



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

Planning Board Meeting Agenda

Wednesday, March 17, 2021

Short-Term Rentals will start at 6:30 pm with the regular meeting immediately following

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

Zoom for public listening and viewing only

<https://us02web.zoom.us/j/81707186324?pwd=WEdBeWxDaDk3UkRuZ2dqYlNlMz01WZz09>

Zoom Meeting ID: 817 0718 6324 Passcode: 693643

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 January 20, 2021 and February 17, 2021 Planning Board Meeting Minutes

Short-Term Rental Old Business

Short-Term Rental Application #2020-0040 (Public Hearing)

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 (Public Hearing)

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

Short-Term Rental New Business

Short-Term Rental Application #2021-0001 (Preliminary)

Owner: James Bachman, Mary Ann Bachman et al
Representative: Mary Ann Bachman
Property: 66 Cliffside Drive
Tax Map #: 168.16-1-4.085
Zoned: PD (Planned Development)
Sleeping Occupancy: 6

Short-Term Rental Application #2021-0002 (Preliminary)

Owner: Mary Ann Bachman & James Bachman
Representative: Mary Ann Bachman
Property: 85 Cliffside Drive
Tax Map #: 168.16-1-4.085
Zoned: PD (Planned Development)
Sleeping Occupancy: 6

Regular Old Business

Final Site Plan Approval Amended Application #2020-0008 (Public Hearing)

Owner: Philip & Lucy Sheils
Representative: Wendy Meagher
Property: 6877 A & B Walton Point Drive
Tax Map #: 191.09-1-4.100
Zoned: LR (Lake Residential)

Final Site Plan Approval Amended 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)

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

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

Final Site Plan Approval Amended Application #2020-0037 (Public Hearing)

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

Final Site Plan Approval Application #2021-0004 (Public Hearing)

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

Final Site Plan Approval Amended Application #2021-0005 (Public Hearing)

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)

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

Other

Motion to Adjourn

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

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

Guests: Mary Beth Graham
Lindsay Bolton
Wendy Meagher
Mark Bayer
Ashley Champion
Josh Raymor
Shawn Ritchie
Charles & Marie Kenton
Wade Sarkis
Anthony Venezia
Chuck Ryan
Joe Ryan
Bill Grove
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.

Reading of Vision Statement

Mary Ann Bachman read the Comprehensive Plan Vision Statement.

Minutes

Michael Staub moved to approve the January 20, 2021 and February 17, 2021 meeting minutes as written. Matthew Sousa seconded the motion. The motion was unanimously adopted by all board members present.

Other

Chairman Ely shared that Bessie Tyrrell had resigned and that Sam Seymour is now a full voting member of the Board. The Town Board is in the process of soliciting two more alternates.

Short-Term Rental Old Business

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 applications where the applicant/owners are seeking a short-term rental operating permit:

2020-0040 for property owned by Jordan Lack and Tamar Kopel located at 24 Golfside Circle, tax map #168.15-1-29.240;

2021-0003 for property owned by Katherine Doyle and John Doyle located at 2 Northstar Drive, tax map #167.71-1-2.000;

Said hearing will take place on the 17th day of March, 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
Ma 03 96248

Short-Term Rental Application #2021-0003 (Public Hearing)

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 for the record.

Mary Beth Graham: My name is Mary Beth Graham and I am here on behalf of the Katherine and John Doyle for 2 Northstar Village.

Chairman Ely: Do you manage the property for them or are you just the representative tonight?

Mary Beth Graham: No. I take of it for them.

Chairman Ely: You were here a month ago, right?

Mary Beth Graham: Yes. I was.

Chairman Ely: Do we have any questions for our applicant here tonight? Diane, do we have any written or verbal communications?

Diane Graham: I do not believe so. I am going to check. I do not.

Chairman Ely: Does anybody in the room wish to speak to this application? Hearing none we can close the public hearing. Are we prepared to vote on this application?

Ralph Endres: Yes.

Michael Staub: Yes.

Chairman Ely moved that based on a review of application #2021-0003 and the testimony presented at the Planning Board meeting on February 17, 2021 and public hearing on March 17, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Michael Staub seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Ann Marie Rotter – Aye
Matthew Sousa – Aye
Sam Seymour – Aye
Michael Staub – Aye

Motion is carried.

Short-Term Rental Application #2020-0040 (Public Hearing)

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: Do we have anybody here to represent Jordan Lack and Tamar Kopel? Please come forward and introduce yourself for the record.

Lindsay Bolton: I am Lindsay Bolton. I am with Finger Lakes Premier Properties who manages this property.

Chairman Ely: You manage the property for the applicant and you were here last month, right?

Lindsay Bolton: Yes sir.

Chairman Ely: Board members have any questions? Diane, have we received any written or verbal communication?

Diane Graham: I do not believe so. I will do a check. No.

Chairman Ely: Anybody in the room who wishes to speak to this application? I will declare the public hearing closed. Are we ready to vote on this members of the board?

Michael Staub: Yes.

Mary Ann Bachman: Yes.

Chairman Ely moved that based on a review of application #2020-0040 and the testimony presented at the Planning Board meeting on February 17, 2021 and public hearing on March 17, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Michael Staub seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye

James Ely – Aye

Ralph Endres – Aye

Ann Marie Rotter – Aye

Matthew Sousa – Aye

Sam Seymour – Aye

Michael Staub – Aye

Motion is carried.

Short-Term Rental New Business

Mary Ann Bachman recused herself from voting on the preliminary and final review of the following two applications:

Short-Term Rental Application #2021-0001 (Preliminary)

Owner: James Bachman, Mary Ann Bachman et al

Representative: Mary Ann Bachman

Property: 66 Cliffside Drive

Tax Map #: 168.16-1-4.085

Zoned: PD (Planned Development)

Sleeping Occupancy: 6

Chairman Ely: Mary Ann can you describe the situation to us?

Mary Ann Bachman: Yes. So 66 Cliffside Drive condo is a Harvard. That is the name of the floor plan. It is a little over 1,400 square feet. It is two bedrooms, two full baths, the master bedroom has a king size bed and the bathroom is a walk-in shower full bathroom. The second bedroom has a queen size bed and a twin bed and the full sized bathroom has a tub shower. The bathrooms are in the bedrooms. We advertise as accommodating four/five people. That is what we prefer. I think the capacity can be six. We have a sofa in that condo. Sleep five beds and one sofa. Make sure that we ideally advertise four/five.

Chairman Ely: You can handle more?

Mary Ann Bachman: Yes we could.

Chairman Ely: Do you have events or anything of that nature?

Mary Ann Bachman: No. Absolutely not. In the VRBO advertisement there is a disclaimer statement that there are not to be events/parties. We live in a quiet area with very close neighbors, therefore, if you are planning to have parties/gatherings of large groups of any kind this is not the situation for you. Certainly getting together with a couple of people is welcome. Not pets allowed. That is condo and HOA rules.

Chairman Ely: Do you rent year-round or seasonal months?

