years.

Grant Cushing: I do not do wind.

Ralph Endres: That is what it was when the law was crafted.

Michael Staub: He is talking about solar.

Ralph Endres: I know what he is talking about. What is the shelf life in this climate for solar panels?

Grant Cushing: We are now doing 40 year leases. The solar panels are good through 20-25 years and then they will be incrementally replaced. The racking systems are good forever basically.

Matthew Sousa: Is it still about a half a percent of production per year of degradation?

Grant Cushing: Yes.

Matthew Sousa: So over a 20 year period they are operating at about 90% capacity as from the day they were installed?

Ralph Endres: Well, what was happening with the wind turbines was that a company would build the wind turbines and 80% of the cost of the wind turbines they got back from the state and federal government in the first six years.

Matthew Sousa: Right.

Ralph Endres: Then they would transfer to a second company. That would operate it for another 12-15 years. They would transfer it to a third company who went bankrupt. The eyesore was there forever.

Matthew Sousa: There is decommissioning plans with anything. South Bristol would not allow it without a decommissioning plan up front.

Ralph Endres: That is exactly what we have incorporated into the law.

Matthew Sousa: Right.

Ralph Endres: I suspect with solar we would expect the same.

Matthew Sousa: Of course. Yes.

Grant Cushing: Obviously, we would comply with that. We do across the state. That is not an issue. That acre limitation is problematic for us. If it something you all would reconsider, then I guess we can come in and give a more formal presentation. I do not know how you go about it. I guess it would require a law change not a variance, right?

Chairman Ely: It takes a change in the code and as I said before only the Town Board can do. I have no idea what the Town Board's thinking might be on this subject. I might suggest you consider approaching our supervisor, Dan Marshall, and see if you could explore the subject with Town Board as well. I do not know what this Board can do for you this evening. We can take it under advisement and consider it at maybe another meeting.

Grant Cushing: Did you put the code together and present it to the Town Board?

Ralph Endres: And they adapted it. Yes.

Chairman Ely: We did a lot of work on it. Yes. Then they adapted it further. We received input from other towns and the Town Attorney. The Town Board had a public hearing.

Grant Cushing: Sure. Was the eight acre limitation something that was specifically put in to prohibit the scale that I am talking about?

Chairman Ely: I think as I said before the Town has looked skeptically at industrial size projects. So I think the eight, we did not make it up. Other towns had the eight acre limit as well. It think it was put in to contain the size of the project. That does not mean it is fixed in stone, but it means it was put there for a purpose.

Grant Cushing: Okay. Fair enough. If your recommendation is to present my case to Dan then I am happy to do that. It sounds like at least you would consider relooking at it.

Chairman Ely: I think we could at another occasion consider whether we would be open to a change. As I said before Town Board has to make the change. We do not make the change.

Grant Cushing: I understand, but I thought you would take the lead on putting the code in.

Ralph Endres: We might if the Town Board sends it back to us.

Grant Cushing: Which would be the general policy wouldn't it?

Ralph Endres: Right.

Grant Cushing: So I think I am talking to the right people.

Chairman Ely: The Town Board has not sent it back to us. They have not expressed an interest in making the change.

Grant Cushing: Understood. I do not want to cause a lot of work.

Chairman Ely: Either do we I can assure you. I do not mean to play a shell game with you, but generally speaking the Town Board must signal interest in moving in a certain area and then we would endeavor to come up with a draft for them. Ultimately, we would have to consider it and adopt it. I do not know the sentiment of this Board. It just came up tonight so I cannot speak to that.

Grant Cushing: So what would you suggest? Is it something you guys can talk over and maybe I'll send you an email or would you suggest I move forward with Dan?

Chairman Ely: You certainly could send an email in due course. We would not be talking it over tonight. You will have to give a little time to think on that.

Grant Cushing: There is no rush. These things are going to be around for a long time so I thought it a courtesy to come in and introduce myself.

