



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

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## **Planning Board Meeting Agenda**

**Wednesday, September 15, 2021**

**Short-term rentals will start at 6:30 pm with the regular meeting immediately following**

Hybrid meeting in-person (face mask required) or Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/88939932999?pwd=Rk00YlVJSVhrK2k1VTdsYkhnUmtsdc09>

Meeting ID: 889 3993 2999, Passcode: 603216

### **Call to Order**

### **Pledge of Allegiance**

### **Reading of Vision Statement**

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

### **Meeting Etiquette**

### **Minutes**

Approval of August 18, 2021 Planning Board Meeting Minutes

### **Short-Term Rental Old Business**

#### **Short-Term Rental Application 2021-0032 (Public Hearing)**

Owner: Ian M. Boni  
Representative: Ian Boni  
Property: 6836 County Road 34  
Tax Map #: 177.00-1-35.000  
Zoned: R3 (Residential 3 Acre)  
Sleeping Occupancy: 4

#### **Short-Term Rental Application 2021-0033 (Public Hearing)**

Owner: J Pak Properties LLC  
Representative: Jeremy Havens  
Property: 4 Cliffside Drive  
Tax Map #: 168.16-1-9.004  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6

**Short-Term Rental New Business****Short-Term Rental Application 2021-0035 (Preliminary)**

Owner: Duane Cera & Diane Cera  
Representative: Diane Cera  
Property: 163 Cliffside Drive  
Tax Map #: 168.16-1-3.163  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 4

**Short-Term Rental Application 2021-0036 (Preliminary)**

Owner: Troser Aerial Park LLC  
Representative: Steven Fuller  
Property: 11 Northstar Drive  
Tax Map #: 167.71-1-11.000  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 8

**Regular Old Business****Site Plan Approval Application 2021-0031 (Public Hearing)**

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

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 2021-0034 (Preliminary)**

Owner: James A. Spillane  
Representative: James Spillane  
Property: 5740 Stid Hill Rd  
Tax Map #: 177.00-1-8.000  
Zoned: R5 (Residential 5 Acres)

**Other****Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, September 15, 2021**

**Present:** Mary Ann Bachman (Participated via Zoom)  
Ralph Endres  
Jason Inda  
Michael McCabe  
Matthew Sousa  
Michael Staub

**Excused:** Sam Seymour

**Guests:** Jeremy Havens  
Ian Boni  
Diane Cera  
Steven & Wes Fuller  
Charles Kenton  
James Spillane  
Dan Crowley  
Phil Sommer  
Steven Cowley  
Lindsay Bolton

### **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 Sam Seymour.

### **Reading of Vision Statement**

Michael Staub read the Comprehensive Plan Vision Statement.

### **Minutes**

Michael Staub moved to approve the August 18, 2021 meeting minutes as written. Mary Ann Bachman seconded the motion. The motion was unanimously adopted by all Board members present.

### **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:

2021-0026 for property owned by Adam & Nicole Tesavis, 45 Cliffside Drive,  
Tax Map #168.16-1-6.045

2021-0027 for property owned by Benjamin & Marian Hinton, 40 Cliffside Drive,  
Tax Map #168.16-1-6.040

2021-0028 for property owned by Christopher Bennem & Lisa Moore, 5680 Seneca Point Road,  
Tax Map #168.20-1-36.000

2021-0029 for property owned by Sara C. & Dominic A. Corona; Galina & Michael J. Campanella, Kate  
Marie & Jason Spencer Zobkiw, 6069 Hicks Road,  
Tax Map #168.00-1-52.000

Said hearing will take place on the 18th day of August, 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

Short-Term Rental Application 2021-0032 (Public Hearing)

Owner: Ian M. Boni  
Representative: Ian Boni  
Property: 6836 County Road 34  
Tax Map #: 177.00-1-35.000  
Zoned: R3 (Residential 3 Acre)  
Sleeping Occupancy: 4

Chairman Sousa: I know you were here last month, but could you introduce your project very briefly for  
the Board and for the record?

Diane Graham: Actually he was not here last month.

Chairman Sousa: You were not here?

Ian Boni: No.

Diane Graham: A representative was here so you might want to do the whole spiel.

Ian Boni: Okay. It is new property recently bought the end of May. Hope to rent this out like my other  
property around the corner. This is the business I am in. It is a small single family home up on the hillside  
off County Road 34. Hoping to have family there or weekend skiers. Same as I do on the short-term stuff.  
It will be on VRBO more than likely for weekend rentals.

Chairman Sousa: Nothing has changed related to your application since last month?

Ian Boni: There has not, no.

Chairman Sousa: Does anybody have any questions?

Mary Ann Bachman: So are you the local contact/manager of the property, if there is a complaint?

Ian Boni: Yes. I take care of everything. Correct.

Chairman Sousa: Any other questions? Hearing none. I move that based...

Diane Graham: Did you want to ask the public?

Chairman Sousa: Yes. Are there any questions or comments from members of the public in attendance? Yes. I am sorry I jumped the gun. I skipped over you.

Daniel Crowley: Hi, thank you. I am Dan Crowley. I own the property at 6830 County Road 34. The reason I am here is I just got the notice last week. Thank you for letting me talk. I apologize this is not in writing, but I have been scrambling around getting facts. The driveway that Mr. Boni accesses his property traverses my property through a right-of-way. That is why I am here. First, I want to compliment Mr. Boni. He has been great to communicate with. We have already met. I think we are going to end up with a great resolution here of the use of the right-of-way. I called my insurance company to figure out would I be covered in terms of renters crossing the property and stuff like that. They indicated that I really would not be. She suggested that perhaps Mr. Boni could add me as an additional insured, which to his credit he has already done today. We have corresponded. We have met. He has been great to deal with. I think we are going to be able to come up with a solution here. I think the alternate plan that Ian is also indicated he intends to build his own driveway with access to County Road 34. I guess there are permits that are already halfway done. Cory Rogers who I am using to do my site work because I am building a house up there happens to be the guy that I had gotten the quote for before. Hopefully he will be up there knocking everything out in one sitting. The reason that I want to make a comment though is on the advice of the insurance agent. She said you may want to talk to a real estate attorney about what is in that right-of-way. I did that and, of course, it ended up being somebody that Ian is good friends with so he said, sorry I cannot help you. It was Don Cheney in Canandaigua. Before I let him know that he did tell me that, as I understand it from him, the existing right-of-way language was written in 1965. He basically said, it does not really contemplate the current usage. There is no mention of invitees, guests, commercial activity or anything like that. He basically said, "as is" it does not really fit for what we are talking about. Ultimately with the new driveway hopefully it becomes a non-issue. I think if it has to stay in place and Ian suggested today and I agree with him that it would need to be re-written to accommodate what we are talking about from the usage standpoint. Ian has pledged we are going to get a solution to this before he has renters in there and I appreciate that. I think it is great and the cooperation and working together to make it all work out. Ultimately, like I said, if it stays in place it needs to be re-written. The other reason I want to make a comment and I briefly talked to Phil. He indicated that you had not run into this situation yet with the short-term rental permits. Maybe just a question around like going forward is this something that maybe this is a piece of information that needs to be asked during the application process to say do you control the access to your property? If not, if there is a shared right-of-way is the use compliant as it is written. I think that it is something down the road god forbid somebody slides off the driveway that is on quite a hill. Both Ian and I are looking at each other and somebodies insurance company is looking for any pocket they can get into just to make sure everybody is covered. That is why I am here. Thanks for listening.

Chairman Sousa: I appreciate the comment. Thank you. Are there any others that would like to speak on this application? That was very helpful and happy I did not skip over it like I tried to do earlier.

Chairman Sousa moved that based on a review of an amended short-term rental permit application 2021-0032 and the testimony presented at the Planning Board meeting on August 18, 2021 and public hearing

on September 15, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Michael Staub seconded the motion.

Roll Call Vote

Mary Ann Bachman – Aye  
Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Matthew Sousa – Aye  
Michael Staub – Aye

Motion carried.

Michael Staub: There was not any written correspondence on that, was there?

Diane Graham: No. Thank you for bringing that up. There was no written. I knew there would be somebody present.

Short-Term Rental Application 2021-0033 (Public Hearing)

Owner: J Pak Properties LLC  
Representative: Jeremy Havens  
Property: 4 Cliffside Drive  
Tax Map #: 168.16-1-9.004  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6

Jeremy Havens: I am Jeremy Havens with J Pak Properties. I live in Fairport and we have a unit on 4 Cliffside Drive in Bristol Harbour that we plan on putting on VRBO. I am the property manager and I live about 30 minutes away.

Chairman Sousa: Right and nothing has changed from your application since the last time you were in front of this Board?

Jeremy Havens: No.

Diane Graham: Thank you for asking that.

Chairman Sousa: Yes. Are there any additional questions from the Board at this time?

Michael Staub: There is a question that is undecided whether renters will use fireplaces or furnaces.

Jeremy Havens: We are going to let people use the fireplace.

Diane Graham: The answer is yes?

Jeremy Havens: Yes.

Mary Ann Bachman: I believe buildings one and three have gas. Some people convert to gas as an option.

Jeremy Havens: Thank you.

Phil Sommer: Have you had the fireplace inspected?

Jeremy Havens: Yes. We had inspected. We had a thermostat put on it and cleaned out.

Phil Sommer: Could we get a copy of that inspection report?

Jeremy Havens: Sure.

Phil Sommer: Thank you.

Jeremy Havens: We got it from Genesee Fireplace.

Phil Sommer: Okay.

Diane Graham: Could you get that to Phil before your permit?

Jeremy Havens: Sure.

Chairman Sousa: Are there any more questions? Are there any questions from the public?

Jeremy Havens: If I get this over tomorrow, will I have my approval tomorrow?

Diane Graham: If you do get your approval as soon as Phil and I get our paperwork in order. Yes. It could be a couple of days.

Jeremy Havens: I do not have to come back next month?

Chairman Sousa: No. This is a final hearing. Once you receive the actual permit will be a couple of days.

Jeremy Havens: Where can I send that? I can email that in PDF form?

Diane Graham: Yes. Send it to Phil's email.

Chairman Sousa: No other questions from the public? Are there any written comments?

Diane Graham: There are no written comments.

Chairman Sousa moved that based on a review of an amended short-term rental permit application 2021-0033 and the testimony presented at the Planning Board meeting on August 18, 2021 and public hearing on September 15, 2021, the Planning Board hereby approves the granting of a short-term rental operating permit to the applicant/owner. Michael Staub seconded the motion.

Roll Call Vote

Mary Ann Bachman – Aye  
Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Matthew Sousa – Aye  
Michael Staub – Aye

Motion carried.

Chairman Sousa declared the short-term rental public hearings closed.

**Short-Term Rental New Business**

Short-Term Rental Application 2021-0035 (Preliminary)

Owner: Duane Cera & Diane Cera  
Representative: Diane Cera  
Property: 163 Cliffside Drive  
Tax Map #: 168.16-1-3.163  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 4

Diane Cera: This is for unit 163 on Cliffside Drive. It is building five condo three. We currently have one next door because we own both of those units. We are going to be moving back into that one and discontinuing the permit on 164 and putting it on 163. Basically the same unit we already have. The Condo Board would not let not less us do 163 last year because we had not owned it for two years. We are moving back home.

Chairman Sousa: Got it. So you will be just next door?

Diane Cera: Yes.

Chairman Sousa: Okay.

Diane Cera: We take care of it.

Chairman Sousa: Okay. You are the primary contact for renters?

Diane Cera: Correct.

Chairman Sousa: Are there any other questions?

Mary Ann Bachman: Parking will not be an issue? There is the community center for additional parking.

Diane Cera: They have a pretty big upper deck parking and then through the winter there is nobody there. So there is plenty of parking.

Chairman Sousa: You are planning on renting this year-round full-time?



Diane Cera: As short-term, yes.

Chairman Sousa: Are there any more questions?

Chairman Sousa moved that the Planning Board accept the short-term rental permit application 2021-0035 as completed and the set the application for final review/public hearing on October 20, 2021. Mary Ann Bachman seconded the motion.

All in favor.

Ayes: 6, M. Bachman, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

Short-Term Rental Application 2021-0036 (Preliminary)

Owner: Troser Aerial Park LLC

Representative: Steven Fuller

Property: 11 Northstar Drive

Tax Map #: 167.71-1-11.000

Zoned: PD (Planned Development)

Sleeping Occupancy: 8

Chairman Sousa: Please introduce your application for the Board.

Steven Fuller: My name is Steve Fuller. I am president of Troser Aerial Park. We own unit 11 in Northstar Village at the base of Bristol Mountain. We are looking to use it as a short-term rental property.

Chairman Sousa: You would be renting full-time?

Steven Fuller: Yes.

Chairman Sousa: Year-round I imagine?

Steven Fuller: Yes.

Chairman Sousa: You are the primary contact?

Steven Fuller: Yes. Correct.

Chairman Sousa: Are there any more questions?

Mary Ann Bachman: The square footage is about 1700-1800 square feet, is that correct?

Steven Fuller: Yes. Approximately.

Mary Ann Bachman: So three bedrooms, two full bath I see. It is a very nice floor plan that you submitted.

It has sleeping for eight. So three bedrooms and there is futons or extra bedding in the living space, is that correct?

Steven Fuller: Yes. It is a two bedroom with a loft, two full and a half bath. The loft area has two pull-out futons.

Mary Ann Bachman: Two full and a half baths?

Steven Fuller: Correct.

Mary Ann Bachman: Okay. I did not catch that other one. Parking I noticed you showed parking in front of the unit. Sometimes when you have occupancy of eight there could be as many as four cars. You have plenty of parking?

Steven Fuller: Yes. There is one designated spot and then there is overflow parking at the base of Northstar Village when you first pull in.

Mary Ann Bachman: Traffic flow in and out there is not a problem in that area?

Steven Fuller: No.

Mary Ann Bachman: Okay. Thanks.

Chairman Sousa: In case of any emergency you will be able to respond quickly.

Steven Fuller: Yes. Absolutely. We are there.

Chairman Sousa: Are there any more questions from the Board?

Chairman Sousa moved that the Planning Board accept the short-term rental permit application 2021-0036 as completed and the set the application for final review/public hearing on October 20, 2021. Michael Staub seconded the motion.

All in favor.

Ayes: 6, M. Bachman, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

### **Regular Old Business**

#### **Site Plan Approval Application #2021-0031 (Public Hearing)**

Owner: Joan W. Goldberg 12 Irrevocable Trust

Representative: Charles Kenton

Property: 5803 Seneca Point Rd

Tax Map #: 178.11-1-1.210

Zoned: LR (Lake Residential)

Legal Notice of Public Hearing

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

2021-0031 for property owned by Joan W. Goldberg 12 Irrevocable Trust located at 5803 Seneca Point Road, tax map #178.11-1-1.210. The applicant/property owner are looking for approval to add three foot by twenty-four foot of living space at the north end of building under existing overhang.

Said hearing will take place on the 15th day of September, 2021 beginning at approximately 7:00 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

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

Diane Scholtz Graham  
Board Assistant

Chairman Sousa: Can you briefly describe your project?

Charlie Kenton: Yes. I am Charlie Kenton with Ketmar Development. I came in last month and we could not continue because we did not have the SHPO letter, which we now have. We are proposing underneath the overhang of the existing house, which is about three foot eight. Put a three foot addition that is 24 feet long to extend the living area of the house.

*[Diane Graham showed Board members the guest wing plan.]*

Diane Graham: I did receive a site plan that was dated and signed.

Chairman Sousa: That was my next comment. We did receive a signed and dated site plan with the mystery of the lost signature.

Diane Graham: Also the measurement was corrected.

Chairman Sousa: That has been solved.

Charlie Kenton: We still have not gotten that one figured out. I do not know why.

Chairman Sousa: As long as we have a signed and dated copy that is what matters. Are there comments and questions from the Board? There is no County Planning Board referral. No need for septic system review and approval is there?

Phil Sommer: No.

Chairman Sousa: Storm water erosion control. You have your archeological site determination, right? You got everything from SHPO?

Charlie Kenton: Yes.

Town of South Bristol Planning Board Meeting Minutes 09.15.2021 Approved

Chairman Sousa: No agricultural uses within 500 feet. No flood determination. Did we receive any written comments, Diane?

Diane Graham: On the floodplain determination. He does need one and the application was completed for the previous project. Written comments there were none.

Chairman Sousa: Excellent. Is there anyone from the public who is here and would like to comment? There is none. I declare the public hearing closed.

Chairman Sousa moved to declare this is a Type II action under SEQR with no further review required. Michael Staub seconded the motion.

All in favor.

Ayes: 6, M. Bachman, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub  
Nays: 0

Motion carried.

Findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

Michael Staub moved to approve findings 1-4. Ralph Endres seconded the motion.

All in favor.

Ayes: 6, M. Bachman, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub  
Nays: 0

Motion carried.

Chairman Sousa moved to grant both preliminary and final site plan approval to application 2021-0031, 5803 Seneca Point Road. Michael Staub seconded the motion.

Roll Call Vote

Mary Ann Bachman – Aye  
Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Matthew Sousa – Aye  
Michael Staub – Aye

Motion carried.

**Regular New Business**

Site Plan Approval Application 2021-0034 (Preliminary)

Owner: James A. Spillane

Representative: James Spillane

Property: 5740 Stid Hill Rd

Tax Map #: 177.00-1-8.000

Zoned: R5 (Residential 5 Acres)

Chairman Sousa: Please introduce your project.

James Spillane: I am Jim Spillane. We have acquired property at 5740 Stid Hill Road that has a small previous structure and we are requesting to build a new permanent home right above the existing structure. We want to maintain the existing structure as our personal use for family/friends that come to visit. We intend to live there as well part-time as we are building the new house.

Chairman Sousa: So you are going to be living full-time on the site in the accessory structure?

Phil Sommer: The reason they are here is they need a special use permit for two residential structures on the same lot. They are going to stay in the existing cabin while the new proposed house you see on the site plan is being built. The cabin that is there now will be used for family and friends.

Chairman Sousa: Got it.

Ralph Endres: What is the size of the piece of property?

James Spillane: The total piece of property is 16.1 acres I believe.

Ralph Endres: Okay.

Michael Staub: Plenty of room.

Phil Sommer: You will see the total coverage is 2.7% of the lot. That is with the new proposed barn and future house.

Chairman Sousa: There is existing septic on the site?

James Spillane: Yes. There is.

Chairman Sousa: Are you going to use the same septic system?

James Spillane: We are going to add to that system.

Chairman Sousa: You will right size it based on additional load. Are there any more questions?

Ralph Endres: Have you been before County Planning Board?

James Spillane: No, sir.

Chairman Sousa: Is this referable?

Diane Graham: No.

Chairman Sousa: I do not think it is referable. It is not within 500 feet of any of the triggers. I think it would be a non-referable action, which is fine. Do you have any questions or concerns Phil?

Phil Sommer: No.

Chairman Sousa: You have already addressed them. I do not personally have any more questions. Seems pretty straight forward to me so we can schedule that for October 20<sup>th</sup> meeting to do final approval and public hearing pending Zoning Board of Appeals approval.

James Spillane: We would not be able to start any construction until after the 20<sup>th</sup>?

Chairman Sousa: That is correct. Yes.

Review Code §170-38(C) additional residential structures on same lot must have same postal address  
The Board reviewed and discussed wording for the same postal address to include an A and B.

### **Resolution 1-2021**

At a meeting of the Planning Board of the Town of South Bristol on the 15th day of September, 2021, it was:

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to amend §170-38 Additional Residential Structures on Same Lot as follows:

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

D. All such structures shall have the same postal address. When entering the property, the first structure shall be numbered and lettered A and the second numbered and lettered B.

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

Mary Ann Bachman made a motion to approve the resolution. Michael Staub seconded the motion.

All in favor.

Ayes: 6, M. Bachman, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

Proposing a local law on events

This item was deferred to another meeting.

**Motion to Adjourn**

Being no further business, Ralph Endres moved to adjourn the meeting. Michael Staub seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 7:27 pm.

Respectfully submitted,

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

Diane Scholtz Graham  
Board Assistant