Mary Ann Bachman: The minimum is two nights to make it worthwhile for cleaning. The maximum we could if we wanted to do long term, but we will not be. This place is new to us renting it out so our plan is to do seasonal June through August for the most part. Some September and October. There are weekends in October that can be just as busy and the 4th of July. Fall foliage in this area is quite something. HOA rules are that in the summer mid-June through Labor Day it has to be a seven day rental at the minimum. We adhere to that.

Chairman Ely: In the high season it is a seven day rental?

Mary Ann Bachman: Yes. Mid-June through Labor Day.

Chairman Ely: Otherwise you could do a two night rental?

Mary Ann Bachman: Yes. We have tried that in the past with other situations and we just don't get enough winter rentals that it is worth our while to keep the place even open. We shut it down.

Chairman Ely: Last year was not very typical I know. Where do your guest come from?

Mary Ann Bachman: This condo is a new situation for us. Just from experience they come from all over. Some are New York State - Buffalo, Syracuse and Rochester. Some are out of state. Some are retirees. Leaving the pressing heat of the south. They are driving through states and this is where they stop. They love the Finger Lakes region no matter what the time of year. They come from all over I have to say.

Chairman Ely: Any other questions here for Mary Ann?

Michael Staub: You said the maximum sleeping is five?

Mary Ann Bachman: We could accommodate six because there is five beds plus a sofa, but we do not encourage that. We do advertise four/five.

Michael Staub: So you advertise four/five?

Mary Ann Bachman: In case there is a child or two. We prefer not to have too many people in the place even though we can. It has two full baths.

Michael Staub: Okay, thank you.

Chairman Ely: Any other questions? With no questions.

Chairman Ely moved that the Planning Board accept the short-term rental permit application 2021-0001 as completed and set the application for final review/public hearing on April 21, 2021. Michael Staub seconded the motion.

All in favor.

Ayes: 6, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Short-Term Rental Application #2021-0002 (Preliminary)

Owner: Mary Ann Bachman & James Bachman

Representative: Mary Ann Bachman

Property: 85 Cliffside Drive

Tax Map #: 168.16-1-4.085

Zoned: PD (Planned Development)

Sleeping Occupancy: 6

Chairman Ely: Is there anything different with 85 Cliffside?

Mary Ann Bachman: Yes. The bed layout is a little different. Same building, but they are on different levels. So 85 it is two full beds and two full baths. The master has a king size bed and walk-in shower and the second bedroom has a queen bed and a tub shower. We have a queen sofa in the living room. So we can put six, but again we advertise four/five. We have been renting this one for quite a few years. It is repeat guests. It is mostly who comes to visit us. I do not know if it is the bed situation, but it is a lot of adults. Again minimum two nights and minimum mid-June through Labor Day by condo regulation is seven days. We have guests that come three weeks, two weeks. It has been in operation for a while.

Chairman Ely: This has been an ongoing operation.

Mary Ann Bachman: We shut down last year. We stopped in May because of COVID. We did not rent at all last year.

Chairman Ely: Again I ask you about events and parties?

Mary Ann Bachman: No. It is in the write-up. We live in close proximity to neighbors. It is relatively a quiet area. We want to keep it that way. It is a courtesy to our neighbors. If you are planning parties, large gatherings of that nature we ask you to reconsider. Certainly inviting a couple of guests over that is fine. We used to have a family who had a lot of family. They would take turns having family reunions. That was okay. It was just the one dinner for twelve people. We knew them and that was fine. Everybody seems to be okay with that. They are not renting from us anymore.

Chairman Ely: Any Board members have questions? Okay.

Mary Ann Bachman: I say six because just in case for some reason there may be a time somebody is staying overnight and I do not know about it. No. We advertise four/five. No smoking. No pets. The HOA rules make that easier for us to adhere to. It is not allowed.

Chairman Ely: Thank you Mary Ann.

Chairman Ely moved that the Planning Board accept the short-term rental permit application 2021-0002 as completed and set the application for final review/public hearing on April 21, 2021. Michael Staub seconded the motion.

All in favor.

Ayes: 6, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Regular Old Business

Final Site Plan Approval Amended Application #2020-0008 (Public Hearing)

Owner: Philip & Lucy Sheils
Representative: Wendy Meagher, PE
Property: 6877 A & B Walton Point Drive
Tax Map #: 191.09-1-4.100
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:

2020-0008 for property owned by Philip Sheils and Lucy Sheils located at 6877 A & B Walton Point Drive, tax map #191.09-1-4.100. The applicant/property owners are looking for site plan approval to demolish an existing house and build a new home and septic system on the north side of the property. The existing cottage on the south side of the property will remain.

Said hearing will take place on the 17th day of March, 2021 beginning at approximately 7:00 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
Ma 03 96249

Chairman Ely: Please introduce yourself for the record.

Wendy Meagher: Good evening folks! Happy St. Patrick's Day. I am Wendy Meagher with Meagher Engineering. I am here representing the Sheils. I think you are pretty familiar with us. I think this is our fourth time with the Planning Board.

Chairman Ely: Yes. You have been here a few times I understand.

Wendy Meagher: As you know we have been before Zoning Board and received variances for front setback to the private drive. We have improved setbacks to the side and we also improved lot coverage conditions. We are at 20% for lot coverage and we also received a Special Use Permit to allow the two residence on one lot. The reason we combined the two lots is the existing house received a grant to improve their septic system. It had an old septic system and was not sure where it was leaching to. The Sheils decided they wanted to rebuild the home down there for a permanent residence. We opted to combine the lots to serve both parcels. The small cottage to the south and their new home on the north side of the little inlet there. We have final approved plans from the NYS Health Department from Sheryl Robbins. Like I said we did receive all of our variances and the last variance we did receive was site setback to the stream inlet. That was approved and commented on by Kevin Olvany.

Chairman Ely: Any questions here? Diane, I think we have received a written comment.

Diane Graham: Yes.

September 15, 2020

*Phil Sommer
Code Enforcement Officer
Town of South Bristol
Gannett Hill Road
Naples NY 14512*

Dear Phil,

This letter is in full support of the house plans that Phil and Lucy Shiels have submitted for their property on Walton Point Road.

*The proposed home is completely in scale with the property and complements the style of other homes on the Point**

The Shiels are wonderful, thoughtful neighbors who have done a magnificent job improving the Shriner property on Walton Point without changing the cottage. Chip and I are certain their architect will make a strong effort to create a sustainable home that is in keeping with today's best practices in lake-friendly building.

Phil, I hope you and yours are well during these unprecedented times. Thank you for all your hard work on behalf of the residents of South Bristol.

*Leanna Landsmann
917-655-2327*

**Seneca Point residents should be as lucky as we!*

Chairman Ely: That is very affirmative from the neighbor. Is there anyone else in the room who wishes to speak on this application? I declare the public hearing closed.

Board members have any further questions?

