



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

Zoning Board of Appeals Meeting Agenda

Wednesday, June 23, 2021
7:00 pm

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/81635161901?pwd=T0RnNlo3T0cxcmx4MEVIdUxXRWN6QT09>

Meeting ID: 816 3516 1901, Passcode: 007162

Call to Order

Pledge of Allegiance

Minutes

Approval of May 26, 2021 Zoning Board of Appeals Meeting Minutes

Rules of Order

Old Business

New Business

Special Use Permit Application #2021-0024

Owner: Daniel P. Crowley

Representative: Bill Grove

Property: 6830 Co Rd 34

Tax Map #: 177.00-1-33.000

Zoned: R3 (Residential 3 Acre)

Other

Motion to Adjourn

Town of South Bristol Zoning Board of Appeals Meeting Minutes Wednesday, June 23, 2021

Present: Robert Bacon
Thomas Burgie
Carol Dulski
Jonathan Gage
Martin Gordon
John Holtz
Barbara Howard (arrived at 7:06 pm)

Guests: Bill Grove
Daniel Crowley
Tim Crowley
Dan Hughes
Mike Hughes
Jim Collins
Matt Kirsch
Shirley Hocking
Paul Hocking
Phil Sommer
Steve Cowley

Call to Order

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:00 pm followed by the Pledge of Allegiance. There was a roll call of board members with all present except for Barbara Howard.

Chairman Burgie explained that the special use permit for a second residence on the same property is not against the Town Code. As long as the applicant/property owner meets the special requirements in §170-38, the Board is required by law to approve the special use permit. If it does not meet one of those requirements, the Board is not allowed to grant the special use permit.

Minutes

Chairman Burgie called for a motion to approve the May 26, 2021 Zoning Board of Appeals meeting minutes as written. Jonathan Gage moved to approve the meeting minutes. Robert Bacon seconded the motion. The motion was unanimously adopted by all board members present except for Barbara Howard.

Rules of Order

Robert Bacon read the Rules of Order.

New Business

Special Use Permit Application #2021-0024

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

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Zoning Board of Appeals will hold a public hearing on the following application:

2021-0024 for property owned by Daniel P. Crowley located at 6830 County Road 34, Tax Map #177.00-1-33.000. The applicant/property owner is looking for a special use permit to have an additional residential structure on the same lot per Town Code §170-38.

Said hearing will take place on the 23rd day of June, 2021 beginning at 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
Jul 99500

Chairman Burgie: This is your chance to present your case for what it is you are wanting to do.

Daniel Crowley: Thank you. I am Dan Crowley the property owner and this is my brother Tim. He and I pretty much do everything together. I am native son not necessarily to South Bristol. I grew up in Farmington, New York. I have been out of state since 1997. Most recently in Michigan. As I have explained to a few people, with COVID my employer has decided to go 100% work from home model, which means I can live anywhere I want. I want to live here. My Dad turns 80 this year. He and my Mom both are in good health, which I am very thankful for. My wife and I are excited to be able to move here to be near them and the rest of our family. We absolutely fell in love with South Bristol. We both ride our snowboards and we have been to the mountain a few times on visits over the years. Saw the property and fell in love with it, the town and location. It is everything we are looking for in terms of peace and quiet. That is what we are looking for privacy, peace and quiet. We are nature lovers so it is the perfect spot for us. We are excited to get started. The property does have another structure on it. It is a small A-frame structure that was built in 1967. It used to be rented out for a number of years. I had originally thought that I would be able to rent that out while I was building the house, but then, of course, you cannot do both without going through a subdivision process, dealing with the bank and everything else so I made the decision. I pulled the STR permit application because our primary objective is to get our home built. We plan to retire there. I have set aside any intentions or activities related to doing any rental and I am going to focus on building my home. I know people had some questions about the fate of the A-frame. If I get to a point where I can go through a subdivision process and legally be granted a short-term rental operating permit for that property, then I will do so. If that is not possible, it is not possible. I have no designs on that part of it. I plan to spend about a week a month on average here over the course of the next year doing

a lot of swinging the hammer myself. It is a hobby of mine. My brother used to build houses for a living. We both love working with our hands. We are going to do it together, which is a life-long dream for both of us. I will be here regularly. I will stay in the A-frame while I am here. Once the house is done we will see what comes of it. We are going to be proud to be a part of this community. We love it and we are excited to get started. Thank you.

Chairman Burgie: Good. Welcome. Tim, are you local or from Michigan also?

Timothy Crowley: No. Manchester-Shortsville area.

Daniel Crowley: He is my eyes and ears. If I need anything done while I am not here, he is graciously offered his services.

Chairman Burgie: Where are you coming from in Michigan?

Daniel Crowley: The closest big city is Grand Blanc, which is near Flint. It is about an hour and a half northwest of Detroit.

Chairman Burgie: I spent my first 18 years in Battle Creek and half way to Lansing in that area. Then I went into the air force and never moved back.