Chairman Ely: I appreciate you coming by. I am glad we could get you on and you did not have to be the last one tonight. Thank you so much.

Grant Cushing: Thank you.

Sam Seymour: Grant, is that the one issue the eight acres?

Grant Cushing: There might be a little bit of a height issue. Some of the new racking systems are going up higher than eight feet.

Matthew Sousa: When was the code adopted?

Michael Staub: If the grid goes down, what is your battery back-up or off load of the solar power?

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Grant Cushing: I am not sure I heard the whole question, but certainly batteries going to be integrated into the systems in the future so there will be battery.

Michael Staub: What type of batteries?

Grant Cushing: Probably lithium ion at this point.

Ralph Endres: They will explode.

Grant Cushing: That is a whole other discussion.

Michael Staub: That is the primary concern. That is something we would definitely look into.

Matthew Sousa: It is something we could discuss regulating separately from solar or wind ordinances as well. It is like coming on line are now as battery storage laws.

Michael Staub: Exactly. Fire prevention.

Matthew Sousa: If we are being prudent as a Town that would be something that we should consider looking in to in the future.

Grant Cushing: The smaller projects we are building right now none of which have battery storage. On our larger projects we are permitting battery storage because the size is so much bigger. I think it is less of an issue here.

Matthew Sousa: It is for future proofing the systems.

Grant Cushing: You are right. You should have it in your code anyway or prohibit it or something so you can deal with that in the future.

Michael Staub: Thank you.

Grant Cushing: Thank you very much.

Sam Seymour: I have a question regarding the height. Are you finding any secondary uses of the land under the collectors?

Grant Cushing: We are conducting a study right now in Mount Morris at our 177 megawatt facility that is going into construction next year. We have introduced both sheep grazing underneath the panels and also have apiaries and producing honey. We are working on it.

Michael Staub: Stay away from the goats.

Grant Cushing: Yes. I know.

Chairman Ely: Thank you.

Final Site Plan Approval Application #2020-0042 (Public Hearing)

Owner: Joan W. Goldberg 12 Irrevocable Trust
Representative: Charles Kenton
Property: 5803 Seneca Point Road
Tax Map #: 178.11-1-1.210
Zoned: LR (Lake Residential)

The application was deferred to March 17 meeting as there was no representative present at the meeting.

Preliminary Site Plan Review Amended Application #2020-0037

Owner: Charles F. Ryan II
Representative: Charles & Joe Ryan
Property: 5689 Shore Drive
Tax Map #: 168.20-1-4.100
Zoned: LR (Lake Residential)

Chairman Ely: Please introduce yourself, if you will.

Chuck Ryan: I am Chuck Ryan. We are the owners of 5689 Shore Drive. This is my son Joe Ryan. First of all thank you. We have an application before the Zoning Board for a height variance on a fence. I understand we need to come here also. I know you cannot render a decision until the Zoning Board does. We appreciate you letting us come before you before the Zoning Board of Appeals decision. Hopefully everyone has the instrument survey map from McMahan LaRue Associates. We are asking for an eight foot high fence, which would be a two foot variance for a length of 115 feet, which would be basically be on the north side of our property bordering 5687 Shore Drive and then dropping down to a six foot height fence for a length of 29 feet. From the edge of the tennis court on that property out to the mean high water mark. The purpose of this is simply privacy. I do not know where to start it other than that.

Ralph Endres: We understand.

Chuck Ryan: Okay. There was a vegetative buffer for many years that got removed. I believe in the application I sent some photos of some personal and commercial that we believe vehicles that are being stored on that property. We are trying to mitigate some of the visual effects of that. That is basically our application and reasoning for applying for this.

Ralph Endres: I could see you would want a fifteen foot fence there. I think you are being very reasonable.

Chuck Ryan: I will be honest with you this is our first application to your Board and we have an amended application for the Zoning Board. We went to them first for a ten foot and basically we are modifying it to be reasonable. Who knows about the future owners of these properties? That is our story.

