



**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, March 16, 2022**

**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/83282468319?pwd=OFYwRnpKbVpjRU5KZ0xzZExXOWg3UT09>

Meeting ID: 832 8246 8319, Passcode: 413009

### **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 February 16, 2022 Planning Board Meeting Minutes

#### **Short-Term Rental Application 2022-0002 (Public Hearing)**

Owner: Martin R. Szczepanik  
Local Contact: Thomas Gunter-Kremers  
Property: 19 Golfside Circle  
Tax Map #: 168.15-1-29.190  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 4  
Parking Spaces: 2

#### **Short-Term Rental Application 2022-0003 (Public Hearing)**

Owner: Leyla Anderson & Philip Kauffman  
Local Contact: Leyla Anderson  
Property: 3 Harbour Lane  
Tax Map #: 168.74-1-10.000  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 4  
Parking Spaces: 2

Short-Term Rental Application 2022-0001 (Public Hearing)

Owner: Gordon W. Ellis, Cassandra Elizabeth Haff & Sarah Anne Haff  
Local Contact: Emily Thompson  
Property: 6517 Longs Point Drive  
Tax Map #: 185.17-2-3.000  
Zoned: LR (Lake Residential)  
Sleeping Occupancy: 10  
Parking Spaces: 5

Short-Term Rental Application 2021-0038 (Public Hearing)

Owner: 6503 Mountain Side LLC, Craig Webster  
Local Contact: Myles Webster  
Property: 6503 Mountain Side Drive  
Tax Map #: 177.00-1-3.115  
Zoned: NC (Neighborhood Commercial)  
Sleeping Occupancy: 12  
Parking Spaces: 6

**Short-Term Rental New Business**

Short-Term Rental Application 2022-0005 (Preliminary)

Owner: Jon Joseph  
Local Contact: Brett McManus  
Property: 7122 County Road 12  
Tax Map #: 194.00-1-29.100  
Zoned: R5 (Residential 5 Acre)  
Sleeping Occupancy: 2  
Parking Spaces: 2

**Regular Old Business**

Request for Extension of Site Plan Approval 2021-0024

Owner: Daniel Crowley  
Representative: Daniel Crowley  
Property: 6830 Co Rd 33  
Tax Map #: 177.00-1-33.000  
Zoned: R3 (Residential 3 Acres)

Site Plan Approval Application 2022-0004 (Public Hearing)

Owner: Shouting Hill LLC  
Representative: Wade Sarkis  
Property: 5771 Blake Acres Drive  
Tax Map #: 168.12-1-4.000  
Zoned: R3 (Residential 3 Acres)

Site Plan Approval Application 2020-0016 (2<sup>nd</sup> Preliminary)

Owner: Hans Buechler  
Representative: Marks Engineering  
Property: 5411 Seneca Hill Drive  
Tax Map #: 168.12-1-9.000  
Zoned: R3 (Residential 3 Acres)

Short Term Rental Law Review and Discussion

Event Venue Discussion

**Other**

Deborah Denome Informal Discussion

168.00-1-81.100, 6141 Hicks Rd, 5 acres, Zoned R-3

168.00-1-81.220, Hicks Rd, 16 acres, Zoned R-3

**Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, March 16, 2022**

**Present:** Ralph Endres (Zoom)  
Jason Inda  
Michael McCabe  
Sam Seymour  
Matthew Sousa  
Kevin Stahl  
Gregory Shaffer  
David Bowen

**Excused:** Jill Gordon

**Guests:** Martin Szczepanik (Zoom)  
Leyla Anderson & Philip Kauffman (Zoom)  
Sarah Haff (Zoom)  
Cassandra Haff (Zoom)  
Emily Thompson (Zoom)  
Dr. Fred McIntrye (Zoom)  
Mike O'Reilly (Zoom)  
Martha McIntyre  
Brett McManus  
Casey Carrigan  
Robert & Shelley Cone  
Wade & Peter Sarkis  
Charles Blake  
Sue Colf  
Alice Nichols  
Deborah Denome  
Melissa Carlson  
Stephen Crowley  
Scott Martin

### **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 Jill Gordon.

### **Reading of Vision Statement**

Sam Seymour read the Comprehensive Plan Vision Statement.

### **Minutes**

The Planning Board February 16, 2022 meeting minutes were deferred to April for approval.

**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 owners are seeking a short-term rental operating permit:

2022-0002 for property owned by Martin R. Szczepanik located at 19 Golfside Drive, tax map 168.15-1-29.190

2022-0003 for property owned by Leyla Anderson & Philip Kauffman located at 3 Harbour Lane, tax map 168.74-1-10.000

2022-0001 for property owned by Gordon W. Ellis, Cassandra Elizabeth Haff & Sarah Anne Haff located at 6517 Longs Point Drive, tax map 185.17-2-3.000

2021-0038 for property owned by 6503 Mountain Side LLC located at 6503 Mountain Side Drive, tax map 177.00-1-3.115

Said hearing will take place on the 16th day of March, 2022 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 832 8246 8319, Passcode 413009.

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

Diane Scholtz Graham, Board Assistant

**Short-Term Rental Application 2022-0002 (Public Hearing)**

Owner: Martin R. Szczepanik  
Local Contact: Thomas Gunter-Kremers  
Property: 19 Golfside Circle  
Tax Map #: 168.15-1-29.190  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 4  
Parking Spaces: 2

Chairman Sousa: Martin Szczepanik you are up.

Martin Szczepanik: Great thank you very much. I submitted an application back in November. Amended the application for additional documentation. I believe I put in all the documentation as necessary. I had the inspection for the house. It is 19 Golfside Circle located in the Bristol Harbour Community. It is a two bedroom, two bath with two dedicated parking spots. There is an overflow spot directly on the lot as well as an overflow parking lot at our community center. Tom Gunter-Kremers actually owns the house directly right next to it. He lives in the area. He is going to be my property manager. He is currently managing the property that he owns as well on 18 Golfside Circle. I believe I have provided all the documentation. I have not heard anything from neighbors or anything like that. I am not sure if there is anything else that I have to talk about or discuss. That is basically the application for the short-term rental. I had a life change situation so I am in New York City and that is why I cannot be in Naples today. Thank you very much for hearing me.

Chairman Sousa: Great. Thank you for that. Are there any questions or comments from the board? I do not think any significant changed since we heard this application last month.

Diane Graham: No.

Chairman Sousa: Are there any written comments that we received?

Diane Graham: No.

Chairman Sousa: Are there any public comments or questions in person or either on Zoom concerning this application? Alright, hearing none.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0002 and the testimony presented at the Planning Board meeting on February 16, 2022 and public hearing on March 16, 2022 the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jason Inda seconded the motion.

#### Roll Call Vote

Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Gregory Shaffer – Aye  
Sam Seymour – Aye  
Matthew Sousa – Aye  
Kevin Stahl – Aye

Motion carried.

Diane Graham: We would like to have the advertising website listing identifiers emailed to the Code Enforcement Officer after the meeting so that we can add it to the operating permit.

Chairman Sousa: Did you get that Martin?

Martin Szczepanik: Yes. It my original application I have the listing. If I need to send it to somebody, I am happy to do so.

Diane Graham: I do not have it front of me, but if you did not have the information that can take you directly to that property. So a property name or listing number that goes with VRBO or Airbnb we need that. Okay?

Martin Szczepanik: Okay. Who do I send that to?

Diane Graham: You can send it to me or the Code Enforcement Officer.

Martin Szczepanik: Okay. Thank you.

Diane Graham: You are welcome. Thank you.

Chairman Sousa: Thanks Martin. You are all set.

Martin Szczepanik: Great thank you so much. I appreciate it.

Short-Term Rental Application 2022-0003 (Public Hearing)

Owner: Leyla Anderson & Philip Kauffman

Local Contact: Leyla Anderson

Property: 3 Harbour Lane

Tax Map #: 168.74-1-10.000

Zoned: PD (Planned Development)

Sleeping Occupancy: 4

Parking Spaces: 2

Chairman Sousa: Please briefly introduce your application for the meeting minutes.

Leyla Anderson: My name is Leyla Anderson and Philip Kauffman. We purchased 3 Harbour Lane. The short-term rental in question is 3 Harbour Lane. It is a two bedroom home. It has three level and two accesses. We purchased the home in November and we applied to permit for short-term rental a couple of months ago. We attended the first meeting last month and we are here again today to finalize approval for application for the permit. It is only a four adult rental – two bedrooms with maximum occupancy. Minimum is three days and maximum days is 28. We have access parking as well. I will let Phil speak to the civil logistics of that because he does a better job at it.

Philip Kauffman: No. That is fine. We have a carport and a spot directly across from it. Everything has been redone on the inside with two and half bathrooms. Everything is set and ready to go. We are here now to finish up the permit with you guys.

Chairman Sousa: Great. Thank you. I just like to state that the Planning Board amended the application to change the sleeping occupancy from six to four. I know you did mention that. I wanted to state that for the record tonight. Are there any comments or questions from the Board? Did we receive any written comments, Diane?

Diane Graham: No.

Chairman Sousa: Are there any public comments or questions either in person or on Zoom pertaining to this application? Hearing none.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0003 as amended for sleeping occupancy from six to four and the testimony presented at the Planning Board meeting on February 16, 2022 and public hearing on March 16, 2022 the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Michael McCabe seconded the motion.

Roll Call Vote

Ralph Endres – Aye

Jason Inda – Aye

Michael McCabe – Aye

Gregory Shaffer – Aye

Sam Seymour – Aye

Matthew Sousa – Aye  
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: You will need the advertising website listing identifiers emailed to the Code Enforcement Officer or Diane, if you would please.

Leyla Anderson: Yes. I had a conversation with Diane about that yesterday.

Chairman Sousa: Excellent. Thank you. You are set.

Short-Term Rental Application 2022-0001 (Public Hearing)

Owner: Gordon W. Ellis, Cassandra Elizabeth Haff & Sarah Anne Haff  
Local Contact: Emily Thompson  
Property: 6517 Longs Point Drive  
Tax Map #: 185.17-2-3.000  
Zoned: LR (Lake Residential)  
Sleeping Occupancy: 6  
Parking Spaces: 5

Chairman Sousa: Are representatives on Zoom?

Diane Graham: We have Cassandra and another person on Zoom. I see Emily Thompson the local contact person on Zoom as well.

Cassandra Haff: Hello, my name is Cassandra and this is my sister, Sarah. We are co-owners of 6517 Longs Point Road with our great uncle. We live in Pennsylvania and frequent Naples often, but are here primarily so Emily is our primary contact in case of anything for rentals, but also in general for the house. We have owned the house and it has been in our family for seven generations. It was passed onto us after my Mom passed away, which is part of the reason we rent it. It is a four bedroom, three bathroom house. Although for the rental permit it is amended to three bedrooms because of the septic system. We have onsite parking. I do not know exactly how many spaces. At least one per bedroom, but plenty more than that. We rent seasonally. Pretty much just the summer: June, July and August.

Chairman Sousa: Alright. Thank you. I just want to state for the record and I know you eluded to it. There are a couple of amendments since last month. The application property address was changed from road to drive just to make sure that is reflected in the minutes. The zoning district was listed as R3 and it actually in dead LR. As you eluded before we changed the sleeping occupancy for a five bedroom rental to a three bedroom rental with an occupancy of six, because NYS Wastewater Treatment Standards consider a garbage disposal as a bedroom. So in order to right-size the septic that amendment was made.

Diane Graham: Are you saying three bedrooms and grinder or just three bedrooms?

Chairman Sousa: It is three bedrooms with an occupancy of six.

Diane Graham: Right. So they have five.



Chairman Sousa: Yes.

