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

Planning Board Meeting Agenda

Wednesday, May 19, 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

Join Zoom Meeting

https://us02web.zoom.us/j/84395479930?pwd=VjM4aXJxRWFaZ2N2MEJram5Td0c2dz09

Meeting ID: 843 9547 9930, Passcode: 271625

Call to Order

Pledge of Allegiance

Reading of Vision Statement
As stewards of both the land and the lake, we will preserve and protect our safe, clean, naturally beautiful, rural and scenic environment with thoughtfully planned residential, agricultural, recreational and commercial development.

Meeting Etiquette

Minutes
Approval of April 21, 2021 Planning Board Meeting Minutes

Short-Term Rental Old Business
Short-Term Rental Application #2021-0006 (Public Hearing)
Owner: Philip Pleger & Charles Kline
Representative: Philip Pleger
Property: 5864 Seneca Point Rd
Tax Map #: 178.11-1-9.111
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8

Short-Term Rental Application #2021-0007 (Public Hearing)
Owner: Thomas Gunter-Kremers & Kari Gunter-Kremers
Representative: Thomas Gunter-Kremers
Property: 18 Golfside Circle
Tax Map #: 168.15-1-29.180
Zoned: PD (Planned Development)
Sleeping Occupancy: 6

Short-Term Rental Application #2021-0008 (Public Hearing)

Owner: Gunter Kremers Family LLC
Representative: Thomas Gunter-Kremers
Property: 30 Andrews Way
Tax Map #: 168.15-2-16.000
Zoned: PD (Planned Development)
Sleeping Occupancy: 8

Short-Term Rental Application #2021-0009 (Public Hearing)

Owner: Steven P. Welch & Jennifer P. Welch
Representative: Steven Welch
Property: 7026 Co Rd 12
Tax Map #: 194.00-1-25.000
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 4

Short-Term Rental Application #2021-0010 (Public Hearing)

Owner: Ian M. Boni
Representative: Ian Boni
Property: 6171 St Rt 64
Tax Map #: 177.00-1-17.111
Zoned: R3 (Residential 3 Acre)
Sleeping Occupancy: 6

Short-Term Rental Application #2021-0011 (Public Hearing)

Owner: Amy M. Grasso & Brian M. Grasso
Representative: Brian Grasso
Property: 39 Cliffside Dr
Tax Map #: 168.16-1-6.039
Zoned: PD (Planned Development)
Sleeping Occupancy: 8

Short-Term Rental Application #2021-0012 (Public Hearing)

Owner: Seneca Point LLC
Representative: Ken Hale & John Curtis
Property: 5705 Applewood Dr
Tax Map #: 168.20-1-13.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 12

Short-Term Rental Application #2021-0013 (Public Hearing)

Owner: Daniel P. Crowley
Representative: Timothy Crowley
Property: 6830 Co Rd 34
Tax Map #: 177.00-1-33.000
Zoned: R3 (Residential 3 Acre)
Sleeping Occupancy: 4

Short-Term Rental Application #2021-0014 (Public Hearing)

Owner: Adam Jones & Melissa M. Jones
Representative: Susan Glenz
Property: 7069 St Rt 21
Tax Map #: 195.05-1-11.110
Zoned: LR (Lake Residential)
Sleeping Occupancy: 6

Short-Term Rental Application #2021-0015 (Public Hearing)

Owner: Ellen Regenstreif & Mitchell C. Regenstreif
Representative: Finger Lakes Premier Properties
Property: 5928 Seneca Point Rd
Tax Map #: 178.14-1-10.100
Zoned: R3 (Residential 3 Acre)
Sleeping Occupancy: 10

Short-Term Rental New Business

Short-Term Rental Application #2021-0016 (Preliminary)

Owner: William J. Standish Estate
Representative: Kirk Locus / Mary Ellen Standish
Property: 6845 Walton Point Dr
Tax Map #: 191.09-1-1.110
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8

Short-Term Rental Application #2021-0017 (Preliminary)

Owner: Janet M. Mettee et al
Representative: Jim Collmer / Janet Mettee
Property: 5831 Seneca Point Rd
Tax Map #: 178.11-1-6.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 12

Short-Term Rental Application #2021-0018 (Preliminary)

Owner: Tobiah T. Taylor & Jennifer Marie Taylor
Representative: Robert Taylor
Property: 49 Cliffside Dr
Tax Map #: 168.16-1-6.057
Zoned: PD (Planned Development)
Sleeping Occupancy: 8

Short-Term Rental Application #2021-0019 (Preliminary)

Owner: Stemple's Landing LLC
Representative: Patricia Gotham
Property: 6199 Stemple Hill Rd
Tax Map #: 185.14-1-11.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8

Short-Term Rental Application #2021-0020 (Preliminary)

Owner: Stemple's Landing LLC
Representative: Patricia Gotham
Property: 6201 Stemple Hill Rd
Tax Map #: 185.14-1-12.100
Zoned: LR (Lake Residential)
Sleeping Occupancy: 4

Regular Old Business

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

Site Plan Approval Application #2021-0021 (Preliminary)

Owner: Mark Conners
Representative: William Grove
Property: 6555 Longs Point Dr
Tax Map #: 185.17-2-15.000
Zoned: R3 (Residential 3 Acre)

Site Plan Approval Application #2021-0022 (Preliminary)

Owner: Kenneth Hayward and Nancy R. Hayward
Representative: Kenneth and Nancy Hayward
Property: 6407 Old Post Rd
Tax Map #: 185.14-1-18.331
Zoned: LR (Lake Residential)

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes
Wednesday, May 19, 2021

Present: Mary Ann Bachman
James Ely
Ralph Endres
Jason Inda
Sam Seymour
Matthew Sousa
Michael Staub

Excused: Michael McCabe
Ann Marie Rotter

Guests: Dr. Ken Hale
Amy Grasso
Ian Boni
Thomas Gunter-Kremers
Philip Pleger
Steven & Jennifer Welch
Adam Jones
Susan Glenz
Brian Zerges
Paul Harris
Bill Colsman
Mike Dupra
Mary Ellen Standish
Robert Taylor
Tobiah Taylor (participated via Zoom)
Janet Mettee (participated via Zoom)
Richard Rothrock
Tom & Lori McAlees
Ken Hayward
Bill Grove
Jon Schick
Mark and Karen Conners
Patricia Gotham
Phil Sommer
Steve Cowley

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 Michael McCabe and Ann Marie Rotter.

Reading of Vision Statement
Mary Ann Bachman read the Comprehensive Plan Vision Statement.

Minutes
Michael Staub moved to approve the April 21, 2021 meeting minutes as written. Ralph Endres seconded the motion. The motion was unanimously adopted by all board members present.

Other
Chairman Ely shared that Ann Marie Rotter has tendered her resignation effectively immediately and Jim had tendered his resignation effective July 1.

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:

2021-0006 for property owned by Philip Pleger and Charles Kline, 5864 Seneca Point Road, tax map #178.11-1-9.111;

2021-0007 for property owned by Thomas Gunter-Kremers and Kari Gunter-Kremers, 18 Golfside Circle, tax map #168.15-1-29.180;

2021-0008 for property owned by Gunter Kremers Family LLC, 30 Andrews Way, tax map #168.15-2-16.000;

2021-0009 for property owned by Steven P. Welch and Jennifer P. Welch, 7026 County Road 12, tax map #194.00-1-25.000;

2021-0010 for property owned by Ian M. Boni, 6171 State Route 64, tax map #177.00-1-17.111;

2021-0011 for property owned by Amy M. Grasso and Brian M. Grasso, 39 Cliffside Drive, tax map #168.16-1-6.039;

2021-0012 for property owned by Seneca Point LLC, 5705 Applewood Drive, tax map #168.20-1-13.000;

2021-0013 for property owned by Daniel P. Crowley, 6830 County Road 34, tax map #177.00-1-33.000;

2021-0014 for property owned by Adam Jones and Melissa M. Jones, 7069 State Route 21, tax map #195.05-1-11.110;

2021-0015 for property owned by Ellen Regenstreif and Mitchell C. Regenstreif, 5928 Seneca Point Road, tax map #178.14-1-10.100;

Said hearing will take place on the 19th day of May, 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 15 97872

Short-Term Rental Application #2021-0006 (Public Hearing)

Owner: Philip Pleger & Charles Kline
Representative: Philip Pleger
Property: 5864 Seneca Point Rd
Tax Map #: 178.11-1-9.111
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8

Chairman Ely: Is there somebody here representing the applicant?

Philip Pleger: I am Philip Pleger.

Chairman Ely: Thank you. Mr. Pleger I think that you were here last month, right?

Philip Pleger: Yes.

Chairman Ely: We had a chance to discuss this with him then. Do Board members have additional questions? Diane have we received any written or verbal communication with this application?

Diane Graham: We have not, but we have someone in the audience.

Chairman Ely: We have someone who wishes to speak to this application?

Diane Graham: Correct.

Chairman Ely: Would that person then come forward.

Paul Harris: I am just listening.

Diane Graham: So you are not going to ask any questions?

Paul Harris: No.