The flow chart that we normally use here asks for the CEO to explain rationale for refusal of a permit. There is no refusal of a permit. That is not applicable. I will give you the opportunity. Do you have something that you want to add at this time?

Phil Sommer: No.

Chairman Burgie: Thank you. Visitation reports?

Jonathan Gage: I went there this afternoon and after conferring with Bill Grove to make sure it was okay to go on the property I went up to the top.

Daniel Crowley: I got that call around Bemis Point.

Jonathan Gage: I wanted to make sure I did not do anything wrong. Saw the area where the trees were down and saw the markers in the roadways and all that. Gave me a better idea of what you are looking for and what the variables are on it.

Carol Dulski: I must have followed you up because I saw the exact same thing.

Jonathan Gage: Okay.

Chairman Burgie: I did not get a chance to go up. I drive by it just about every day coming down here. I am up on County Road 33 just north of where you are.

Daniel Crowley: Okay. Excellent.

Robert Bacon: Dan and I met probably within the last hour. So we looked at it the clearing. We talked briefly and introduced myself. I understand what is going on.

John Holtz: I went up there Sunday night. I wish I had bug spray or a hat when I was there. I walked up and saw the mystery road that kept going, which was one turn and saw the trees down. I figured that is what you are doing here. I am walking back down and noticed the pond. The pond was referenced in the letter that we will talk about.

Barbara Howard: I went up this afternoon before I went to the Hospice House and could not get very far up the road so I started walking it. I did not walk far into the property. As you have, I have driven by it tons of times. I do know what it looks like.

Martin Gordon: I went up there just before the meeting. I saw your truck and A-frame. I saw the trees down. I read the letter that addresses the trees. It looked like there was an existing trail maybe along where the trees were cut down.

Daniel Crowley: Correct.

Martin Gordon: Based on the survey that I took with me and some of the land marks the trail is on your property?

Daniel Crowley: It is.

Martin Gordon: Okay. I had a question where is this trail? That must be the trail. I turned around and walked up to the A-frame saw that briefly and also saw that third road, which I guess goes to Mr. Hughes property. I believe they are here.

Daniel Crowley: The gate goes back into Mr. Hughes property.

Martin Gordon: I also saw some no trespassing signs. I took a picture of it.

Daniel Crowley: It said J & T Properties?

Martin Gordon: Yes. J & T Properties.

Daniel Crowley: That is who I bought it from.

Martin Gordon: I just wondered who J & T Properties were.

Daniel Crowley: It is Chuck Potter. He owns the adjacent property.

Martin Gordon: I did see a little erosion on the gravel driveway going up to the A-frame, but not any reason I consider to be extreme.

Daniel Crowley: I saw the same. I was last here six weeks ago when we were wet. I can see it run in there a little bit. Based on the rain that Tim let me know we had received here I was surprised it was not bad.

Chairman Burgie: Next thing that we are required to do in this sequence of activities is look at the State Environmental Quality Review Act (SEQR) and make a determination of any possible large magnitude of impact to the environment. SEQR is broken into three different types of actions that we do. One, is a type I action where there could be major impact. I do not remember the name of the development now that we went through for so long over by Bristol Harbour.

Diane Graham: Everwilde.

Chairman Burgie: That is a major development and we were going round and round in circles doing a full blown study on that. Type II actions that the state has already determined are not likely to cause any major impact and no further study is required, if it is a type II action. If it is not listed in type I or type II actions then it is called unlisted. We need to go through a short form SEQR to determine if there is any potential that we should do more investigation. In this case, this falls under a type II action under paragraph 617.5(c)(11) construction or expansion of a single-family, two-family or three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph 617.5(c)(13) any installation, maintenance and/or upgrade of drinking water, well, or septic system or both in the conveyance of land in connection thereof. That is a type II action. Under type II action we are not required to do any more study of this. When we get to findings, I will open it up right now to see if anybody has any comment on that. It is pretty clear this is simply a type II action under that paragraph.

Robert Bacon: Agreed.

Chairman Burgie: Agreed. Okay. When we get to findings, we will document that. The findings that we are going to be doing in a few minutes are our facts we are documenting to support the decision that we make to grant or not grant the special use permit. So that will be the first finding we make. No further action is required at this point. We are now to the point where we are going to open the meeting hearing up to a public hearing and allow any other interested parties to speak about their concerns or support or whatever it may be.