First, I note you have your septic approval as you already mentioned. Zoning Board of Appeals has declared this to be a Type II action under SEQR requiring no further action. I move that we concur in the decision of the Zoning Board of Appeals and that no SEQR review is required. Ralph Endres seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is 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 as modified by the Zoning Board of Appeals with a special use permit and a front setback variance granted on October 28, 2020 and a stream setback variance granted with conditions on December 3, 2020.
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.

Chairman Ely moved to approve findings 1-4. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Chairman Ely moved to grant both preliminary and final site plan approval for application #2020-0008 as amended. Michael Staub seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye

James Ely – Aye

Ralph Endres – Aye

Ann Marie Rotter – Aye

Matthew Sousa – Aye

Sam Seymour – Aye

Michael Staub – Aye

Motion is carried.

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

Owner: Ayers Funding LLC
Representative: Mark Bayer
Property: Storm Haven
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)

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:

2020-0038 for property owned by Ayers Funding LLC located at Storm Haven Drive, tax map #168.12-1-1.005 through 168.12-1-1.010 (northern) and 168.12-1-1.012 through 168.12-1-1.014 (southern). The applicant/property owners have combined the lots to accommodate Uniform Docking and Mooring Law requirements and are looking for site plan approval to construct:

Northern dock and tram with a total of 720 square feet and a boat house with a total of 1,280 square feet.

Southern dock with a total of 1,240 square feet and a tram.

Said hearing will take place on the 17th day of March, 2021 beginning at approximately 7:00 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
Ma 03 96253

Chairman Ely: Please introduce yourself for the record.

Mark Bayer: Thank you all for having us. I am Mark Bayer with Bayer Landscape Architecture. Anthony Venezia is here with Venezia & Associates, Ashley Champion is here with us tonight. Josh Raymor works in my office. Shawn Ritchie from Finger Lakes Tram is here if we need to ask any questions about his work. We were here back in December. Anthony had a lot to do because when we were here last round for the preliminary hearing one of your requests from the Board was to consolidate the lots and make sure we had all that done. Anthony did go through that whole process. We consolidated six lots for the north side and three lots for the south side to create the proper arrangement for frontage and docks. Those maps were filed and I believe delivered to the Town of course and the County. All of that is completed. The other thing that we did, the Town and Phil asked us to make some minor tweaks to the tram arrangements. The Cooks wanted to because of the steepness of the trail on the south decided ultimately they would like a tram on the south side. It does not go down to the docks, but it will get them to within 12-14 feet above the water. They have a new grandchild and they just realized after hiking there numerous times over the fall that it is something they wanted. We have made those adjustments. We worked very carefully. I want to thank Phil because he has been very helpful to us and Kevin Olvany was

a great resource on this project so far. We have been through the plans again with very minor adjustments primarily to the tram on the north side. The plans are fully compliant. I think Phil and Kevin would agree with that. Phil has looked them carefully with us. We have worked back and forth to get everything in order. We resubmitted them to the Town with minor modifications. So we are back tonight to answer any additional questions you might have for us. I went through the plans in detail last time. Again, everything meets the Docking and Mooring Laws. We are very confident about that. The real estate consolidation has all taken place. I would be happy to entertain any questions you have about the project.

Chairman Ely: Board members have any questions at this point or should we turn to the audience?

Ralph Endres: What do you have planned at the top where the tram comes up from the middle?

Mark Bayer: This is going to be a private use. At some point in the future I believe they are planning to do a lodge effectively to have use of when they are on the waterfront on that side of the lake. They have not solidified any plans whatsoever. They are thinking in those terms in the future. At that time we will certainly bring anything that they come up with before this Board and share that with them.

Ralph Endres: Does this cover sewers or bathroom facilities?

Mark Bayer: At this point it is so early I do not know exactly what.

Ralph Endres: How are people able to get to that from Seneca Point Road?

Mark Bayer: There is a laneway that comes down to that site? It has been there since the 1960s.

Ralph Endres: You are not going to put a road in?

Mark Bayer: Not a road no. It will be a driveway at best. There is a driveway there now.

Ralph Endres: So there will be no disturbance at the top?

Mark Bayer: Not as part of this project. Only to get as you asked last time there will need to be power brought to the tram. That is only disturbance at the top to do the dock work. All dock work must be done from barges on the lake. The only thing that will be happening on the top is to bring the power to the tram.

Ralph Endres: There has to be a parking area up there.

Mark Bayer: There is a laneway that comes down. There is a place to park there now. It has been there a long time. You can take a vehicle down there for over twenty years I am guessing.

Ralph Endres: What kind of lighting are you going to have at the top and for the tram?

Mark Bayer: On the dock it will be simply navigational lighting for evening. It will be low voltage. Lighting to see the dock in the evening. It will not be shining out into the lake. That is the last thing we would think of doing here. On the tram there will be low voltage lighting system at the top to load on and off. I know Shawn will typically do a little bit of down lighting. It is not going to be glaring. It is going to be night sky compliant. It is the last thing they want to do here is create a glaring site. This is a place of

refuge for them. This is a place of respite. They are going here to relax and use their boat. They no longer have a cottage at the north end. They want to have access to boats at this property they own. The last thing they want to do is create a site with a lot of lighting and disturbance of that kind.

Chairman Ely: What site disturbance would there be in connection with installing or operating the tram?

Mark Bayer: We can get into more detail. That is why I have Shawn here, but what they do is typically low invasive using a system that they have developed.

Ashley Champion: Shawn can give some detail on that. Shawn is an expert at installing trams in and around Canandaigua Lake, including lots in this town that he has previously and is currently working on. The tram is going to be completely consistent with the work that he does all over the lake. As you know, the Town does not regulate tram systems. They are not subject to any type of permit or review here. We are here on a Docking and Mooring Law site plan approval so everything below the mean high water mark. However, the tram system is going to be installed about the same time as the docking improvements. In order to be transparent we are showing it on the plans. We are here to talk about it. We can answer any questions that you may have. I want to clear as to the scope of the review of the tram. Shawn installs them in and around the lake all of the time. No permit is required. This will be typical and consistent with all of the other projects. We are more than happy to be transparent with the Board and let you know what we are doing.

Chairman Ely: Please introduce yourself for the record.

Shawn Ritchie: I am Shawn Ritchie. I am part owner of Finger Lakes Tram out of Macedon, NY. We have close to 100 installations mostly in the Finger Lakes. We spread out a little bit into Ohio and Adirondacks. This is pretty much our home base to most all the major Finger Lakes in the area.

Phil Sommer: How are you getting your equipment to the tram? Any chance of erosion or silt fence would be needed for anything that may come down into the lake?