Diane Graham: And they have a grinder.

Chairman Sousa: Yes. Are there any questions from the Board? Did we receive any written comments?

Diane Graham: Yes.

Chairman Sousa: We did. Okay.

Diane Graham:

*My name is Bob Hurlbut. My wife Sarah and I own 6513 and 6515 Longs Point. We are directly west of Gordon Ellise's property.*

*We are not directly opposed to a rental operating permit, however, certain guidelines should be agreed to for this to go forward. No more than 8 people at a given time including guests of renters, no dogs, no more than 4 cars, 9:00 pm outside curfew, no noise before 8:30am outside, considerate noise level (renters need to know water amplifies noise) and renters properly vetted.*

*The noise and dog issues are our biggest concern. As property owners we have the right to enjoy our property without interruption.*

*Any questions, please feel free to contact me.*

*Robert W. Hurlbut*

Diane Graham: I forwarded him the short-term rental and noise law, which he appreciated.

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*My name is Mark O'Connor, my wife Lia and I own 6521 Longs Point. We have rental property to our immediate north and south, one north owned by Gordon Ellis, Cassandra and Sarah Haff, and one south owned by Leslie Wagner and Debra Harris.*

*I'm not against rentals, but feel that certain regulations need to be in place, I would propose the following, no more than 8 people at a time max., no pets, no more than 4 cars in the driveway, noise level restrictions prior to 8:30 a.m. as well as an outside curfew of 9:00 p.m. I would also like to see a minimum two week stay put into the operating permit requirements. If enforced I think these rules would be beneficial to all parties, renters as well as residents.*

*Sincerely,*

*Mark A. O'Connor*

Diane Graham: I forwarded him the short-term rental and noise law for his review.

Chairman Sousa: Are there any comments or questions from the Board? I do not have any. Those were all the written comments. Are there any public comments or questions from anyone in person or on Zoom? Hearing none.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0001 as amended and the testimony presented at the Planning Board meeting on January 19, 2022 and public hearing on March 16, 2022 the Planning Board hereby approves the granting of a short-term rental operating permit to the owner.

Diane Graham: Are you including the grinder as a bedroom?

Chairman Sousa: Not for occupancy purposes.

Diane Graham: No. Okay.

Chairman Sousa: Just for septic system purposes.

Diane Graham: Right. Okay.

Chairman Sousa: If that makes sense to everybody?

Diane Graham: So it is three bedrooms plus the grinder?

Chairman Sousa: Right.

Diane Graham: That is what I wanted to clarify.

Jason Inda seconded the motion.

#### Roll Call Vote

Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Gregory Shaffer – Aye  
Sam Seymour – Aye  
Matthew Sousa – Aye  
Kevin Stahl – Aye

Motion carried.

Diane Graham: This one as well will need the advertising websites listing identifiers updated and the sleeping occupancy updated.

Chairman Sousa: Yes.

Diane Graham: If you could send that to either myself or the code enforcement officer then we will put that on the permit. Okay?

Cassandra Haff: Yes. I believe you have that, but I will send it again.

Diane Graham: Okay. Just was not sure if it was updated. So you are all set. Thank you. Have a good night.

Cassandra Haff: Thank you.

Short-Term Rental Application 2021-0038 (Public Hearing)

Owner: 6503 Mountain Side LLC, Craig Webster

Local Contact: Myles Webster

Property: 6503 Mountain Side Drive

Tax Map #: 177.00-1-3.115

Zoned: NC (Neighborhood Commercial)

Sleeping Occupancy: 8

Parking Spaces: 6

Chairman Sousa: I believe Craig Webster is on Zoom.

Diane Graham: Yes.

Chairman Sousa: Please introduce your application quickly for the Board.

Craig Webster: Sure. 6503 Mountain Side Drive. Again, Craig Webster the owner of Luxury Vacation Rentals. We are talking about the Bristol View Lodge. When you guys enacted this short-term rental law, we were operating much different. We have been working closely with you all to get into compliance with your needs and the neighbors. Meeting the standards of twelve guests for the size of the house. We have plenty of parking on-site. Twenty-four hour management. We employ two staff in the area to handle any maintenance issues. I think we were in two months ago for the initial portion of the STR application. A motion was raised we had an act of God with the bridge. The bridge is now complete. Inspections have been done. We are back here talking to you all. Excited and ready.

Chairman Sousa: We amended the mailing address and the local contact mailing address. I did need to discuss the septic system size from a seven bedroom rental. I think New York Wastewater Treatment Standards the septic system is sized for a four bedroom home. We would need to amend the sleeping occupancy to no more than eight individuals in order to right-size the septic. I think you talked to our code enforcement officer, Scott. Is that correct?

Scott Martin: Yes. We did.

Craig Webster: Yes. Briefly. I reference the prior steps that were taken with Phil Sommer. We went through that whole checklist. We had that part. We felt approved based on our bi-annual septic inspection and pumping.

Chairman Sousa: I feel a bi-annual septic inspection and pumping seems to me if that is required that is an insufficient or undersized system for that occupancy.

Craig Webster: The house sits vacant. We have tried to and I could not get it done for this meeting, but what we were trying to investigate was if you have a family of four-five people in the house flushing toilets all day long and then you have the short-term rental scenario where this house could sit vacant for a month in April let's say and it only rents for two weeks in May and then it has its busy season during the summer. Then rents only on weekends in the winter time. Those are sporadic as well so I think when we do that calculation and I have had some conversations with some people in that industry that there is quite a balancing act there. I think you would actually see the amount of water that flushes for a family with kids and everything else that are in there daily it is actually more intensive in that regard then what it is with a short-term rentals. Like I said I feel we had that covered multiple times and signed off on prior to this meeting. It seems like a bit of a backwards path if we are going to have that discussion. Those are my thoughts on it. I am not opposed to investigating it further. That was just a condition to keep you all happy. I feel like with Phil we had this conversation before. He was fine with it. We did not get any push back from anybody then. It was signed off again up until this point. I thought we were at this point to do the public hearing. Not to discuss those items.

Chairman Sousa: Sorry. I do not have it right in front of me. What is the capacity of septic system onsite?

Scott Martin: A 1,250 gallon tank.

Chairman Sousa: According to NYS Wastewater Treatment Standards 1,250 gallon tank is sufficient for a four bedroom home. According to our short-term rental law that would equal a maximum occupancy of eight. I understand what you are saying in terms of there is not 24/7, 365 days use of a short-term rental. I understand the load on the septic system that it is not rented 365 days. Your point is understood. I would say personally for me and would be happy if any of the board members would like to chime in as well, but for me personally the septic system should be sized to accommodate a renter every day because I am sure if you are able to rent that property every day of the year you would try to do that. The septic system should be accommodating the maximum amount of renters. According to NYS Wastewater Treatment Standards that would be a four bedroom house to accommodate eight people. I feel personally more comfortable amending the application to cap the amount of renters at eight. I would be happy to hear any other comments.

Craig Webster: Would you be open to be fair about it and at least let us have the opportunity to get that calculation done for you all? That did not get raised at the last meeting. I understand your point and with you on it, but I think that the combination of the two with somebody giving you that from an expert level. I am not a septic or a bridge guy so I have to refer to people that are experts in those fields. Would you all be open to at least giving me a moment to get that calculation done and see how that plays out?

Jason Inda: That is not going to play out. There is a standard and your septic tank meets the standard for a four bedroom house. It is in our short-term rental law that your septic system has to meet the number of bedrooms that we rent.

Craig Webster: Why did you approve it last time then, just curious?

Chairman Sousa: Was there a pending septic inspection at the last meeting?

Scott Martin: I do not think so.

Chairman Sousa: It may have been missed at that time and then caught this time. I apologize for that inconvenience for springing this on you. We caught it before we approved your permit and your septic system is approved for a four bedroom home and I feel more comfortable limiting the amount of renters to accommodate the septic system. It is not to pump it bi-annually and require a bi-annual inspection. If you are going to pump a septic system more frequently than once a year that is deemed a failing or failed system.

Ralph Endres: A holding tank.

Chairman Sousa: A holding tank. Yes. So in order to right-size that and avoid any issues I would be more comfortable capping the amount of renters at a four bedroom home and thus eight people. It is not a massive amendment. It would be dropping from twelve to eight. I do not think it is going to change your nightly rate or anything.

Craig Webster: No. I appreciate your input on it.

Ralph Endres: I talked to a number of people over the years sitting on this board. Experts in septic systems. A septic system might work fine for 360 days a year. If it is pressed, it may fail and that is what we have to worry about is a failure on the days when it is pressed. I think that having four bedrooms and the standard for four bedrooms and eight people should be applied in this matter. Other than that, if he wants to redo the septic system to handle twelve people or sixteen people then he needs to do that.

Diane Graham: Twelve.

Ralph Endres: It is not going to comply now and if it does not comply now, we are not going to approve it for more than it can comply with the law. That is all I have to say.

Chairman Sousa: It is going along with NYS Wastewater Treatment Standards. South Bristol does not set those standards. Those are NYS standards and we will abide by them. I do not feel that is terribly unreasonable. Are there any more questions from the board pertaining to this application? Anything pertaining with this application not specifically the septic system. Did we receive written comments?

Diane Graham: No, but we will have verbal.

Chairman Sousa: Do we have anybody on Zoom who wants to speak to this application?

Diane Graham: Dr. McIntyre do you want to speak?

Chairman Sousa: Yes. If it is okay, can we satisfy our Zoom talkers?

Fred McIntyre: Yes. You did receive a letter from me.

Diane Graham: Oh, I am sorry.

Chairman Sousa: Sorry Fred, just to interrupt quickly. I said this at the beginning of the meeting and I am not sure if you were on or not. There are quite a bit of people that would like to speak on this application so I am going to cap everybody's time at three minutes. If you would like to stay on and circle back once

everybody has had an opportunity to speak. That is fine and your prerogative. I wanted to reiterate that for your and the room. You have privilege of the floor, please.

Diane Graham: Fred said he sent a letter, but I do not know if I have it.

Fred McIntyre: I sent it to you.

Diane Graham: When?

Fred McIntyre: Before the last meeting.

Diane Graham: Then it would be in the minutes of that last meeting.

Fred McIntyre: It pertained to the septic system.

Diane Graham: I attached that to the minutes so I think it was for the December meeting. I am pretty sure I attached comments. I do not have anything for this public hearing. Do you want to speak now?

Fred McIntyre: Yes. By law he has seven bedrooms. He should have at least a 2,000 gallon septic system. He does not have it. He is 800 gallons short. He has never had the septic system the bed itself perked and all that stuff is going towards our well. If you are going to have him get a permit, he needs to either change that or as you are doing reduce it back down to a four bedroom house. We played games with this guy for quite a few years now and he has to start complying with the law.

Chairman Sousa: Thank you for those comments. Is there anyone else on Zoom who would like to speak to this application? Hearing none. I am going to open it up for comments in attendance in-person. I will let everyone figure out who would like to go first. Will have three minutes to speak and then we will cede the floor to the next person.