Matt Kirsch: Hi everybody. I am Matt Kirsch. John Price is my partner so you probably have his letter there. I live at 6800 County Road 34 where the pond is. I appreciate the chance to speak here. It is great to see my neighbors in person and welcome Dan to the neighborhood. I will summarize it quickly. Just have three main things we want to discuss. The first one is not a huge deal. Just has to do with the trees down. Most of them do not hit our property, but there is a really big one that felt like it was on our property a little bit. We have little trails. It is not that big trail. I think Paul actually cut that back in the day. A small trail on our slice of forest there is blocked now. We are asking for courtesy of moving those trees. The second one, it is great to hear that Dan is not thinking about renting the A-frame. When you do a simple Google search you see the website Bristol Glen Cabins, which is plural so it made me nervous, like what? We want to know why the website is still up. Is that still an intention? You can do what you want with your property and that is cool. We do not want to tell anyone what to do. We just want to know if that is going to be a neighbor or is that going to be a business right on top of our land. We want to be clear about those intentions. It is obviously a major stipulation in what you guys are voting on, right? The third one, which is the one we are most worried about is the runoff from the road. Jim, whose parents we bought the house from grew up in the house and one thing he told us is that road can wash out. If it does all that mud goes right into our pond. We have a garden there so we want to make sure that is being addressed. There is a culvert on the road right now and it currently blocked. I think that is actually a good thing because if it is not blocked, I think the runoff goes right onto our land. We are right down the hill. I think Jim can speak more to that since he grew up there and lived here his whole life. I have not seen that, but is

something I am nervous about so I want to make sure whatever building and clearing is taking that into account. We do not want our pond, which is stocked with fish and we fish in it. Our dogs swim in it. We do not want that to be ruined. We just care about that. I think that is really all. Thanks for your time.

Chairman Burgie: I want to address the third one. The concern that you have. Have you had any runoff that did affect your pond from that road?

Matt Kirsch: No. Nothing since I have been here. It has been almost three years. I think maybe that has to do with the fact the culvert is actually blocked right now. I wanted to make sure that there was not any intention to unblock that because I do not think it works. I know Jim can speak to that more. I have not seen anything. It has been fine so far.

Chairman Burgie: Would you like to address any of those concerns?

Daniel Crowley: I can, sure. So the first one in terms of removing the trees. I assume where you got the wildlife camera set up?

Matt Kirsch: Yes. That is one of them.

Daniel Crowley: I did not cut any trees down in that area. The only place that I have actually taken any trees down is closer to Mr. Hughes property. If there is a tree that is across the trail up there it would have fallen. There is some Russian olive shrubs that are pushed to the side of the driveway up there. I have not taken any trees down up on that side.

Matt Kirsch: There are tons of trees down by there. Maybe we are thinking about the wrong spot.

Daniel Crowley: Here is what I will offer. I am here all next week. I will give you my cell phone. Let's set up a time. You show me what you are talking about and if it on your property, I will move at that moment.

Matt Kirsch: Cool. Great.

Daniel Crowley: The second one, in relation to the website as Diane can tell you I got up to the day of getting my rental permit. At that time I learned of the impacts to the house. Had a short conversation with Phil Sommer and I said, "well should I get the permit?" Phil said, "There is no need to based on what you say you are going to do in terms of not renting it" so I pulled the permit application. I had already done the work to make repairs to the A-frame, invested money, and brought it up to the emergency evacuation procedures with smoke detectors and everything that was required. I believe the permit was about to be granted. Along with that I have an LLC that is formed. I have a DBA that is formed and approved. I had a listing ready to go. So the only thing I did is change the opening date to 2022. I figured I have done all the work. It is clearly stated on any public facing material that I am doing renovations. It does not open until 2022 and that is what is out there. So it is not clearly rentable. There is a very involved process to be able to rent it that I will go through when the time comes, but until then it will not be rented.

Chairman Burgie: On that item you will see as we go through the requirements for the special use he is not allowed to rent it. It will be against the Town code as long as two residences are on the same property. As long it is combined in the same property it will not happen.

Matt Kirsch: Okay. Great.

Daniel Crowley: If I decide to go through with the subdivision and it is granted and granted the permit, maybe at that point and time, but that is completely hypothetical at this time. I just do not want to undo all the work that I have done until I am sure that I am not going that route.

Chairman Burgie: Sure.

Matt Kirsch: Is the subdivision process something that the Town votes on or is that totally separate?

Chairman Burgie: As long as it meets all the code requirements he can be granted a subdivision. There is tax implications and things of that nature. Is a permit required for a subdivision?

Phil Sommer: No.

Matt Kirsch: I feel that takes our concerns out of it. Obviously, that is going to get granted in the future and we really do not have a say in that. Shouldn't his intentions in the future be weighed for the permit today?

Chairman Burgie: His intentions for the future have nothing to do with the specific requirements that have been laid down by the Town Board for us to review here. As long as they are on the same property he can be granted a special use. If he were to divide it today, put in for a permit to build that residence and the permit for the rental he would be granted those because it is within the Town code.

Matt Kirsch: Okay.

Chairman Burgie: Now your concerns with storm water runoff and things of that nature are all valid. As part of the short-term rental process you will all be given a copy of the permit so you know what the requirements are on him to maintain quiet and health and emergency access and all that kind of stuff. You will know and contact him if there is a problem that does arise, but this Board will have nothing to do with that at that point. We have to follow what the Town Board has specified as the special use requirements.

