



**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, October 20, 2021**

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

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/86425434656?pwd=SW5qamNpV2x3Tys4UTQxZkE3eStMUT09>

Meeting ID: 864 2543 4656, Passcode: 951242

### **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 September 15, 2021 Planning Board Meeting Minutes

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

#### **Short-Term Rental Application 2021-0035 (Public Hearing)**

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 (Public Hearing)**

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

**Short-Term Rental New Business****Short-Term Rental Application 2021-0038 (Preliminary)**

Owner: 6503 Mountain Side LLC  
Representative: Craig Webster  
Property: 6503 Mountain Side Drive  
Tax Map #: 177.00-1-3.115  
Zoned: NC (Neighborhood Commercial)  
Sleeping Occupancy: 12

**Short-Term Rental Application 2021-0039 (Preliminary)**

Owner: Serge B. Weiss & Sally J. Westenbroek-Weiss  
Representative: Finger Lakes Premier Properties  
Property: 6189 Blackberry Drive  
Tax Map #: 178.00-1-37.000  
Zoned: LR (Lake Residential)  
Sleeping Occupancy: 8

**Short-Term Rental Application 2021-0041 (Preliminary)**

Owner: Michael R. Pulver and Tammy L. Pulver  
Representative: Finger Lakes Premier Properties  
Property: 6845 St Rt 21  
Tax Map #: 191.13-1-10.000  
Zoned: R3 (Residential 3 Acres)  
Sleeping Occupancy: 8

**Short-Term Rental Application 2021-0042 (Preliminary)**

Owner: Adam M. Jones and Susan E. Glenz  
Representative: Susan Glenz  
Property: 6652 Phillips Rd  
Tax Map #: 185.00-1-51.100  
Zoned: R3 (Residential 3 Acres)  
Sleeping Occupancy: 6

**Regular Old Business****Site Plan Approval Application 2021-0030 (Public Hearing)**

Owner: Patrick J. Solomon & Jennifer H. Solomon  
Representative: Venezia & Associates  
Property: 5874 Seneca Point Rd  
Tax Map #: 178.11-1-12.110  
Zoned: LR (Lake Residential)

**Site Plan Approval Application 2021-0034 (Public Hearing)**

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

Propose a local law on events

**Regular New Business**

Site Plan Approval Application 2021-0037 (Preliminary)

Owner: Kenneth Hayward & Nancy R. Hayward

Representative: Kenneth & Nancy Hayward

Property: 6407 Old Post Road

Tax Map #: 185.14-1-18.311

Zoned: LR (Lake Residential)

Propose amending local law on recreational vehicles

**Other**

**Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, October 20, 2021**

**Present:** Ralph Endres  
Jason Inda  
Michael McCabe  
Matthew Sousa  
Michael Staub (Arrived late)

**Excused:** Mary Ann Bachman  
Jill Gordon  
Sam Seymour

**Guests:** James & Theresa Spillane  
Pat Dormer  
Fred McIntyre  
John & Judy Manser  
Steve & Wes Fuller  
Serge Weiss (Zoom)  
Sally Westenbroek-Weiss  
Lindsay Bolton  
Ken Hayward  
Bob Cone  
Craig Webster  
Martha McIntyre  
M.J. Boylan (Zoom)  
Rocco Venezia (Zoom)  
Phil Sommer

### **Call to Order**

The meeting of the Town of South Bristol Planning Board was called to order at 6:30 pm. All Board members were present except for Mary Ann Bachman, Jill Gordon and Sam Seymour.

### **Reading of Vision Statement**

Ralph Endres read the Comprehensive Plan Vision Statement.

### **Minutes**

Michael McCabe moved to approve the September 15, 2021 meeting minutes as written. Ralph Endres 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:

2021-0035 for property owned by Duane Cera and Diane Cera located at 163 Cliffside Drive, tax map #168.16-1-3.163

2021-0036 for property owned by Troser Aerial Park LLC located at 11 Northstar Drive, tax map #167.71-1-11.000

Said hearing will take place on the 20th day of October, 2021 beginning at 6:30 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512 or by joining Zoom meeting ID: 864 2543 4656, passcode: 951242.

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

Diane Scholtz Graham  
Board Assistant

Short-Term Rental Application 2021-0036 (Public Hearing)

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 project a little bit for the minutes.

Steve Fuller: Yes. My name is Steve Fuller. We have a property located at 11 Northstar Drive, which is at the base of Bristol Mountain. It is a Town House unit. It is a two bedroom with a loft. We are seeking approval for short-term rental.

Chairman Sousa: Nothing has changed since the last time here last month on your application? Are there any additional comments from the Board?

Michael Staub: No. Looks good.

Chairman Sousa: I do not have any questions. Have we received any written comments?

Diane Graham: No.

Chairman Sousa: Are there any questions or comments from anyone here in person or on Zoom regarding this application?

Diane Graham: Is there anybody on Zoom who wishes to speak about this application? Please unmute and speak.

Chairman Sousa: Hearing none.

Chairman Sousa moved that based on a review of an amended short-term rental permit application 2021-0036 and the testimony presented at the Planning Board meeting on September 15, 2021 and public

hearing on October 20, 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

Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Matthew Sousa – Aye  
Michael Staub – Aye

Motion carried.

Short-Term Rental Application 2021-0035 (Public Hearing)

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

Applicants/representative were not present at the meeting and application was tabled to December 15 meeting.

Chairman Sousa closed the public hearing for short-term rentals.