Shawn Ritchie: Typically not on the site. We do use silt fencing. The installation of these trams is fairly quick. If we are leaving a site for a weekend or any inclement weather coming in we would put silt fencing up to prevent the need for debris to go down. There is little to no excavation required on this site. We put our trams in with two inch aluminum pipe that is anodized brown and pile drive or pound the pipes in. Up at the top to support our hoist station and then we pound them every 12 feet a set of them down the slope. Very little disturbance and most superior method of attachment to the shale soils that we have around here versus digging concrete pilings. There is very little soil disturbance. The total disturbance on a tram like this is a square foot. It sounds crazy, but when you add up area that is disturbed by each pile. In the past we have used a mini Bobcat excavator tracked. It is 36 inch wide called a mini. We would use that to pound the piles at the top and also to convey our hoist drum onto the hoist. Down the hill it is all handwork. We use gas powered Honda pounders like a sledge hammer. We put the piles in about 40-41 inches is our goal. It gets a good bite, very strong. Our goal is to make it as aesthetically pleasing as possible. That is why we anodize our pipe. Anodizing is a process that stains and coats it. It is not invisible. It is tough to pick up. It blends pretty well. The track is also aluminum and anodized as well.

Phil Sommer: My question was more up top when you are bringing in all your equipment. Is that going to be tearing up anything with tires, tracks or whatever that could have anything go down the hill into the

lake? I want to make sure about your landing area on top where you are storing your materials. Is that going to be protected or not? Is there any chance of any kind runoff from that coming down from bringing your equipment?

Shawn Ritchie: These two sites are very flat up top, which makes it very easy to bring vehicles down so and not any kind of disturbance going over the cliff. We are nowhere near the cliff with the vehicles. It will be a couple of pick-up trucks and our little Bobcat. That is the extent of our equipment. We try to dodge weather so if it is raining we clear out. It is dangerous. We do not want to be on the slope with slippery mud and debris. With very little excavation the soil will be minimally disturbed.

Phil Sommer: My question was because I did not know what type of equipment you are bringing down. I try to protect the lake the best I can so that is why I asked the question. I appreciate it.

Mark Bayer: That is why we brought Shawn on because he has done so many of these successfully on the lake. We would not use anybody else because of his experience and sensitivity to the site.

Ralph Endres: The southern tram does not come down to the dock. Where does it end? How many feet from the water?

Mark Bayer: I would say it is about 12-15 above the water level. There is an existing trail that goes all the way down to the water on that side. One of the turns in the trail, which is about 12-15 feet above the water there is a plateau and a generous plateau that Shawn is going land the tram there and then they will walk the rest of the way down the 12 feet to the dock.

Ralph Endres: What are they going to build at the bottom to get out of the tram?

Ashley Champion: Nothing.

Ralph Endres: They are just going to walk out onto the pathway?

Mark Bayer: The dock comes to the bottom of the path and they will walk down the trail to the dock.

Shawn Ritchie: The tram finishes about 15 inches from the ground. The rails can be put into the ground a little bit farther so you can step off the tram onto gravel or the ground. Typically we will put a four by four foot platform so you have a level surface they can step off of that. It is finishing right at ground grade.

Mark Bayer: This tram because of the plateau is not feasible to go the dock. That is the logical place to do it. It gets them down the first 30-40 feet that is really steep and bring them in close proximity to the dock. It is a natural place to land it. It worked out very well. This tram does not touch or get near the dock. It is all above it.

Ralph Endres: I am familiar with the piece of property, but I also know when you have these thunderstorms that train through this area that washes out. That step that may be 12-14 inches maybe three and four feet at some point after a rainstorm.

Mark Bayer: Having been up and down this site many times I think in working with Shawn we can create a stable situation there. I do not see a problem in doing that. I understand what you are saying. You can get those microbursts and get a lot of water coming down through there. I think we will have to be conscious of that and make sure the landing for the tram. With Shawn's experience I am very confident we can come up with a solution.

Ralph Endres: It is going to be lit down there?

Mark Bayer: I am sorry the tram?

Ralph Endres: The tram.

Mark Bayer: Shawn, you can speak. I think you have a low voltage light up at the top?

Shawn Ritchie: Can I show this picture? We call it down lighting. We put this low voltage LED lights.

Ralph Endres: Are they solar?

Shawn Ritchie: No. They are wired.

Ralph Endres: So you have to dig a trench down through there?

Mark Bayer: We have to bring power to the tram and the tram itself can take the wire down to the lower level.

Ralph Endres: So go underneath it?

Shawn Ritchie: We would attach it to the rail itself. Our rail is a six inch C-channel. You can put a conduit down the outside of it. That is all to code. In this case it is low voltage lighting.

Ralph Endres: There is power at the top right now?

Shawn Ritchie: No.

Mark Bayer: There is a power pole nearby, which we will get the power from.

Michael Staub: You are going to have a power station at the top for the trams?

Shawn Ritchie: Correct. The tram is a glorified wench at the top. It is a grooved hoist drum and there are two cables that come off to attach to the cabinet. It will unwind with gravity down and then motor wench system will pull the cabinet back up the hill. It runs on 220. It is about 8.5 to preload.

Ralph Endres: How often are they inspected?

Shawn Ritchie: We inspect them yearly. There is really no NYS code or national code for trams. We follow NYS elevator guidelines. Those are inspected yearly. All the controls, over speed system, break with cables. Everything on the tram is designed for 24-7 use. The same equipment as a hotel as far as motors and drive systems. The trams are so low usage compared to what you get at a hotel. We still inspect them.

Michael Staub: The motor housing and power station is secured so no one can just walk in there, right? That would be keyed to your people?

Shawn Ritchie: Correct. They are covered and locked in place. The tools to get up and in are like an automobile.

Michael Staub: Casually you could not walk or get in?

Shawn Ritchie: No. There are various configurations, but all have a railing around the platform at the top to get on. Customers sometimes will go pressure treated or use composite decking. They might use railing masts or whatever their landscaping is. In this case, we will use a plain brown.

Ralph Endres: Is this able to operate 24/7?

Shawn Ritchie: It is.

Ralph Endres: So there is no lock out so that after you leave you can lock out anybody else wandering on the property and using it?

Shawn Ritchie: There are keys. You can turn it on and off with a key. Homeowners in a private setting would turn it on in July and leave it on until August. Others may turn it off every night. It depends on the area. You can turn it off each time. We have had customers put a key code in. For higher use sometimes homeowners will share a track between two properties. They will have different electronic configurations for that. It is safe from the standpoint of someone just decided if the doors are not open it will not run.

Sam Seymour: I am still unclear as to how the pathways work and the parking area where that is located. How do you get from the parking area to the top of each tram?

Mark Bayer: Right now there is not on the map there is a level plateau. It has been there for many years. Come down the lane that has been there forever. Then there is a walking path.

Sam Seymour: One walking path would take you along the ridge to the north tram and then.

Mark Bayer: There is a path that leads to the south.

Sam Seymour: So you do not have go down and up through to get to the other tram?

Mark Bayer: No. I do not know exactly when it was improved. I have heard stories. I heard a lot of this was done originally in the 1960s. I do not recall his name.

Sam Seymour: Morey Storm.

Mark Bayer: That is right. He actually cut all of this laneway all the way down. He cut a laneway south and a dug way that you can actually hike down if you want to do that. So you can get to the south side of the parcel easily and you can get to the north side easily. At this point here I would have to say it is 60-70 feet in length and 40 feet across. You can turn a car around. You can park there. It all there now. It is nothing we have to create.