Matt Kirsch: Okay.

Martin Gordon: I have a question before you get to far down the road here, Tom. I say that purposely down the road because I want clarification of item D in our §170-38. All such structures shall be served by the same access road or driveway for emergency vehicles. Obviously, the two structures are not served by the same contiguous road or driveway.

Chairman Burgie: It would be an extension off from the existing.

Martin Gordon: It is a fork. Does that count as the same?

Chairman Burgie: That is the same access to it, yes.

Daniel Crowley: I received some pretty good feedback from Bob sharing personal knowledge being an EMS to say mark that. If you are going to have two structures up there clearly mark, which goes where and what is what. It is great advice. I take that to heart.

Chairman Burgie: That will be another item on the list we have to review. They have to be served by the same postal address, but for emergency purposes one will be A and one will be B. You need to clearly mark that.

Daniel Crowley: One hundred percent. Yes sir. Thank you.

Bill Grove: For short-term rentals they have a public hearing?

Diane Graham: Yes.

Bill Grove: So you will have a chance if he does decide to move forward with the rental that you will be notified about that and a chance to speak of any concerns at that time.

Daniel Crowley: Which it would have already been. I was already at the public hearing point.

Diane Graham: Yes.

Daniel Crowley: I would like to take a second to make a general comment to my neighbors and we have met. My understanding speaking with Jim, Matt, John and Chuck Potter who I bought the property from and Mr. Hughes who has the hunting camp behind me that for a period of about twenty years people had basically free use of this land. So I know Matt and his partner walked up one day and told me how much they enjoyed using the hiking trails in there. Mr. Hughes hunted the property. It is not lost on me that sometime change is hard, right? Human instinct for fear of the unknown and I get that. I want to put out their publicly. My address is public. I am willing to give my contact information to anybody. I am after two things: peace and quiet. It is my goal that you not know I live up there. It is my intention as a positive thinker and I want to be a good neighbor. I am a handy guy and who knows. I want to have good neighbors around me. I want to make public for anyone who is here behind me who happens to be a neighbor just to say that is what I want to be. If the land was used by permission of the prior owners and all that other stuff, I understand that. However, that is going to be my home and I think that if everyone uses their own property and has the quiet peaceful enjoyment of their own property that is the best way to move forward.

Matt Hirsch: I totally appreciate that. Neighbors around here are so valuable. Jim has fixed my lawnmower. I do not know anything about living here. I lived in LA. I totally agree with that. I want to put on the record particularly the erosion for the water because that could do major damage.

Daniel Crowley: I do not want to drive into your pond.

Matt Hirsch: I have heard people have done that before. Well thanks for your time.

Daniel Crowley: Thanks Matt. Appreciate it.

Shirley Hocking: I am Shirley Hocking. We live down below you.

Daniel Crowley: Hi Shirley.

Shirley Hocking: Hi. My husband Paul.

Daniel Crowley: We met. Yes. You are in the green house?

Shirley Hocking: Yes. You have pretty much have covered everything that I had on my list. I am curious about how big a house you were going to put back up in there?

Daniel Crowley: About 2,400 square feet.

Shirley Hocking: I did already see on the map it is going to be the setback from the top of our property was about 146 feet?

Bill Grove: One hundred forty-three to the garage.

Shirley Hocking: So that is not bad. My husband did make the trail that went around the property.

Daniel Crowley: I have heard the legend.

Shirley Hocking: Both of us are not in any shape to do hiking anymore. I have not been up there in ages. I do not have my horses at home anymore so I do not ride up there either. There was one thing that I am not sure you are aware of. We had some trees taken down on the side bank this past year and found out that that bank is very unstable.

Daniel Crowley: Yes.

Shirley Hocking: I was not sure if you were aware of that and maybe you should be.

Daniel Crowley: I have walked the property extensively and found all the pins except one. I think Bill Grove will attest to this my first effort was how close could I get thing to the center of that?

Shirley Hocking: I noticed it was just about center.

Daniel Crowley: Second is I like nature the way it is. The least amount of it I can take out of there is my plan. Yes. I do see a lot of movement over there.

Shirley Hocking: The whole bank we were not really aware. I have been shoring it up and we actually put a rock bank in behind our house because the creek was about a foot off the barn at one point. I did not realize how unstable that hill was until they tried to get some equipment up in there and they couldn't. It just kept sliding. I was not sure if you knew about that. If you were going to come over that way at all, its pretty bad.

Daniel Crowley: No. Thank you.

Shirley Hocking: That is pretty much all I had to ask about. Everything else on my list has actually been answered.

Town of South Bristol Zoning Board of Appeals Meeting Minutes 06.23.2021 Approved

Daniel Crowley: Excellent. It was nice to meet you.

Shirley Hocking: Nice meeting you too. Thank you.

Paul Hocking: Would it be alright if I go up with my tractor on the trails that I made to check on our property?