Diane Graham: Okay. Sorry about that.

Chairman Ely: Are we ready to proceed on this matter board members? Alright.

Chairman Ely moved that based on a review of short-term rental application #2021-0006 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 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
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Short-Term Rental Application #2021-0011 (Public Hearing)

Owner: Amy M. Grasso & Brian M. Grasso
Representative: Brian Grasso
Property: 39 Cliffside Dr
Tax Map #: 168.16-1-6.039
Zoned: PD (Planned Development)
Sleeping Occupancy: 8

Chairman Ely: Now we are going to go out of order and hear an application for Amy and Brian Grasso. It is my understanding there is a medical situation in the family and I would like to accommodate them as much as I can. You are Amy Grasso, I take it?

Amy Grasso: Yes. Thank you. I am Amy Grasso. Thank you.

Chairman Ely: You were here last month?

Amy Grasso: Yes.

Chairman Ely: Board members we had an opportunity to visit with her. Do we have additional questions? Diane, have we received any written or verbal comment in connection with this application.

Diane Graham: No.

Chairman Ely: Is there anybody in the audience who wishes to speak to this application? Then Board members are we are ready to vote.

Chairman Ely moved that based on a review of short-term rental application #2021-0011 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 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
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Short-Term Rental Application #2021-0007 (Public Hearing)
Owner: Thomas & Kari Gunter-Kremers
Representative: Thomas Gunter-Kremers
Property: 18 Golfside Circle
Tax Map #: 168.15-1-29.180
Zoned: PD (Planned Development)
Sleeping Occupancy: 6

Chairman Ely: Please introduce yourself for the record.

Thomas Gunter-Kremers: I am Thomas Gunter-Kremers. I am just signing out of the Zoom meeting. I apologize. We have two properties. They are probably the next two in line.

Diane Graham: 18 Golfside is first.

Thomas Gunter-Kremers: We were here last month.

Chairman Ely: We had a chance to visit with him last month. Board members have any additional questions? Hearing none. Diane, have we received any written or verbal communications in connection with this application.

Diane Graham: No.

Chairman Ely: Anybody in the audience wish to speak to this application? Alright, if we are ready to vote.

Chairman Ely moved that based on a review of short-term rental application #2021-0007 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Mary Ann Bachman seconded the motion.

Vote of the Board:
Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Short-Term Rental Application #2021-0008 (Public Hearing)
Owner: Gunter Kremers Family LLC
Representative: Thomas Gunter-Kremers
Property: 30 Andrews Way
Tax Map #: 168.15-2-16.000
Zoned: PD (Planned Development)
Sleeping Occupancy: 8

Chairman Ely: As before you were here last month, correct?

Thomas Gunter-Kremers: Correct for both properties.

Chairman Ely: Any Board members have additional questions? No additional questions. Diane, have we received any written or verbal communications in connection with this application.

Diane Graham: No.

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

Chairman Ely moved that based on a review of short-term rental application #2021-0008 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Matthew Sousa seconded the motion.

Vote of the Board:
Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Short-Term Rental Application #2021-0009 (Public Hearing)

Owner: Steven P. Welch & Jennifer P. Welch
Representative: Steven Welch
Property: 7026 Co Rd 12
Tax Map #: 194.00-1-25.000
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 4

Chairman Ely: Please introduce yourself for the record.

Steven Welch: I am Steven Welch.

Jennifer Welch: I am Jennifer Welch.

Chairman Ely: You were here last month, I believe?

Steven Welch: Yes.

Jennifer Welch: Yes.
Chairman Ely: Board members we had an opportunity to question the applicants then. Do we have any further questions? Diane, have we received any written or verbal communications in connection with this application.

Diane Graham: No.

Chairman Ely: Anybody in the audience wish to speak to this application? Alright, no.

Chairman Ely moved that based on a review of short-term rental application #2021-0009 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 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
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Short-Term Rental Application #2021-0010 (Public Hearing)

Owner: Ian M. Boni
Representative: Ian Boni
Property: 6171 St Rt 64
Tax Map #: 177.00-1-17.111
Zoned: R3 (Residential 3 Acre)
Sleeping Occupancy: 6

Chairman Ely: Please introduce yourself for the record.

Ian Boni: I am Ian Boni.

Chairman Ely: You were here, of course, last month, right?

Ian Boni: Yes indeed.

Chairman Ely: We did have an opportunity to visit with you at that time. Do Board members have any additional questions for Mr. Boni at this point? Now, I know we have received some written communications in connection with your application from Mr. Colsman, correct?

Ian Boni: Correct.

Chairman Ely: I wonder if you want to speak to those and then if Mr. Colsman is here I will give him an opportunity to speak as well.
Ian Boni: I think we had some correspondences back and forth via letters. I sent a letter back to all you folks. We went back and forth. He was asking me to do some things to the property that just are not feasible to me so I figured I would leave up to your guys hands to see where we go from here. I know he was interested in me not using my southbound driveway. Unfortunately, the northbound driveway belongs to my neighbor and I actually do not have an easement through there. I am just good friends with my neighbors so I use that. His driveway is directly across from my southbound driveway so his would also be as unsafe as mine is. Speaking to the occupancy and the ceiling height and stuff like that – Phil has been in the property. There is vaulted thirteen foot ceilings. That does not apply as fitting six in the property. We do mostly family rentals. We do try to check who is coming in and out of there. So if someone had parked on the side of the road for overflow, I have changed my policy as far as that. I made it very clear and I will put that clear out to folks that listen this is not to be used in his driveway and not to be used on the shoulder of the road. It is a dangerous spot. It is easier for them to get in and out of the driveway as a circle. In the winter it is really slick on that one side. So I normally do not use my neighbor's part of the driveway just because it is a hill. The basic objection I had with his last letter back to you guys. I figured I would tell you today instead of continuing to go back and forth with the banter.

Chairman Ely: Just to clarify. You do not have events, weddings, receptions, parties?

Ian Boni: No.

Chairman Ely: Your typical rental is to whom?

Ian Boni: Skiers, families, people coming to see the leaves change. People who want to go on wine tours and that kind of stuff. It is really all different and from all over the place.

Jason Inda: You do have sufficient parking for three cars?

Ian Boni: I do. I have a two car garage too. That is closed off, but there are three parking spots in front of it. It makes it difficult if you only want to use one side of the driveway to back up and go back out that. That is actually more dangerous try to back out onto St Rt 64 from that south. I would not even attempt it. I am the one who goes down there and plows most of the times so it is tricky as it is to even plow it out and be careful when plow trucks are coming around the road and that. We do the best we can, but that is what we were given in purchasing the house that already had a driveway.

Chairman Ely: Do you rent year round?

Ian Boni: I do.

Chairman Ely: Anybody in the audience wish to speak to this application? Yes, please come forward.

Bill Colsman: My name is Bill Colsman. My property is directly across the street at 6196 St Rt 64. I am aware of Mr. Boni's answers to two of my letters. The third letter basically has two points to it. That is I would like to reduce the number of the applied for parking spots from six to three. There are three bedrooms there. Generally municipalities have one vehicle per bedroom. The reason for that is the driveway is parallel with Rt 64. It has virtually no setback and six cars parking head to toe or square to the garage are kind of unsightly right across the road. That is my first request. That was in my third letter. The other request was supported by photos that this is a blind driveway coming from the south. I have three photos that I sent to the Code Enforcement people. Hopefully the Board members have been able to look at that. I have also been in contact with Gregory Trost who is an engineer with the DOT. He said he was launching an investigation for the safety of the south terminus of the driveway. At 55 miles an hour he said it takes 400 feet to stop. It is on a downhill grade. It is on a curve and it is blind to within about 50 yards which is 150 feet. What I am requesting is that when rented that driveway be closed. How it is closed I do not care. A gate or something like that, but this is a safety hazard and I do not want to have an accident there. What Mr. Boni said about my driveway being a danger my driveway is on the outside of the curve with 400 feet visibility so that is a non-sequitur. So I am requesting first of all not to grant the permit because I want it to remain residential/rural. I do want rental people across the street from me. If you cannot do that, then I am requesting those two other things. Any questions?

Michael Staub: It was mentioned that he does not have an easement for the other driveway. If he closes out the only driveway that he has access to how is he going to access his property?

Bill Colsman: Well that is kind of a rhetorical question. In that is he is renting. He is changing from residential to a business.

Michael Staub: No.

Bill Colsman: It is not a business?

Michael Staub: It is not going to be rezoned. It is going to stay his property. He is renting his property.

Bill Colsman: He is renting his property and conducting business on that property. He is not a resident there. He can seek a right of way from his neighbor to the north, but that driveway to the south is dangerous. I do not think anybody here would like an accident and I told you so down the road. There is a mound of dirt right by driveway where a dump truck turned over trying to avoid a car using that south driveway and that was about ten years ago. If you have six more people using that driveway the residential that hazard increases. Any other questions?

Michael Staub: When you talk about six more people usually the families that come in would have one, two or three cars depending on how people are there. You are not going to six cars coming in and out of that driveway.

Bill Colsman: The application requests six parking spots.