Chairman Ely: I periodically walk up that little ally way leading into the beach area and I think I see the situation visually pretty clearly. I have a fairly good idea of what is going on. I can only say that personally I am very sympathetic to your idea of a privacy fence.

Chuck Ryan: Thank you.

Chairman Ely: Any other Board members have questions?

Ralph Endres: I live in Bristol Harbour. I know what you are going through.

Chuck Ryan: Oh, all right.

Chairman Ely: Anyone else have questions? No. Okay. Then I am going to direct that this will be scheduled for our public hearing at the March meeting of the Planning Board. That as you will understand is on the assumption that you will get the Zoning Board of Appeals the variance you need.

Chuck Ryan: Understood.

Chairman Ely: If you do not get the variance, then our hands are tied. That is a separate Board. They have their own procedures. If you get the variance, I am going to be optimistic and think that maybe you will, we will schedule you for a public hearing at our March meeting.

Chuck Ryan: Okay. Maybe I missed that, but this was not advertised? This is not a public hearing?

Ralph Endres: This is a preliminary hearing.

Chuck Ryan: I understand that the Board needs to do a preliminary approval and final approval. Is that correct?

Chairman Ely: We have a preliminary hearing.

Chuck Ryan: A preliminary hearing.

Chairman Ely: Then we set it, which we are having tonight.

Chuck Ryan: Okay.

Chairman Ely: Then we set it for a public hearing where we advertise. Neighbors have an opportunity to make comments. Then we proceed to a decision at that time.

Chuck Ryan: Oh, okay. So there is no advertising for a preliminary?

Ralph Endres: This is for you so that if you had something you are asking the Board to do. Something that we could not do we would tell you now rather than waste your time at a public hearing and have it denied.

Chuck Ryan: Okay.

Chairman Ely: It is a chance also to sharpen up the application and point to pitfalls that you might have or things you need to change.

Ralph Endres: We seen none.

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Chairman Ely: I gather that the Board is not seeing any problems here. The only problem is the Zoning Board of Appeals. You have to get the variance. That is out of our control.

Chuck Ryan: Understood. I think it is the verbiage or nomenclature some Towns have a preliminary site plan approval and that is advertised then the final site plan approval. I understand what you are doing and that makes sense.

Chairman Ely: We do not advertise two of those. Everything we do is open to the public, but it is not a public hearing in a sense that we send out notices and invite comment.

Chuck Ryan: Thank you very much. Hopefully we will see on March 17.

Chairman Ely: Diane will know because she is also the secretary to the Zoning Board.

Chuck Ryan: I know she is. She does a fantastic job. Thank you.

Chairman Ely: Thank you.

Preliminary Site Plan Review Application #2021-0004

Owner: Gertrude R. Raines
Representative: Venezia & Associates
Property: 6950 Granger Point Drive
Tax Map #: 191.17-1-4.120
Zoned: LR (Lake Residential)

Chairman Ely: Anyone here for the Raines? Okay.

Brendan Gooding: Good evening. How is everybody?

Chairman Ely: Fine thanks. A little cold. Please introduce yourself for the record.

Brendan Gooding: I am Brendan from Venezia and Associates representing the Raines down at 6950 Granger Point. Looking at doing a 585 square foot dock addition to the south side of the existing dock.

Diane Graham: I am sorry Brendan what is your last name?

Brendan Gooding: Gooding.

Diane Graham: Gooding. You said how many square feet?

Brendan Gooding: 585 square feet.

Diane Graham: The application says 145.

Ralph Endres: The total area is 585.

Brendan Gooding: The total area. Sorry. Yes. Correct.

Ralph Endres: The existing area is 440.

Chairman Ely: That makes a little bit of a difference.

Brendan Gooding: A huge difference. Absolutely.

Chairman Ely: Is this consistent with the Docking and Mooring Law?

Brendan Gooding: Yes.

Chairman Ely: You are within the confines of that law?