Sam Seymour: Right. Okay.

Chairman Ely: Diane, do we have any written or verbal comments?

Diane Graham: No. I had requests to see the site plan.

Chairman Ely: Is there anybody in the audience who like to speak to this application?

Diane Graham: I think I have one person.

Chairman Ely: Please come forward. Please introduce yourself for the record.

Wade Sarkis: My name is Wade Sarkis. My wife and I own the property at 5771 Blake Acres Drive, which is immediately adjacent to the subject property to the north. We share about a 1,000 feet of border including at the waterfront. I have had prepared some nice stuff and left it somewhere not in my file. Excuse me if I am a little bit unorganized. We bought this property in 1998. We have been there 23 years. For the past 12 years I have also been on the Canandaigua Lake Watershed Association Board and I am the immediate past president. I am also a board member of the Finger Lakes Land Trust. So I do consider myself a steward and a conservationist. You may have seen me in the town hall arguing in favor of steep slopes law and onsite waste water management systems that were recently adopted. I was also an advisor to the working group in 2011 that created the amendments to the Docking and Mooring Law. I am quite familiar with it. I am more than a concerned neighbor. The Docking and Mooring Law under Tier 1 that the facility criteria defines the maximum dimensions and numbers aloud in allowable structures. It does not guarantee approval of the maximums. In fact section 73-6(D) reads as such limitations on the maximum number of facilities. Section 73-8 establishes the maximum number of docking and mooring facilities that could be allowed and does not confer the right to any specific number of facilities. Applications of other laws and requirements may result in a reduction of that number. This Board makes those approvals. It is based on the law and other requirements that you see fit to add. I would hope that those requirements might include adherence to your vision statement, which calls for you to preserve and protect. The Town's Comprehensive Plan. The Canandaigua Lake Watershed Management Plan, which South Bristol is a signatory, which also calls for preservation of natural shorelines and open spaces. Even taking into consideration the neighborhood characteristics, is a 40 foot long 15 foot high enclosed boat house in keeping with the current neighborhood or is it simply to obstruct a view? Either way this is not a neighborhood of maximum structures as it exists now. I do see in the December minutes that there was lots of comments about how neighborly the applicants were being. I am the neighbor. I have never once been contacted by anyone regarding this plan. Does the Board intend to review the construction and installation of the trams and reconstruction of the existing rock cut under a different application or is this all in one?

Chairman Ely: We do not review trams. I told you that myself.

Wade Sarkis: I know that there is no... I am sorry. That is not what I asked you though.

Chairman Ely: Okay.

Wade Sarkis: Is it all in one application tonight?

Chairman Ely: That is correct.

Wade Sarkis: Okay. I know you do not control trams. You do not approve their safety and all that good stuff. However, trams are mentioned in your code under structures. That is defined in your code. As are roadways, platforms, ditches. Anything to do with any kind of improvement to land. Section 73-11(G) says *“any use or structure on the land side of the mean high water mark not regulated under this article including those that are proposed to be attached to a dock or associated facility or structure are subject to the provisions of adjoining zoning district and other locals laws, regulations or ordinances.”* A tram is a structure and the construction and installation of it, not the approval of how it works and of its safety, are part of your code. Now I was a little confused when we talk about access to the tram. The northern tram will sit about 75 feet away from my property line at the top of the bluff. I see it all the time. It is in the middle of the forest. It is 300 feet at least away from this parking area that has been described by Mark. At least what I heard was that there will be zero disturbance to get to the bluff. You will not have to take out any trees. You will not create a roadway. There will not be any parking or substantial structure anywhere between that 300 foot away on the driveway turn out to the top of the bluff. That seems a little farfetched. People are going to hike through the woods to get to a tram that delivers them to the thick woods on a steep slope. Clearly this is a steep slope area. The steep slope ordinance says section 148-4 (A) *“a steep slopes permit is required if there will be 1,000 square feet or greater of steep slope disturbance totally within 2,000 horizontal feet of the lake.”* I do not understand how they are proposing people to get to the tram without some kind of path, roadway, parking area, decking facility or something that covers the tram. It appears that it is going to be a tram in the middle of the woods. This rock cut and improvement at the south end obviously that is steep slopes. That is the bluff. Will there be more than 1,000 feet of disturbance in that region? I believe the answers to these things are yes. I think if you are looking to approve the excavation on the road or pathway to the northern tram site and some kind of parking facility or whatever at the top of the bluff. I do not know. They have not said that, but I really doubt people are going to walk all that distance through the woods to get to their dock carrying all their stuff that they carry down to boats. Any statement contrary to that I just find difficult to believe. Again, Jim I know what you are saying you do not regulate trams, but trams are defined as a structure in your code and structures are subject to the steep slopes law. I think that we are getting ahead of ourselves if you are looking to confirm both. I can understand the waterfront being moved forward if that is what you decide to do, but the tram is a different subject all together. Thank you for your time.

Chairman Ely: Thank you. Do you wish to have a comment in response?

Ashley Champion: Yes. I am Ashley Champion with Nixon Peabody. We can answer to hit on the high points. It is interesting that most of the issues that were raised were things we already did answer, but we are happy to go over them again for clarity. Mark, do you want give detail about the fact that all of the lanes and driveways already exist. I would also like you to hit on the setback issue and how we are very generous in the setback we are giving to both sides of the neighbors because that is something the Cooks wanted to do not because they had to do it. When we had our meeting with Kevin and Phil people acknowledged we had a generous setback in order to be accommodating to our neighbors. That is a lot of what we were referencing. We can also reiterate again what we did at the last meeting, which is that we have these combined lots and we are working on three water front lots at this point. We had ten and so our

overall square footage from what we could have done before we went and did this lot consolidation to further this application is nowhere near what it would have looked like with ten docks all up and down the shoreline, which we are choosing not to do. Mark, if you want to give a little detail.

Mark Bayer: There is now a turnaround area we were pointing to earlier, but there is another laneway that you can go down toward the second tier plateau where there is an existing set of old rickety steps there. So you can get in very close proximity to this. Shawn, Josh and I have hiked this many times. The woods is fairly open. You can walk to the north tram without any trouble. There is no formal trail there now. The Cooks walk this property all the time.

Ralph Endres: In the dark?

Mark Bayer: No. They do not in the dark. They walk it all the time. As I said to the south there is already a laneway to walk over to the south side as well. Regarding the frontage, as Ashley already said, there was nine or ten waterfront lots that each could have had an individual dock.

Ashley Champion: Each could have had a dock with three boat slips.