Michael Staub: Occupancy by six, not parking spots by six. It is three parking spots. Six occupancy.

Bill Colsman: I stand corrected. Three is fine, but I really think you need to at least let Mr. Trost from the DOT hold his investigation before you approve this.

Ralph Endres: The State Department of Transportation authorized whoever owned that property before Mr. Boni to enter and exit off of Rt 64. It is a state route. So if he is saying it is a hazard he is placing the State DOT in a line of fire for any lawsuit that may arise as a result of an accident. I do not understand that. I am taking your word for it, but I do not understand how anybody works for the State of New York can throw themselves under the bus. Thank you.

Bill Colsman: I have contacted Mr. Trost from the DOT. I sent photos of the blind drive. He said he was going to investigate the driveway. Is what I am asking from this Board is to wait for that investigation before you allow the dangerous situation. I think it is reasonable to request that the north end of the driveway be used and seek some deal with his north neighbor. Then the whole safety thing goes away.

Jason Inda: If Mr. Boni owned the home and lived in the home, would that change the driveway situation? If he was a permanent resident. If he lived there with his wife and kids, would it change the driveway situation?

Bill Colsman: No. As a residence it is grandfathered, but as a business it is not grandfathered.

Ralph Endres: It is not a business.

Jason Inda: It is still zoned residential.

Bill Colsman: His rental income is not a business? He does not put it on his taxes.

Matthew Sousa: Rental income does not change the underlying use of the parcel. So according to the law the primary use of the parcel is residential. It will not be changing to commercial.

Bill Colsman: Okay. I can see your minds are made up.

Matthew Sousa: I am just clarifying that point.

Bill Colsman: I hope there is not an accident. Okay.

Matthew Sousa: I am here to listen to you. I wanted to state it very clearly for the record because you mentioned that several times in your letters. When I was reading your letters that was one of my concerns. There seem to be something lost in translation that the parcel and underlying zoning of the parcel was changing from residential to commercial with the issuance of this permit. That I wanted to state very clearly is not the case.

Bill Colsman: Good thing I am not a lawyer because I am unaware of many of these things and I had discovery. I got an invitation to come to the Board, this public hearing. Based on observations on my part, based on requests on my part so it is discovery. If I called it commercial, that was an error, but it is change of use. There is a business being conducted and the driveway is very very dangerous. I want to go on record as saying use the north end of the driveway.

Chairman Ely: Mr. Boni would you like to respond in any way?

Ian Boni: I understand his concerns. It is a sharp turn and like you said I was grandfathered. Someone permitted that when the house was built as some point. It is what it is at this point. I make every attempt to let people know how to come and go. It has a big enter sign. I can put a bigger sign. It could be more visible possibly to make that a little bit clearer with some reflective tape on it or something like that. It might help. I am more than reasonable. I had not been my neighbor yet, but now I have. I am a phone call away and I am easy to work with. I have been here four years and we have not had an issue. I am there all the time mowing the lawn, taking care of fixing the hot tub and doing what I have to do on the property.

Chairman Ely: How long have you been renting the property?

Ian Boni: This is year four.

Chairman Ely: Have you had any problems at this point?

Ian Boni: No.

Matthew Sousa: May I ask when you reached out to the highway engineer DOT?

Bill Colsman: It was two days ago.

Matthew Sousa: We have not received any correspondence with the DOT?

Diane Graham: If you want Phil to respond, please give him the microphone.

Phil Sommer: I did have a conversation with Greg Trost and at the end of that conversation he does not have an issue with that driveway. He asked if the Town has had any incidents with it. The answer to that is no. So right now, he said it is fine. If we need anything else, we can reach out to him. That was a statement from Greg Trost.

Ralph Endres: That makes sense.

Chairman Ely: Board members have any other questions for either one of our speakers? Are we ready to proceed?

Written comments will be an appendix to the meeting minutes.

Chairman Ely moved that based on a review of short-term rental application #2021-0010 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Jason Inda seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Chairman Ely: Mr. Boni, I do not want to leave this totally open ended here. Obviously, should problems develop with the driveway access and/or should the DOT become involved, you are aware the permits can be revoked on certain grounds?

Ian Boni: Yes sir.

Chairman Ely: It is not a get out of jail free card, but in any event we will have to see if any of those events take place.

Ian Boni: For the record I will make sure that I speak with my neighbor to see if there is a clearer way that I can utilize her side of the driveway more. I have been helpful when the plow knocked her mailbox over, I took care of that for her too so we are on speaking terms and we are close. Hopefully, I can maybe move to use that driveway more often. I just to okay that with her and have not had that conversation. So I will do everything in my interest to make it safe for my guests.

Board Members: Thank you.

<u>Short-Term Rental Application #2021-0012 (Public Hearing)</u>

Owner: Seneca Point LLC
Representative: Ken Hale & John Curtis
Property: 5705 Applewood Drive
Tax Map #: 168.20-1-13.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 12

Chairman Ely: Please introduce yourself again.

Ken Hale: I am Ken Hale. I am just a careful observer and offer what I hope might be a helpful comment. I do not know what the rules are or who puts those signs up, but if it is a blind driveway maybe the Town could put up a sign warning approaching traffic that there is a blind driveway caution whatever.

Matthew Sousa: Because it is a New York right of way then NYS has to be responsible for any signage along their right of way.

Phil Sommer: I can reach out to Greg Trost and ask if they can put up a sign.

Matthew Sousa: That is what I was going to say. The logical next steps would be to have a conversation with Greg. If the DOT recommends posting signage alerting drivers of a blind driveway then yes a sign will be posted, but the impetus is on NYS DOT to post signage on their right of way.

Ken Hale: Thank you.

Mary Ann Bachman: Is that stretch probably 55?

Matthew Sousa: It is 55 mph.

Chairman Ely: Thank you. That was a constructive suggestion. You were here last time Ken, right with your proposed rental property? We had a chance to visit with you then. Board members have any additional questions? Diane, have we received any written or verbal communications in connection with this application.

Diane Graham: No.

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

Chairman Ely moved that based on a review of short-term rental application #2021-0012 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 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
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Short-Term Rental Application #2021-0013 (Public Hearing)

Owner: Daniel P. Crowley
Representative: Timothy Crowley
Property: 6830 Co Rd 34
Tax Map #: 177.00-1-33.000
Zoned: R3 (Residential 3 Acre)
Sleeping Occupancy: 4

Chairman Ely: The next application by Daniel Crowley has been withdrawn. They are doing something different with the property.

Short-Term Rental Application #2021-0014 (Public Hearing)

Owner: Adam & Melissa M. Jones
Representative: Susan Glenz
Property: 7069 St Rt 21
Tax Map #: 195.05-1-11.110
Zoned: LR (Lake Residential)
Sleeping Occupancy: 6

Chairman Ely: Please introduce yourself for the record.

Adam Jones: I am Adam Jones.

Susan Glenz: My name is Susan Glenz. I am Melissa Jones sister. I am here on her behalf this evening.

Chairman Ely: We had an opportunity to visit these folks last time. Any further questions? Diane, have we received any written or verbal communications in connection with this application.

Diane Graham: No.

Chairman Ely: Anybody in the audience wish to speak to this application? Please come up and introduce yourself.

Richard Rothrock: My name is Richard Rothrock. I live in Woodville. I am one place to the north of these folks. First I want to note that I have no personal beef with these people. They have been pleasant and nice in my brief interaction with them to date. I just want to make some comments about their application and any application in Woodville. Woodville is a unique community. It is tiny. There are only a couple of dozen residences in Woodville. The majority of them are cottages. I have less than 400 square feet. I am dwarfed by homes on each side of me. I personally value Woodville for it culture and its piece of mind and its character. I am concerned about the potential of people moving in purchasing properties in Woodville with the primary or sole purpose of conducting a rental business. I know it may be residential by virtue of the way it is zoned. It is clear in this case these folks have owned this property for less than two months. They are an LLC and they are there to make money so the bottom line is I am concerned about Woodville becoming a resort town as opposed to a quaint village in upstate New York. The properties are a few yards apart. Front doors are in some cases are ten-twenty feet away from the road. The cars parked in Woodville the front door literally opens into the yellow stripe of the road. It is

extremely congested and you have trucks roaring down the hill there. It is supposed to be 30 mph, but I am certain based on my experience living there that speeding vehicles are an issue. So I want to note that I would like the character of Woodville to remain residential and quaint. Not an opportunity for a LLC to make money and that is what this is. So that is what I like to say to the folks here. My comments are not directed solely to these folks. They are directed to any such endeavor in Woodville.

Michael Staub: Thank you.

Chairman Ely: Do you wish to respond?

Susan Glenz: In response to the property being in an LLC that is strategic to just protect ourselves. Our intention is to offer the lake as an opportunity for guests to enjoy it. I have a long history on Canandaigua Lake. I am a business owner in Canandaigua. I love our community. I want to make sure it is accessible to guests. We appreciate Woodville. We think it is beautiful. We will be personally managing this property. It is not to make money in the sense that we think we are going to get rich off of this. We want to be able to use the property for our own enjoyment and our family's enjoyment. Also to be able to have guests enjoy it as well. There are several other rentals in Woodville currently. The previous owners of this property rented out almost exclusively. They lived in California. That was prior to the short-term rental permit requirement that went into effect last July. We are more local than they were. We have made over $40,000 worth of improvements to the property and will continue to take very good care of it.