Shirley Hocking: That is the only way we can get up there anyhow.

Paul Hocking: I cannot walk up there.

Daniel Crowley: Honestly, Paul I think I would rather not have you on my property. No offense intended, because I stated I will stay on mine and you stay on yours. I think that is the best way to have it. Okay.

Paul Hocking: Okay.

Diane Graham: Anyone else wish to speak?

Paul Hocking: I am done.

Jim Collins: You picked a beautiful spot by the way. I am Jim Collins. I grew up in Matt Hirsch's house. Been there since I was little. There is a culvert that runs just as you go up and it flattens out. You do not see it. It has never worked.

Daniel Crowley: Okay.

Jim Collins: That is what puts me in fear for him if for some reason you go through there and ditch that and open the culvert back up. That would put them into a world of water that they never had before. I did do the property maintenance for Jeff Jones who previously owned the lot.

Daniel Crowley: That is why the road is still good. You did it.

Jim Collins: I hand ditched everything just because Mom and Dad were still at the house. If you do not get the leaves in the spring time out of the ditch, it will cut that corner and go into the pond. It has done it a number of times. I have seen arguments between Dad and Jeff. It does get a little hairy up there if you do not get them cleaned out. It does not take much.

Daniel Crowley: Yes. I recall that from when you walked up that day.

Jim Collins: You did. You picked out a beautiful spot for it. It is awesome. Thank you.

Daniel Crowley: Thank you.

Chairman Burgie: Anyone else want to make a comment in the public meeting? Then we will close the public hearing. Do we have any municipal officer's documentation that we need to do? We do have a public letter here.

Diane Graham: The archeological determination.

Chairman Burgie: Yes. That is right.

Bill Grove: The SEQR did trigger a positive response for question 12b, which is potentially located in or adjacent to a designated area that is sensitive to NYS SHPO. In other words, I said it in the wrong order of what it says here so I am going to read it. Is the project site located in or adjacent to an area designated as sensitive for archeological sites on the NYS Preservation Office Archeological Site Inventory? So the answer to that question was yes. Based on the location. When we fill out the SEQR form, we specify the lot. We go the NYS environmental mapper website and specify what lot it is and it automatically propagates answers to some of those questions. The next step is we have to submit the project to SHPO for further review, which they did. They got back to us June 2nd and said we have reviewed the provided documentation. Based on this review the Office of Parks and Recreation and Historic Preservation has no concerns for archeological or built historical resources. We are clear on any kind of SHPO. This project being off the lake did not trigger bald eagle yes response so we did not have to seek that.

Chairman Burgie: Good. Thank you. I think we have discussed everything that it is in this letter from Mr. Price. We will attach this to the minutes. Was there any confusion whereas this is a very long letter? Should we read the entire letter into the record? Does anybody wish to see that? No. Okay.

Daniel Crowley: I have a copy.

Chairman Burgie: I think we discussed everything in the letter so we will attach it to the minutes. The main things that we are going to be discussing here and I am going to open up to ZBA discussion in a minute. Just to make sure that everybody understands what we need to document when we are done with the discussion we get our findings. We have already discussed the SEQR. We need to discuss whether or not this is consistent with the comprehensive plan of our Town. Whether it will have any adverse effect on the character of the neighborhood. Whether this could be detrimental to nearby properties. Whether it will have an adverse impact on the physical or environmental conditions of the neighborhood. Then we go into the special use requirements. Those are general requirements. Anytime it comes to the Board we need to look at that for anything we approve building. These are really easy to meet these requirements.

- A. The owner of the lot must own all structures on the lot.
- B. Additional residential structures permitted as special use shall not be leased or rented.
- C. All such structures shall have the same postal address.

It really needs to be modified to an A and B because emergency response does want to know which structure to go to.

Daniel Crowley: Is there some official filing that I need to make because the fire department works off a database, correct?

Diane Graham: Phil Sommer.

Daniel Crowley: Excellent.

Chairman Burgie:

D. The site plan shall be submitted with the application for the Planning Board review and approval.

I assume that has been done?

E. Landscaping when found necessary by the Planning Board shall be provided.

That is not dictated by us. The last two actually go to the Planning Board. We need to make sure you are working with them also. So really there are four requirements for the special use. You will meet all of those from what I understand so far. Then general adverse effect on the neighborhood or the environment.

Martin Gordon: The way that B is written how do we interpret that? It says additional residential structures permitted as special use shall not be leased or rented. So that means their new house should not be leased or rented? That does not preclude the existing A-frame.

Chairman Burgie: We have read as the two properties cannot be leased or rented. If you read further into intent for allowing additional residential structures on the same lot, it is to allow family additional space to come together. It is not to allow rentals.

Martin Gordon: Okay.

Chairman Burgie: I open it up to ZBA discussion and debate.

Robert Bacon: I do not have any discussion or questions.

Chairman Burgie: Nobody?