Brendan Gooding: Of course.

Chairman Ely: If it was approved, when would you anticipate the construction would take place?

Brendan Gooding: I do not know how far out the contractor is, but obviously as soon as possible with all matters.

Diane Graham: Do you have a contractor?

Brendan Gooding: I forget who is doing the work down here. I think it is Worden Hill.

Diane Graham: Okay. Just wondered.

Ralph Endres: If they come to the public hearing on the 17th that they could start as soon after a permit is issued. You would not want to get to close to that water before April 1st. Anyone falls in it is like a death sentence.

Brendan Gooding: Well aware.

Chairman Ely: Okay. Any other questions? Alright, I will schedule this application for public hearing at our March meeting of the Planning Board.

Brendan Gooding: Sounds good. Thank you very much.

Chairman Ely: Thank you.

Preliminary Site Plan Review Application #2021-0005

Owner: Shouting Hill LLC

Representative: Wade Sarkis & Bill Grove

Property: 5771 Blake Acres Drive

Tax Map #: 168.12-1-4.000

Zoned: R3 (Residential 3 Acre)

Chairman Ely: Please both introduce yourself for the record.

Wade Sarkis: I am Wade Sarkis. My wife and I own 5771 Blake Acres Drive at the north end of the Town. I have brought Bill Grove who has done a lot of work for me designing a new septic system and we are here about a pole barn application.

Chairman Ely: Can you describe the project to us?

Wade Sarkis: Our property contains rustic cabins. We are considering moving down there more permanently. There is a development next door that we are wondering what will happen. In the interim we had to follow the new onsite waste water treatment ordinance having a septic system that Bill designed that will be installed as soon as we can get down in there. The idea behind the pole barn is to then have a actual bathroom in an actual building that we can utilize when we are there all summer. In addition, that will provide us with a place with real storage on the property because right now it is not weatherproof. An eventual headquarters hopefully building a more permanent residence where the sites of the cabins are. The pole barn is sited up the hill a little bit so that we do not need pumps to use the facility to get to the septic. It is kind of mid property pretty far set back from everything else neighbor lines and so forth. What else can I answer for you?

Chairman Ely: Aside from having a bathroom, what would you be doing with the pole barn?

Wade Sarkis: Eventually the idea would be we are going to be moving down to this property. A pole barn would be very helpful in storing equipment having a shop. Things you keep out of your house. This is a bit of a difficult property. I would imagine we are going to have a truck and a gator and all kinds of wood working materials. It is kind of a headquarters for the future. It would probably be a full bathroom and perhaps a temporary place for a kitchen fridge and stuff like that we bring back.

Ralph Endres: How big is the pole barn?

Wade Sarkis: We are proposing 30 by 40.

Diane Graham: Yeah. I do not see the measurement on there.

Wade Sarkis: I think it is in the description of materials.

Ralph Endres: Cement slab?

Wade Sarkis: Yes.

Ralph Endres: The pole barn would remain after you build the house?

Wade Sarkis: Correct.

Ralph Endres: If you are moving down here fulltime.

Wade Sarkis: That is the goal.

Ralph Endres: What is the total acreage?

Wade Sarkis: Fifteen acres. There was some renderings that were sent to you showing the dimensions.

Diane Graham: Maybe for Phil, but not for the Board.

Wade Sarkis: Oh. Okay. And a materials list and three dimensions.

Phil Sommer: Yes. I got those.

Wade Sarkis: Okay.

Diane Graham: The Board does not have that.

Ralph Endres: If you move down there, you will need some snow removal equipment to keep in that pole barn.

Wade Sarkis: Something pretty robust. Although we may winter somewhere else.

Ralph Endres: We had a wonderful winter until about the 1st of February and then it all went to hell.

Chairman Ely: The last few weeks have been straight downhill. You are going to have a bathroom facility in the pole barn, right?

Wade Sarkis: Absolutely yes.

Chairman Ely: That raises a septic issue.

Wade Sarkis: Correct.

Chairman Ely: Are you in the process of applying for a septic approval?

Bill Grove: We have septic approval for the replacement system with the idea that new pole barn will be connected. We do not have to consider it. We do not have to up size the system because of it. It is not a residential unit. It is just a bathroom in a spot that is not in the house.

Ralph Endres: Is he able, if he builds a house, to add on to it? The septic system.

Bill Grove: The septic would be sized hopefully sufficiently enough for a future development there as well.

Wade Sarkis: I think for seven.

Bill Grove: It was not seven.

Wade Sarkis: Five bedrooms. I am sorry.

Bill Grove: Yes.

Wade Sarkis: Sufficiently sized. It has been through Tyler Ohle and been stamped. Bill designed it so I know it will be just fine. Has not been implemented yet, but will be and the pole barn soon thereafter because the sites are right next to each other.

Sam Seymour: The drawing shows a sewer pipe from the existing common space building, but not from the barn to the septic tank I guess.

Bill Grove: I do not know why on the septic drawings it does show that. If you want to see this copy of it. A gravity line down to the septic tank. For some reason it did not copy to the site plan version.

Diane Graham: If you are changing the site plan can you say pole barn instead of garage?

Bill Grove: Yes.

Diane Graham: You have pole barn over here and then you have garage over here.

Wade Sarkis: Okay.

Bill Grove: It is a pole barn style garage. I can change that.

Sam Seymour: The water system looks like it goes down to the existing beach cabin.

Wade Sarkis: Yes.

Sam Seymour: Does that mean a water facility is in there?

Wade Sarkis: Only to the extent that I have a pressure tank in that building and push it up the hill. So I have a submersible pump under the dock that feeds into the cabin and that is where my pressure tank is. It pushes it up the hill.

Sam Seymour: Is there a plan for a bathroom down there? What do you use for facilities down there?

Wade Sarkis: We have an Incinolet, which we tend to avoid using. So we climb up the hill. It keeps us young. Conceptually we may be able to put something down there with a grinder pump and get it all the way up. Bill actually took some of that into consideration as to where tanks would be on the hill. We have to see what happens next door.

Chairman Ely: Bill, did I understand you to say that you have septic approval of the plans.

Bill Grove: We do. Correct.

Chairman Ely: Other questions?

Michael Staub: You show a line going down from the septic system to an existing common space area and that is going under a gravel driveway.

Bill Grove: It is coming up from the common space area. It is a force main that pumps up to the septic tank above the septic leach field.

Michael Staub: Okay, but it goes under that gravel driveway?

Bill Grove: Yes.

Michael Staub: Do you have any road concerns if you are bringing in equipment to build housing?

Bill Grove: I have it specked to sleeve under the driveway. Sleeved inside of a pipe which is typically all we need to do to protect it from any kind of damage.

Michael Staub: Because you said you are going to be building more and so you are going to have a lot of equipment running over that driveway. If it is not protected, you are going to have some problems.

Bill Grove: Right.

Michael Staub: Okay. Thank you.

Chairman Ely: Any other questions?

Diane Graham: Just an updated site plan that you are going to be approving for the next meeting.

Ralph Endres: Just get us copies of that before the public hearing.

Wade Sarkis: I met with Phil. He had the sewer drawing so he asked for something that showed the boundary. I think that is what was sent.

Diane Graham: This is what gets approved.

Wade Sarkis: So you want to have the right verbiage.

Chairman Ely: Do we need more copies?

Diane Graham: No. The sewer line is not going to the bathroom in the garage. The garage is a pole barn I guess.

Chairman Ely: We have to get that in advance of the next meeting, right?

Bill Grove: Yes. I can do that. So I will rename it and I will add that gravity line down from the building to the septic.

Wade Sarkis: Diane, you do not have the three dimensional drawing and the specs. Phil had all that.

Phil Sommer: I have it.

Diane Graham: Phil's got it. This Board does not have it.

Wade Sarkis: I thought a couple of them might have said they did. I am sorry.

Chairman Ely: On the assumption then Phil that you get the revised plans that we need submitted to Diane, I will schedule this for a public hearing at our March meeting.

Bill Grove: Okay.

Chairman Ely: Alright.

Bill Grove: I will do my part. Thank you. See you next month.

Wade Sarkis: I was surprised to learn of the other another public hearing this evening.

Chairman Ely: Ayers. Only yesterday it became apparent that we were not in a position to go forward so I told them it will be March.

Wade Sarkis: Have they adjusted their plan. I do not know if you are free to tell me or not?

Chairman Ely: They are presumably making a change to it. I do say the adjustment does not pertain to the docks though.

Wade Sarkis: Another access tram is what I am understanding. Have a good evening.

Ralph Endres: What are they doing?

Chairman Ely: All Ayers are doing is nothing to do with the docks. That is not being changed. The lot consolidation has been done officially.

Diane Graham: I sent it to you in an email.

Chairman Ely: The site plan shows one tram down to the water. They are putting in a second tram not to the water so it does not involve the waterfront partway down a very steep slope, which you can then walk down.

Ralph Endres: I think that is at the south end of their property.

Chairman Ely: Yes. Exactly.

Ralph Endres: There was one cut up through there at one time.

Chairman Ely: It was not shown on their site plan. Phil caught that. Good job. Phil, Mark and I had conversations with Phil and myself that they really had to amend their site plan to show this tram unless they were planning to develop the tram at some distant future point. Do it as one project so Phil suggested and I agreed that they had to revise their site plan. They could not get it revised in 24 hours. I suggested to Mark that we delay them to March.

Ralph Endres: Phil, maybe I have this wrong. Maybe you can straighten me out. I was always of the opinion and driving around the lake and hearing from somebody who was on the watershed commission that said when you have a tram it has to go from land to land. Not land to a dock.

Phil Sommer: That is not true. Kevin Olvany on reviewing the north tram said it is not an issue. It needs a separation. They satisfied Kevin Olvany with that.

Ralph Endres: Is there any amount from the mean high water mark for trams? You could actually have those come down on a piece of cement that was made a dock and it could be under water.

Phil Sommer: It would have to be above the mean high water, which that one is on the dock and one will not be because it only comes down about three quarters of the hill.

Ralph Endres: The one they are doing on the south end of the property. The one that they are amending that looks like at one time there was a foot path that went all the way down to the bottom. They were going to let golf carts go down there.

Phil Sommer: They decided at the twelfth hour that they did not want to be taking grandkids down that pass so they opted for a second tram.

Ralph Endres: Now as a Town if we approve that does the Town have any liability if somebody ends up suing?

Phil Sommer: That is why we do not issue a permit for them. I do not believe there is a town around the lake that does not do them just for that reason.

Ralph Endres: I see Jeremy has one going in Bristol Harbour right next to the elevator.

Phil Sommer: So they say.

Ralph Endres: The elevator that he refuses to let anybody fix.

Sam Seymour: Is there a special code that applies to trams?

Phil Sommer: In our code, no.

Chairman Ely: So if a tram were to collapse and injure somebody you can the tram installer, right?

Phil Sommer: Correct.

Chairman Ely: It would not be the town.

Phil Sommer: They carry the liability on that.

Chairman Ely: I bet they do yes. I understand that some trams have fallen down.

Ralph Endres: There were a couple of women on the east side of the lake. I do not know if they were killed, but they were very seriously injured. We got another one at Bristol Harbour they are going to build and I am going to tell you right now unless he has an insurance policy that holds Bristol Harbour residents immune from lawsuit. There is an insurance policy you can get that says if somebody sues him because of a negligence or if they fell out of the damn thing that if they sue Bristol Harbour he has to pay for the lawyer that Bristol Harbour decides to have to defend them. He has to pay.

Phil Sommer: That is between those two entities. We are not getting involved in that. That is for those two parties to work out.

Ralph Endres: Somebody has to get involved in it, Phil.

Phil Sommer: It is not the Town's responsibility. It is a civil matter that we are trying to stay out of right now. If he needs a special insurance to cover Bristol Harbour, that is between him and them. Not us. We are not playing referee in this thing. That is not the Towns responsibility.

Ralph Endres: I will have to wait until he comes and ask him what he decided.

Phil Sommer: You know as well as I do that is the case.

Ralph Endres: I know how lawsuits go and they are thrown against the wall and what sticks, sticks. We are already being sued by fifteen people. We might as well try to prevent the next one.

Phil Sommer: We are not issuing anything so the Town is not liable for anything. We are not granting anything. We do not do that.

Chairman Ely: As I understand no towns to your knowledge grant such permits.

Phil Sommer: They do not permit trams. They do not issue a building permit.

Chairman Ely: They do not issue building permits because they do not want any potential liability for them.

Phil Sommer: There is not code officer right now that is a structural engineer that can go look at a tram and say it all installed correctly.

Ralph Endres: You have to be an engineer. Who knows when you have as many as 300 different people operating it how it is going to be operated?

Phil Sommer: Exactly. It is the owner's responsibility to make sure people that are running it and employees are shuttling people up and down that they know how to do it and in a safe manner. That is his responsibility. Just like the owners of the elevator. It is their responsibility that it works right and is inspected. The same thing they are liable if something happens in that elevator.

Ralph Endres: I think those trams have to be inspected every so often too.

Phil Sommer: I am sure they do. There is nothing in the state code. There is nothing in the local code for us to have any jurisdiction over trams.

Ralph Endres: Somebody has to have jurisdiction over it.

Sam Seymour: Is a tram different from an elevator?

Ralph Endres: Yes. It is an inclined plane.

Phil Sommer: Yes.

Sam Seymour: Bristol's is vertical. There is a state elevator in conveying systems chapter 30 part of the state code. I do not know if it gets into too much.

Phil Sommer: That is why it has to be inspected by an authorized inspector.

Sam Seymour: Like an Otis elevator or something like that.

Phil Sommer: I have had a conversation with New York and they say elevators are inspected by elevator company inspectors.

Ralph Endres: A tram at a private residence is a lot different than a tram in a public marina. Where you might have a family say maybe up ten different people operating it. Where you have to up to 300 different people operating it. The chances of something happening with 300 people operating especially with nobody there. He is not going to have people there to operate it. He is going to let people operate it themselves.

Judy Voss: No. It is not a public marina either Ralph. I do not think you want be saying that.

Ralph Endres: He wants it to be a public marina.

Judy Voss: Exactly. That is why I am saying you do not want to be saying that.

Sam Seymour: If you have a boat there and are paying a lease for a boat slip, you want to invite someone down for a boat ride. That is the public.

Judy Voss: That is true.

Sam Seymour: My friend wants to go for a boat ride. I tell him to come park, ride the tram down and hop in the boat and away we go.

Judy Voss: But you are still a guest of somebody.

Sam Seymour: You are a guest. Yes.

Ralph Endres: That is my feeling with the tram on the Cook's property. Who is going to operate it and what are the hours of operation? Nobody could answer that. They wanted to have it so people could go from the bakery/restaurant and come by boat and park their boat. Who is going to be there to get them up from the bottom to the top? Who is going to help them at night when they are full of liquor going down?

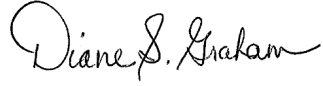
Judy Voss: It is going to be an interesting summer.

Chairman Ely: Are we wrapped up?

Motion to Adjourn

Being no further business, Michael Staub moved to adjourn the meeting. Said motion was seconded by Ralph Endres. The motion was unanimously accepted and the meeting was adjourned at 7:35 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 and title.

Diane Scholtz Graham
Board Assistant