Chairman Ely: Did I understand you to say that you envision personal use of this property?

Susan Glenz: Some personal use. Yes. It is not the primary purpose. Full transparency.

Chairman Ely: The primary purpose is rental?

Susan Glenz: Yes. But not sole purpose.

Chairman Ely: I just wanted to clarify that. Is this seasonal rental or year round?

Susan Glenz: It will probably end up being more seasonal, but we would like to make it available year round as we could draw for wine tours or Bristol Mountain Ski Resort. It is a year round property versus a cottage that does not have heat.
Chairman Ely: You have not owned it that long I take it, right?

Susan Glenz: Correct. We closed early March.

Chairman Ely: This will be your first rental season?

Susan Glenz: Correct. I own six other rental properties that are long-term rentals so I am not new to rental real estate. I am also a real estate broker in the area. I am very familiar with the real estate market.

Chairman Ely: The other rentals are not in Woodville I understand?

Susan Glenz: No.

Chairman Ely: Okay. That is fine.

Susan Glenz: There are other short-term rentals in Woodville currently.

Chairman Ely: I gather there may well be. My impression, and it could be very wrong, is there are certainly some rental properties right now in Woodville?

Susan Glenz: Yes.

Chairman Ely: Other questions from Board members?

Richard Rothrock: I would like to offer a proposal for the Board with regard to the rules regarding short-term rentals. I know for example in Bristol Harbour that an owner of a condo is required to wait two years minimum in order to be eligible to rent. That allows the community to discourage inappropriate behavior on the part of people coming in to buy properties. I would encourage the Board to consider a similar requirement in this case.

Mary Ann Bachman: May I clarify something? Not all five condo buildings have that policy. Only two out of the five.

Richard Rothrock: Some do. It is clear that they have a motive and have that rule.

Matthew Sousa: To piggyback off of that comment. I just want to state that your comments are very well taken. Short-term rentals do have the potential to impact the character of the neighborhoods and communities. It is the intent of our local law and the intent of this Board to not allow that to happen. I would like to state for this Board that Woodville is a very small community that already have short-term rentals. This is not going to impact any approval, I think, tonight obviously, but moving forward we may want to consider revisiting our law to a degree and implementing some limits on communities or zones where there is density and a small amount of cottages to ensure we do preserve some year round residence and do not adversely impact the character of that community because it is the intent of this law and that certainly the intent/purpose of this Board is to preserve. It is in our mission statement that we read at the beginning of the meeting every day. I would like to say that this Board could potentially, at a later date, revisit that law and put certain controls. Bristol Harbour is a good example. That whole intent of the law is reduce density of short-term rentals in their condominium. That is why some are eligible and some are not. There are tools at our disposal to do similar things via regulations and the short-term rental law to do the same thing in communities like Woodville and other parts of South Bristol as well. It is just a tidbit. Your point is very well taken and we may as a Board want to revisit the law just to see what we can do to ensure that Woodville is not because it would be a shame if twenty houses in a row were all short-term rentals in Woodville.

Mary Ann Bachman: It is true. The condos that you are pointing out that have the two year wait also cap at a percentage. After those two years you apply to grant your condo. There is a percentage. I do not know if it is 20 or 25 percent of the units that are rented. It is to preserve that quiet peaceful aspect of a condo.

Matthew Sousa: South Bristol is not the only community experiencing this issue. Short-term rentals is a hot topic across the state and the impact on neighborhood character is absolutely top of line for a lot of communities. The purpose of this Board is make sure that we curb those effects.

Richard Rothrock: I appreciate that.

Michael Staub: Those are condos. People do not own the property. They just own the building. It is a different character. We have to be very careful when we are going to a property owner who owns that property that we do not restrict them to an organization like a homeowner's organization for a community if it is a private property.

Matthew Sousa: I understand that. There is a certain tipping point at which the number of short-term rental permits that we issue starts to alter the character of the community. We do not want to get to that point.

Michael Staub: It would be incumbent upon us then to reject those.

Matthew Sousa: Correct.

Michael Staub: We would not have to amend or adjust existing laws. We have to use our common sense to address the problem.

Matthew Sousa: Common sense is arbitrary. I would like something written in the law. This is just off the top of my head so I have not looked at all the legal issues. You could put a cap on short-term rental permits issued in certain zones.

Ralph Endres: How would you do that? As a percentage of the total population or the total number of houses?

Matthew Sousa: Yes.

Mary Ann Bachman: Would you do it on length of residency? Like how long you have owned it.

Matthew Sousa: I do not know what Woodville is zoned off the top of my head.

Diane Graham: C1.

Matthew Sousa: So we can do research like how many residential parcels in Woodville. What percentage could be short-term rentals and at what point do we think that a certain number in density of rentals would begin to alter the character of Woodville. So it is 30 houses and we think ten. Once you reach 33% of short-term rentals. When you exceed that threshold one in three homes are being rented. Well, all of a sudden maybe the impact of the community is starting to be altered. We could cap it at ten permits issued.

Michael Staub: I think we have beaten this horse to death. We are holding up some people.

Matthew Sousa: Like I said on the front end, this is great conversation for another time.

Chairman Ely: A change in the law has to be with the Town Board. We are not a legislative body. We can make recommendations, but we simply try to enforce the law the best we understand it. Up to a year ago we had no regulations on short-term rentals at all. The reason that we adapted the law because some of the very concerns that you raised sir, and this is a nationwide problem. It is all over the country.

Whether the homeowner has a right to rent and the community does not want to have its character destroyed. That is the tradeoff. We have tried to strike a balance here. Whether we have done it properly or improperly time will tell. As Matt points out, things can be amended. As of right now, I do not personally see any basis that we cannot go forward with this application.

Matthew Sousa: I do not either.

Chairman Ely: I think you have raised some larger issues that the Board may wish to revisit down the road. I hope you will keep in the loop on this with us.

Chairman Ely moved that based on a review of short-term rental application #2021-0014 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Mary Ann Bachman seconded the motion.

Vote of the Board:

Mary Ann Bachman – Aye
James Ely – Aye
Ralph Endres – Aye
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

<u>Short-Term Rental Application #2021-0015 (Public Hearing)</u>

Owner: Ellen & Mitchell C. Regenstreif
Representative: Finger Lakes Premier Properties
Property: 5928 Seneca Point Rd
Tax Map #: 178.14-1-10.100
Zoned: R3 (Residential 3 Acre)
Sleeping Occupancy: 10

Chairman Ely: Please your name for the record.

Brian Zerges: Brian Zerges.

Chairman Ely: You are here?

Brian Zerges: I am with Finger Lakes Premier Properties. We manage the home.

Chairman Ely: You are the organization managing the property.

Brian Zerges: Correct.

Chairman Ely: I think we heard a presentation last time. Do board members have any questions? Diane, have we received any written or verbal communication in connection with this application?

Diane Graham: No.

Chairman Ely: Anyone in this room wish to speak to this application?

Chairman Ely moved that based on a review of short-term rental application #2021-0015 and the testimony presented at the Planning Board meeting on April 21, 2021 and public hearing on May 19, 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
Jason Inda – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Michael Staub – Aye

Motion is carried.

Chairman Ely closed the public hearings.

Short-Term Rental New Business
Short-Term Rental Application #2021-0016 (Preliminary)
Owner: William J. Standish Estate
Representative: Kirk Locus / Mary Ellen Standish
Property: 6845 Walton Point Dr
Tax Map #: 191.09-1-1.110
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8

Chairman Ely: Please your name for the record.

Mary Ellen Standish: Mary Ellen Standish.

Chairman Ely: Can you describe the property that you are proposing to rent?

Mary Ellen Standish: Yes. It is on Walton Point at the south end of the lake just before Woodville. It is the very last property on the street. It has been in my family for 75 years. My grandparents owned it, my father and then my uncle. Now, my uncle passed away about a year and a half ago. My siblings and I own it now. We are trying to resolve what is ultimately going to happen. Most likely I will be buying out my siblings, but it has been a long and very slow process in probate in pandemic. We are intending to rent it mostly at this point to pay back taxes, do improvements and restore it to its original state when I grew up there as a kid. It is my home and I love it. We are renting it to mostly family and friends.

Chairman Ely: Are you authorized to represent your siblings?

Mary Ellen Standish: Yes. I am officially the administrator of my uncle's estate per California. He was a California resident. I have a probate lawyer here and probate opened in New York as he has this house and several other properties.

Chairman Ely: The estate is still open I take it?

Mary Ellen Standish: Yes. Probably another year.

Chairman Ely: You are the administrator. That is fine.

Mary Ellen Standish: Yes.

Chairman Ely: You said you have rented this in the past?

Mary Ellen Standish: Yes. Just recently. Pretty much this one season at this point from last June. Like I said in the summertime we rent week to week to friends and family.

Chairman Ely: Mostly friends and family you indicated.