John Holtz: The only question I have is why you didn't just divide the land because you would not have to go through this now?

Daniel Crowley: Two pieces. I would have had to come up with \$25,000 in cash for the reduction in the value of the property by splitting off the land. I came down to the decision of do I come up with \$25,000 in cash, get \$25,000 in rental income or do I just not do it. Honestly, that was the deciding factor. There was some discussion that I got into around potential frontage requirements on a subdivision. The property has a small frontage on State Route 64. It is not wide enough to be an access frontage on a state route. It has to be 100 feet. There is 300 feet of frontage on County Road 34. I got some input from Rocco. I would have to get into a special use or dedicated use drive designation with the property if the same drive were to access two properties. I quickly came to the conclusion of it is just not worth it. As I said, our primary interest is to get the house built and get here. That is my guiding principal. That is why I decided to go that route.

John Holtz: Okay.

Daniel Crowley: Thank you.

Chairman Burgie: Good question. Is there any other discussion, questions, anything that anyone would like to ask?

Martin Gordon: I think it has been asked already, but why not double check. So you have this website.

Daniel Crowley: Yes.

Martin Gordon: It is still up. I checked it out.

Daniel Crowley: Yes.

Martin Gordon: For what it is worth maybe it would give your neighbors comfort if it was taken down.

Daniel Crowley: That may be. I think it is pretty clear on there that it says it is not open. I do not know. I guess I would ask for input from the Board in terms of any thoughts that they have. I am not technical enough to know if I take it down do I lose it. I know I own the domain. What do I put up there to do so? I would be curious to learn people's thoughts.

Robert Bacon: I worked in the IT field, but have been out of it for seven years. There is a phase where you can publish or you can unpublish. So you do not actually lose a code. The code is still there. I do not know what site you have rented this space on, but that is my advice. Just a piece of mind from the community or from your neighbors maybe look into the option of whether you can remove the publication.

Daniel Crowley: Sure. Okay. I will look into it.

Barbara Howard: I would agree with Bob. The general public sees this. This is going to be really cool and looking for more information. You decide 18 months from now you are not going anywhere near that, but these people are out there asking when is he going to do this thing? I think it would leave a bad taste in my mouth if I for two years have waited that this nice building is going to be for rent. I want to rent it and they say you are not going to do it. I think you are better off going the other way and quieting it down and bringing it back up.

Martin Gordon: One other point I forgot to mention from firsthand experience having had rental property. You have an address on there.

Daniel Crowley: Yes.

Martin Gordon: You are inviting people to come see that property.

Daniel Crowley: That is a good point. I appreciate that input.

Chairman Burgie: Anyone else? It time to document our findings and they will lead to approval or disapproval.

Finding #1

Thomas Burgie moved that this is a Type II action under SEQR regulation paragraph 617.5(c)(11) construction or expansion of a single-family residence on an approved lot including provision for

necessary utility connections as provided in 617.5(c)(13) and the installation, maintenance and or upgrade of a drinking water well or a septic system or both on conveyance of the land in connection thereof.

Robert Bacon seconded the motion.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Finding #2

Thomas Burgie moved that the use is consistent with the Comprehensive Plan of our Town. Martin Gordon seconded the motion.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Finding #3

Thomas Burgie moved that the use is consistent with the purposes of the zoning law of our Town. Carol Dulski seconded the motion.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Finding #4

Thomas Burgie moved that the use will not adversely affect the character of the neighborhood. Robert Bacon seconded the motion.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Finding #5

Thomas Burgie moved that the use will not be detrimental to nearby properties. Barbara Howard seconded the motion.

John Holtz: I am still thinking there is a question about that.

Chairman Burgie: The site plan needs to go to the Planning Board. They are going to be looking at the plan for the roadway and the house construction and all that kind of stuff. What were the words for it? The landscaping when found necessary by the Planning Board. I think that is probably the place to address runoff.

John Holtz: The culvert issue and landscaping?

Chairman Burgie: The culvert. They are going to do a much detail look at the site plan and what is being proposed.

Martin Gordon: If they are going to look at it further, how can we say it is not going to be detrimental? We do not really know at this point. We are thinking it is not, but we are not sure. We are going to leave that to the Planning Board so how can we have that as a motion?

Robert Bacon: Do you want me to answer that?

Chairman Burgie: Go ahead.

Robert Bacon: My understanding is we are not in the governance mode. The Planning Board is. It is our assumption that the Planning Board will comply with the existing requirements.

Barbara Howard: Has the survey gone before the Planning Board?

Bill Grove: Preliminarily. Yes.

Barbara Howard: They have to go back?

Bill Grove: Set the public hearing for July 21st.

Chairman Burgie: I understand your question, but we are again dual responsibilities here and they are dealing with the site plan. Our responsibility is to ensure a site plan has been submitted to them. He cannot build until that site plan is approved.

Martin Gordon: I do not want to hold this up, but does that have to be a motion to have this go on to the Planning Board.