Mark Bayer: If you think about environmental stewardship, what is down here consolidate that into two docking systems. There is approximately 540 feet of frontage. There remain very close to 400 feet of undeveloped shoreline under this proposal. To say that we are not being environmentally conscious is not true. It is not what we do. That is not how we do our projects. We will be stewards of this project all the way through. That is why we have Shawn here and why Cooks hired us because we do that kind of work every day of the week. We will be very conscious. In fact, I spent a lot of time discussing the position of north dock with the Cooks. I said lets be really good neighbors about this. You can be ten feet from that facility area line, but you know what I think we should push it south. I think that is the neighborly thing to do and that is what we did. There is considerable distance from the facility area line from Mr. Sarkis property. Very deliberately done in our design process. There is also the same thing on the south side. Let's not go the area facility line. Let's push it in. Let's maintain 200-300 feet of unspoiled cliffside. That is what we are doing. We have gone from a twenty lot subdivision to thirteen lots. We took all the waterfront lots away to build these docks under compliance with the code, the Docking and Mooring Law to the letter of that law of what is down there. Are we going to tear up the site? That is the last thing we are going to do. They hired us to make sure this site is kept pristine. Some day they will build some kind of structure I am sure. That is their right as the owners of the property. If that happens in the next year or two we will make sure all of that is compliant. We do not come in and destroy property. We come in and enhance properties. That is our job as the landscape architect. That is what I do every day. To say we are going to come in and cause environmental havoc. That is ridiculous.

Mary Ann Bachman: There is 200-300 feet between dock one and dock two? Any thought about connecting them? That is a lot of room in between I understand.

Mark Bayer: One of the reasons for that is that Mrs. Cook is an avid swimmer. The docks give her that protected swim zone. That is why they did it that way. Also from the waterside you will see that 200-300 feet of cliff face. That was very important to us as landscape architects and to the Cooks.

Ralph Endres: Between the two you cannot control the water in between.

Ashley Champion: Yes. We know that.

Mark Bayer: We are not trying to control it. It is just to protect it.

Ashley Champion: You can still come fishing Ralph.

Sam Seymour: It is a long turn in the lake where boats tend to come really close. These docks sticking out 60 feet are going to be big change for that and viewscapes up and down the lake.

Ashley Champion: Much less obtrusive than what it could have been.

Mark Bayer: If you think about taking this, we have three remaining waterfront lots now. There was ten. We talked about it. We are going to do this as a place of respite for the Cook family. They said we do not care about the lots, but just make it nice. In good faith went forward and consolidated those lots because that is what they want to do.

Ashley Champion: That in and of itself as we discussed last time is giving up of substantial property right. They had 20 lots that were preexisting non-conforming and we maintained that over the last five years of their ownership to maximize their development potential. Here they are moving forward with a private family development and did not hesitate when we went back to them for this Board's request to consolidate those lots prematurely of even receiving any approvals from six down to one in one instance and three down to one in another. That has already been done and we here now with the follow-up.

Ralph Endres: Is this road that is in the top a lane or just a foot path?

Mark Bayer: It is a crushed stone probably 12-14 foot wide driveway.

Ashley Champion: It is a road. We have all driven our cars down there.

Mark Bayer: You can drive down there tomorrow.

Ralph Endres: You call it a driveway and I call it a road.

Mark Bayer: It is not a right of way per se. You can drive down it with a truck or a car. It is easy to get down to that plateau. It is all of 12-14 wide I would say. It was all culverted. That work was all done. It drains properly. It is very passable. It has been there since the 1960s I would say with some improvements over time.

Sam Seymour: Has anyone looked at the depth of the water at the end of these docks?

Mark Bayer: We actually had Anthony do a full water survey to make sure everything was going to be fine. Anthony, I do not know, if you have any comments on that?

Sam Seymour: Does that profile allow you to move these docks in a little closer to shore or not?

Mark Bayer: It does not by the time you get the boat because of the depth near to shore.

Anthony Venezia: You have a gentle slope down.

Mark Bayer: We looked at that carefully.

Sam Seymour: Thank you for that consideration.

Mark Bayer: Yes.

Chairman Ely: Anyone else who wishes to speak? Anyone in the audience? I will declare the public hearing closed. Members of the board are you ready to vote or any questions? How would you like to proceed?

Michael Staub: Ready to vote for me.

Chairman Ely: I move that we answer the SEQR questions either no or limited impact and that you authorize me to sign the SEQR form on behalf of the board. Matthew Sousa seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is 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.
5. The proposed project complies with the Docking and Mooring Law.

Chairman Ely moved to approve findings 1-5. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Chairman Ely moved to grant both preliminary and final site plan approval for application #2020-0038 as amended. Michael Staub seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Nay
Ann Marie Rotter – Aye
Matthew Sousa – Aye
Sam Seymour – Aye
Michael Staub – Aye

Motion is carried.

Ashley Champion: Thank you all.

Mark Bayer: Thank you very much. Appreciate it.

Chairman Ely: Anything else you will deal with the code officer. If you make any additional improvements on top, you will have to come back before us, of course.

Ashley Champion: We sure will.

Mark Bayer: Thank you very much.

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)

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:

2020-0042 for property owned by Joan W. Goldberg 12 Irrevocable Trust located at 5803 Seneca Point Road, tax map #178.11-1-1.210. The applicant/property owners are looking to add a 530 square foot deck to the south side of the existing residence and pergola off the master bedroom.

Said hearing will take place on the 17th day of March, 2021 beginning at approximately 7:00 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
Ma 06 96349

Chairman Ely: I will declare the public hearing open. Please introduce yourself.

Charles Kenton: Good evening. I am Charlie Kenton with Ketmar Development. I would like to start out by apologizing for not showing at the last meeting. It was on my calendar then it wasn't. I apologize for not being there. We are trying to add, as Diane said, a 530 square feet of deck and pergola to the patio off the master bedroom.

Chairman Ely: Please help me, what is a pergola?

Charles Kenton: It is more like arbor work to keep some shade from coming into the house. It would be timber uprights.

Mary Ann Bachman: It is a trellis with a top. It is an Italian arbor.

Chairman Ely: It is an arbor. Exactly. Thank you.

Charles Kenton: It would be wood.

Chairman Ely: Thank you. Questions? Diane, I believe we did get a written comment.

Diane Graham: Yes. They wrote on the bottom of the public notice for February 17.

We are in favor of Joan Goldberg's deck!

*Bill & Wendy Wheeler
5820 Seneca Point Road*

Chairman Ely: I like that. That is short and to the point. Anyone in the audience who would like to speak to this application? Board members have any questions?

Multiple board members said no.

Mary Ann Bachman: It is a beautiful piece of property. It so nice to see a lot of green space. It is beautiful on Seneca Point Road.

Charles Kenton: It is. All we are trying to do is enhance it, really.

Chairman Ely: I will close the public hearing. We will proceed to the SEQR. I move that we answer the SEQR questions either no or little impact and that you authorize me to sign the SEQR form on behalf of the board. Ralph Endres seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub
Nays: 0

Motion is 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.

Chairman Ely moved to approve findings 1-4. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Chairman Ely moved to grant both preliminary and final site plan approval to application #2020-0042 as amended. Michael Staub seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye

James Ely – Aye

Ralph Endres – Aye

Ann Marie Rotter – Aye

Matthew Sousa – Aye

Sam Seymour – Aye

Michael Staub – Aye

Motion is carried.