Mary Ellen Standish: All people I know. In the offseason it is a little more difficult to find people so we will probably rent/market it to the broader public.

Chairman Ely: Friends and family is word of mouth primarily, then right?

Mary Ellen Standish: Absolutely. Yes.

Chairman Ely: How many bedrooms do you have?

Mary Ellen Standish: It is two bedrooms and a loft.

Chairman Ely: So you can accommodate how many guests?

Mary Ellen Standish: Eight. The loft is a third floor. It is about twice the size of the other two bedrooms combined. It is a big space.

Chairman Ely: So like a family room up there?

Mary Ellen Standish: Yes.

Chairman Ely: You have adequate parking?

Mary Ellen Standish: Lots of parking actually.

Diane Graham: How many?

Mary Ellen Standish: I would say room for probably eight.

Mary Ann Bachman: The application says four for guests and two for visiting. So six vehicles.

Mary Ellen Standish: There is plenty of room for that. It is like a big open cul de sac. It is the very last house on the road. In fact, all the neighbors come and launch their boats and turn around there. Parking thankfully is not an issue at all. I did not want to encourage people to have more than four to six cars there.

Chairman Ely: Do we have additional questions?

Chairman Ely moved that the Planning Board accept the short-term rental permit application #2021-0016 as completed and set the application for final review/public hearing on June 16, 2021. Mary Ann Bachman seconded the motion.

All in favor.

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

Motion is carried.

Short-Term Rental Application #2021-0017 (Preliminary)

Owner: Janet M. Mettee et al
Representative: Jim Collmer / Janet Mettee
Property: 5831 Seneca Point Rd
Tax Map #: 178.11-1-6.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 12

Chairman Ely: This is one that is going to be on Zoom, right?

Diane Graham: Yes. Janet Mettee is joining us on Zoom.

Chairman Ely: Please describe the rental property?

Janet Mettee: It is a property on a small narrow land about a half an acre with a very old cottage that has been in our family since 1948. It was owned by my grandmother, then my mother and then my brother, sister and myself. Now, I own it with my nieces and nephews who are adult children of my deceased sister and brother.

Chairman Ely: Do you represent them?

Janet Mettee: Yes. I do.

Chairman Ely: You have authorization to do that?

Janet Mettee: Yes. I do. It went through Diane and made sure each of my nieces and nephews granted me permission to be their representative for these hearings.
Chairman Ely: Great. Thank you. How many people would you be able to accommodate in a rental?

Janet Mettee: Because there are six bedrooms. It has been pointed out to me by Phil Sommer that it would be basically twelve people sleeping there. Maybe more guests for the day possibly, but as far as people sleeping there and staying overnight it would be twelve.

Chairman Ely: Have you rented this property in the past?

Janet Mettee: Yes. Many years to family and friends basically all done by word of mouth.

Chairman Ely: Is it largely seasonal? Do you rent mostly in the summer?

Janet Mettee: It is a seasonal cottage. Jim with Valley Mechanical will close the cottage for us in mid-October and it remains closed until early May. It is definitely seasonal. We rent it for basically for the month of July. Our families share it and take turns sharing it through August and parts of September. Even sometimes in June.

Chairman Ely: Do you have events, weddings, receptions that type of thing?

Janet Mettee: No.

Ralph Endres: How many parking spots do you have?

Janet Mettee: We have three in front of the cottage. Then there will be room for three additional for overflow parking along the picket fence that runs north of the cottage. There is probably not more than three vehicles there at any one time.

Chairman Ely: Any other questions?

Chairman Ely moved that the Planning Board accept the short-term rental permit application #2021-0017 as completed and set the application for final review/public hearing on June 16, 2021. Mary Ann Bachman seconded the motion.

All in favor.

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

Motion is carried.

<u>Short-Term Rental Application #2021-0018 (Preliminary)</u>

Owner: Tobiah T. Taylor & Jennifer Marie Taylor
Representative: Robert Taylor
Property: 49 Cliffside Dr
Tax Map #: 168.16-1-6.057
Zoned: PD (Planned Development)
Sleeping Occupancy: 8

Diane Graham: Tobiah Taylor is on Zoom with us.

Chairman Ely: Good evening Tobiah.

Tobiah Taylor: Good evening.

Chairman Ely: Could you describe the property you are seeking to rent?

Tobiah Taylor: Sure. It is 49 Cliffside Drive part of Bristol Harbour. It is in Condominium 1 and it is Unit 3. We have been owners since approximately 2007.

Chairman Ely: Have you rented it in the past?

Tobiah Taylor: Yes. Pretty much since 2007.

Chairman Ely: Seasonally or year round?

Tobiah Taylor: We rent it year round, but I would say probably 75% if not more of our rentals do come in the core months of June, July and August.

Chairman Ely: What is the parking situation?

Tobiah Taylor: We have two spots only.

Chairman Ely: So your guests can only bring two cars?

Tobiah Taylor: Correct. That is made very clear. You have a copy of our rental agreement document. We have made it clear to everyone that two vehicles are allowed and that is it.

Chairman Ely: Do you do events, weddings?

Tobiah Taylor: No. We do not.

Chairman Ely: Board members have other questions?

Chairman Ely moved that the Planning Board accept the short-term rental permit application #2021-0018 as completed and set the application for final review/public hearing on June 16, 2021. Michael Staub seconded the motion.

All in favor.

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

Motion is carried.

<u>Short-Term Rental Application #2021-0019 (Preliminary)</u>

Owner: Stemple's Landing LLC
Representative: Patricia Gotham
Property: 6199 Stemple Hill Rd
Tax Map #: 185.14-1-11.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8 (Red Cottage)

Patricia Gotham: I am hard of hearing. You I can hear.

Michael Staub: I will take that as a compliment. In the past it has been a criticism.

Chairman Ely: Please introduce yourself to us for the record.

Patricia Gotham: I am Patty Gotham.

Chairman Ely: How do you relate to Stemple's Landing LLC?

Patricia Gotham: I am sorry what? I have now only five sisters and I do all the bookwork. I take care of all the assignment of people who do work for us down at the lake. It has been that way since whenever. My parents died. It is free and clear and we gifted two beautiful cottages. One is smaller than the other and they are on Stemple Hill Road. The taxes are so high down there so we have to rent. We do not make any money on it at all. We have people that come every year. I have seen their kids grow. When the COVID thing hit, some of our renters decided to stay three weeks at a time, which was wonderful for us. We did not have to worry about turnovers and everything like that because everybody pretty much works from home now. Otherwise, we do not advertise. We just have the same people. They are like family that come every year.

Michael Staub: No special events or weddings or anything like that?

Patricia Gotham: Hell no. We do not want those. We actually had to ask a couple to leave several years ago. It was like a frat party going on 4th of July. We did not want to bother our neighbors so they had to leave.

Michael Staub: Good.

Patricia Gotham: We know so well all these people that come back every year.

Michael Staub: Do you have adequate parking?

Patricia Gotham: Yes. It should be in the application. The beach house, the smaller one, has one bedroom and it has two allotted parking places.

Diane Graham: This is 6199.

Patricia Gotham: It is 6201 we were just talking about. Then 6199 the larger one.

Diane Graham: That is the one we are talking about.
Patricia Gotham: It sleeps eight. We have three designated parking places then there is an overflow. These parking places are all on our private drive. They are off street. You cannot see them from the road. Our cottages are nestled down in.

Michael Staub: You said normally family and friends that come up are routine renters for you and you have been doing this for years, with the exception of the one party, without any problems and you disbanded that party when you found there was a problem, correct?

Patricia Gotham: Oh no. There is a good distance from our neighbors. Our next door neighbor is Tom Golisano. Some of his geese situation has been resolved. I am not sure how.

Chairman Ely: The larger house sleeps eight. What about the smaller one?

Michael Staub: The smaller house. How many does it sleep?

Patricia Gotham: There is two. They are right next door to each other.

Jason Inda: I am sorry to interrupt. I think the point of order because there are two separate applications we should stick with the bigger house and then go to the smaller house.

Chairman Ely: You are right there. We have been sort of meshed already.

Diane Graham: The red cottage 6199 is the one we are talking about right now. What questions do you want to ask on the red cottage?

Michael Staub: We have parking, number of people and no parties/events. Okay. Good.

Chairman Ely: Are we done with that one?

Michael Staub: We are done.

Chairman Ely moved that the Planning Board accept the short-term rental permit application #2021-0019 as completed and set the application for final review/public hearing on June 16, 2021. Michael Staub seconded the motion.

All in favor.

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

Motion is carried.

<u>Short-Term Rental Application #2021-0020 (Preliminary)</u>

Owner: Stemple's Landing LLC
Representative: Patricia Gotham
Property: 6201 Stemple Hill Rd
Tax Map #: 185.14-1-12.100
Zoned: LR (Lake Residential)
Sleeping Occupancy: 4 (Beach House)

Chairman Ely: This is the small house?

Diane Graham: The beach house. 6201 Stemple Hill Road. This is the smaller one correct?

Patricia Gotham: This is 6201. It is the smaller one. Yes.

Chairman Ely: How many does this house sleep?