Chairman Burgie: Does it have to what?

Martin Gordon: Do we have to have that say will not be detrimental for it to go on to the Planning Board?

Chairman Burgie: We are required to address whether or not it could be. We could make conditions to ensure that is a true statement. Building a house up there is not going to be detrimental to it if it meets all the other requirements. The runoff certainly could if it is not handled properly.

Daniel Crowley: Does it make any difference that it is existing. I am not changing that.

Bill Grove: The proposed driveway and the proposed house construction and all that. That flows a different direction. It does not flow back down.

Daniel Crowley: I am not making any changes to the part that they were talking about that there is potential runoff. If it is a problem, it is a problem today. If it is not a problem, it has not been in the last three years, then it is not a problem.

Martin Gordon: Let me ask you a question then. Were the neighbors' concerns based on increased vehicle traffic on that road?

Daniel Crowley: I do not see that there is going to be increased vehicle traffic on it. I do not know. I guess they can answer it.

Bill Grove: There would be some for construction.

Chairman Burgie: It is stated in the letter that one of the concerns "*We are concerned about a potential washout of the road that will be utilized for construction onto our property.*" So the main concern here looks like the construction traffic going up there. Phil, how is that addressed as far as permit? What are the requirements for ensuring runoff is handled during construction?

Phil Sommer: That gets all reviewed prior to a permit being issued. I make sure all the storm water controls systems are in, silt fence, swale, check dams, whatever. That will all be on the site plan and gets reviewed by me, by the County and then we go back to Bill Grove if we have any suggestions and I go up and check it to make sure that the silt fence stays in place. It was put in the proper location before construction starts. So there are checks and balances before any backhoe or any excavator puts a hole in the ground.

Chairman Burgie: Thank you. Does that address your concern?

Martin Gordon: My only concern is I do not want to hold this up. I do not want to hold it from going to the Planning Board, but I also want to be true to what our attestation is and they are under our control. So if we say it is not detrimental. I am thinking to myself would I want to say this is not going to be detrimental to nearby properties. At this point, during construction I am not sure. I am not sure if it will be or not. If Phil said they will be, then it will not be detrimental. If what Phil says and I am sure it is true it is fine then. It will not be detrimental at any time construction or otherwise to nearby properties. I want to make sure we knew that. Sort of going off on what John Holtz said I did not know if our discussion had been concluded, but I think now it has been. So my questions are answered and I am fine.

Chairman Burgie: So you are happy with that?

Bill Grove: Are your findings based on the idea of two dwellings on one parcel or is the nuts and bolts of how those dwellings will be put there? The construction process and that sort of thing. I look at it as more you are dealing with it from a zoning perspective. The special use is about the two dwellings on one parcel. Would that be detrimental to neighbor not specifically a runoff question?

Chairman Burgie: The specific wording of this item we need to consider is the use will or will not be detrimental to nearby properties. The use.

Martin Gordon: The use.

Chairman Burgie: The use would be the second residence. That will not be detrimental if the safeguards are in place before construction.

Martin Gordon: The construction is not the use.

Chairman Burgie: Right.

Martin Gordon: It changes things. So we can clearly say the use will not be detrimental.

Chairman Burgie: So are you happy with that. Okay.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Finding #6

Thomas Burgie moved that the use will not have an adverse impact on the physical or environmental conditions of the neighborhood. Robert Bacon seconded the motion.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Chairman Burgie: Those were just general for you to build something. Now we get into the specific special use requirements. There are only four that are applicable here. Well, all six are applicable, four to this Board.

A. The owner of the lot must own all structures on the lot.

You will be the owner of all structures?

Daniel Crowley: Yes, sir. I am and will be.

Chairman Burgie:

B. Additional residential structures permitted as special use shall not be leased or rented.

Daniel Crowley: They will not be.

Chairman Burgie:

C. All such structures shall have the same postal address.

Phil can help you with how to make the A and B.

Daniel Crowley: Understood.

Chairman Burgie:

D. All such structures shall be served by the same access road or driveway for emergency vehicles.

Daniel Crowley: They are and will.

Chairman Burgie: You have submitted a site plan. We see the site plan and you have submitted it with the application for Planning Board review and approval. Landscaping when found necessary by the Planning Board shall be provided.

Finding #7

Thomas Burgie moved that this application meets all of the special use requirements in paragraph §170-38 additional residential structures on the same lot. Robert Bacon seconded the motion.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Chairman Burgie: Any other findings that anyone feels we need to address?

Robert Bacon: Should we clearly state and I think we have already said we have a letter from the neighbor. State that there is concerns there that will be forwarded to the Planning Board for consideration when they issue the permit.

Diane Graham: The letter was already forwarded to the Planning Board members at the same time as your Board.

Robert Bacon: Then it is covered. We have communicated the concern.

Diane Graham: Yes.

Chairman Burgie: Do you want to make that a finding?

Finding #8

Robert Bacon moved that we have received a letter from John Price stating three primary concerns. We believe two of three have been addressed here tonight and a third concern being more erosion during construction will be addressed by the Planning Board and by the site landscaping plans. Thomas Burgie seconded the motion.

All in favor.

Ayes: 5, R. Bacon, T. Burgie, C. Dulski, J. Gage, J. Holtz

Nays: 0

Motion carried.

Chairman Burgie: Any others? Then any conditions required? I believe the only conditions that I would consider are going to be addressed as part of the site plan by the Planning Board. I do not want to make any. No.

Robert Bacon: No conditions.

Chairman Burgie: Then I would petition a Board member to offer a motion to approve or deny the applicants request.

Martin Gordon moved to approve a special use permit for a second residence on the same lot. Robert Bacon seconded the motion.

Vote of the Board:

Robert Bacon – Aye
Thomas Burgie – Aye
Carol Dulski – Aye
Jonathan Gage – Aye
John Holtz – Aye

Motion carried.

Chairman Burgie: Good luck with the construction. I hope everything goes smoothly and for the neighbors it does not cause any problem. The mitigating factors can all be implemented to make sure you do not have any problems.

Daniel Crowley: Me too. The Board has my word as do my neighbors that my concern is to make sure it is done by the book.

Chairman Burgie: Good. I think you will find mostly very good neighbors here who all want to protect the environment and be helpful with each other.

Daniel Crowley: Yes. Understood. Good because we do too. I have dealt with ordinance and Boards in other states and things. This has been a pleasure in comparison.

Town of South Bristol Zoning Board of Appeals Meeting Minutes 06.23.2021 Approved

Chairman Burgie: Anything else we need to discuss at this meeting? The rest of this is administrative so if you want to stay and listen you are welcome to, but you are done with your part.

Daniel Crowley: Thank you. Nice to meet you all.

Other

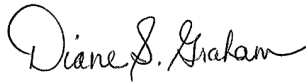
Diane Graham reminded the Board to activate and complete NYS Compliance Discrimination and Harassment Training.

Barbara Howard apologized for being late to the meeting tonight as she was volunteering at Hospice House.

Motion to Adjourn

Being no further business, Robert Bacon moved to adjourn the meeting. Jonathan Gage seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:15 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham".

Diane Scholtz Graham
Board Assistant

Appendix – Application 2021-0024 Neighbor's Comments

To: South Bristol Board of Appeals

Hello, my name is John Price. I own 6800 County Rd 34, the 6-acre lot below the hill from the proposed building site. I am out of town for work and am submitting my concerns via email.

We have three main concerns, we're hoping the board can address:

1. Mr. Crowley has begun constructing a road to the building site. There are a few trees that were downed on his land then fell at the edge of our land, at the top of our property. We've been building a trail up there because there's a sweet lookout spot of our house and property that we can't access now without going into Mr. Crowley's property. So we kindly ask that those trees and debris on our land be removed.

2. We would also like clarification about Mr. Crowley's intentions for the A-frame on the property, so that we can prepare if a business is opening up next door. In January, the A-frame was listed on Google as a rentable property, as well as the website <https://bristolglencabins.com/> was registered around the same time. We have no issue with what Mr. Crowley wants to do with his property, so long as we're aware of the timeframe for when it will be rented and that it follows the local laws passed to protect the tourist industry here in South Bristol. The A-frame is close to our pond and our wooded area so we would want to put up no trespassing signs, etc, if there will be tourists next door rather than a neighbor.

3. We are concerned about a potential wash out of the road that will be utilized for construction onto our property. When we bought the property the original owners, who built our house, warned that one of the biggest dangers to the health and longevity of our pond and woods was that the steep gravel road that cuts up the westside of our property had the potential to wash out during heavy storms. Additionally, there is a blocked culvert on Mr. Crowley's property that if unblocked would release runoff and the additional debris from the clearcutting into our backyard. This may be an issue for the Public Hearing next month, but we'd like to know from the Town Board and the owner if there is a potential for our insurance rate to increase, if there is an accident with the heavy machinery or a washout or large run-off from clearcutting, we want to ensure the value of our property, and we want to know where to go if an accident takes place.

We plan to live in this home for the rest of our lives, hopefully another 50-60 years. So we want to make sure that the health of our shared forests stays strong, after fighting the gypsy moths and invasive beetles, we want to ensure that our fruit trees, and garden will be there for us and generations to come. Additionally, we're very concerned about Harmful Algal Blooms reaching our natural pond, which we, and our neighbors fish out of, and our dogs play in daily. The one area scientists say we can control the spread of HABs is reducing runoff into the watershed. So our main concerns are that the long term effects of this plan be accounted for, and if things go wrong, who will be accountable for potential cleanup and damages.

We trust the Town Board will make a fair decision, and we thank you for your time and service to the town.

Best,
John Price
6800 County Rd 34
Naples, NY 14512
307-258-5605