**Short-Term Rental New Business**

Short-Term Rental Application 2021-0039 (Preliminary)

Owner: Serge B. Weiss & Sally J. Westenbroek-Weiss  
Representative: Finger Lakes Premier Properties  
Property: 6189 Blackberry Drive  
Tax Map #: 178.00-1-37.000  
Zoned: LR (Lake Residential)  
Sleeping Occupancy: 8

Chairman Sousa: The next one is Serge B. Weiss.

Sally Westenbroek-Weiss: I am Sally Weiss.

Diane Graham: Serge is online.

Sally Westenbroek-Weiss: He is.

Chairman Sousa: Finger Lakes Premier Properties is your representative. Got you. Thank you for being here. Would you mind introducing your project for the Board please?

Sally Westenbroek-Weiss: My name is Sally Weiss and my husband Serge on the video there and are here for 6189 Blackberry Drive. We are looking to get approval to use it as a short-term rental. It is a

home off from Bopple Hill Drive. It is lakefront property. We would be renting three bedrooms, two full bathrooms. I do not know what other information is pertinent.

Diane Graham: A little bit of an overview of your application. You said Bopple, but your address is Blackberry?

Sally Westenbroek-Weiss: Okay. Yes. Blackberry Drive is off from Bopple Hill.

Chairman Sousa: Yes.

Diane Graham: Just wanted to make sure.

Sally Westenbroek-Weiss: So there is a permanent dock on the property, stairs that go down to the lake. We are on a bit of a cliff. So have decks on the house and then stairs going down. It is a walk out basement because of the hill so there is a first floor primary bedroom and bathroom and then on the lower level two bedrooms and other full bathroom.

Chairman Sousa: Got you. Do you have experience renting with short-term rentals before?

Sally Westenbroek-Weiss: Not really. No.

Chairman Sousa: That is where you come in. I know.

Lindsay Bolton: This property is not on our website yet. It will be after this meeting. I believe it is going to be a year-round rental?

Chairman Sousa: That was my next question.

Sally Westenbroek-Weiss: It is not because of the road.

Chairman Sousa: So it is not going to be year-round?

Sally Westenbroek-Weiss: The idea would be mid-May through the end of October.

Chairman Sousa: Right. Like a six-seven month. Got you.

Lindsay Bolton: It is the very last house on a dead end road so there is space for parking that would not interfere with anybody driving past.

Chairman Sousa: Yes. Okay.

Lindsay Bolton: No events. No parties. Professionally managed by us. We are the point of contact.

Chairman Sousa: Right. Great.

Diane Graham: I had asked you a question and I did not get a response.

Lindsay Bolton: 142 Lake Street is the mailing address for our office. I apologize for that.

Diane Graham: Then the phone number?

Lindsay Bolton: 888-414-5253.

Diane Graham: 888-414-5253 Extension 4?

Lindsay Bolton: Yes.

Diane Graham: Okay. I know we were getting different ones coming in and I wanted to clear that one up.

Chairman Sousa: I did have one question from a Board member who is not present, but did review your application via email. She said the parking area looks tight just from the aerial photos. She said there are three spaces. You said it is a dead end road. There is adequate space to turn around. There is adequate space for three cars?

Sally Westenbroek-Weiss: Yes. Definitely for three. We want to limit it to three partly to prevent parties. There is plenty of space for three. We regularly park four or five cars there.

Michael Staub: You are not renting the loft?

Sally Westenbroek-Weiss: We are not. No.

Michael Staub: So that would be somehow secured from entry from renters?

Sally Westenbroek-Weiss: Yes. We will be putting a touch pad so only we have access to it and we can store things in there.

Michael Staub: Okay. Very good.

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

Michael Staub: You said maximum sleeping occupancy is eight?

Sally Westenbroek-Weiss: Correct.

Ralph Endres: You say that is not year-round.

Sally Westenbroek-Weiss: That is right.

Ralph Endres: I do not think that road is plowed unless it is plowed privately.

Sally Westenbroek-Weiss: It is privately plowed, but highly unpredictable. We would never put that on a renter.

Michael Staub: So the three off-season people would be you that occupy the space?

Sally Westenbroek-Weiss: Other than the rental period are you talking about?



Michael Staub: It says maximum sleeping occupancy eight. Three off-season and seven regular-season.

Jason Inda: I think that refers to the number of days they can stay.

Sally Westenbroek-Weiss: Oh. That is correct.

Michael Staub: Okay. It was under the occupancy so I was a little unsure about it. Thank you for clearing that up.

Chairman Sousa: Any more questions? I do not have any more questions personally.

Chairman Sousa moved that the Planning Board accept the short-term rental permit application 2021-0039 as completed and the set the application for final review/public hearing on December 15, 2021. Michael Staub seconded the motion.

All in favor.

Ayes: 5, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

Short-Term Rental Application 2021-0041 (Preliminary)

Owner: Michael R. Pulver and Tammy L. Pulver  
Representative: Finger Lakes Premier Properties  
Property: 6845 St Rt 21  
Tax Map #: 191.13-1-10.000  
Zoned: R3 (Residential 3 Acres)  
Sleeping Occupancy: 8

Chairman Sousa: Could you introduce the project briefly please?

Lindsay Bolton: This is a new home in our program. It is three bedrooms, two bathrooms. It is listed on the application for an occupancy of eight. We have it advertised for six. It is mainly to reduce parking and parties. This will be a year-round rental. Again, no events, no parties. The only thing we wanted to make sure that you received the fire escape plans so I did bring that with me.

Phil Sommer: Yes. We have it.

Lindsay Bolton: Okay. You have it.

Chairman Sousa: That is good.

Diane Graham: Mary Ann Bachman had questions.