Patricia Gotham: Two. There is a pullout couch, but no one likes those. Two with maybe a child. A couple with a child, but it is not a flop house and either is the other place. The septic system is so sensitive we are very particular about how many people stay there.

Mary Ann Bachman: The application says maximum occupancy of four, but I would keep that.

Patricia Gotham: The small cottage? We do not advertise it. There is only couples usually.

Mary Ann Bachman: You prefer two with a child.

Patricia Gotham: They might have a friend that comes in and flops for the night.

Mary Ann Bachman: I agree. I would keep it at four. Two parking spaces?

Patricia Gotham: Two.

Chairman Ely: Is this rental seasonal just for the summer?

Patricia Gotham: Pardon me. Yes. May to the end of October.

Michael Staub: You mentioned that you will have the septic system pumped in the spring. Is that this spring?

Patricia Gotham: In the spring this is when my sister's and I do all the work to open it up. There is always staining to do, replacement...

Michael Staub: So you have the septic system pumped every spring then?

Patricia Gotham: Yes.

Mary Ann Bachman: Do you ever have both places rented at the same time? A family rents both places?

Patricia Gotham: Yes. We have one couple that comes for three months. I am talking about the smaller cottage. They come from mid-July to mid-September. They have made wonderful friends with all the ones that are staying at the larger cottage. We take a week for ourselves each month like in July and August. We have limited rentals in the fall because that is when our time is.

Chairman Ely: Do we have other questions?

Chairman Ely moved that the Planning Board accept the short-term rental permit application #2021-0020 as completed and set the application for final review/public hearing on June 16, 2021. Mary Ann Bachman seconded the motion.

All in favor.

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

Motion is carried.

Regular New Business

Site Plan Approval Application #2021-0021 (Preliminary)

Owner: Mark Conners
Representative: William Grove
Property: 6555 Longs Point Dr
Tax Map #: 185.17-2-15.000
Zoned: R3 (Residential 3 Acre)

Chairman Ely: Will you all introduce yourself for the record?

Bill Grove: Sure. I will go first. I am Bill Grove with Grove Engineering.

Jon Schick: I am Jon Schick. I am an architect for the project. [House rendition hand out by Jon Schick]

Mark Conners: I am Mark Conners, owner of the property.

Karen Conners: I am Karen Conners, owner.

Chairman Ely: Glad to have you all here. Who would like to go forward and explain the project to the Board?

Bill Grove: Probably me.

Chairman Ely: Okay good. Bill, take it away.

Bill Grove: The project is essentially a tear down rebuild of an old cottage. It is at the very end of Longs Point Drive. At the south end where it dead ends. There is an existing garage that is going to remain as a separate structure and the existing residence is going to be demolished and a new residence built. You have the rendering there. You can see on the site plan that we meet all setback requirements. We do not need any variances for setbacks or height or any of that. We are in the process of applying for use of the existing garage as a second residence even though we are not changing the use of that structure. Mark has said that it has been that way since the 1940s, the garage as kind of sleeping room. Is there a kitchen in there now?

Mark Conners: There is two bedrooms and a powder room.

Bill Grove: As part of the project, Phil determined that we really should come in and get the special use permit for a second dwelling on one parcel.

Chairman Ely: That is pending before the Zoning Board of Appeals?

Bill Grove: Correct. The septic system was replaced two years ago and is all up to date and we did get sign off from the watershed that it is appropriate to be reused for the proposed structure. We do have sign off from SHPO. It triggered the 12b on the SEQR form. We have the all clear on that. We also submitted and got a negative declaration on bald eagles. We are not impacting bald eagles.

Chairman Ely: I saw that. Good.

Bill Grove: US Fish and Wildlife and DEC both agreed that it is not likely to have any negative impact on bald eagles.

Diane Graham: Did you get Tom Wittig's email response?

Bill Grove: Yes. It was an email that he sent.

Diane Graham: Okay. Thank you.

Bill Grove: I think he copied you guys on that. Yes. He did. He emailed and said that the US Fish and Wildlife concurs with DEC determination. I do not know if anybody is familiar with the property, but the hill comes down to the back of the existing cottage and then there is a fairly large flat area to the south of the existing cottage and that is where the bulk of the new structure is going to be located. We are further south than the existing cottage. On my plan there is a honeycomb hatched area that depicts the footprint of the existing cottage. It is very close to the septic system. We are going to be another 20 feet or so further south than the existing cottage is. The idea is to take advantage of the biggest flat area that we have to work with and not have to go into the hill as much. We will have to do some grading into the hillside, but we have as small retaining wall proposed. Short, but long retaining wall behind the house to hold the hill back and some grading down to the house. The reason is that Jon designed the house with some windows at the first floor level looking out towards the back. A lot of times what we end up doing is just building the house into the hillside with foundation wall instead of having a retaining wall. We thought it would be better in this case to have some natural light coming in at the first floor level. I think they are taller windows.

Jon Schick: They are up pretty high - six feet.

Bill Grove: You are still getting light in on that back wall without having to be into the hillside. In with that we have some small catch basins and storm drains proposed that will capture any water that wants to collect on the back side of the house. We have that routed around to the south and out to the lake to a rip rap splash pad above the mean high water line, but near the shoreline. We also have some drainage in front of the proposed garage that will daylight between the garage and the house in front of the terrace that is proposed there.

Michael Staub: The terrace that you have proposed here is that permeable? Can water go through that or is it prohibitive?

Bill Grove: On the terrace there? That flat area? We talked about it. I have a drain in the middle of that so we are going to slope to do that. We also talked about potentially how we were going to drain underneath. The last thing we want to do is do like flagstone or paver area and have it heave for any reason. Have that addressed with some drainage so we do not have any water. We eliminate the ability for any water to sit in that area. The idea is we are going to collect all that and route that out to the shoreline.

Michael Staub: Very good.

Chairman Ely: Just to help me with this. This the proposed new garage right here?

Bill Grove: Yes.

Chairman Ely: The one you are dealing with Zoning Board of Appeals about that is detached and totally separate, correct?

Bill Grove: Correct.

Chairman Ely: That is not going to be changed at all?

Bill Grove: I do not think so. That is going to remain.

Michael Staub: If that existing garage is permitted as a residence, is the septic system up to handling that?

Bill Grove: It is. Yes. It designed right now with the two bedrooms in there and then three in the main house. Six I think we designed it for.

Mark Conners: There is only five.

Bill Grove: Because of the square footage I believe we had to bump it up.

Diane Graham: How many bedrooms?

Mark Conners: There is going to be three in the house and then there is two existing bedrooms in the existing garage. So it is a total of five. I am calling it a garage. It is going to be called a separate residence. There is two bedrooms in there. I did not know we were going to have to make this old garage into a separate residence. It has been that way for so many years. When this got brought up I thought well if we are going to make it into a separate residence maybe we will turn that into a three bedroom house someday. We designed the septic for six bedrooms so that we could do that someday if we need to.

Michael Staub: Better to be looking at it then looking for it.

Mark Conners: Yes.

Mary Ann Bachman: Is this before the Zoning Board of Appeals next week?

Bill Grove: Yes.

Mary Ann Bachman: Okay.
Chairman Ely: Any other questions?

Diane Graham: Phil, do you have anything from Kevin Olvany?

Phil Sommer: No. Kevin has not got back to me.

Diane Graham: Okay.

Chairman Ely: I will schedule this tentatively for a public hearing at our next meeting. The tentative part is the Zoning Board of Appeals. If they do not give you the special use permit, we are back to the drawing board. You will have to reconfigure just a bit. Let us be on the optimistic side. If they grant you special use permit, we will see you next month.

Bill Grove: It is my understanding that they cannot deny it if we meet the criteria.

Diane Graham: Correct.

Chairman Ely: I do not get involved in Zoning Board of Appeals business.

Ralph Endres: When would construction start and demolition?

Mark Conners: Just because of our neighborhood agreement that we have on Longs Point. Construction is only done after Labor Day. We do not want any noise once Memorial Day hits. That is the window is when I plan on doing it.

Ralph Endres: Okay.

Michael Staub: Very good.

Diane Graham: They have six months after the approval to start.

Chairman Ely: The approval is good for six months. You have to start within six months. That should not be a problem. Thank you all.

Bill Grove: Thank you.

Mark Conners: Thank you.

Michael Staub: Nice presentation.

<u>Site Plan Approval Application #2021-0022 (Preliminary)</u>

Owner: Kenneth Hayward and Nancy R. Hayward
Representative: Kenneth and Nancy Hayward
Property: 6407 Old Post Rd
Tax Map #: 185.14-1-18.331
Zoned: LR (Lake Residential)

Chairman Ely: Please introduce yourself for the record.
Ken Hayward: I am Ken Hayward.

Chairman Ely: Can you describe your project?

Ken Hayward: Yes. Our project really is a bathroom remodel as part of that remodel our existing home has very small windows that look out towards the lake. We want to make a bigger window that gives us a good view of the lake. To do that we are going to build a dormer structure and then for aesthetic purposes

to make a twin structure on the other side of the house. We are also replacing two ornamental windows that are way out of style now. Most of the work is cosmetic. It was perpetuated by the desire to change our bathroom.