John Manzer: There has been a little bit of turnover here so I going to bring people up to speed with a little bit of history. I am challenging the short-term rental approval based on nearly a seven history since May of 2015. A disregard for the Town of South Bristol neighborhood and our neighbors. We have been deprived of quiet enjoyment for nearly seven years. Craig has a track record of being uncooperative, unresponsive, and un-neighborly. It has been a challenge. Section 2.A. of the short-term rental law talks about the legislative intent intended to preserve and protect the health, character, safety, and general welfare of the neighborhood mitigate the adverse effects of short-term rentals. I did not want to build a folder over seven years like this. I just wanted to enjoy South Bristol so here we are. Again, this is background and we are going to specifically get into short-term rental law application deficiencies. The Town of Victor shut Webster Properties down and the quote "*Sometimes you have the second coming of animal house.*" That is what we lived with. I did a January 2021 FOIL report to Ontario County. They were well short. Twelve noise complaints occurred after the noise ordinance was in effect of April 2019. We have met with Craig personally many times to air out our grievances. Not only in the beginning of our relationship, but in the early days on behalf of the neighborhood based on noise, too many people and traffic in and out, etc. We tried the Webster answering services, which has been ineffective. It forces us to call 911 to get relief from excessive ongoing noise per the noise ordinance. We have had guest retaliations. What fun. Welcome to the neighborhood. Horn honking, profanities, golf balls hit from up there and down on our property. We have a two and six year old grandchildren. Guests parking on our private property without permission. They conducted 150 person wedding. Drones hovering over our

house with cameras. This is not how we expected to live in South Bristol. The bridge rebuild – the gentlemen he hired did a nice job, but the bridge is not done. We, Craig, my wife and I, the new Canadian neighbors own the bridge. Craig happens to own responsibility for paying for our portion of the bridge based on a transaction that we did. Just shy of six months after that bridge collapsed we finally have gotten the bridge almost complete. August 19 is when the bridge went down and Craig's initial reaction when we asked because we felt that it should be a collaborative solution. I do not have a bridge builder in my back pocket. My wife and I pursued a bridge builder. Had a bridge builder. Met the bridge builder. Craig missed the meeting with the bridge builder that we made him aware of and all of a sudden 9/22 a little bit over a month later. Oh, I have my friend Chris Ramsey. He is a bridge builder. I do not know what changed in that month, but it is just buying time. It is more of the same. So let's get to the short-term rental law deficiencies. Myles Webster is Craig's brother. The number that they provided is a business in Brighton, NY. It is not a local contact name. Their answering service has been ineffective for us. There is no contact information for local employees and these are employees that mow, plow and do maintenance are not quote "responsible and authorized to act on the owner's behalf." There is no direct access to such person. That is direct language from the short-term rental law. Item E.1.J. occupancy shall be defined by the capabilities of the septic system. I think we have addressed that. Dire need of pumping. This was the report. Extremely undersized. Incomplete inspection due to vacancy so Craig Webster or any authorized person failed to even be present for the septic inspection. I am almost done. I appreciate this.

Chairman Sousa: If you could wrap up and then we will have another person speak.

John Manzer: The Webster rental contract does not state the maximum number of guests permitted or number of on-site parking space. That his short-term rental law. Let me just finish with this and I appreciate the time. This is a biggy. Item 4.C.5.A. application is due within 30 days of the short-term law effective rate of 3/16/2020. Webster application was received by the Town 12/29/2020. Not 30 days later. Nine and half months later. As part of the short-term rental law there is an inspection required. The inspection magically did not happen until 9/22/2021 after the bridge fell. After there was a prospect of no more money flowing into Webster's pocket. So one and half years later we had the inspection based on the short-term rental law. Again, in summary it is just a track record of nearly seven years of being uncooperative, unresponsive and un-neighborly.

Chairman Sousa: Thank you.

Board Member: What is your name sir?

John Manzer: My name is John Manzer. I am 6537 Mountainside Drive. You have to go past our house and over the bridge to get to our house and up to the short-term rental.

Craig Webster: I cannot hear what he is saying. I would appreciate if he could talk in the microphone.

John Manzer: I was just stating my address Craig and where we are physically located.

Craig Webster: Thanks.

Chairman Sousa: Do we have the next person who would like to speak? Please introduce yourself for the Board as well.

Robert Cone: My name is Robert Cone. I live at 5743 St Rt 64. I know of Craig, but I have never spoken to him before. One question I have is on the contact phone number that was already just discussed. I need to have a local contact phone number that I can call if I do have a concern. Up to this point I have never been able to use any of the contact information given where I can receive a person or leave a message or get a call back on a concern I had. I have been left to actually go to the Town, as far as, Town Supervisor, Dan Marshall or talk to Phil Sommer. That is the only way. Aside from calling 911 that has been the default and I have had to do that several times. Those are usually noise concerns. If a contact is not available if I have a concern I need to know what plan b should be. I would like to ask that question to Mr. Webster. On the sleeping occupancy I am interested in of non-sleeping people what is the maximum count? At times there is a lot of cars there. I have counted up to fifty cars parked over there where it has been parked on the driveway all the way down past the Manser. They go on for half an hour where they are just leaving. Supposedly these people did not stay they were just attending. That is not actually covered on the short-term rental that I am aware of. It just lists the sleeping occupancy and parking spaces discussed I see that number is listed as six. I am interested in where the overflow parking would be if allowing for additional guests who are not spending the night.

Chairman Sousa: There should be no more than six cars there.

Robert Cone: Thank you. I think the other questions I had have been addressed by others up to this point. Thank you very much.

Chairman Sousa: Would anyone else like to speak? Please introduce yourself and speak into the microphone.

Shelley Cone: Yes. I am Shelley Cone. I live at 5743 St Rt 64. For the whole time Webster has been a part of the neighborhood he has not once addressed any concerns or talked to his neighbors to let us know what is going on. I have grown up in this area. It is a legacy from my parents that I will not allow to be destroyed. He has lied continuously. Giving false information. False promises. There is no record of when we called his so called contact Myles and I have done it a few times. Answering machine left a message please call back immediately. No call backs at all. I live approximately six acres away from his house. In that six acres I cannot sit on my front porch. I cannot open my front windows because the people he has over there have ruined the serenity of South Bristol. That is all I have to say. Craig, God bless you because you need to figure out how to work with people instead of money.

Diane Graham: Thank you. Is there anyone else who wants to speak?

Chairman Sousa: Alright. Is there anyone else on Zoom that would like to speak? Craig, you may speak.

Craig Webster: Just to rebut. John kind of went back, right. I bought 6475 Mountain Side Drive. That is originally how I ended up there. John was my neighbor and there was another gentleman down below. There is 25 acres total to that private drive. I own the house 6475. I own a vacant piece of land five acres. I had conversations with the gentlemen down below to buy his property. John owned five acres in front of him and lived next door. I do not like the picture that has been painted. I understand you have painted a picture. I can appreciate it. I understand. Not going to sit here and argue it. I approached John to buy his house and gave him the house down below so he could connect to his other five acres. Make a little bit better transition. I was renting the house next door and John sold me his house knowing that I was making it a rental again. I was doing weddings next door and everything else. This is not like this a blind matter that John all of a sudden got smashed in the face with Craig Webster. I was operating two years prior to



buying John's house. I do not appreciate that whole tone that was put across like I have been dealing with this for seven years. We have always had good communication. The two people who spoke I have not met you and I apologize that you have been inconvenienced. I am always available. If John calls me, I answer the phone, right. I have a 24-hour paging service. It is a paid company. It is not my company. I pay this company to answer the phone and push wherever the property is. I manage over seven hundred units between Rochester and down in the southern tier and Florida. I have no issues. I understand. We live here. I am fine with that. I slowly backed it down. It did not bother John before. It bothers John now. So be it, right. We made a deal. Technically John did not hold up his end of the deal because he knew I was going to rent it. Then he turned around immediately and put me into this situation. So it is fine. It is not about the money. I really do not care. We are an experienced company. We wanted people to experience South Bristol. We have a great relationship with Bristol Mountain, businesses in town, Rennoldson, Brews and Brats. The breweries they love us. It is just the opposite and I understand. We are not going to make everybody happy. You all live there and I am very cognizant of that. I do not want to be a hindrance of you quiet enjoyment of your space. When they asked us to not do anymore events, weddings or anything like that, we stopped. We put it up on the website and scrubbed every site we were on to make sure that was clear. We backed down our occupancy down to twelve. I have reports. It is hard to show them from here. Quiet enjoyment is until x. John calls the cops. We have proof. Phil Sommer sends me the emails that John calls the cops. John sends the email at 8:55 that he called the cops. That means he must have called the cops early. It is not even within the quiet hours. We have quiet hours posted. That is a beautiful home. We take good care of it. We are good property managers. Good custodians of that property and neighborhood. I cannot help that the bridge took longer than it did. We shelled out the money per our agreement even though John did not hold up his end of the agreement. We still went through and fixed the bridge. I had engineers look at it when the water washed it out. It sat. Yes. It was an inconvenience to drive over it, but it was not a hazard. I continued to spend the money and do what we had to do honoring my agreement. The picture that has been painted I disagree with that. John is making his best case. I am not going to argue it. They are good people. I do not have an issue with them. The other neighbors I understand. I do not remember ever giving you a phone number or sharing any numbers. I would never give out my brother's direct number to anybody. The 24 hour paging service pages my employees down in the southern tier. John Manzer is the only one to have my brother's number for issues that were going on so it could be a direct. We are giving John some higher level service. If I had to scroll down every time John called, when it was answered this and that. The picture has been painted. It is unfortunate. I do not hold any grudges against John and Judy and neighbors. We have tried to comply. Like I said, I just do not appreciate acting like Craig walked into town and all of a sudden a party showed up. I was doing the same thing next door. Nobody had an issue. Made an offer on John's house and he sold it to me knowing it was a rental and why we made the driveway agreement because we were a rental and we were having people coming through. He did not have any issues then. That is the part I do not appreciate. It is a blatant lie. Everything else I understand. We have tried to comply with everybody's stuff. I had first right of refusal on John's house. All those things are documented and in place because the end goal was to own the full 25 acres. I already own fifteen. I do not appreciate the dishonesty that was put out there. Other than that everything else they were saying is fine. I do not have any issues with that. Like I said we do have a pretty well run property management company. We pride ourselves on being family run. You see me showing up here. I am not hiding behind anybody. It is what it is. We are happy to comply with whatever it is you all think we need to do.

Shelley Cone: Craig, it is Shelley again. I just wanted to elaborate on the difference between how you run your business. Now the house in front of our property has become a rental now and then. Laurence contacts us. He lets us know what is going on. He gives us permission to go down there if there is a problem. When we have had cars that have been parking on our property, every one of those people have

been polite. They have followed all the rules. You do not have anybody that makes your people follow the rules.

Craig Webster: Again, I disagree with you on that.

Shelley Cone: You cannot disagree. I live there.

Craig Webster: There is no way John experiences any of our cars parking down there. It is such a long distance.

Shelley Cone: I have seen limos after limos after limos driving up to that house while I am out in my garden.

Craig Webster: Frequenting the area yes. Coming back and enjoying their time. I understand that. That was to be no more events and so we eliminated that.

Diane Graham: One person at a time please. [Shelley and Craig talking at the same time.]

Shelley Cone: I want to sit on my porch. I want to open my windows. I want you to stop destroying South Bristol. Thank you.

Fred McIntyre: I would like to ask who is the person that lives in town that is supposed to come over and take of things when there is a call? One of the requirements is he has to have somebody in residence in our town.

Chairman Sousa: I do not know if it necessarily in residence, but he does need to have primary local contact that is able to respond in person.

Craig Webster: I am not going to put my employee's names out there.

Fred McIntyre: Listen. You do not have anybody in town. You do not have anybody to come. What you do is have an answering service. That is not what we need. Why didn't you increase your septic system if you are a law abiding person? You want the seven bedrooms.

Chairman Sousa: Please let's try to use a little decorum and not shout at anybody.

Fred McIntyre: You have not had to live with him.

Chairman Sousa: I understand your frustration, but there is a way to conduct public hearing and comments at public meetings. I would like to keep shouting at a minimum or none at all. Craig, were you in the middle of responding to that or do you have anything to say?

Craig Webster: Again, John will confirm I have two employees. I am not going to mention their names. I do not think it is fair to announce them publicly. They are local. John will confirm. I do not think we need to go over that.

Chairman Sousa: Craig, with all due respect.

Craig Webster: The answering service is live. It is not a recording. It is an actual person that picks up. The two people and my brother are listed on that call list. So if somebody does not pick up there are three people to respond to a noise complaint or whatever is going on. I think your noise ordinance is 10:00 pm. We actually post 9:00 pm. That is posted all over the house. We actually tell people quiet hours start at 9:00 pm, which is an hour before your ordinance. If somebody is calling at 8:00 pm we do not deem that as an emergency. If somebody is out there enjoying themselves at the pool, I cannot control that. No they are not having a wedding or DJ. Yes. That did happen in the past. Again, we have limited those. You asked us not to do that and we complied. I do not think we had any calls from John last year. Once you asked us to do certain things and John same thing. I think we tightened everything up so that he was happier. We were doing weddings and everything else right next to John prior to that. For John's oh always me seven years. John literally sold me his house to do the same thing. Just make sure that is on the record because he portrayed it like I just showed up and the party started in his back yard. That is not the case. I want to make sure that is clear.

Diane Graham: I just want to clarify Craig. I have local contact as Myles with a 585-465-5000. Is that the correct number?

Craig Webster: We gave you that because we are not handing out our employee's number. That is why we ask everyone to use the emergency line. Again, if you call my cell phone and I see an odd number I am not going to pick it up either nor would you.

Chairman Sousa: With all due respect we need a local contact. An individual that neighbors can reliably call.

Craig Webster: You have that information.

Chairman Sousa: Diane has that information listed as Myles Webster. Based on the back and forth that we just had it seems like Myles Webster is not necessarily that person. I believe it is a little unfair to not want to give your employee's names out. That is the point of providing a local contact for your neighbors to give their names out.

Craig Webster: It is not on the public to call them.

Chairman Sousa: It is not going to be posted publicly. It is for adjacent property owners so that they have a reliable contact they can rely on. That is an underlying theme with a lot of these people's comments.

Craig Webster: I have to be fair to the employees. A contact goes out through the operator. A message goes out to our employees. They call through our system, which blocks their number. It calls from Luxury Vacation Rentals number. The phone calls are recorded. Everything is settled in my system. So we do have a process. Again, I gave Myles number and that number was given a while ago. Nobody said that number is not local. Now if we are honing in for a local number, I will get you a clear outlook on that, but there is going to be some guidelines to letting that number fly out because that is not how we operate. I think that is fair. I do not think anybody would disagree that is not fair to my employee to give out the phone number to the public.

Diane Graham: It needs to be a local contact who is available 24/7 to deal with any issues and rectify it immediately. If the one you have on your application is not correct, we need to have the updated

information. Craig, we cannot hear you. Craig, we did hear you because something was going on with your connection.

Craig Webster: Is it better now?

Chairman Sousa: Yes.

Diane Graham: Yes. Thank you. We did not hear whatever it was you just said after that.

Craig Webster: I would be happy to give you an updated contact number. Again, nobody is going to. I can give you a local number.

Diane Graham: It will be listed on the operating permit and it is going to go to the neighbors. They will have that number to contact if there is an issue.

Craig Webster: Like I said I have a number. It is a local number because the operator contacts the local person. It is part of our management strategy. It works. We do not have any issues. We get calls all the time. We know when a smoke alarm goes off. I understand what you are saying. I think we will clarify it. Yes. I will provide you a local number.

Chairman Sousa: Craig, I would like to state it does not necessarily have to be a local contact. A name, address, telephone number and email address of a contact person who should be responsible and responsible and authorized to act on your behalf and promptly remedy any violations of standards outlined in this section.

Diane Graham: If it happens on a weekend, you have to answer it on the weekend.

Chairman Sousa: Yes. Promptly remedy. I think that is a key clause in that section. You can provide updated contact information to Diane. I would like to let you know that when operating your short-term rental if you do receive neighborly complaints that are dealt with promptly and those complaints are reiterated to the board. That will be an issue and a violation of the provisions of the permit. It is important that you are able adequately respond. I know you have this system in place and it works. Your neighbors seem to disagree and there seems to be a consistent theme that it does not work. You seem confident that it works, but it very much needs to in the event there is an issue.

Craig Webster: You can call it now, somebody will pick up and literally respond back to you. Like I said the problem is when they are calling that at odd times it is before quiet hours or something like that I guess that is the issue. We have not had any issues in the past year. I would ask John to prove that if he has had any noise complaints or anything else beyond your quiet time. There was one time when Phil sent me the email that John sent. It was way before. We have cameras on site and everything else. There was not even a problem going on. You can call the cops. I can call the cops all day long. The cops show up. I have talked to them. There is nothing going on down here. I say I know. It is all fine. The picture has been painted. I understand. They are not going to sit there and waiver. They want what they want and they are going to do what they need to do and present how they need to present in order to make it habit. I understand. Certain things I do not appreciate. I am a family guy. I use Bristol Mountain myself. I have four young boys. My wife and we all ski. We use the area. We frequent the area constantly. By no means am I trying to disrupt anybody. I am trying to people the same experience that I enjoy when I am down there. There are a few squeaky wheels that do not like that. Again, I understand. John did sell me his

house. It was operating the same way next door. I would appreciate some consideration. Prior to presenting that I have been a nuisance to him for seven years.

Chairman Sousa: Yes. Diane, did we actually close the public hearing?

Diane Graham: Now we can.

Chairman Sousa: No. We have a few other people to speak that is why I was asking.

Diane Graham: No we have not.

Judy Manzer: I am Judy Manzer. I am John's wife. I live 6537 Mountain Side Drive. Yes. We have experienced this for seven years. Yes. He did purchase our home and we knew what he was doing and those were the talks we had preliminary before we sold him the house of our dissatisfaction with the weddings and the noise. He said he had other properties where he could direct those weddings and those noises. He did not do that. That is what brought us here to this law even going on the books. It has been the neighborhood collaboration with Fred and our other McIntyre neighbors and us fighting to get him to go into compliance. We had to fight just to get to this point. Even tonight he was arguing the septic system when you said it is the law that you have eight people. You have four bedrooms. That is how that home was built when we owned it. It was a four bedroom home. The things that he is saying again not really true. He is putting his own little spin on it, of course. No. We have lived there and experienced that for seven years. Yes. We did have problems last summer. We did have to call the police a few times. His answering service is ineffective. We did use it in the past. We did not get calls back. We did not get response and the next move is to call the sheriff. He is referring these "quiet hours of 9:00 pm", but our noise ordinance is in effect at all times. At all times. If the noise level is beyond what a neighbor should have to listen to we have every right to call the police at any time of the day. That is what we have done. We called during the day before his 9:00 pm his posted quiet hours. So maybe he needs to go back and refer to the noise ordinance. Maybe he should read the law because the short-term rental law says yes you need to have a local contact or a person we can call. Not an answering service where the message may or may not get to the right person. A local person we can call when we have a problem, which is why we call 911 because we do not get any response from the Websters.

John Manzer: If I may join in briefly. The comment about dishonesty Craig whether you are there or not really blows my mind. I guess let's cut to it. I do not think he deserves to be approved for the short-term rental today. I think he needs to reapply. I will go back to my closing statement when I talked first. Item 4.C.5.A applications are due within 30 days of a short-term rental law effective date of 3/16/2020. The Town of South Bristol received his application not 30 days later, but nine and a half months later 12/29/2020. Follow the timeline. On 9/22/2021 a year and a half later was the inspection for the short-term rental law. Surprise, surprise that was when the bridge was down and there was a threat to his income. Craig, you and I have manned up. Looked each other in eye. I am really surprised at that dishonestly statement. Really surprised. The bottom line is if you just do the right thing, just do the right thing, man then this is not a problem. You have to be put up against a corner by the town or some enforcement mechanism to get your attention. That is not the right thing, man. That is not how we roll down here in South Bristol. So you can say what you want to say about dishonesty. You are looking at the mirror, buddy. I say we deny it.

Chairman Sousa: Are there any more comments otherwise I am going to close the public hearing? I declare the public hearing closed. Are there any final comments from members of the board?

Jason Inda: To be clear on this application we have amended it to occupancy of eight?

Chairman Sousa: Yes. Correct.

Jason Inda: So if we were make a motion on this it would be for an occupancy of eight not twelve?

Chairman Sousa: Yes.

Jason Inda: Just to be clear.

Diane Graham: Amending local contact it sounds like.

Chairman Sousa: Yes. We would amend the local contact that is to be provided to Diane after this meeting. I will iterate to everybody at the meeting that local contact should be someone who can respond promptly whether in person or at least send somebody on their behalf or on Craig's behalf to address any issues. If there is a deficiency in that, then the town needs to know about that.

Sam Seymour: Should we wait for that to be presented before we vote?

Chairman Sousa: Local contact?

Sam Seymour: Sort of an incomplete application.

Chairman Sousa: It is just providing contact information for an individual that needs to be valid.

Unknown: He already said he is not going to give it.

Chairman Sousa: He is going to give it, otherwise, he is not going to get his permit. He has to give it.

Unknown: The septic situation affects our properties. So he needs to correct that.

Chairman Sousa: I will state again for the record. The permit that is being discussed is for a maximum occupancy of eight individuals. The septic system existing is right-sized for an occupancy of eight. Four bedrooms, eight renters.

Unknown: Who is going to follow-up since he said we would be arrested for trespassing if we go up and see that he has more than that in his home?

Jason Inda: There is a process. If he is approved, then you file a formal complaint in writing with the code enforcement officer. The code enforcement officer would bring that to us. Then we could potentially have a hearing and issue fines or revoke his permit.

Unknown: The code enforcement from what I understand and I am sorry sir I do not mean this negatively against you, but he was called and he told the person to go up to the house because he is not worried about it. So in that case going up to the house is when they were told you will be arrested for trespassing if you make any contact close to this house again.

Chairman Sousa: The formal complaint reiterated to you is not going to address in the immediate sense any issues that are happening in real time. That is what the local contact is for. That is what the local contact should do adequately. It seems that there is a theme that you all believe that to date has been an inadequate system line of communication set up. That needs to be adequate in order to abide by the provisions set out in this permit in the event it is issued tonight.

Unknown: It would be nice to know that we had the code enforcement man on our side to speak to us and whatever. I do not feel that way.

Chairman Sousa: If you find that there is an issue and you go through the proper channels as outlined by Craig to contact that individual and it is insufficient. Just as we outlined you may submit a formal complaint to the code enforcement officer because that warrants a violation of the provisions of this permit and we will review those and take appropriate actions to remedy them. If it rises to the level of there is pervasive enough issues that we find have merit, it could rise to a level of permit revocation. It is the whole point of having one or not having one. There is a formal process set up. You can go online. I would be happy to email or Diane can email you the local law and you can read through the step by step process by which you file a complaint. A step by step process by which we evaluate it. It is not one complaint and immediate revocation, I will state that.

Unknown: It does not sound like they are trying to hide information, skip this step, and skip that step, whatever. We have done nothing, but deal with him skipping steps.

Chairman Sousa: The public hearing is closed. To your point yes. What we are voting on is an amended application. Those amendments include a maximum occupancy of eight to comply with NYS Wastewater Treatment Standards, the addresses were updated and this is conditioned upon you providing Diane with an updated local contact. That will be in turn given to any adjacent property owners. That being said.

Matthew Sousa moves that based on the review of short-term rental permit application 2021-0038 as amended as stated and the testimony presented at the Planning Board meeting on October 20, 2021 and the public hearing on March 16, 2022 the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jason Inda seconded the motion.

Roll Call Vote:

Ralph Endres – Nay  
Jason Inda – Aye  
Michael McCabe – Nay  
Sam Seymour – Aye  
Matthew Sousa – Aye  
Kevin Stahl – Nay  
Gregory Shaffer – Aye

Motion carried.

Chairman Sousa: You will need to provide updated local contact information to Diane. We will need advertising websites listing and identifiers emailed to Diane or the code enforcement officer.

Diane Graham: You are muted Craig.

Craig Webster: I will call Diane tomorrow and go through whatever she needs.

Chairman Sousa: Thank you.

**Short-Term Rental New Business**

Short-Term Rental Application 2022-0005 (Preliminary)

Owner: Jon Joseph

Local Contact: Brett McManus

Property: 7122 County Road 12

Tax Map #: 194.00-1-29.100

Zoned: R5 (Residential 5 Acre)

Sleeping Occupancy: 2

Parking Spaces: 2

Chairman Sousa: Would you mind introducing your application for the board please?

Brett McManus: Yes. For sure. My name is Brett McManus and I am applying for a short-term rental permit at 7122 Co Rd 12 here in South Bristol. The property is owned by Jon who has been the owner for some time. He used to occupy the space, but since has moved out of the area. He has been operating it as a long term rental. He is gotten to the point where he is no longer interested in operating that property as a long term rental so I am managing that property as a short-term rental. I live locally here. I reside in the Canandaigua area. Looking to manage the day to day of that property. All the guests, the upkeep of the property and I will be the one responsible for visiting if there are any issues. It is a smaller cabin in six. It is a 400 square foot studio. We are specifically marketing it towards young couples looking for a place to stay when they are traveling to the area or singles if it is digital nomads. People working remotely, etc. The intent is for it to be a small use in the outlines that we have proposed both in the nightly stay limit as well as the parking limit we are looking to confine for only two people as well.

Chairman Sousa: Do you have experience with short-term rentals?

Brett McManus: This is my first short-term rental. I own a dozen long-term rentals. My partner Casey, who is here, both are part of local Airbnb groups where we receive mentorship on how to operate these short-term rentals with access to cleaners, technicians. This is our first short-term rental. We have ,ong experience with long-term rentals.

Chairman Sousa: You said you are located in Canandaigua and you are the local contact?

Brett McManus: That is correct.

Chairman Sousa: Are there any questions from the board? You said you had adequate parking. You are renting for two and you have parking spaces for two.

Brett McManus: There is parking spaces for at least six cars. We are limiting it to two to support the occupancy that we have.

Chairman Sousa: Are you renting this year-round?

Brett McManus: It is a year-round rental, correct.

Chairman Sousa: Any other questions or comments? Hearing none.



Matthew Sousa moves that the Planning Board accept the short-term rental permit application 2022-0005 as complete and set the application for final review/public hearing on April 20, 2022. Kevin Stahl seconded the motion.

All in favor.

7 Ayes: R. Endres, J. Inda, M. McCabe, G. Shaffer, S. Seymour, M. Sousa, K. Stahl

0 Nays

Motion carried.

### **Regular Old Business**

#### **Request for Extension of Site Plan Approval 2021-0024**

Owner: Daniel Crowley

Representative: Daniel Crowley

Property: 6830 Co Rd 34

Tax Map #: 177.00-1-33.000

Zoned: R3 (Residential 3 Acres)

Daniel Crowley: Good evening. How are you?

Chairman Sousa: How's is going?

Daniel Crowley: I am Dan Crowley. I am the property at 6830 Co Rd 34. Diane it says 33 here.

Diane Graham: I am sorry I made a mistake.

Daniel Crowley: They touch each other. Unbeknownst to me site plan are approved for a period of six months. I did not start construction by January whenever it was. I am here to request a six month extension. The site plan there has been no changes to the approved site plan that Bill Grove put together. All the information from my building permit has been submitted to Scott. Scott has been up to the site when Phil was still here. Like I said, nothing has changed. I am just looking for a straight extension. Thank you.

Chairman Sousa: This is a one-time extension for six months. If you do not begin construction in the next six months, you will have to reapply and go through the process again.

Daniel Crowley: Through the whole thing? Understood.

Diane Graham: Any changes to your site plan you would have to come back.

Chairman Sousa: Right. There is no changes.

Daniel Crowley: I was so excited to have Bill Grove get it done that I was not aware of the six month thing. I knew I was not going to start in six months, but I just did not know I had to.

Chairman Sousa: That is fine. I know a lot of board members were not here for this application. It is pretty straight forward and entirely zoning compliant. We approved it unanimously six months ago. This is just a request for an extension. Not necessarily a re-review of the site plan.

Matthew Sousa moves to grant a one-time six month extension. Ralph Endres seconded the motion.

All in favor.

7 Ayes: R. Endres, J. Inda, M. McCabe, G. Shaffer, S. Seymour, M. Sousa, K. Stahl  
0 Nays

Motion carried.

Site Plan Approval Application 2022-0004 (Public Hearing)

Owner: Shouting Hill LLC  
Representative: Wade Sarkis & Peter Sarkis  
Property: 5771 Blake Acres Drive  
Tax Map #: 168.12-1-4.000  
Zoned: R3 (Residential 3 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:

2022-0004 for property owned by Shouting Hill LLC located at 5771 Blake Acres Drive, tax map #168.12-1-4.000. The property owners are looking for site plan approval to construct a new single-family residence.

Said hearing will take place on the 16th day of March, 2022 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: 832 8246 8319, Passcode: 413009.

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

Diane Scholtz Graham, Board Assistant

Chairman Sousa: Please briefly discuss the project and any changes made since the preliminary hearing.

Wade Sarkis: I am Wade Sarkis and this is our property. I am sitting with Peter Sarkis who works with Marks Engineering and is our site engineer on this project. There has been a small change to the layout and configuration of the garage between this one to include a breezeway. The architect David Hanlon just could not get the roof lines to work very well. Just bringing it out about eight or twelve feet I think it is and little bit of an angle changes it enough to make it work. I do not know if I described that very well. That is the only change from the last time we were here a month ago.

Chairman Sousa: So just a slight change to the footprint of the house and the garage?

Wade Sarkis: Yes.

Chairman Sousa: Are there any questions from the board? This is exempt from County Planning Board. Septic system is designed.

Peter Sarkis: The septic system is installed and existing.

Chairman Sousa: Septic is designed and installed. Excellent.

Diane Graham: Do we have an as-built yet?

Wade Sarkis: Not yet. Nothing is hooked into yet. Waiting for that to happen and get Bill Grove in there.

Chairman Sousa: Okay. You have your steep slopes permit. There is no Watershed Manager. It was not presented to them. Do you have your archeological site determination stating no impact dated 1/21/22. All set there. Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Is there anyone in the public who wishes to speak on behalf of this application?

Alice Nichols: Hello everybody. My name is Alice Nichols. I am here with my sister Sue Colf and Charlie Blake. We have another member of the family, Kevin McWilliams, but he could not be here tonight. We are all neighbors and owners of Blake Acres, which is the property that runs to the north of the Wade Sarkis property. We are happy about the Sarkis plan to build a house so they can enjoy this property three or four seasons. It is a nice place and we are excited for them to do that. We met with Wade and the people I just mentioned. We had communication with regard to the driveway that leads from Coye Road down to his current cabins. The map that he gave to the last meeting is what I am referencing. The driveway from Coye Road to Blake Acres we all have to cross the Perkins property. I do not know the correct word if it is easement or right-of-way to cross their property. At the end of the construction and all that would be great if the property could be returned to the same drivable condition that was in before the construction started. Wade then needs to once he gets to the bottom of Perkins property continue towards the lake onto our property and take a ninety degree angle parallel to the lake. That is another right-of-way/easement that runs north to south the whole way of the lake. Again, we just like this portion of the driveway, which is an easement that we all own to be put back in the same condition it was before the project started. I mean the start of the septic and the barn and now we are moving into the house phase. That probably seems reasonable I hope to everybody. This long property that runs parallel to the lake it has overgrown trees with a canopy and a grass pathway down to reach his property. My brother personally mowed the lawn for twenty years. There is a little grass parking lot where he mows too. Just to give you a visual on that. I do not know if I should stop there because I do not really know if I should speak tonight or what not. The other thing I was going to share is so that we are all on the same page is the driveway I just mentioned on Blake Acres cannot be moved or expanded at all to the east. The driveway on Blake Acres cannot be moved or expanded at all to the east. We have talked with Wade about that. We showed him all the markers where the property is, etc. The other thing that ninety degree corner. I did not mention this to Wade so he does not know about this. With all that traffic and trucks it gets moved a little bit. You used to go up the hill straight well now you have to go up over a bump and you are kind of rattled. That is okay in a car, but I do keep my boat down there. I rented a place at German Brothers because I was worried the motor might get bumped on the way up. The other thing we

mentioned with Wade is nothing should be dumped on Blake Acres debris or anything of that nature. Just move it on. Do not dump anything. The last thing I am not really sure about that Wade could help me out. He goes across from north to south and then he gets onto his property. On the map you are heading down to his property. There is several swing backs on that property. That road has been there for years. On the map you can see the first swing back they have moved because it is over the property line. The other two swing backs we did go (whole group) and my brother stood there and showed him the property lines so you could visual it. It goes along with his map that he gave to you. Just to say please do not encroach any more onto Blake Acres. Do not carve onto the property any further. Steep slope the road is down here and our property carved in over years. It is a ten foot drop. If you take one step you go down ten feet because it is carved in. Hopefully a visual for you. No carving in would be great including the drainage. That is that. So we are neighbors. Anything Wade you need give us call. We would like to have a picnic with you and all that sort of stuff. It is all a friendly thing. We want to make sure we are all on the same page. I do not know if this was the right, but I did have three questions. Basically, to wrap it up. All the easements please return to the same condition as they were before. Please do not dump any debris on the property. The two swing backs that are on the south side of Blake Acres cannot go any further. You are on the line or a little over. Do not carve anymore including drainage. So that brings me to a couple questions based on your meeting last time because I do not understand everything. There was mention of real drainage was going to be provided. He said pitch out the corners. I do not know what that means. Create swales, I sort of know what they mean, create swales to direct water on each side to the north gully. I was really sure what all those meant and if anything of those pertain specifically to those two questionable swing backs that are on his map. The map that I got you have the swing backs and then those little lines if they continued would be over our property. They are missing from the map. Is that okay? I do not know if I was supposed to do it tonight or not. I do not want to upset anybody and we are not mad or anything.

Wade Sarkis: No. It is fine.

Alice Nichols: This was brought up at the meeting so I thought this was the appropriate time.

Chairman Sousa: No. This is the public hearing. This is the time for the public to be heard.

Alice Nichols: Picnic soon, but I do not know what those three things are and wondering how they pertain specifically those two swing backs on the thing. Are you good with returning everything back?

Wade Sarkis: Everything you said it right on.

Alice Nichols: Okay. So there you go. Yeah!

Wade Sarkis: The drainage specifically in the meeting last time was around the building site.

Chairman Sousa: Yes.

Wade Sarkis: We will have swales around there.

Chairman Sousa: Right. You will have swales around the building site.

Wade Sarkis: It is a hundred feet for so from their property.

Chairman Sousa: Not necessarily pertaining to the site access via the driveway.

Wade Sarkis: We are working on the road. Part of it is done and winter came in. The turns Alice was referencing in our driveway really, it is an old driveway, comes right to the lot line and curves back around. So the work we are going to do is bringing things away from the lot line.

Chairman Sousa: Is there an easement, a right-of-way easement?

Wade Sarkis: That is at the very top. If you picture two rectangles next to each other to get to ours we have to go over the top of theirs.

Alice Nichols: Do you want the map because it is one-rod?

Chairman Sousa: I have the site plan up.

Alice Nichols: Okay.

Sue Colf: The road from Perkins property line is one rod wide.

Alice Nichols: We did do a visual with that in pink paint.

Charlie Blake: It has changed over the years because it was from about 1850. So over the years with carriages and everything it has moved some. So we do not want it to move any further to the east.

Chairman Sousa: Right.

Wade Sarkis: We had a very good description by the family and visuals. My guy did move some stuff unknowingly. I did not give him the right instructions so he moved it all out of there. It is fill cut that put there and smeared over several feet into their line so we moved that back over. I appreciate their patience and cooperation. I do not know if I addressed the drainage Alice.

Alice Nichols: I was concerned pitch out corners.

Chairman Sousa: Can you speak into the microphone if you are speaking?

Alice Nichols: I am sorry. The pitch out corners that was mentioned at the last meeting. I did not know what that meant. I was not sure if that was pertaining to the two switchbacks as you mentioned that are right at, on or a little over the property line. We do not want big equipment backhoe grading. You know once you take one sweep you are not putting it up and pasting it back up. It is done.

Peter Sarkis: Currently, how the driveway exists. Its flattest sections are in the straightaways and its steepest sections are around the turns. Really the work we are trying to do on the driveway is to change that. We want it to be less steep on the turns and more evenly graded between turns. We actually trying to reduce that pitch on the turn. Instead of being a 30% slope around the turn we are going for more like 6-10% and more of a regular typical driveway steepness in between each turn. It will really be cutting a little bit off of the top or filling in a little bit of the bottom of the turn. Then taking anything extra to kind of even out the differences in between each turn I should say in grade. Make it regular and easier to navigate. As far as any additions of drainage. There is already existing swales on the uphill side of almost every single straight section. We might clear them out a little bit and make sure water can flow properly

through there without getting clogged up. That is really to make sure you do not have built up and water running over the roadway and washing it out. You are stuck doing repairs the next year. We are trying to make it a solid road that does not need to be repaired every single year. Maybe a little more navigable in those winter months when you might experience snow or in the fall with leaves.

Chairman Sousa: Great.

Peter Sarkis: Was there a third? Just worrying about encroaching on the line?

Alice Nichols: Yes. Whatever you just mentioned as long it is over on your property. That sounds good. When you do dig out the ditches and the backhoe goes in, it keeps going further and further over.

Chairman Sousa: Or just to remediate it once work is done.

Sue Colf: I do not think you can remediate it.

Charlie Blake: It was done quite previously. I think it was an old logging road. It was way before the Sarkis owned this. My sister does not want it carving any more onto the property. What was done is done.

Jason Inda: I would consider that pre-existing non-conforming. If he was putting in a new driveway, maybe he would have to stay a little further away from the property line. Because it is already there, as long as he does not encroach any further onto the property line and yes he should be fine.

Alice Nichols: With the drainage and the road.

Jason Inda: What we are approving is the site plan would not allow him encroach any further onto your property. If the driveway is on that edge, he cannot go any closer to your property line than he already is.

Alice Nichols: We just tried to show him visually where all property lines with all these I discussed so that he knows where easements are and property lines. He already know because he has the map.

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

David Bowen: I have a question about the road because I have not been to a picnic yet and we do not have lines on the drawing to show elevation. When you start bringing cement trucks and large construction vehicles down there are you going to be able to accommodate on the existing roadway without installing any kind of additional drainage other than natural swales?

Peter Sarkis: We are having an additional culvert installed. That is the only thing other than additional swales. The turns are being widened and the radius being brought in and away from any exterior property line. That wider radius will allow for construction vehicles to turn. Right now I would not recommend sending a construction vehicles down there. With the work that is being done they should not have a problem.

David Bowen: It is a dirt road now, right?

Peter Sarkis: Yes. And gravel.

David Bowen: Is it going to be able to accommodate heavy trucks? We had construction going on in our neighborhood and they pretty much destroyed an asphalt road.

Wade Sarkis: No doubt they will rip it up a bit. Obviously, we will get it back to a passable position when big trucks are done.

David Bowen: I guess where I am going it is not going to be a safety problem is it?

Wade Sarkis: No.

Chairman Sousa: To further that point you do not anticipate any road disturbance so as to cause it to encroach upon a neighboring property or anything like that due to the heavy machinery?

Wade Sarkis: Definitely not.

Chairman Sousa: Any more questions from the board? I will declare the public hearing closed. This was a SEQR Type II with little or no impact.

Matthew Sousa moved that this is a Type II action under SEQR requiring little or no impact. Gregory Shaffer seconded the motion.

All in favor.

7 Ayes: R. Endres, J. Inda, M. McCabe, S. Seymour, G. Shaffer, M. Sousa, K. Stahl  
0 Nays

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 McCabe moved to approve findings 1-4. Jason Inda seconded the motion.

All in favor.

7 Ayes: R. Endres, J. Inda, M. McCabe, S. Seymour, G. Shaffer, M. Sousa, K. Stahl  
0 Nays

Motion carried.

Matthew Sousa moved to approve both preliminary and final amended site plan approval application.  
Ralph Endres seconded the motion.

Roll Call Vote:

Ralph Endres – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Sam Seymour – Aye  
Matthew Sousa – Aye  
Kevin Stahl – Aye  
Gregory Shaffer – Aye

Motion carried.

Site Plan Approval Application 2020-0016 (2<sup>nd</sup> Preliminary)

Owner: Stephanie Buechler  
Representative: Peter Sarkis  
Property: 5411 Seneca Hill Drive  
Tax Map #: 168.12-1-9.000  
Zoned: R3 (Residential 3 Acres)

Diane Graham: I noticed I did not change the owner information on the meeting agenda to new owner Stephanie Buechler. Stephanie Buechler and her husband are on Zoom.

Chairman Sousa: Please describe your application for the board.

Peter Sarkis: I am been working on this project for under two years now. I year and a half about. We have been before this board once before. There has been changes in the members. I do not believe the majority of this board has seen this project prior to the submission of this application. The Buechlers own a lot on Seneca Hill Drive. It fronts the lake and it has access from Seneca Hill Drive up above. What we are proposing is a new three bedroom house, a driveway to access it and Presby septic system that is required to be pumped because it is up hill from the house itself. Water will be retrieved from the lake and we have various methods of mitigating storm water on this site. I am not sure who and who has not seen it since last time. The footprint has changed slightly. I believe it was a four bedroom or at least a larger footprint of a house. We have downsized since then, but other than that I would say that this project is primarily consistent with what it was before.

Chairman Sousa: My apologies, this application came before our board about two years ago. We are having another preliminary review because a majority of this board that is present today was not serving two years ago and would not represent a quorum of the board that originally approved the preliminary application. This is a re-review. The site plan changed a little bit. That was just iterated. Are there any questions from the board?

Sam Seymour: I was here the first time it came around. The calculations at the top of the page for surface area. You are using the same numbers as before even though the footprint of the house has changed in 2020.



Peter Sarkis: Sorry what numbers are they exactly. There have been some changes recently with those numbers.

Sam Seymour: The footprint of the house on the new plan shows 1,620 square feet.

Peter Sarkis: I believe that is incorrect. The proper square footage is 1,241 square feet. Diane and I were corresponding back and forth with lot coverage issues which we have since resolved.

Diane Graham: We have a couple more things that need to be done too.

Sam Seymour: Even though at the sketch of the house it shows 1,849 that is the total square footage of all floors, right?

Peter Sarkis: I believe that would be the square footage of the footprint. I am not actually 100% sure because I do not have that number in front of me anymore.

Sam Seymour: Maybe it includes the deck or something like that. So you need to take a look at that.

Peter Sarkis: I have not resubmitted a plan with all those changes, but we have gotten to the bottom of that, yes. There was an issue with lakeside lot coverage. I was unaware that this property is bisected by a road. That is probably incorrect on the plan you have as well. We have been over that though.

Diane Graham: The front setback calculation.

Peter Sarkis: That is 300 feet not 100 feet.

Diane Graham: Sam, where was your calculation located?

Sam Seymour: At the top of the page on the surface area. The numbers are the same as the original site plan and need to be updated to match the smaller house plan.

Peter Sarkis: I believe we figured out this issue prior to the meeting. There was not time to resubmit.

Sam Seymour: The first time the proximity of the house to the edge of the cliff. It seems like it really close. It is a good 70-75 feet above the water anyways. The drawing does not do the cliff justice because we do not know where it gets really steep and almost vertical.

Peter Sarkis: This dashed bold line. It runs right along here within this 25 foot setback line. That is our best approximation of the bluff.

Sam Seymour: Top of the bluff, okay.

Peter Sarkis: So how we currently have it is at 22.1 feet back from the bluff on the nearest corner.

David Bowen: What is the drop down to the mean high water line because that is not on here either?

Peter Sarkis: Should be approximately 80 feet.

Diane Graham: Do you want that on the site plan?

Sam Seymour: The mean high water level is 689.4 feet according to the state.

Peter Sarkis: So that would make us about 70 feet.

Sam Seymour: Yes.

Peter Sarkis: To the finished floor almost eighty.

Sam Seymour: From the sketch it looks like this house sort of a walk-out basement house. Is there enough room to get out there without falling off the cliff?

Peter Sarkis: So I guess what you are saying is it too close where that would even be wise or will they be able to use that space? I am not sure what exactly their use of space will be beneath here. Would you want to be close to the edge while doing regular activities? Probably not. I think they will have good use of this deck space up above that will allow them to have a nice view of the lake.

Sam Seymour: So to understand how this all gets tied together. What is their access to the beach?

Peter Sarkis: I believe they have access from another house and owned by their family.

Stephanie Buechler: I can speak to that. I am Stephanie Buechler. Yes. We will have a trolley going down to the beach so will have access to the beach. So we will have access to the beach in that way.

Diane Graham: Is it on your property?

Stephanie Buechler: Yes. It will be on my property.

Sam Seymour: Where do you plan to locate that?

Stephanie Buechler: That will be to the south.

Jason Inda: Is that required to be on the site plan for approval or would that be separate approval?

Chairman Sousa: We do not review and approve trams.

Diane Graham: Do you want it noted on there?

Chairman Sousa: It would be appreciated to have an approximate location. Although it would not necessarily have any implications on our approval or denial of the site plan.

Stephanie Buechler: My father owns the adjoining property and there are stairs already on the property down to the beach.

Chairman Sousa: You are depicting that on the north end of the site plan, correct?

Stephanie Buechler: To the south.

Peter Sarkis: That is the neighbors. I can see how you are confused with that.

Stephanie Buechler: The adjoining property is my father's property to the south of this property we are talking about right now.

Chairman Sousa: I guess if you do have an approximate location of the tram and that could be depicted on an updated site plan at the next meeting that would be good to know where that is being located. Are there any more questions?

David Bowen: I have a couple. The expansion area that is noted on the map to the west of the septic is that an additional proposed septic field in the future?

Peter Sarkis: The department of health requires us to have an expansion area to the specific system in this location.

David Bowen: Was there any thought to putting the septic their originally? Given the current leach field is a little less than 200 feet from the water.

Peter Sarkis: I believe the reason did not go with up there is partially because of the slope and also because of our restraints. Just exactly the amount of space that we require. For an expansion is half of the area you currently have.

Jason Inda: Correct. Fifty percent.

Peter Sarkis: Fifty percent more.

Jason Inda: This is not a normal septic system. This is a Presby. It requires much less space than a conventional system.

Peter Sarkis: We did go back and forth with the department of health many times to make sure we had it right. I do not know if we actually have one full septic system area up there. This does seem like the best site to locate it. That is close proximity and it is half of the area. If we did need to pump a little farther, that would be a good location for it.

David Bowen: It also looks like you have put in a couple of different culverts. At least from my look at it. I am no engineer. It appears you are diverting nearly all the surface water to the west of the house into one single channel which is basically going over the bluff and into the lake. Can you tell us why it was designed that way as opposed to letting some of the water drain naturally?

Peter Sarkis: I guess the best answer is sort of a few different reasons for how went at it. This is an existing drainage area. I know it is hard the exact topography. This is all very flat. As it exists you have a lot of this area draining into this gully. We are definitely are directing more to it. I guess the only other option for redirecting it would be pushing it this way and we tried to avoid creating new drainage regions going down a steep cliff like this. Then you have a new point of erosion and a new stream that maybe should not be there for one reason or another. Also, to speak on this culvert I believe there is an existing one that we are replacing. It seems to be clogged and creating drainage issues. We want to make sure that the system is nice and dry and able to function properly. Beyond that it just redirecting this water to protect the driveway. There is not any other reason beyond that. We have called out for a number of check dams that would be temporary during construction to prevent excess erosion. We would like to line this region of a small gully with rip-rap to try and prevent any further erosion then might be natural.

David Bowen: Also with the tree removal. Are any trees being removed that do not involve accommodating the structure?

Peter Sarkis: I do not believe so other than the septic. No. I believe the Buechlers' are very adamant on trying to keep as many trees as they can that are currently existing.

David Bowen: I just could not tell from the two drawings are different scales so hard to tell. Thank you. Mrs. Buechler are any these trees coming out that are maybe improving your view as opposed to accommodating the structure?

Stephanie Buechler: No. There is no trees whatsoever that are being removed other than the ones that will be in the area that will be the house will stand and also where the septic field will be.

David Bowen: Thank you.

Chairman Sousa: Are there any more comments or questions? We can schedule this for final hearing at our next meeting.

Diane Graham: We will need the four updates on the site plan before scheduling. I would think one for each board member so they can see the changes. So we will need ten.

Peter Sarkis: Yes.

Chairman Sousa: Thank you. We are all set then. When we receive those changes and we have everything we need, we can schedule this for the final public hearing and review at next month's meeting.

Peter Sarkis: Thank you.

### **Special Event Venue Amended Resolution 1-2022**

A motion was made to recommend that the Town Board take appropriate steps to add a local law on Special Event Venue in the Neighborhood Commercial (NC) District as per the following amended Resolution 1-2022:

#### **SPECIAL EVENT VENUE**

**Definition:** The limited use of a parcel or part of a parcel of land, for celebratory, cultural or educational activities such as conferences, banquets, festivals, weddings, or other similar activities.

#### **Use standards.**

A special event venue must demonstrate compliance with the following standards:

- A. The special event venue shall be located on a site with a minimum of ten (10) acres.
- B. The site of the special event venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Zoning Board of Appeals in consultation with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
- C. The maximum number of attendees at a special event venue shall be three hundred (300). The Zoning Board of Appeals may set a lower maximum number for a special event venue based

on the health, safety, and welfare of the attendees and/or the neighborhood and surrounding community.

- D. The applicant shall demonstrate that all required parking can be accommodated on-site. This requirement shall not preclude a special event venue from utilizing shuttle buses or other methods of guest transportation.
- E. All events shall be provided with adequate potable water and sanitary system as determined by the Code Enforcement Officer and/or the Department of Health.
- F. The Zoning Board of Appeals shall require appropriate buffers between the special event venue and adjoining properties, given the size of parcel, the natural topography, and vegetative cover.
- G. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn meeting the standards below.
- H. Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the special event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event barn meeting the standards in the section below.
- I. Events shall commence no earlier than 10:00 am and shall terminate no later than 11:00 pm. However, the Zoning Board of Appeals shall have the power to modify the commencement and termination times for a particular site based upon the health, safety and welfare of the neighborhood and the surrounding community. All events must conform to all provisions contained in the noise ordinance for the Town of South Bristol. For purposes of this section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises. An event management plan shall be prepared and submitted to the Zoning Board of Appeals and Planning Board for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities and maximum number of guests. The plan shall also include a list of contacts for specific distress or emergency situations to be used by the guests shall be provided at each event and the legal name and address of an emergency contact person at the site shall be provided. The Zoning Board of Appeals and/or Planning Board may in its discretion require that events with two hundred (200) or more attendees provide for adequate on-site ambulance coverage. The event management plan shall be incorporated into the special use permit and site plan approval.
- J. The application, site plan and event management plan shall be referred by the Zoning Board of Appeals and/or Planning Board to the appropriate fire district, fire department or other fire and safety provider for comment and recommendations with regard to fire and safety issues associated with the operation of the special venue and the use of an event barn, if proposed.

#### **Event barns.**

Special event venues may utilize former agricultural or accessory structures as a place of public assembly, such as a barn, provided the following criteria are satisfied:

- A. The use of an event barn shall be permitted only after issuance of a building permit and a certificate of occupancy for public assembly by the Town's Code Enforcement Officer.

- B. The applicant shall provide the Code Enforcement Officer with a plan prepared by a registered licensed design professional to improve the event barn to enable it to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of site plan review.
- C. The occupancy of the event barn shall not exceed occupancy load and exiting provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the premises by the Town's Code Enforcement Officer.

**Special use permit.**

- A. The special use permit and site plan for a special event venue must include:
  - (1) The maximum number of attendees permitted during any event.
  - (2) The hours of operation of the special event venue and whether amplified sound is permitted.
  - (3) Any other conditions on operation, design and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.
  - (4) Items in Subsection A(1) through (3) above shall be determined by the Zoning Board of Appeals and/or the Planning Board based on the size of the parcel, location, topography, parking, proximity of neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation.
- B. Once a special use permit has been granted to permit a special event venue at a particular site, individual events may be held at the site without further review by the Zoning Board of Appeals so long as such events are compliant with the limitations in the event management plan and special use permit.
  - (1) Notice of individual events shall be provided via electronic mail to the Town Code Enforcement Officer, County Sheriff and State Police departments and the applicable fire district thirty (30) days before each event, or as soon as possible for events scheduled on less than thirty (30) days' notice.

Motion was made by Matthew Sousa and seconded by Ralph Endres.

All in favor.

7 Ayes: R. Endres, J. Inda, M. McCabe, S. Seymour, G. Shaffer, M. Sousa, K. Stahl

0 Nays

Motion carried.

**Other**

Deborah Denome Informal Discussion

168.00-1-81.100, 6141 Hicks Rd, 5 acres, Zoned R-3

168.00-1-81.220, Hicks Rd, 16 acres, Zoned R-3

Deborah Denome: Hi, I am Deborah Denome. I have two parcels at 6141 Hicks Rd five acre parcel that has my house, a garage and attached apartment and a large barn. The other property is 15 acres of vacant land that is adjacent. It is known as Hicks Road. I have been running a non-profit educational organization there for 21 years. It is about teaching more sustainable ways of life. One of the things that we are looking at for the future is how to have that land be more sustainably used in the further. It has been a home to my three children and my parents who are all flying away soon. I do not want to sell it for development. There are people in the community interested who are aging and many have been farm members for ten, fifteen, twenty years who are interested in possibly aging together in place on this land. Also with me is Melissa Carlson who is an architect who has worked on our barn concepts and Mike O'Reilly who is on our board. This is an informational discussion. I really appreciate you making time for this tonight. This is a concept and there is many options to it. We really wanting to have an open discussion and get your input on how you feel like this would fit with the town comprehensive plan. There are different routes we could go. What zoning issues we would face depending on which directions that we go. I do not know if you have had a chance to look at the many things that I sent or how much you would like me to overview the ideas. If you have questions, based on what you read. Where would you like me to start?

Chairman Sousa: I think if you could just start with the overall concept of what you are talking about and then as questions arise, we can address them.

Deborah Denome: Okay. I also realized there was no real overview map. *[Handout for the Board passed out]* The two parcels that I have labeled 6141 Hicks one is a very odd shape the vacant one, which does not have a number at this point. So 6139 is owned by my parents and 6143 is owned by my cousin and 6145 is owned by the Yacuzzos. The one concept that we are playing with and we talked with land use planners about this is doing some clustered housing between 6141 where my house is and 6139 where my parents is. It is a narrow strip there, but circling around a little community green area for some small duplex cottages in this concept. Each cottage would have a total footprint of 1,900 square feet, but they would be divided into two separate apartments. Maybe three or four of those clustered around there. The large barn is giant storage at the moment. The idea for that could either be community building. We visited other small elder villages that are based around a farm. The one we liked the most are in the Hudson Valley. They provide all sorts of opportunities for people to be involved in gardening. There are woodshops, potteries, music studio. The barn has enough room for all of it. As a community building and/or the idea of starting with the barn and perhaps renovating it into some living space to start with because the barn is already there. I understand from brief conversation with Scott that if the barn had residential units that were permanent residential versus board and lodging that is completely different codes that are applicable for that. Our neighbor, Jon Gage, went to a training with a state for his role on the Zoning Board of Appeals about this kind of clustered development particularly for aging in place. How the state is encouraging towns to look at it. I guess questions from there. Obviously a lot here.

Chairman Sousa: Right. Just at first blush this would be considered a multi-family dwelling, which is permitted in the R-3 zone. In my opinion it would be. I do not know this necessarily caps on the amount of people. I know a multi-family housing or boarding houses is capped at 15 lodgers. I do not know if this would necessarily rise to a board house per se. I think it would be more appropriately a multi-family dwelling. I guess more residential properties on a single lot, correct?

Deborah Denome: Correct.

Chairman Sousa: In addition there is agricultural uses, which I believe to be permitted. This would be new construction a lot of these buildings?

Deborah Denome: We are looking at three duplex cottages would be new construction.

Diane Graham: How many at each duplex?

Deborah Denome: The whole duplex four people so two in each. Probably one bedroom apartment and one two bedroom apartment, but they could have one or two people in them so a maximum of four people.

Diane Graham: So four people per duplex?

Deborah Denome: Yes.

Ralph Endres: This I think is a subdivision.

Chairman Sousa: You are allowed two house on the same lot.

Diane Graham: Do they have to combine their lots to one tax map number?

Jason Inda: It looks all your structures are on 6141 Hicks, correct?

Chairman Sousa: Right.

Deborah Denome: The current ones.

Jason Inda: Differentiated that line because it is vacant space now. You are not encroaching onto 6139?

Deborah Denome: Correct.

Chairman Sousa: Yes. 6139 you are not encroaching on that.

Diane Graham: There are two 6141 Hicks. One is vacant and one is not.

Jason Inda: I think she just overlaid that. I do not think that is a town map. Is that correct or are these two separate lots?

Deborah Denome: They are two separate lots. The 6141 Hicks is a five acre parcel. The other one is actually 6141. I should have just put Denome because that is me. It is just a vacant Hicks Road parcel that does not have a number.

Jason Inda: Separate tax map numbers then?

Deborah Denome: Yes.



Jason Inda: Well that changes everything.

Chairman Sousa: Assuming we called this a multi-family dwelling would be a special use in the R-3 zone. You would need to get a special use permit in order to do this.

Jason Inda: Is there a limit to the number of dwellings? I think there are five on my map here.

Chairman Sousa: Right. There are two residential dwellings per lot that is permitted I think, right? Yes. Is there any lot that would exceed that amount?

Deborah Denome: Currently the fifteen acres is together so perhaps if it was divided. You could use the combined fifteen acres to do the two per three acres or would it have to be separated?

Chairman Sousa: You would need to subdivide if you wanted to build more than two homes on the same lot.

Deborah Denome: Regardless of the size of the lot?

Chairman Sousa: You would still need to be compliant to minimum lot standard, which I think is three acres. You would have to subdivide so that you do not have more than two residential units on the same lot. That would require a subdivision. If there was a lot on this that was going to exceed that amount.

Deborah Denome: So currently since it is all 15 acres that number on here would exceed that. I guess I was looking at the other end of that number. It has to be subdivided. So there is no way to do a cluster or planned development.

Jason Inda: It could be a planned development. The same as Bristol Harbour is a planned development. I do not know the process to make that become a planned development. You within your planned development they could put towers if they in Bristol Harbour, right? They were approved for that in the 60's.

Deborah Denome: No thank you.

Diane Graham: Planned Developments go to the Town Board too.

Jason Inda: It would definitely be a process on your part.

Deborah Denome: It would be better to subdivide the fifteen acres. What we want the fifteen acres open and wild in the back. We already letting that re-wild forest is re-growing in. It is kind of awesome. If there was maybe two three acre parcels subdivided closer in to where my house currently is, maybe that is the way to get the four buildings onto two three acre parcels.

Chairman Sousa: Which lot is your house located on?

Deborah Denome: 6141 Hicks.

Chairman Sousa: 6141 Hicks. You are right.

Deborah Denome: Where that large barn is.

Chairman Sousa: If that 6141 Hicks vacant and 6143 Hicks, you would have to subdivide those to ensure you are not exceeding the residential dwellings per lot and just ensure that you still meet that three acre lot minimum. What she is talking about with apartments, in my opinion, would be a multi-family dwelling not a single family residential home. Duplexes would be like a two-family home.

Deborah Denome: So are you saying one per three acres?

Chairman Sousa: No. I am trying to figure out how we define this under the zoning code. This would be a duplex not necessarily a multi-family dwelling.

Ralph Endres: You have another issue with sewage. If you talking about three or four of these buildings in a cluster, they would have to have a septic system if it could be done if the land perks or not.

Deborah Denome: I guess that is another question about would the septic systems all have to be separate on these three acre lots? Like two of the buildings for that way and two of the buildings that way because our current septic system is in a perfect spot to expand to meet the needs of a lot more. If we have to start moving around like two more smaller septic systems that would be challenging.

Ralph Endres: What are you going to do for water?

Deborah Denome: Water is our biggest unknown. Good question. We have talked to Moravec. They have identified a spot where they think there is a good amount of water, but they have no guarantees of course. If this is even in the realm of possibility, the first thing we would do is drill a well and see if there is actually enough water there.

Ralph Endres: Once you get water it may not be suitable for drinking.

Deborah Denome: Well we have that problem already.

Ralph Endres: I live in Bristol Harbour so I know what is around there. Hard water and sulfur.

Deborah Denome: We have three major water treatment systems already on the property.

David Bowen: Matt, under special uses number nine. Any additional residential structures on the same lot. Technically, would you have to subdivide? This is sort of an ambiguous entry in the special use. It seems to me you could get a special use permit for all the residential structures.

Diane Graham: It has to be for family use only.

David Bowen: Only for the same family?

Diane Graham: Yes. It cannot be rented.

Ralph Endres: This is a subdivision whether it is multi-family or single family.

Chairman Sousa: It would be multi-family because you would be renting.

Ralph Endres: It still would be a subdivision and would require a lot of work.

Chairman Sousa: I think for the amount of structures you are proposing you absolutely would have to subdivide in order to accommodate each multi-family dwelling on an individual lot.

Ralph Endres: You would be fulfilling a need in South Bristol for what you want to do. There is no alternative to growing old in South Bristol other than to move away.

Chairman Sousa: I am by no means opposed to this concept.

Ralph Endres: Neither am I.

Chairman Sousa: We just need to nail down how it fits into our zoning code and what you need to do in order to comply. I think I need to read through your proposal a little more closely and figure out exactly what would be feasible with the zoning code and where we go from there as far as subdivision or even just defining it. Whether it be a multi-family dwelling or a duplex. What that means as far as allowable structures per lot.

Ralph Endres: Does she have a contractor?

Deborah Denome: Not yet. No. These are just concepts. Really your ideas could change our concept to make it be able to fit. However, we are flexible at this stage. We are not married to anything.

Ralph Endres: I have not personal objection to cluster development. It has been around for years. It can be used in good ways. I just think that most of the cluster development that I have looked at is on sewers and has public water. That is where you problems start.

Deborah Denome: We are not so concerned about the septic but the water is a big question mark.

Gregory Shaffer: You would not want to share a septic system. That would set you up for problems in the future at some point if that ended up being divided and you want to sell the property or change a use.

Jason Inda: If it was a planned development then they could form a homeowner's association, which is responsible for maintaining. There is the condos down on Co Rd 33. They have a common septic system. Common well. I think there is 15 units down there.

Chairman Sousa: That might be the route they have to go in order to accommodate septic.

Jason Inda: It is very doable. I do not know if planned development would be the best route. Similar to a small Bristol Harbour. You could look at the condos down on Co Rd 33 as an example. They are probably not the style you are going for. They do have the same common issue. I think there five units per condo. Three units that all share common septic and common well. Everybody pitches in a fee. That takes care of the common septic, well and driveway issues, etc. I am not telling you which way to go.

Deborah Denome: It is good to hear the options. I have often driven past there and wondered how it was set up. I will check that out.

Chairman Sousa: My concerns are how we would proceed with this would be. The orientation of your buildings - duplex cottages. How many are we talking per lot? We could certainly look at our zoning code and get a firm answer on how many duplexes would be allowable. If you would need to subdivide and have two on one lot or one on each individual lot. It may require you to play with orientation of them. Then that would inform you on how to subdivide. If even necessary, then we get into the septic issue. If each one of them has to have an individual septic system, which may be project prohibitive or if you could share a septic and what the best route would be. Whether it be planned development or what have you. Again, I think this is doable. It is just a matter of what is the best way. This would require more discussion and homework on both of our parts.

Diane Graham: Are you going to leave it you, Deborah and Scott to figure it out?

Chairman Sousa: I think we can probably figure it out.

Deborah Denome: Okay so that is the next step. Anybody else have thoughts or concerns? I think the other two folks on my party maybe did not hear your comments Gregory.

Gregory Shaffer: Like Ralph brought up water and septic is a big thing. Wondering what is the best route. Before you do anything I would think those are the things you really need to consider. I am wondering what the best route is for both of those.

Deborah Denome: Did you have any thoughts or questions Mike? Okay.

Mike O'Reilly: It is a matter of how many buildings per three acre lot or is a duplex considered one building and could there be two duplexes per three acres?

Deborah Denome: I think that is one of the things we have to research a little more.

Chairman Sousa: Yes.

Mike O'Reilly: Understood. Thanks.

Ralph Endres: I think the first thing you may want to do before you spend a lot of money because if you are going to build these duplexes you are going to need infrastructure. You are going to need roads, even though they are cobblestone or crush stone they are going to require work in order to facilitate the construction vehicles coming in and out. Before I do that I would certainly drill a well because that is really going to be the key whether you want to go any further.

Deborah Denome: I agree. Thank you. The current concept we had clustered the duplex around our existing driveways, which kind of go in a big loop and attached to my parents. It was built for tractor trailers. It was the Hansford Horse Farm. They would bring their horse carriages in on a tractor trailer and loop them around and go into the barn. It is a pretty solid driveway. If it could work out to be clustered around them remains to be seen.

Chairman Sousa: Right. Based on how many duplexes would be allowed per lot and subdivision requirements that would be. Are there any more questions tonight? I know this is a lot to digest. I am going to go home, re-read and do a little bit of homework.

David Bowen: What familial relationships do you see using those bedrooms sharing a duplex?

Deborah Denome: A two bedroom would be the same family and the one bedroom could be separate individual. There are a lot of single older people who really want to have an immediate neighbor, but do not want to be in an apartment building. A little bit of research one of the big things that I was not expecting is that people who live in a rural area really want to see out their windows. That is why we decided to put two together because they can see out three sides. It is a huge complaint with elders when they lived in a rural area and go to an apartment that just has a front and a back window. It leads to depression of not being able to see their surroundings that they are used to be able to see daylight. That is one of the reasons we are looking at duplexes so they can at least have three sides of view and daylight. There is a beautiful view from every angle from there. It is a stunning property tucked back in there.

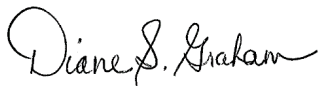
Chairman Sousa: I do not have any immediate questions without digging a little deeper and then looking at it in relation to our zoning code closer.

Deborah Denome: Great. We really appreciate the beginning of a discussion and dialogue about this. Thank you.

### **Motion to Adjourn**

Being no further business, Matthew Sousa moved to adjourn the meeting. Jason Inda seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 9:07 pm.

Respectfully submitted,



Diane Scholtz Graham  
Board Assistant

Appendix for Short-Term Rental Application 2021-0038 email forwarded to the Planning Board.

From: Frederick McIntyre [fmmcintyre@yahoo.com](mailto:fmmcintyre@yahoo.com)  
Sent: Wednesday, January 19, 2022 3:10 PM  
To: ceo townofsbny.org [ceo@townofsbny.org](mailto:ceo@townofsbny.org)  
Cc: John Manser [chazser7@gmail.com](mailto:chazser7@gmail.com)  
Subject: Webster Properties

January 19, 2022

My travel schedule is preventing me from attending the meeting tonight. However, I feel it is important that my opposition to issuing a STR permit to Webster's Properties is on the record.

I was the first to report the actions of Webster's Properties to the town board in 2018. Subsequently, the board was prompted to pass the town's noise ordinance and the STR Law to control short term rentals. Webster's Properties has been a problem in the town for several years.

John Manser has reported many of the issues that we have had to deal with over the years, so I will not reiterate these issues, but make comments on others not covered in his letter.

Craig Webster is an arrogant man, who believes that rules and laws do not pertain to him. He has disrespected the Town of South Bristol, the Planning Board of South Bristol, NYS Health Department, his neighbors, clients, and the environment.

He has threatened law suits against the town and has ignored application for the STR permit for over 9 months. At the time the law was passed, he was supposed to apply within 30 days.

He has come to the planning board meetings late and unprepared. He has postponed appearances because of his lack of respect for the boards requests.

In 2018, Webster's Properties converted a 4 bedroom home into a 7 bedroom home, installed a Jacuzzi and a pool, but was negligent in reporting the changes to the NYS health department.

NYS health law requires a 2000 gallon septic tank for a 7 bedroom home. He has been operating with a 1250 gallon tank and undersized septic field for 3 years. The letter that he has in his application states that the septic system is grossly undersized (800 Gallons). Where do you think that poorly treated sewage is going? It is leaking into the environment and threatening the neighbor's wells. This violation of NYS health law needs to be addressed whether he is given a permit or not. The building inspector needs to revoke his CO until such time he either reverts the house back to 4 bedrooms or installs a new septic system certified by the State of New York.

My last comments pertain to the bridge. The bridge collapsed over 5 months ago. Emergency vehicles cannot cross the bridge to help the neighbors in case of emergency. He has continued to have his clients cross over the bridge without concern for their safety, all in the name of greed.

The STR Law was developed to prevent entities that do not respect the laws of the town from operating in South Bristol. It is time that South Bristol follow the lead of Victor and refuses to issue an STR permit to Webster Properties. It is time that the town send a message to "Investors", who are disrupting our neighborhoods, that their actions will not be tolerated.

After 4 years, it is quite obvious that Webster will not change his ways.

Respectfully submitted,

Dr. Frederick McIntyre

Our family has had a presence in this town since July 1964 when my father was titled the land we now occupy.