Chairman Sousa: Yes. So Mary Ann's questions. I will just read this because it is long. *"Application states 4 parking spaces. The driveway area appears tight between road shoulder and driveway line. There is a rock wall retaining the highway cliff on the opposite side of the road. Is there more parking*

*area beyond the guard rail at driveway that I'm not seeing? I am very familiar with the property as I came close to buying it 30 years ago. It has been expanded and renovated since, has the parking been expanded also? This could be a concern for guests not familiar with the area."*

Lindsay Bolton: Not that I am aware of. I can get you the answer before the next meeting.

Chairman Sousa: Okay.

Lindsay Bolton: I know that you are able to drive down to the lakefront so I am not sure if they are considering that. We have had some guests for other homes where they will park one car down by the lakefront and then bring person back up to the house.

Chairman Sousa: Okay. I will make a note to follow-up with that at the next meeting to make sure there are no concerns there.

Lindsay Bolton: You got it.

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

Chairman Sousa moved that the Planning Board accept the short-term rental permit application 2021-0041 as complete and the set the application for final review/public hearing on December 15, 2021. Ralph Endres seconded the motion.

All in favor.

Ayes: 5, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

Short-Term Rental Application 2021-0042 (Preliminary)

Owner: Adam M. Jones and Susan E. Glenz

Representative: Susan Glenz

Property: 6652 Phillips Rd

Tax Map #: 185.00-1-51.100

Zoned: R3 (Residential 3 Acres)

Sleeping Occupancy: 6

Susan Glenz: Hello everybody. I will be on camera very shortly. I want to thank the Board for allowing us to be on Zoom. It is very convenient when you cannot be present. I really am grateful for that.

Chairman Sousa: Not a problem.

Susan Glenz: So I can just get started?

Chairman Sousa: Yes. If you could just introduce your application quickly please.

Susan Glenz: Yes. I am applying with my sister and my brother-in-law for a short-term rental property annual rental, full year-round. The property is 6652 Phillips Road in South Bristol. This would be our second short-term rental. We received approval for a property in Woodville earlier this year. We self-manage it. We have had great success. Great guests. Always no parties. I am trying to think what else is pertinent for this particular one. The property is on Phillips Road which is little bit to an off-shoot on State Route 21 above Pine Bank. Plenty of parking. It is off the road. Not right on the road like our property in Woodville. It is technically two bedrooms, but one of the bedrooms is pretty much the size of the whole house. It is a big loft bedroom. We are applying for six guests. Our ideal is four adults and maybe two kiddos. We want to appeal to families. It has one bathroom. It overlooks the lake. We put in a fire pit area. What did I miss?

Michael Staub: You said you had a new septic system just put in?

Susan Glenz: No. Not yet. When we purchased the property and did septic inspection with Tyler from Canandaigua Watershed, it failed because there was a leak in the septic tank. We are on deck with Shannon Mittermeier from Finger Lakes Environmental to get it replaced. We thought he was going to do it last week. He has not gotten the application in to Phil Sommer yet so hopefully that happens this week. We are at the mercy of his schedule. He knows that we want to get it in by the end of November at the latest because we want to be able to go to the public hearing and say it is done. That Tyler has come out and seen it and we are good to go.

Michael Staub: Okay. Good. So that is pending? You are hoping to have that resolved before December, right?

Susan Glenz: I hope to have that resolved before November. If you have any pull with Shannon, who I love, I will take any weight I can get because that man is busy.

Michael Staub: Good luck.

Susan Glenz: I know. The only other thing I will add is we have two neighbors above us on a hill. There are two neighbors behind us, but also elevated a little bit above that may have an easement on our driveway. They have to go through our driveway to get to their driveway. I do not know if that is worth noting or not?

Chairman Sousa: Do you anticipate any issues with that being a short-term rental? You said the easement is for them to cross your property?

Susan Glenz: Correct.

Chairman Sousa: There really should not be any issues with site access especially for people who are unfamiliar with the area.

Susan Glenz: Yes. That is what I was thinking too. I did not know if that would be relevant for you guys.

Chairman Sousa: I think it would be prudent as a courtesy mention it to the neighbors. Just in case random people/strangers go knocking on the wrong door accidentally.

Susan Glenz: Absolutely.

Chairman Sousa: Or pay attention to appropriate signage to make sure your house is clearly identified as the short-term rental unit.

Susan Glenz: Good idea.

Ralph Endres: Is Phillips Road plowed by the Town or is it privately plowed?

Susan Glenz: I do not believe it is a private road. I cannot confirm or deny that.

Chairman Sousa: Phil is saying it is a Town Road.

Ralph Endres: Your driveway then is plowed if you are going to use it all year-round? You contracted to have the parking area and the driveway plowed?

Susan Glenz: Correct.

Ralph Endres: Okay. Thank you.

Susan Glenz: You are welcome.

Diane Graham: Mary Ann Bachman had some questions too.

Chairman Sousa: Yes. We did have one question from a board member who is not currently present.

*"This is a 1 bathroom home, correct? If so, is this sufficient for a sleeping occupancy of 6? Also, parking for 6 could signal an increase in traffic on a small quiet road the neighbors might not be used to."*

Susan Glenz: I am okay limiting the parking to four. When I was looking at the space there I said wow we have space for more. I would be okay limiting the parking to four across the driveway. That is fine with me. I personally think we are going to get people that may want to go to Bristol Mountain and enjoy that for a night or two. I think one full bath for six people, in my opinion, is not going to be a deal breaker for guests, but I will defer to the Board.

Chairman Sousa: Right. The septic tank would be sufficient for that?

Susan Glenz: Yes. Great question. The tank that is there now is 1,000 gallons and under the advice of Tyler Ohle from Canandaigua Watershed he advised us to up it to 1,500 gallons. It could do a three to four bedroom home. So we will be putting in a 1,500 gallon septic tank.