Michael Staub: You are not changing the occupancy of the house. You are just remodeling, correct?

Ken Hayward: Correct.

Chairman Ely: Aside from the bathroom remodel a lot of it seems to be the dormers, right?

Ken Hayward: That is really the structural part. The detail is that the second floor dormer only, there is not foundation or anything, sticks out two feet and it is six feet wide. So it is not adding any square footage. It is basically going to give us two little window seats.

Ralph Endres: Certainly an improvement.

Ken Hayward: That house is a wreck.

Ralph Endres: It went from the 19th Century to the 21st Century.

Ken Hayward: That is the idea.

Mary Ann Bachman: Does it improve your view?

Ken Hayward: I can tell you when we purchased that house you could not see the lake, which is why they did not bother putting nice windows in. Since then our neighbors cleared their property so now have a nice view of the lake.

Mary Ann Bachman: The depth would give you some improve your view too. Good idea.

Michael Staub: Make sure they insulate under those dormers pretty well because, otherwise, you could have frozen plants if you have them in the window.

Ken Hayward: Yes. Phil gave us that advice.

Michael Staub: Sorry to be redundant.

Chairman Ely: Okay. Any other questions?

Diane Graham: Ken, I know you had requested a new SHPO and bald eagle determination be done. What is the status?
Ken Hayward: We are in the process.

Diane Graham: Okay.

Ken Hayward: The last one we had was about two years ago.

Chairman Ely: Don't you have the eagle's letter?

Ken Hayward: That was from two years ago.

Diane Graham: Jim, you had requested it be updated.

Chairman Ely: Update. Okay.

Ken Hayward: We wanted you to know that we had gone through the process recently. We are going through the process again.

Chairman Ely: We will assume that will work out between now and the next meeting.

Ken Hayward: Yes.

Chairman Ely: Assuming those letters come in I am going to suggest that we schedule this for a public hearing at our next meeting in June.

Ken Hayward: Thank you.

Diane Graham: I will need those documents before scheduling public hearing.

Ken Hayward: It is basically those two documents, right?

Diane Graham: Yes.

Ken Hayward: Very good. Thank you.

Chairman Ely: Good evening.

Other
The Board discussed the importance of short-term rental impact on neighborhood density.

Motion to Adjourn
Being no further business, James Ely moved to adjourn the meeting. Michael Staub seconded the motion. The motion was unanimously accepted and the meeting was adjourned at 8:10 pm.

Respectfully submitted,

Diane S. Graham

Diane Scholtz Graham
Board Assistant

Appendix - STR Application 2021-0010 written comments

Diane Scholtz Graham
Town of South Bristol
6500 West Gannett Hill Road
Naples, New York 14512

William C Colsman
320 Thayer Road
Fairport, New York 14450
585-261-4003
wccolsman@yahoo.com

5/10/2021

Re: Short Term Rental Public Hearing 5/19/2021
Application 2021-0010 - 6171 Route 64, tax map #177.00-1-17.111

Ms. Graham

Thank you for conveying notice of the May 19th Public Hearing for changes to Zoning for the property directly across from my driveway at 6196 Route 64. While I will make every attempt to be present and submit my objection to the referenced Application, please enter my objection in the Town Record at this time as I may not be able to attend owing to health reason.

I request a copy of the subject Application. I would like to review the following information.

Per Art. VI Supplemental District Regulation / Chapter 170 Zoning / 170-71

B. (1) I am an adjacent property owner.

E. (3) What is the proposed garbage service, collection frequency, and non-visible location of the trash bins?

E. (4) a. What is the maximum occupancy and b. parking units?

c. 1. What specifically is the Good Neighbor Statement in regard to my property, driveway and lawn abutting Route 64? Who are the potential renters for not longer than 31 days? Are hunter renters allowed?

The subject structure has a deck facing Route 64 and the location is "grandfathered" with regard to the minimum setback from State Route 64. I request that if a successful application is granted, that congregating gatherings and or social events be prohibited on the deck overlooking the highway.

The following are reasons I am presenting my objection:

1. Rental property by in large is not kept up visually. Owners are not present to address concerns of neighbors. Lawn and landscaping tend to fall away. Trailers, vehicles, and other exterior storage often add clutter to the residential nature of the property. In this case the housing unit is very close to the road and my driveway. It is closer to the road then current Zoning would allow, further accentuating potential eyesores.
2. My driveway has a broad entrance and there is a long-mowed grass apron abutting the shoulder of Route 64. In the past the apron has been used for overflow parking from occupants of 6171 and the broad entrance for turnaround was used by the occupants of the 6171 residence. I have had to remove litter and reconstruct rutting in the drive and

the lawn from such use. Lawn and garden spoil has been deposited on my property by 6171 occupants. Renter will have little prohibition to continue the same practices.

3. As residential housing units have frequent turn over and lack on site ownership to maintain the property, discarded and abandoned furniture, appliances and trash often cycle through the rent – cleanup rent progression and create visually objectionable refuse at the roadside.
4. Residential housing units that are in a downward path from owner occupancy to commercial turnover lower the property value and the property value of the neighborhood and the adjacent properties.
5. Short term rental property has been on reputable media news as having been used for "party" use. The noise, property destruction, trash and law enforcement intervention are worrisome to the point of question – Why allow the absence of responsibility by allowing conversion of once owner-occupied property to degrade into such a soiled state.
6. This property is not "cottage recreational" where owners have vested interests in maintaining property values and harmonious coexistence with their neighbors. The referenced property is simply a monetary venture for profit, not to maintain the positive aspects of well-maintained property and a positive value seeking neighborhood.
7. It is extremely likely, if not a marketing strategy that the 31-day rental periods coincide with NYS Hunting Season. I have several times contacted the NYSDEC and the TOSB to report trespass violations during the lengthy hunting season. I request that if a successful application is granted, that no occupant or guest possess a Hunting License. And if evidence or visual tracking of trespass by 6171 personnel is brought to the TOSB, that the permit shall be immediately and permanently revoked.
8. The driveway entrance to 6171 is situated on a moderately steep section of Route 64 and is virtually hidden from vehicular traffic approaching from the South. Route 64 is a major route for commercial (semi tractor-trailer) and commuting traffic. Both entry and exit from 6171 to the highway has safety concerns to both highway and driveway vehicles, drivers and passengers. To allow entry and exit from at the driveway, semi-tractor trailers and other traffic will need to decelerate quickly while descending a steep incline. The rental period(s) for Short Term Rental of 31 Days can predicably equate to potentially 12 new renters per year or 24 new drivers for the Application period of 2 Years. A 24X increase in new drivers learning to enter and exit the property is of safety concern.

It is worrisome that adjacent property and the neighborhood would become commercial. For these reasons and those negative results that I have yet to realize, I must emphatically ask the Town of South Bristol Planning Board to not allow passage of the reference application.

With Grave Concern

William C Colsman

Diane Scholtz Graham
Town of South Bristol
6500 West Gannett Hill Road
Naples, New York 14512

William C Colsman
320 Thayer Road
Fairport, New York 14450
585-261-4003
wccolsman@yahoo.com

5/11/2021

Re: Short Term Rental Public Hearing 5/19/2021
Application 2021-0010 - 6171 Route 64, tax map #177.00-1-17.111

Ms. Graham

Thank you for your time and kind patience with me yesterday. Albeit I believe there is little I can do to stop the TOSB's approval of the referenced Application which will change the use from residential property to commercial. Please consider the following added thoughts.

1. The south end of the driveway is blind for northbound traffic. Also, access to the driveway for southbound vehicle entry will cross the northbound lane. At the point of crossing, is there sufficient distances for northbound vehicles to stop and meet the distance values per DOT regulation?

   Will the Board consider a requirement to close the south end of the drive, perhaps with a locked gate to eliminate all potential traffic safety issues including its occasional if not mistaken use as vehicular entry to the highway?