Chairman Ely: Thank you.

Charlies Kenton: Thank you very much.

Final Site Plan Review Amended Application #2020-0037 (Public Hearing)

Owner: Charles F. Ryan II

Representative: Charles & Joe Ryan

Property: 5689 Shore Drive

Tax Map #: 168.20-1-4.100

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:

2020-0037 for property owned by Charles F. Ryan II located at 5689 Shore Drive, Tax Map #168.20-1-4.100. The applicant/property owner is looking for site plan approval to erect a new wood or vinyl privacy fence consisting of 115 feet at eight foot height and 29 feet at six foot height along the common property line with 5687 Shore Drive per McMahon LaRue Associates, PC instrument survey dated January 25, 2021.

Said hearing will take place on the 17th day of March, 2021 beginning at approximately 7:00 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
Ma 03 96250

Chairman Ely: Please introduce yourselves.

Charles Ryan: My name Chuck Ryan and this is my son Joe Ryan. We are here again before the Board from I guess two months ago. In the interim we did apply to the Zoning Board for a height variance for the fence, which they granted last month. A 115 feet of eight foot fence, which was a two foot height variance for that section and then 29 feet of a six foot fence, which was a two foot height variance in that section also. We are back here to respectfully request your blessing. If the Board has any questions, we would be happy to entertain them.

Chairman Ely: This is essentially a privacy fence, right?

Charles Ryan: Correct.

Chairman Ely: To screen your property from what is on the other side, right?

Charles Ryan: That is correct. The property on the other side has become an eye sore to say the least.

Chairman Ely: The other day I personally walked up there. It was a mess that exceeded even my worst expectations. I frankly thought it was a disgrace. I can assure you are going to have my vote. Other Board members may have their own thoughts.

Charles Ryan: I appreciate that. Actually I think the Zoning Board was taking up some of this with the Town Board on some possible code enforcement changes.

Chairman Ely: That thought certainly went across my mind. Diane, did we receive any written comments on this?

Diane Graham: No.

Chairman Ely: Any board members have questions for Mr. Ryan?

Sam Seymour: Just out of curiosity. We do not see it from here looking at the drawings and photographs. Why did you end the fence at the rear marker and not go a little further?

Charles Ryan: We will probably do some trees there. We did not want to make it the total Berlin Wall even though we probably need that. Our focus is on the front of the house towards the lake. If we are on the deck looking to the side so we figured this will accomplish that.

Sam Seymour: Okay.

Charles Ryan: Trees are less expensive to build than a fence or to install it.

Chairman Ely: I have one question for you Mr. Ryan, but I am going to hold that until after we vote on your application.

Charles Ryan: Okay. Sure.

Chairman Ely: Anybody in the audience who wishes to speak? I will close the public hearing. The Zoning Board has already determined the SEQR as a Type II action. I move that we concur with their finding that no further review is required. Ralph Endres seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is 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 as modified by the Zoning Board of Appeals for a height variance granted on February 25, 2021.
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.

Chairman Ely moved to approve findings 1-4. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub

Nays: 0

Motion is carried.

Chairman Ely moved to grant both preliminary and final site plan approval for application #2020-0037 as amended. Ralph Endres seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Ann Marie Rotter – Aye
Matthew Sousa – Aye
Sam Seymour – Aye
Michael Staub – Aye

Motion is carried.

Chairman Ely: My question is, do you know anything about the ownership of Shore Drive? I know part of it crosses over land owned by Bert Crofton. There must be an easement on that. Can you tell me anything on the rest of the ownership?

Charles Ryan: I know that the Croftons and Hubbards own that whole parcel together. I know the Hubbard people consulted with an attorney recently about the use of that road. It is solid legally for access to our property and 5687 Shore Drive. It is owned by them, but I think even before it was owned by them that access was in place. It is we are told. I have been meaning to call the attorney myself and get verification. We are told for access to those two properties.

Ralph Endres: Is this a right of way?

Charles Ryan: Yes.

Chairman Ely: That still begs some questions in my mind. I am not questioning that you have a right of way to your property. That is not my concern. Where does the right of way end? Is that property owned by Mr. Fields or his corporation or does it go all the way to the lake?

Joe Ryan: Where the road splits is where Mr. Fields owns if you drive back there. There is a Y in the road that goes to my Dad's and then his straight ahead.

Chairman Ely: Yes. Okay.

Joe Ryan: He pretty much owns it.

Chairman Ely: The right of way ends where it turns to go to your property?

Charles Ryan: Pretty much. Yes.

Joe Ryan: Just before that.

Charles Ryan: There is a map. I do think I have it with me.

Ralph Endres: Is at the creek?

Charles Ryan: Just about. A little past it.

Ralph Endres: Okay.

Charles Ryan: I would be happy to send the Board another map that shows that.

Chairman Ely: I would be very interested in that. I have been trying on more than one application to get straight who owns what there. I know Bert Crofton very well and we went to high school together. He is unhappily not in the best health situation right now. It is very difficult to pursue it with him. If you could enlighten me in any way. Send it to Diane or whoever is easiest for you. I would appreciate it.

My second question is not questioning your access, but what about the general public? Most easements do not operate in favor of the general public. Did the Croftons say the general public can use that right of way?

Charles Ryan: No, but invariably people are walking and driving down that road.

Chairman Ely: I am asking about the legal rights.

Charles Ryan: I do not think they have the legal right to because there is an agreement from 1990. It is informally called the Cove Agreement. The Town may have this or I can send this to the Board as well.

Chairman Ely: Would you be so kind.

Charles Ryan: It was between a group of homeowners around Seneca Point and the then developer of Bristol Harbour. When that developer had applications to do certain things including increase the docks. Of course, the homeowners objected and there was a negotiation. A document was produced that said okay here is the use of the service road in exchange we will not oppose what you want to do with your development. Basically the road is only supposed to be used for access to our property, for servicing and emergency use of the waterfront for Bristol Harbour. There is supposed to be no vehicular traffic. It was only for servicing the Bristol Harbour waterfront.

Chairman Ely: If I could see that it would be interesting. I did walk up there the other day, as I said earlier, when we were talking about your privacy fence. I have express permission to use their right of way. Anyway thank you.

Ralph Endres: At one time that bridge there was one of these training events with a thunderstorm that did a lot of damage to Wegmans property. It also took out and flooded a lot of the land that your property was on, the property next to you that Fields bought. That was under water. Bristol Harbour the then developer was the one who fixed that and built it back and dug it out so that the water would flow.

Charles Ryan: Do you mean that culvert?

Ralph Endres: Yes. There is only one way for that water to come down that hill.

Charles Ryan: In a rain event it goes down behind our property. Then there is a ditch behind our property and that goes out to the lake. Our property and the property to our south. In a huge rain event that floods and you can see a ton of silt get out into the lake.

Ralph Endres: I was a president of a homeowner's association on the top of the hill that got sued by Mr. Cook along with Mrs. Zonneville that owned it at that time.

Charles Ryan: It might have been my father also.