Chairman Sousa: Great. Are there any additional questions? Hearing none.

Chairman Sousa moved that the Planning Board accept the short-term rental permit application 2021-0042 as completed and the set the application for final review/public hearing on December 15, 2021 pending approval of the septic tank installation before the December 15 meeting. Michael Staub seconded the motion.

All in favor.

Ayes: 5, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

Short-Term Rental Application 2021-0038 (Preliminary)

Owner: 6503 Mountain Side LLC

Representative: Craig Webster

Property: 6503 Mountain Side Drive

Tax Map #: 177.00-1-3.115

Zoned: NC (Neighborhood Commercial)

Sleeping Occupancy: 12

Chairman Sousa: This is Craig Webster? Is that who we have? Yes. Excellent. Could you introduce your application briefly for the Board, please?

Craig Webster: My name is Craig Webster. I am the owner at 6503 Mountain Side Drive. I am here to discuss my application with you.

Chairman Sousa: Can you introduce your application details verbally. How many bedrooms, how many renters, how many nights, year-round, etc.

Craig Webster: I was not prepared for all that, sorry. So we have seven bedrooms and do you happen to have my?

Phil Sommer: Twelve.

Craig Webster: It sleeps twelve. Seven bedrooms and three and half baths there. We rent on a short-term rental basis, minimum three nights. We have pretty strict policies in place in terms of events. Working with you all tightened up and controls for how many people are staying there. We do not hold events there anymore. We have posted your after-hours adhering to your rules and regulations for the Town. We have maintenance people on site. Leasing people on site. A 24 hour paging service for emergencies or anything like that.

Diane Graham: Mary Ann Bachman had questions too.

Chairman Sousa: Yes. So questions from a Board member not present. She said, "*Manager listed as Myles Webster, where is he located in relation to the property, is the management local to Naples/Canandaigua to address a concern immediately? The rental expectations attached are very thorough and that is a positive. Will the check-in procedure be self-check-in or with the property manager who would emphasize the rules in person?*" So the gist is there a local contact that could be on property.

Craig Webster: We have two local employees. Myles is one of the owners of the rental business, but not of the actual property. We do have local people down here that do check-ins and all that.

Chairman Sousa: Are there any additional questions? You have plenty of parking. Site access will not be an issue? It is a shared driveway, right?

Craig Webster: Correct. To a point.

Chairman Sousa: I guess there is no issues with site access with neighbors? Are there easements in place for the property?

Craig Webster: There is an easement with 6475 to access. It is more of a winter drive because the main driveway goes straight up and there is an easement in place for that.

Chairman Sousa: Okay. There is no issues?

Martha McIntyre: Issues with the bridge being broken right now. People are still going over it.

Chairman Sousa: Alright.

Diane Graham: There was flooding of Mud Creek.

Chairman Sousa: So the bridge was damaged?

Diane Graham: Founders Cemetery had some damage and they are just down from that property.

Chairman Sousa: Is that a concern for site access or is that in the process of being repaired?

Craig Webster: It is in the process of being repaired. It is not being repaired at the speed in which they would like. It is a major undertaking. We have a structural compromise there and it is requiring a lot of work. We have checked with engineers. It is safe to access right now and drive over. One of the guys who is an engineer that owns one of the propane companies came out. He owns a bridge company that actually is going to do the work. He has authorized his trucks to drive over it so we are confident right now until we have a formidable plan in place.

Chairman Sousa: Phil, have you taken a look at the bridge at all?

Phil Sommer: Yes. I have been over it.

Chairman Sousa: Do you have any concerns with it?

Phil Sommer: No, but it needs to be fixed sooner than later.

Chairman Sousa: In your opinion, do you think it should be fixed contingent upon approval?

Phil Sommer: I am not a structural engineer so I cannot answer that.

Chairman Sousa: Right. Okay.

Craig Webster: It will be fixed before winter. They are trying to work on the steel because you are dealing with the waterway underneath it. We are working on having to bring it back further so we do not have to disrupt the waterway.

Chairman Sousa: At the next meeting would it be possible to see engineering specked out drawings?

Craig Webster: It should be fixed by then.

Chairman Sousa: Our next meeting is December 15.

Ralph Endres: What do you need as proof that it is fixed? An engineering study?

Chairman Sousa: Not a study. It would be nice to see engineering plans.

Craig Webster: I am not familiar with bridge building.

Chairman Sousa: I am slightly hesitate to approve site access for people unfamiliar with the area and unfamiliar over a bridge that may or may not be structurally sound that is all.

Michael Staub: You said there was a secondary access route to the property?

Craig Webster: Up beyond that bridge.

Chairman Sousa: You have to cross the bridge to access the site.

Michael Staub: So that is the only way in and out?

Craig Webster: Yes.

Chairman Sousa: Right. Yes.

Phil Sommer: I would like to suggest that when this bridge gets repaired structural plans from an engineer come in and approved by a third party inspector.

Chairman Sousa: Yes. That would be appreciated. It would be nice to have those in hand prior to our December 15 meeting.

Craig Webster: Yes. That is fine. Again, it is a bit out of my control. This company is doing work in Town here so I know they will be back down this weekend. I am at their mercy at the moment because of the amount of work they have in front of them.

Chairman Sousa: I understand there may be comments related to this application. I would like to state that there will be a public hearing on this application at our next meeting. That is an opportunity to speak on behalf of this. It also sounds like some of the concerns may hopefully be resolved by that time. Are there any additional questions?

Chairman Sousa moved that the Planning Board accept the short-term rental permit application 2021-0038 as completed and the set the application for final review/public hearing on December 15, 2021. I would also like to add that it would be really nice prior to us making a final determination and holding a public hearing that we do have stamped engineering drawings and a third party inspection in hand. If you feel that would be difficult to get by the 15<sup>th</sup>, you can let us know and we can table it for the next month,

but we will work with you on that. I am a little cautious about approving an application with questionable site access if the bridge is slightly a little bit structurally unsound. Michael Staub seconded the motion.

All in favor.

Ayes: 5, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

### **Regular Old Business**

#### **Site Plan Approval Application 2021-0034 (Public Hearing)**

Owner: James A. Spillane

Representative: James Spillane

Property: 5740 Stid Hill Rd

Tax Map #: 177.00-1-8.000

Zoned: R5 (Residential 5 Acres)

#### **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:

2021-0034 for property owned by James A. Spillane located at 5740 Stid Hill Road, tax map #177.00-1-8.000. The applicant/property owner is looking for site plan approval to build a new single family residence and septic system.

Said hearing will take place on the 20th day of October, 2021 beginning at approximately 7:00 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512 or by joining Zoom meeting ID: 864 2543 4656, passcode: 951242.

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

Diane Scholtz Graham  
Board Assistant

Chairman Sousa: Do you mind briefly discussing your project and any changes made since our preliminary meeting?

James Spillane: Sure. Happy to. Yes. We are here for approval for our application to build our new home on 5740 Stid Hill Road. We submitted our application and plans to the Town. It is approximately 2,140 square foot house that from our previous meeting fits in line with the site requirements for the Town. With the approval of the Board we would like to begin moving forward.

Chairman Sousa: The Zoning Board of Appeals granted the special use permit for additional residential structure at their September 22 meeting, correct?

James Spillane: Yes. Correct.



Ralph Endres: I think we told them that they had to get approval from the Zoning.

Chairman Sousa: Yes. And he did.

Theresa Spillane: And we did.

Ralph Endres: Good.

Michael Staub: The septic system is that in?

James Spillane: There is an existing septic system for the small house, but we are going to expand a new septic system. We have had the plans approved by the Watershed. I believe they were sent to the Town.

Phil Sommer: Yes. They were approved. I got a copy them today.

Chairman Sousa: The work has not started?

James Spillane: No. The work has not started yet. This is exempt from County Planning Board. Always appreciated. Are there any other questions related to this?

Chairman Sousa: You have your steep slopes permit?

James Spillane: Correct.

Chairman Sousa: We are all set there. There is no storm water erosion control measures required. No agricultural farms, no flood plains. We did not receive any comments, correct?

Diane Graham: No.

Chairman Sousa: Do we have anyone here to comment or wish to comment on this application?

Diane Graham: Or on Zoom?

Chairman Sousa: Anyone on Zoom wishing to comment on this application? Hearing none. I declare the public hearing closed for this application.

The Zoning Board of Appeals already determined that this is Type II action under SEQR with no further review required.

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.

Town of South Bristol Planning Board Meeting Minutes 10.20.2021 Approved

Matthew Sousa moved to approve findings 1-4. Ralph Endres seconded the motion.

All in favor.

Ayes: 5, R. Endres, J. Inda, M. McCabe, M. Sousa, M. Staub

Nays: 0

Motion carried.

Chairman Sousa: Excellent. Before we take a final vote any last questions? You are good. I am good.

Chairman Sousa moved to grant both preliminary and final site plan approval for application 2021-0034. Michael Staub seconded the motion.

Roll Call Vote

Ralph Endres – Aye

Jason Inda – Aye

Michael McCabe – Aye

Matthew Sousa – Aye

Michael Staub – Aye

Motion carried.

Site Plan Approval Application 2021-0030 (Public Hearing)

Owner: Patrick J. Solomon & Jennifer H. Solomon

Representative: Venezia & Associates

Property: 5874 Seneca Point Rd

Tax Map #: 178.11-1-12.110

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:

2021-0030 for property owned by Patrick Solomon & Jennifer H. Solomon located at 5874 Seneca Point Road, tax map #178.11-1-12.110. The applicant/property owners are looking for approval to add a 101 square foot dock addition and a 159 square foot dock appendage.

Said hearing will take place on the 20th day of October, 2021 beginning at approximately 7:00 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512 or by joining Zoom meeting ID: 864 2543 4656, passcode: 951242.

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

Diane Scholtz Graham, Board Assistant

Chairman Sousa: Thank you. Could you briefly discuss the project and any changes made since the preliminary meeting on August 18?

Rocco Venezia: So we want to put in an appendage and the extension. It is pretty tight. The water rights line to the north skews across the property and pinches us in a little bit. We are going to have to be really careful when we build it. Maybe you want us to do an as-built survey to guarantee that it got within those facility lines.

Chairman Sousa: Right. A standard as-built.

Rocco Venezia: That is pretty much what we are asking for.

Chairman Sousa: That was the amended application and the revised site plan?

Rocco Venezia: Yes.

Chairman Sousa: Does anybody have any questions related to this application? We have the archeological site determination letter with no impact. Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Okay. There is nobody physically here to comment. There is someone on Zoom. Would you like to comment on this application?

Mary John Boylan: Yes. Thank you very much. Thanks to the Planning Board.

Diane Graham: What is your name?

Mary John Boylan: My name is Mary John Boylan. I live at 85 Mount Pleasant Avenue in Gloucester Massachusetts. I am a third owner with my two brothers of the house and waterfront at 6164 Bopple Hill Road, which is the adjoining property to Mr. and Mrs. Solomon. I only found out about this a couple of days ago because I am not on the list to be noticed. I spoke to the Code Enforcement Officer and it appears from what he told me that this project is compliant with the Docking and Mooring Law. I wanted to raise a concern that Rocco Venezia raised that it is pretty tight. The plan is right up to the line and pretty much in every direction. We use our dock for swimming, reading and quiet activities. There are a lot of boats there already. There is a power boat, a jet ski, a couple of kayaks and a few sailboards. The cumulative effect on all this is to make us feel rather hemmed in. I do not know the Solomon's. They are fairly new neighbors and I only get there a few times a year because I live so far away. I do enjoy my time there. They certainly love the water and that is part of the Canandaigua Lake experience something I have been enjoying since I was a toddler. I have summered there every year since the mid-50s and I love it. I am concerned about the density and because the lake ordinance does mention aesthetic protection and minimizing overcrowding. I want to put my two cents in about how this would feel, as Rocco said, rather tight. Thank you.

Chairman Sousa: Thank you for those comments. The application is compliant with Docking and Mooring Law.

Mary John Boylan: I recognize that.

Chairman Sousa: They meet the offset lines. It is tight. We would need to ensure that it is compliant once built. That was part of the revised site plan that we received.

Rocco Venezia: I concur with Ms. Boylan in terms of crowdedness. We are finding that all over the lake. Ten foot setbacks on some of these smaller lots. We have docks now 40 feet apart. The more this goes on the more docks are built. She is 100% correct. Like I said it is compliant. The people do want to have that appendage out there. It is what it is. I think there is going come a time on Canandaigua Lake that we need to revisit the Docking and Mooring Law and address some of these density issues. It is not tonight.

Chairman Sousa: That is a point well taken. Yes. Maybe that is something we recommend it to the County.

Rocco Venezia: It is a conglomerate of the County and all the Towns.

Ralph Endres: It looks tight, but if it is compliant I do not think we can ask much more.

Chairman Sousa: It is compliant and so there is no real grounds for us to deny or ask for its amendment further. Your comments are well founded though. It is certainly something we could consider recommending to the Canandaigua Lake Watershed Association who is responsible for the Docking and Mooring Law to review law due to density concerns that may be of concern in the future. Like Rocco said this may be become more prevalent.

Rocco Venezia: We did these marine survey or dock survey one every five years fifteen year ago. Now we are doing 30 to 40 a year. So there you go.

Mary John Boylan: Wow.

Chairman Sousa: It may be worthwhile to encourage a re-review of the Docking and Mooring Law. Again, it is not the responsibility of this Board.

Ralph Endres: I think we had one like this a couple of months ago north of this that was the same way. It complied with the Docking and Mooring, but in essence it did infringe upon the neighbor's rights. Even though it did comply.

Chairman Sousa: You could understand how it would be intrusive. I understand that. That is the law not entirely doing its job. We do appreciate the public comments. Are there any additional comments? I do not think there is anyone additionally in attendance.

Mary John Boylan: Can I ask a question?

Chairman Sousa: Yes. Please.

Mary John Boylan: This is Tier I if I understand it and therefore limited to two boat slips?

Chairman Sousa: I am not sure. Rocco, did you hear that question? It is Tier I and limited to two boat slips?

Rocco Venezia: Correct.

Chairman Sousa: Okay. Thank you.

Mary John Boylan: There is already two boats. I guess they can do large boats. Thank you for listening to my comments and I enjoyed listening to the entire process that the Town of South Bristol does for things like this. It is very impressive. Again, thank you for hearing my comments.

Chairman Sousa: Great. Thank you.

Michael Staub: Thank you. Have a good night.

Chairman Sousa: I imagine there are no more public comments so I think we can declare the public hearing closed. We will determine that this is SEQR Type II requiring little or no impact.

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: 5, 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.
5. The proposed project complies with the Docking and Mooring Law.

Matthew Sousa moved to approve findings 1-5. Michael Staub seconded the motion.

All in favor.

Ayes: 5, 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 for amended application 2021-0030. Ralph Endres seconded the motion.

Roll Call Vote

Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Matthew Sousa – Aye  
Michael Staub – Aye

Motion carried.

Rocco Venezia: Thank you.

**Regular New Business**

Site Plan Approval Application 2021-0037 (Preliminary)

Owner: Kenneth Hayward & Nancy R. Hayward  
Representative: Kenneth & Nancy Hayward  
Property: 6407 Old Post Road  
Tax Map #: 185.14-1-18.311  
Zoned: LR (Lake Residential)

Chairman Sousa: So we have a preliminary site plan approval for 6407 Old Post Road. Do you mind introducing your application briefly for the Board, please?

Kenneth Hayward: Yes. We are adding on to an existing home. The layout of the house is somewhat interesting. There is a house with a separate garage that are connected with a second story bridge. Do not ask why? We are going to add on to both of those buildings so the actual house is having a two story addition. I think it bumps out from the existing house 19 feet, I think. The garage is having an extra bay put on that. Both additions are on what would be the back side of the house. What I would call the front side faces the lake. From the lake, no one would ever be able to see those additions. We only have one neighbor who can actually see our house. The additions are on the opposite side of the house from where they see.

Chairman Sousa: Got you.

Ralph Endres: So the existing house is approximately how many square feet?

Kenneth Hayward: I should probably know that, but I do not. Eighteen hundred maybe.

Ralph Endres: How big are the additions?

Kenneth Hayward: I do not know that either. I have not seen it calculated on the plan anywhere.

Ralph Endres: I did not think it was that hard of a question. When you contract with somebody to build they usually tell you what the price per square foot is. That never came up in the conversation?

Kenneth Hayward: No.

Diane Graham: He has plans.

Kenneth Hayward: There is a plan right in front of me.

Chairman Sousa: I am trying to see if it is in the notes here.

Michael Staub: I am looking.

Chairman Sousa: We can calculate it.

Diane Graham: It is in the formal rough plan.

Chairman Sousa: I do not see actual notes here.

Michael Staub: They do not even give you dimensions.

Kenneth Hayward: It is like 19 by 24, but it is two-stories.

Ralph Endres: That is 800 or 900 square feet there. Round figures.

Chairman Sousa: You said this is the second structure on the property, right? There is another structure closer to the lake?

Kenneth Hayward: Yes.

Chairman Sousa: It is just the two that are close to that Old Post and Cooks Point Road, right?

Kenneth Hayward: Yes.

Chairman Sousa: Nothing is being done with the lake front property?

Kenneth Hayward: No.

Diane Graham: This is your third project with us?

Kenneth Hayward: Yes. We put the boat storage building down by the water. We are in the process today of putting two dormers on the existing house on the lake side. Then we are going to put those additions on the back side of the house.

Phil Sommer: Do you still want to know the size of the additions?

Chairman Sousa: Yes. It would be nice for the record for sure.

Phil Sommer: Yes. The house addition is going to be 42 by 19.6.

Ralph Endres: Eight hundred square feet or a little better.

Chairman Sousa: Yes. About that.

Phil Sommer: The garage addition is going to be 21 by 9.

Michael Staub: On the drawing, well that is for the slab, it says 21.6 by 12. So it will not take the whole slab then. Okay.

Chairman Sousa: Are there any additional questions?

Jason Inda: Is that privately maintained Old Post when it gets that far down?

Kenneth Hayward: Yes. Privately.

Jason Inda: So there is no setback issue with the garage being closer to the driveway then because it is your driveway, right?

Chairman Sousa: Right. That is maintained by the residents along the road, correct?

Kenneth Hayward: Correct.

Chairman Sousa: That is what I thought. I do not have any more questions personally. Seems pretty straight forward. Cannot see it from the lake.

Michael Staub: Any upgrade in the septic system?

Kenneth Hayward: We are not adding any bathrooms or anything?

Michael Staub: Is there additional bedrooms?

Kenneth Hayward: There is going to be two. I would not call them additional. There are two rooms that are in the existing house that we use as bedrooms right now, but when we put this addition on we are adding two bedrooms and repurposing the ones that are existing. One is going to be a utility/laundry room and the other one is going to be an office.

Michael Staub: So no additional septic needs required, right? No additional bathrooms?

Kenneth Hayward: Correct.

Michael Staub: Very good.

Chairman Sousa: I think we can schedule this for final site plan review and public hearing for our December 15 meeting.

Diane Graham: We combined November and December meeting.

Chairman Sousa: Yes. So it will be December 15.

Kenneth Hayward: Yes.

Chairman Sousa: We will have our public hearing, ask you more questions and we should be good to go.

Kenneth Hayward: Okay.



Chairman Sousa: Thank you.

Propose amending local law on recreational vehicles

The Board reviewed and discussed wording Phil Sommer, Code Enforcement Officer had recommended.

**Resolution 2-2021**

At a meeting of the Planning Board of the Town of South Bristol on the 20th day of October, 2021, it was:

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to amend §170-64. Storage and use of recreational vehicles as follows:

B. Use: Guest of residents of the Town may have located upon their lots a recreational vehicle as long as:

C. Use: Residents with vacant property may occupy a recreational vehicle on their lot as long as:

- (1) The length of stay is no longer than 160 days.
- (2) The recreational vehicle has been provided with water supply, electrical services and an adequate self-contained sewage disposal system.
- (3) The recreational vehicle is not located closer than 15 feet to any building on a neighboring lot and no closer than 10 feet to the side or rear lot line.

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

Michael Staub made a motion to approve the resolution as amended. Matthew Sousa seconded the motion.

Roll Call Vote

Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Matthew Sousa – Aye  
Michael Staub – Aye

Motion carried.

Proposing a local law on events

Chairman Sousa will provide examples of event models, uses and requirements for the Board at the next meeting.

**Other**

Chairman Sousa: I received an email for property at 6021 State Route 21. Unfortunately, the applicant could not be here tonight. They have a large property that they purchased in April 2021 and are looking to make it a large family forever property and wanted to discuss the ideas they are kicking around. They

have been working with Cornell Cooperative Extension and the USDA on building a five acre community farm to service the community through education and possible events. It would maybe be lavender, sunflowers, pumpkins, half an acre market garden, etc. They have been zoning. They think it is kind of compliant, but what the gist of what they are proposing are additional homes they could build. Parceling out their current 24 acre property to build these homes. The locations of the homes allowed on a site. Locations for required septic, well, utilities. Any limitations for farm events, events for personal use, an occasional wedding and/or rent an individual home or short-term rental or rent the entire property for large family or host reunion/wedding. That is a lot. They qualified all of this with saying that they are kicking the tires on it preliminarily to see what they possibly could do. Are totally willing to curtail this based on our requirements or our review. I really was hoping to have the applicant here because I wanted them to introduce it conceptually. It sounds like there is a lot of balls in the air. I wanted to have an opportunity for the Board to ask questions and really get some feedback so that we can provide recommendations before any application takes shape. Before I ask you all to comment. I will give you my thoughts because I have had a little bit more time to ruminate on this. They want to look at additional homes that they can build. They have a 24 acre parcel. I do not see a huge issue with that so long as they subdivide appropriately.

Ralph Endres: It is a subdivision.

Chairman Sousa: They would need to subdivide.

Jason Inda: Technically, they do not have to subdivide. You can have two homes on a property.

Chairman Sousa: No. They are talking more.

Ralph Endres: We can't talk about 24 homes on a property.

Chairman Sousa: They did include some concepts. They were throwing around things like hobbit house from Lord of the Rings style built into the hillside to yurts. Yes. Yurts. If you are familiar with yurts from Mongolia.

Diane Graham: Glamping.

Michael Staub: Do they come with their own yaks?

Chairman Sousa: Yak not included.

Ralph Endres: They have to have septic systems for each one.

Chairman Sousa: It is a BYOY (bring your own yak). Again, I think they will need to curtail this and really come to us with concrete details. They are limited by, I think it is, a three acre lot minimum? It is an R-3.

Ralph Endres: Eight.

Chairman Sousa: Eight?

Ralph Endres: Well, 24 acres.

Chairman Sousa: Sorry, you are doing quicker math.

Diane Graham: What is the minimum road frontage for each lot?

Phil Sommer: One hundred feet. If you have one road coming in and go to eight lots you basically made a subdivision, which would go to you guys for approval.

Chairman Sousa: I do not think they are going to eight lots.

Phil Sommer: Then you would have one entrance going in and all individuals making its own road.

Chairman Sousa: Correct.

Ralph Endres: I think if they came to us with a specific proposal, but the proposal is like throwing darts at the wall.

Chairman Sousa: Kind of. Yes. I guess we could say parceling out they would be limited to a maximum of eight homes. I do not think they are talking about eight. I think they are talking about four. Where the locations of the homes are really depends on how they decide to subdivide and what the final number that they decide are with septic wells, utilities.

Ralph Endres: How are they going to get water?

Chairman Sousa: They are going to have to install septic, wells and utilities and they will have to look at the feasibility of running those laterals to each individual structure. All of this is TBD.

Ralph Endres: Once you put a septic system in the water supply has to be x number of feet away from it. They may run out of room.

Chairman Sousa: Right. I think that is for them to figure out. There initial reach out was there anything this Board sees that is completely prohibitive. One thing Phil, large scale events are not allowed in an R-3 zone? As far as a wedding venue or a family reunion venue that is not an allowable use in the district. So they cannot do that. As far as short-term rentals, if they subdivide and build these properties and want to apply for a short-term rental permit, I see no problem with that. They will need to go through that process.

Phil Sommer: You have to look at what Ag and Market is going to let them do too!

Chairman Sousa: Right.

Phil Sommer: Ag and Market will trump some of the things that we say they cannot do.

Chairman Sousa: That is true. I guess my thought is that at first blush it is a no on events because it is not an allowable use in the district. Short-term rentals you build them, apply for a permit and let us know. They need to come to us with more information about what their plans are. I think this feedback will help them curtail their proposal a little better. I guess I can respond to them via email just saying we kicked it around briefly. This is our thoughts. You are limited to eight structures at a maximum assuming that you can accommodate the well, septic and spec it out and the engineering works. If he wants to come to us

with a little more concrete plan to discuss preliminarily before officially applying. That would be more than welcome because there are a lot of balls in the air.

Ralph Endres: You are talking huge engineering cost before they put a shovel in the ground.

Diane Graham: This would be our first larger subdivision.

Chairman Sousa: Yes.

Michael Staub: If it came to that.

Phil Sommer: If they went more than three lots, yes it would be.

Jason Inda: It could be practice for when they subdivide the 150 acres up on my road.

Chairman Sousa: He ends his email saying he realizes that this is a lot to unpack and none of it is set in stone. Although he tried to do as much preliminary research available with contractors in the Town, etc. He would love to have a call. I have not spoken with him personally on the phone just via email. He wants to make sure that he responsibly develops the property to share its beauty and resources with the community while being a good neighbor and steward for the region. His heart seems like it is the right place. It is just a lot.

Michael Staub: We need to talk.

Chairman Sousa: I think we need something more concrete. I do not think there is really anything that he is proposing with the exception of the event usage that is not allowed in the district. It is a matter of how crazy are you going to get. He needs to figure that out. I really wanted him here to have that conversation a little more comprehensively. I can respond via email that we just preliminarily discussed it and that we would very much like him to come in and introduce his thoughts and have an on the record conversation and go from there. Is there any more comments on that? I know it is a lot to unpack. He sent this farm concept. I should email this to you guys. I will do that. He has pictures of the stone house and hobbit house and yurt and all that fun stuff. It seems cool for his family.

Michael Staub: As Ralph said, there is a lot of engineering costs.

Chairman Sousa: I do not know what his budget is?

Ralph Endres: His property would be negligible for the cost of developing it.

Chairman Sousa: You are probably pretty aware of it. It is right on State Route 21 and it has the long driveway with all of the trees on either side of it.

Michael Staub: Yes.

Ralph Endres: That property used to be owned by somebody that sat on this Board.

Chairman Sousa: Yes. It is that property.

Michael Staub: It is a beautiful property.

Chairman Sousa: I run by their house every week. The driveway alone is stunning.

Ralph Endres: He was the vice president of Xerox in facilities.

Chairman Sousa: The former owner. Who knows maybe this guy is Bill Gates. I do not know.

Ralph Endres: Gorgeous property. I could not believe it sold for as little as did when they sold it.

Chairman Sousa: I agree.

Diane Graham: Will you copy me in on your correspondence?

Chairman Sousa: Yes. I will loop you into this now so you are on the record.

**Motion to Adjourn**

Being no further business, Michael Staub moved to adjourn the meeting. Jason Inda seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:07 pm.

Respectfully submitted,

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

Diane Scholtz Graham  
Board Assistant