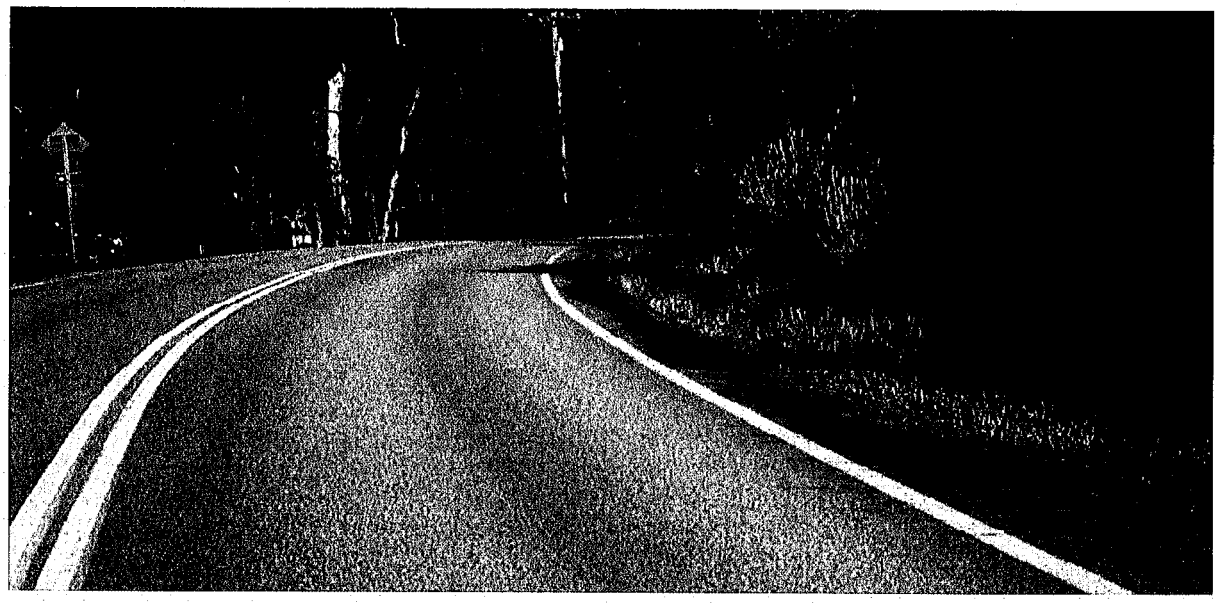
2. Is there ADA access from the driveway to the structure? (36" clear ramp passage, 32" minimum entry, and less than or equal to a 1:12 consistent graded ramp?)

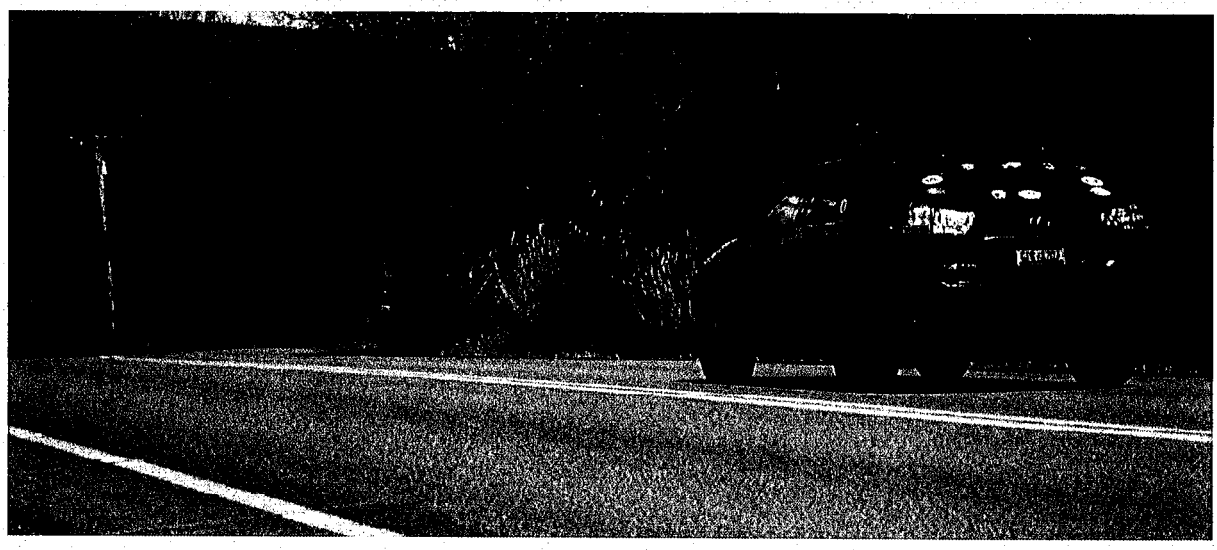
   Is there ADA access to (any) bedroom?

Inserted below are photos illustrating the blind driveway at its southern terminus. These were taken about 50 yards from driveway entrance on the right, and obscured by traffic signage, and by seasonal brush and snowplow berms in the winter.

Sincerely

Bill Colsman





Ian M Boni

5707 State Routes 5 and 20
Canandaigua, NY 14424
Phone: 585-520-8763

Diane Scholtz Graham

Town Of South Bristol
6500 West Gannett Hill Rd
Naples NY, 14512

Ms. Graham and Members,

RE: Short Term Rental Application 2021-0010- 6171 Route 64, tax map #177.00-1-17.111

I would like to take the time to respond to both letters dated 5/10/2021 and 5/11/2021 regarding my property and its use and its use as a short-term rental and application.

1. I have a full-time cleaning and maintenance staff that is on call 7 days a week who take care of exterior, interior and any issues at all my properties. We do not nor intend to store any items in an around the property. Unfortunately, the house is already constructed and its proximity to the road is not nor should be in question if it is kept in order and free of debris.
2. The concern regarding the entrance of the concerned neighbor's property and the apron along the side of the highway has been noted and will be addressed with future guests. Until now there has been no contact with me directly or indirectly through the town by Mr. Colsman since I have owned the property. It has also just been brought to my attention that there is debris and lawn and garden spoil which I will investigate. If it is determined the plowing company has pushed that from my driveway across the road, I will make corrections with them to address this moving forward. The roadside is littered with trash from road traffic (littering) and from debris flying out of vehicles going to and from the transfer station which I have personally picked up several times.
3. These are merely speculative statements at best.
4. We are on site several times per week for the last 3 plus years and have done more to improve the value of the property than to hinder its value or the value of neighboring properties.
5. Our rental practices and tenant screening prior to rental are intended to prevent 'party use' and the majority of our renters are families looking to away for a weekend and enjoy the surrounding area.
6. I have nothing but a vested interest in my properties… They feed my family and are my retirement.
7. As a hunter myself you can not discriminate against future guests simply because they have a hunting license and suspect they may trespass on your land. If your property is posted then its up to law enforcement should you have an issue not the town. I will make clear in our rental agreement that all adjacent properties are off limits as depicted by the NO TRESPASS signs that should be in place. After

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speaking to my maintenance staff this am cameras will be installed to provide evidence if any future issues arise.

8. The driveway has its challenges on the property, but we make clear how to use it. We have a wraparound driveway with access from north bound and south bound traffic. Guests are instructed in their welcome email how to best access the property depending on the season. It's no secret it's a busy highway but in 3 plus years of owning the property we have not had any issues or accidents. Closing the south entrance to the driveway as stated in Mr. Colman's second letter is impractical because in the winter you can not make it up the incline from that entrance. We do not use the north entrance in the winter months as it is a shared driveway with my neighbor and dangerous to exit that way.

-It is clear from the road view we do not have ADA direct access to the house, but we make all accommodations on a tenant-by-tenant basis. Since all three bedrooms are located on the second floor, they are only accessible via the staircase. Should a guest require sleeping accommodations on the first floor we make every effort to accommodate them. Should the house not fit those with special needs we look to accommodate them with one of our other properties.

Hopefully, this has given some insight and helped to answer some of the questions presented to my best knowledge. It is evident that I am an active participant in all my rentals, and we have had great feedback and reviews by our many guests.

Property

Chalet 64
6171 NY-64, Naples, NY, 14512, US
★★★★½ (48)

Falling Waters Retreat
4897 Hwy 245, Naples, NY, 14512, US
★★★★½ (102)

West River Cottage
4895 New York 245, Naples, NY, 14512, US
★★★★½ (79)

[Type the sender company name]

Sincerely,

Ian M Boni
Property Owner
5/12/2021

Diane Scholtz Graham
Town of South Bristol
6500 West Gannett Hill Road
Naples, New York 14512

William C Colsman
320 Thayer Road
Fairport, New York 14450
585-261-4003
wccolsman@yahoo.com

5/12/2021

Re: Short Term Rental Public Hearing 5/19/2021
Application 2021-0010 - 6171 Route 64, tax map #177.00-1-17.111
Drive

Ms. Graham

I am in receipt of Mr. Boni's 5/12/2021 reply to my inquiries of both 5/10 and 5/11/2021, and thank him for the professional and timely response.

As previously stated, my concern is the change of zoning from rural residential to rental commercial, both in its precedent nature for the TOSB and its diminishing effect on a currently residential neighborhood.

Understanding the Board will likely approve the Permit Application, I will submit to their judgement, but seek to mitigate and seek compromise for the commercial use of Mr. Boni's property. Please consider the merits of the following proposals.

1. Reduce the usage to an occupancy to 4 including that number of vehicles. In explanation, it is not possible to assess the Application floor plan for bedrooms #2 and #3. That is relevant to determine the S.F. of those rooms with sloped roof spaces requiring over 5' in height in relation to State Occupancy requirements for two occupants each.

2. Although deemed impractical by Mr. Boni's explanation that closing the south entrance is not possible as, "We do not use the north entrance in winter months...", I again submit that in the change of use from residential, and for a TOSB agreement for use of a bind driveway for a rental property including both entry and exit, a dangerous condition will exist. Perhaps a compromise is to alter the driveway's north terminus and use whatever winter measures are necessary, such that it would allow safe passage for mutual use with that of the northern neighbor, and allow for closure of the blind driveway to the south.

I ask that all parties understand that I seek an amicable solution and a future positive relation with Mr. Boni.

VR

Bill Colsman