Ralph Endres: I think it was. The bottom line is, Cooks argument was that we were causing erosion. The real fact is that probably 10,000 years of erosion caused your lot. That is how points come on a lake from Mountains.

Charles Ryan: My Dad built that place he hauled in all that shale because it was very low.

Ralph Endres: If we have another event like we had in 1972 and the Corp of Engineers can tell you to raise your level I suggest you do it.

Charles Ryan: In 1972 I think you are speaking of Hurricane Agnes. Our place is 18 inches above Hurricane Agnes, the first floor. We had an elevation and our house is already high. The yard might flood.

Ralph Endres: The only place that actually raised his house was Eddie Prevear.

Charles Ryan: Yes. I remember the name.

Ralph Endres: He used to be the president of this Board. Years before I was on it. I knew Ed because I was in the same line of work he was in.

Charles Ryan: Sure. Okay.

Chairman Ely: Thank you both. Do not forget to send the materials to Diane.

There was a board member question and discussion about which address was last on Shore Drive and where did Applewood addresses start.

Chairman Ely: Thank you.

Charles Ryan: Thank you.

Final Site Plan Review Application #2021-0004 (Pubic Hearing)

Owner: Gertrude R. Raines Estate
Representative: Venezia & Associates
Property: 6950 Granger Point Drive
Tax Map #: 191.17-1-4.120
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:

2021-0004 for property owned by Gertrude R. Raines Estate located at 6950 Granger Point Drive, tax map #191.17-1-4.120. The applicant is looking for site plan approval to add a 145 square foot addition to the existing dock for a boat slip with a total dock area of 585 square feet.

Said hearing will take place on the 17th day of March, 2021 beginning at approximately 7:00 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
Ma 03 96254

Chairman Ely: I declare the public hearing open. Please introduce yourself and briefly describe the project.

Anthony Venezia: My name is Anthony Venezia. I represent the Raines and Venezia & Associates Surveyors. The Raines are planning on adding onto their dock to the south side of it. It is a boat slip with a permanent hoist. The permanent hoist will not have a structure over it. It will be attached below. They do not want to interfere with any of their site lines. There will be a boat hoist. It will not be suspended by a roof of cables. The hoist will be attached to the dock itself.

Chairman Ely: You are adding a hoist and enlarging the dock a little bit?

Anthony Venezia: The slip is for the hoist and the hoist will be in that slip, but it won't have a covered structure. It will have a hydraulic type lift that is situated alongside the slips and that will raise the boat in and out of the water, but it will not have a structure over it.

Sam Seymour: So that will be built into the structure of the pilings?

Anthony Venezia: Correct. Yes.

Sam Seymour: Is that new to the lake or you have built those before?

Anthony Venezia: People use it here and there. It all depends. Some people use them in boat houses instead of having anything do it from below just to keep the roof line clean. It kind of like a jet ski lift that they use. They attach it to the side of the dock. It is way more powerful. It will cradle the boat out on one side. There are cantilever ones and dual sided ones. I am not sure which one they are using in this situation. That is what it will be.

Chairman Ely: Any other questions? Diane, did we receive any written or verbal comments?

Diane Graham: No.

Chairman Ely: Anyone in the audience wish to speak to this application?

Sam Seymour: I will say one thing. The Raines have been on the lake for a long time. A couple of generations and it is interesting that they build a dock without a roof on it so that they can see the lake. A lot of people come in and build these big things right in front of their house, big roofs, blocks their view, blocks their neighbors view and pisses everybody off. This is the way to go.

Ralph Endres: That should be the gold standard.

Chairman Ely: Yes. It should be. Sam, this has actually raised a point that concerns me and I have taken it up with Maria Rudzinski and Kevin Olvany. They concede maybe the Docking and Mooring Law is too porous. Then our hands are tied. What can I say?

Ralph Endres: The Docking and Mooring Law should be looked at again. Really should.

Chairman Ely: I do not have a problem with that personally, but we have what we have. I am going to close the public hearing, if I did not already. We need to do SEQR. I move we declare this a Type II action with little or no impact and that you authorize me to sign this on behalf of the Board. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub
Nays: 0

Motion is 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.
5. The proposed project complies with the Docking and Mooring Law.

Chairman Ely moved to approve findings 1-5. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub
Nays: 0

Motion is carried.

Chairman Ely moved to grant both preliminary and final site plan approval for application #2021-0004. Mary Ann Bachman seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Ann Marie Rotter – Aye
Matthew Sousa – Aye
Sam Seymour – Aye
Michael Staub – Aye

Motion is carried.

Anthony Venezia: Thank you.

Final Site Plan Review Application #2021-0005 (Public Hearing)

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)

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:

2021-0005 for property owned by Shouting Hill LLC located at 5771 Blake Acres Drive, tax map #168.12-1-4.000. The applicant/property owners are looking for site plan approval to construct a 30 by 40 foot pole barn with a 12 by 40 foot lean-to and bathroom with a new septic system.

Said hearing will take place on the 17th day of March, 2021 beginning at approximately 7:00 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
Ma 03 96252

Chairman Ely: Please introduce yourself for the record please.

Wade Sarkis: I am Wade Sarkis. I am the applicant.

Bill Grove: I am Bill Grove.

Chairman Ely: Can you briefly describe the project. I know we have been here before.

Wade Sarkis: Sure. This is a very simple pole barn on our property where we currently have little or no real storage. It is going to be located just to the west of the new septic system that has been approved and is currently being installed. It is going to be 30 by 40 with a lean-to. We are looking forward to using it.

Chairman Ely: Okay. You have septic approval as you just said, right?

Bill Grove: We do. Septic approval and sign off from SHPO that there is no archeological significance. I think I misspoke as last month's meeting that we had approval of the bald eagles. We actually did not need approval. This one did not trigger bald eagle question.

Chairman Ely: Okay. Anyone have questions about the pole barn project? No. Diane, did we receive any written or verbal notices.

Diane Graham: No.

Chairman Ely: Anyone in the audience wish to speak? No. I will declare the public hearing closed. We can proceed then to the SEQR. I move that we determine that this is a Type II action requiring no further review and that you authorize me to sign the questions no or small impact. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub
Nays: 0

Motion is 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.

Chairman Ely moved to approve findings 1-4. Michael Staub seconded the motion.

All in favor.

Ayes: 7, M. Bachman, J. Ely, R. Endres, A. Rotter, S. Seymour, M. Sousa, M. Staub
Nays: 0

Motion is carried.

Town of South Bristol Planning Board Meeting Minutes 03.17.2021 Approved

Chairman Ely moved to grant both preliminary and final site plan approval for application #2021-0005. Ann Marie Rotter seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Ann Marie Rotter – Aye
Matthew Sousa – Aye
Sam Seymour – Aye
Michael Staub – Aye

Motion is carried.

Motion to Adjourn

Being no further business, Michael Staub moved to adjourn the meeting. Mary Ann Bachman seconded the motion. The motion was unanimously accepted and the meeting was adjourned at 8:23 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant