



**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, May 18, 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/82128497710?pwd=dzV5MDZXCcGU4cDdSeGhrR1JaaGRWdz09>

Meeting ID 821 2849 7710, Passcode 717155

### **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 March 16, 2022 and April 20, 2022 Planning Board Meeting Minutes

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

#### **Short-Term Rental Application 2022-0007 (Public Hearing)**

Owner: Timothy J. Hyland and Kristen Hyland

Local Contact: Heather Huber

Property: 11 Cliffside Drive

Tax Map #: 168.16-1-9.013

Zoned: PD (Planned Development)

Sleeping Occupancy: 8

Parking Spaces: 2

#### **Short-Term Rental Application 2022-0008 (Public Hearing)**

Owner: Abigail L. Runner

Local Contact: Emily Martini

Property: 12 Spyglass Hill

Tax Map #: 168.19-1-8.000

Zoned: PD (Planned Development)

Sleeping Occupancy: 8

Parking Spaces: 4

## **Short-Term Rental New Business**

### **Short-Term Rental Application 2022-0009 (Preliminary)**

Owner: Ryan L. McCabe & Beth A. McCabe  
Local Contact: Ryan McCabe  
Property: 55 Cliffside Drive  
Tax Map #: 168.16-1-6.054  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 4  
Parking Spaces: 2

### **Short-Term Rental Application 2022-0010 (Preliminary)**

Owner: Donald W. Pallies & Karen L. Pallies  
Local Contact: Rod Gennecro  
Property: 2 Cliffside Drive  
Tax Map #: 168.16-1-9.002  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6  
Parking Spaces: 2

### **Short-Term Rental Application 2022-0011 (Preliminary)**

Owner: Scott Singsavatdy & Jessica Singsavatdy  
Local Contact: Jessica Singsavatdy  
Property: 17 Golfside Circle  
Tax Map #: 168.15-1-29.170  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6  
Parking Spaces: 2

### **Short-Term Rental Application 2022-0014 (Preliminary)**

Owner: Jamie Spiller & Samantha Windsor  
Local Contact: Deb Webster  
Property: 15 Northstar Drive  
Tax Map #: 167.71-1-15.100  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6  
Parking Spaces: 2

### **Short-Term Rental Application 2022-0015 (Preliminary)**

Owner: TPGT Properties LLC  
Local Contact: Danielle Johnson  
Property: 5903 St Rt 64  
Tax Map #: 177.00-1-81.100  
Zoned: NC (Neighborhood Commercial)  
Sleeping Occupancy: 4  
Parking Spaces: 4

**Regular Old Business**

Amendment to Special Event Venue Resolution

Short Term Rental Law Review and Discussion

**Regular New Business**

Site Plan Approval Application 2022-0012 (Preliminary)

Owner: Brent D. Gerstner & Michelle M. Gerstner

Representative: Brent Gerstner

Property: 5870 Seneca Point Rd

Tax Map #: 178.11-1-11.111

Zoned: LR (Lake Residential)

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

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, May 18, 2022**

**Present:** David Bowen  
Ralph Endres  
Jill Gordon  
Jason Inda  
Michael McCabe  
Sam Seymour  
Matthew Sousa  
Kevin Stahl

**Guests:** Jamie Spiller  
Danielle Johnson  
Karen & Don Pallies  
Timothy Hyland  
Abigail Runner (Zoom)  
Emily Martini (Zoom)  
Ryan McCabe (Zoom)  
Jessica Singsavatdy (Zoom)  
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.

### **Reading of Vision Statement**

Ralph Endres read the Comprehensive Plan Vision Statement.

### **Meeting Etiquette**

Chairman Sousa reviewed meeting etiquette.

### **Other**

Chairman Sousa shared that this is Ralph Endres last meeting. He has been on this board for 20 years. We commend and congratulate you and wish you the best.

David Bowen will be moving up from first alternate to a regular voting member. Congratulations.

### **Minutes**

The approval of the March 16, 2022 and April 20, 2022 meeting minutes were tabled to next month.

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

2022-0007

Owner: Timothy J. Hyland and Kristen Hyland

Property: 11 Cliffside Drive

Tax Map #: 168.16-1-9.013

2022-0008

Owner: Abigail L. Runner

Property: 12 Spyglass Hill

Tax Map #: 168.19-1-8.000

Said hearing will take place on the 18th day of May, 2022 beginning at 6:30 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

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

Diane Scholtz Graham

Board Assistant

Short-Term Rental Application 2022-0007

Owner: Timothy J. Hyland and Kristen Hyland

Local Contact: Heather Huber

Property: 11 Cliffside Drive

Tax Map #: 168.16-1-9.013

Zoned: PD (Planned Development)

Sleeping Occupancy: 8

Parking Spaces: 2

Chairman Sousa: Please identify yourself and introduce your project quickly for the record for this meeting.

Timothy Hyland: Timothy Hyland. I live in Niagara Falls, but we own a place in Bristol Harbour at 11 Cliffside Drive. We applied for a short-term rental application and this is the second meeting for that for the approval. If you need to know anything else, it's on the application four bedroom apartment.

Chairman Sousa: Yes. For the record.

Timothy Hyland: Four bedroom. We are in building one. We have three levels. Two bedrooms are on the upper level. The main level is living space. Upstairs has two bedrooms. Downstairs has two bedrooms also.

Chairman Sousa: I am sorry. You said it is in Bristol Harbour on Cliffside Drive, yes.

Timothy Hyland: Building one.

Chairman Sousa: Yes. You have a sleeping occupancy of eight individuals?

Timothy Hyland: Yes.

Chairman Sousa: It is a four bedroom?

Timothy Hyland: Yes.

Chairman Sousa: It has parking spaces for two, right with overflow at the community center?

Timothy Hyland: Exactly.

Chairman Sousa: Do you anticipate you would use it that much?

Timothy Hyland: A lot of times it is a family or they will team up. We have told them when they rent that we only have two spaces directly in front.

Chairman Sousa: You are unique. You do not see a lot of four bedrooms. Are there any more questions from the board? No. Do we have any comments?

Diane Graham: No.

Chairman Sousa: Are there any public comments?

Diane Graham: Anybody on Zoom who wants to talk about this application?

Chairman Sousa: Hearing none.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0007 and the testimony presented at the Planning Board meeting on April 20, 2022 and public hearing on May 18, 2022 the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Kevin Stahl seconded the motion.

#### Roll Call Vote

Ralph Endres – Aye  
Jill Gordon – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Sam Seymour – Aye  
Matthew Sousa – Aye  
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Quick reminder to email Diane all the advertising websites that you have listed to make sure she has links to the listing.

Timothy Hyland: It is just the VRBO one.

Diane Graham: A direct link to it.

Timothy Hyland: Okay.

Chairman Sousa: You are all set. Thanks.

Diane Graham: You will get an email once we have all your information. Thank you.

Timothy Hyland: Thank you everyone

Short-Term Rental Application 2022-0008

Owner: Abigail L. Runner  
Local Contact: Emily Martini  
Property: 12 Spyglass Hill  
Tax Map #: 168.19-1-8.000  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 8  
Parking Spaces: 4

Abigail Runner: Can you hear me?

Chairman Sousa: Loud and clear. Please introduce yourself and the application briefly for the board and for the record.

Abigail Runner: Yes. I am Abigail Runner. I am owner of 12 Spyglass Hill. I am here for my second and final meeting for the short-term rental application. I have four bedrooms. A sleeping occupancy of eight. I have at least four parking spots available.

Chairman Sousa: Nothing has changed from application since the last meeting?

Abigail Runner: No.

Chairman Sousa: Are there any questions from the board? Did we receive any written comments, Diane?

Diane Graham: No.

Chairman Sousa: Is there anyone from the public either in person or on Zoom who wishes to speak on this application? Hearing None.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0008 and the testimony presented at the Planning Board meeting on April 20, 2022 and public hearing on May 18, 2022 the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Ralph Endres seconded the motion.

Roll Call Vote

Ralph Endres – Aye  
Jill Gordon – Aye  
Jason Inda – Aye  
Michael McCabe – Aye  
Sam Seymour – Aye  
Matthew Sousa – Aye  
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: You are all set. I will echo the reminder to email Diane the advertising websites with direct link to your online listing.

Abigail Runner: Yes. Just one at this time. Thank you for your time. I appreciate it.

Chairman Sousa: Thank you.

The public hearings were declared closed.

### **Short-Term Rental New Business**

#### **Short-Term Rental Application 2022-0009**

Owner: Ryan L. McCabe & Beth A. McCabe

Local Contact: Ryan McCabe

Property: 55 Cliffside Drive

Tax Map #: 168.16-1-6.054

Zoned: PD (Planned Development)

Sleeping Occupancy: 4

Parking Spaces: 2

Chairman Sousa: Ryan would you mind introducing your application briefly?

Ryan McCabe: Yes. We are applying for a short-term rental for a property that we recently purchased right at the end of February with the idea we would rent it out here and there. Primarily it will be a family kind of destination. Over the summer we are going to try and rent it out to supplement some of the mortgage and so forth.

Diane Graham: Can you describe your property?

Ryan McCabe: Yes. It is two bedrooms, one and a half baths. Two parking spots. One assigned and one overflow. It is two floors. Two bedrooms upstairs along with a full bathroom. Main floor is half bath, living area and kitchen.

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

Ryan McCabe: I do not have any experience operating short-term rentals, but I have operated a long-term rental the last seven years.

Chairman Sousa: Okay. You are also the local contact?

Ryan McCabe: Yes. I live in Farmington. It is roughly twenty minutes from where I live.

Chairman Sousa: Yes. You will be able to respond in case of an emergency and they will have your contact information so you will pretty much be the point of contact there.

Ryan McCabe: Absolutely.



Chairman Sousa: Awesome. Does anybody have any questions or comments from the board? Scott do you have anything?

Scott Martin: I do not.

Chairman Sousa: Alright. If there are no further questions.

Matthew Sousa moved that the Planning Board accept the short-term rental permit application 2022-0009 as complete and set the application for final review and public hearing at our June 15, 2022 meeting. Sam Seymour seconded the motion.

All in favor.

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

Motion carried.

Chairman Sousa: You are all set. We will have you back next month for your public hearing and final approval.

Ryan McCabe: Thank you so much for your time.

Chairman Sousa: Thank you.

Short-Term Rental Application 2022-0010

Owner: Donald W. Pallies & Karen L. Pallies  
Local Contact: Rod Gennecro  
Property: 2 Cliffside Drive  
Tax Map #: 168.16-1-9.002  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6  
Parking Spaces: 2

Chairman Sousa: Please come on down. Please introduce yourselves and your application to the board?

Donald Pallies: Yes. My pleasure. I am Don and this is my wife Karen. We recently in the fall purchased 2 Cliffside Drive. We came here 27 years ago when our kids were little. We stayed at Cliffside Drive and pictures of them on the beach there. We loved it and had a great time. The bottom line both our kids moved to Buffalo. We are from New Jersey. The older one got married and has our grandson who is a year and a half old. If we bought this, they would come to us. So my son, daughter-in-law and grandson are there right now. We kind of had a plan and so far it is working out. I am a little biased, but I am going to tell you he is really cute. It is a three bedroom, bath and a half, two parking spots and that is basically it. I have forty some years in the rental property business.

Chairman Sousa: Okay. That was my next question.

Donald Pallies: Do not ask how I lasted that long. It is forty plus years.

Chairman Sousa: Well. You are asking for more.

Donald Pallies: Just a little bit more. Only because of that grandson.

Chairman Sousa: Are you in New Jersey when this property is being rented?

Donald Pallies: We are in Sarasota, Florida half of the time. Rod is my contact.

Chairman Sousa: Where is he located?

Donald Pallies: Just north of Canandaigua.

Chairman Sousa: He is a local.

Donald Pallies: He is a good guy.

Chairman Sousa: Does he have experience with short-term rentals? Okay. You have worked with him before?

Donald Pallies: Yes.

Chairman Sousa: You have the same sort of parking with all the other Cliffside Drive properties?

Donald Pallies: Correct.

Chairman Sousa: Are you a year-round rental or are you going to be primarily using it in the summer?

Donald Pallies: It will be part family and part rental. We have a bunch of stuff scheduled. It is going to be a fun summer here. I am looking forward to it.

Karen Pallies: We will rent it a little bit. The rest of the time family is going to be using it.

Donald Pallies: My son wants to be there all the time so we have to back him off.

Chairman Sousa: Alright. Are there any more questions? I do not have any. Scott anything? Nothing.

Matthew Sousa moved that the Planning Board accept the short-term rental permit application 2022-0010 as complete and set the application for final review and public hearing at our June 15, 2022 meeting. Sam Seymour seconded the motion.

All in favor.

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

Motion carried.

Chairman Sousa: We will have you back next month for public hearing and final approval and you will be all set.

Donald & Karen Pallies: Thank you very much.

Short-Term Rental Application 2022-0011

Owner: Scott Singsavatdy & Jessica Singsavatdy

Local Contact: Jessica Singsavatdy

Property: 17 Golfside Circle

Tax Map #: 168.15-1-29.170

Zoned: PD (Planned Development)

Sleeping Occupancy: 6

Parking Spaces: 2

Chairman Sousa: Thank you for being patient with the little ones. I appreciate it. Would you mind introducing yourself and your application please?

Jessica Singsavatdy: My name is Jessica Singsavatdy. My husband is in the other room. I am sorry that you saw the kids squirming there.

Chairman Sousa: Oh no. I have two of them. That is why I said I wish you could have gone first.

Jessica Singsavatdy: We are the owners of 17 Golfside. It is a three bedroom, two full bath place. The occupancy sleeps six and it comes with two designated parking spots. We originally purchased it as a second home during the COVID era and are now just applying for a short-term rental permit to hopefully cover our cost when we are not there now that COVID is clearing up.

Chairman Sousa: You are the local contact?

Jessica Singsavatdy: Yes.

Chairman Sousa: How far away are you if an emergency happens or you need to respond in person?

Jessica Singsavatdy: So I will be the primary contact. I am 45 minutes away, but I do have additional backup that could be there sooner if need be.

Chairman Sousa: Do you have experience operating short-term rentals in the past?

Jessica Singsavatdy: I don't have any experience operating short-term rentals. However, my whole entire career has been in the hospitality industry.

Chairman Sousa: Will it be a year-round rental?

Jessica Singsavatdy: Will it be a year-round rental here and there when my family is not using it.

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

Jason Inda: Is the loft open to the second floor or is completely walled off?

Jessica Singsavatdy: It is open so there is no door.

Jason Inda: The wall in that unit is it a solid wall?

Jessica Singsavatdy: It is not a solid wall. There is a cut out.

Jason Inda: There is a cut out so if there was no egress through the stairs they could egress to the second floor from their floor?

Jessica Singsavatdy: Yes.

Jason Inda: Thank you.

Chairman Sousa: Are there any more questions or comments from the board? Scott do have any questions?

Scott Martin: No. I already asked them all.

Chairman Sousa: Hearing no more questions.

Matthew Sousa moved that the Planning Board accept the short-term rental permit application 2022-0011 as complete and set the application for final review and public hearing at our June 15, 2022 meeting. Jason Inda seconded the motion.

All in favor.

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

Motion carried.

Chairman Sousa: You are all set. We will see you next month for the final approval and public hearing.

Jessica Singsavatdy: Great. Thank you.

Chairman Sousa: Thanks.

Short-Term Rental Application 2022-0014

Owner: Jamie Spiller & Samantha Windsor  
Local Contact: Deb Webster  
Property: 15 Northstar Drive  
Tax Map #: 167.71-1-15.100  
Zoned: PD (Planned Development)  
Sleeping Occupancy: 6  
Parking Spaces: 2

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

Jamie Spiller: Sure thing. So Jamie Spiller. I own the place at Northstar Village just down the road at Bristol Mountain. I have owned it for seven or eight years I think. It is three bedrooms, two upstairs, one on the ground floor, two bathrooms, and two parking spaces. I was actually renting it for probably about five years before COVID hit. We stopped renting during COVID and we are ready to start again. Obviously, the bylaw came in. I am looking to get the short-term rental permit. My local contact is the same person I was using for the five years before we stopped renting.

Chairman Sousa: You were renting it before and then here we enacted this permit process?

Jamie Spiller: Yes. Exactly. In fact, I had just downloaded all the material when March hit. We probably only rent five or six times a year. We use it for the entire winter. I think I missed one weekend the whole season this year. I put full year on the application because the odd time we will rent it over the Christmas break sometimes so I put full year, but for the most part it is a few times in the summer.

Chairman Sousa: Okay. Are there any more questions from the board? Scott did you have anything?

Scott Martin: I do not.

Ralph Endres: The local contact Deb Webster. Who is Deb Webster?

Jamie Spiller: She is in Naples.

Ralph Endres: Okay. Close.

Jamie Spiller: She has been the same person that I have used for years.

Chairman Sousa: Okay. Any more questions or comments? Hearing none.

Matthew Sousa moved that the Planning Board accept the short-term rental permit application 2022-0014 as complete and set the application for final review and public hearing at our June 15, 2022 meeting. Jill Gordon seconded the motion.

All in favor.

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

Motion carried.

Chairman Sousa: You are all set. We will see you next month.

Jamie Spiller: Okay. Thanks very much everyone.

Chairman Sousa: Thank you.

Short-Term Rental Application 2022-0015

Owner: TPGT Properties LLC  
Local Contact: Danielle Johnson  
Property: 5903 St Rt 64  
Tax Map #: 177.00-1-81.100  
Zoned: NC (Neighborhood Commercial)  
Sleeping Occupancy: 4  
Parking Spaces: 4

Chairman Sousa: Please introduce yourself and the application for the board.

Danielle Johnson: My name is Danielle Johnson. I own 5903 State Route 64. It is a two bedroom ranch, one bath, sleeps four, room for four or more cars.

Chairman Sousa: Do you plan to rent it year-round?

Danielle Johnson: Yes. Year-round.

Chairman Sousa: Are you with the TPGT Properties?

Danielle Johnson: It is me and another girl, Fallanne Jones.

Chairman Sousa: That is a property management company or short-term rental company?

Danielle Johnson: We have long-term rentals that we own together. This will be our first short-term rental. I have a short-term rental by myself, but not with her. It is not under that LLC.

Chairman Sousa: Any more questions or comments from the board? I am sorry, did you say you were going to rent it year-round.

Danielle Johnson: Yes. We are also going to stay there here and there, but for the most part, yes.

Chairman Sousa: You have plenty of parking. Scott the septic is...?

Scott Martin: Acceptable.

Chairman Sousa: Okay. I wanted to double check that to make sure we cross that t. Any more questions or comments? Hearing none.

Matthew Sousa moved that the Planning Board accept the short-term rental permit application 2022-0015 as complete and set the application for final review and public hearing at our June 15, 2022 meeting. Kevin Stahl seconded the motion.

All in favor.

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

Motion carried.

Chairman Sousa: You are all set. See you next month.

Danielle Johnson: Thank you so much. Have a good night.

**Regular New Business**

Site Plan Approval Application 2022-0012

Owner: Brent D. Gerstner & Michelle M. Gerstner

Representative: Brent Gerstner

Property: 5870 Seneca Point Rd

Tax Map #: 178.11-1-11.111

Zoned: LR (Lake Residential)

Chairman Sousa: Please introduce yourself and your application for the board.

Brent Gerstner: Sure. So Brent and Michelle Gerstner. We are looking for approval to develop our lakefront property at 5870 Seneca Point Road.

Chairman Sousa: Please describe the nature of your project a little bit.

Brent Gerstner: Okay. We are looking to develop, for now at least, a garage and a carriage house across from the dock at our property.

Chairman Sousa: Will this be your primary residence?

Brent Gerstner: No.

Chairman Sousa: Are there any questions from the board?

Jill Gordon: Schematic design from the architect looks like it is a one bedroom, but Bill Grove stuff looks like it says proposed three bedrooms.

Brent Gerstner: We left it open. If at some point in the future we would want to put a house above the garage potentially there would be room at the top part of the property we could do that. We do not have any plans to do that immediately.

Chairman Sousa: Right. It says designed for four bedrooms future use.

David Bowen: What is the septic capacity on the house?

Brent Gerstner: I think it is four. I think that is how Bill designed it as a four bedroom capacity.

David Bowen: The driveway surface what do you intend to have there?

Brent Gerstner: We have not done the driveway design yet, but I imagine we are going to pave it.

David Bowen: Any kind of drainage since it is an impervious surface?

Brent Gerstner: There would certainly be some drainage.

Ralph Endres: Are you going to excavate for the driveway or are you going to have the driveway like your neighbor?

Brent Gerstner: We would. There is a partial driveway there now. There would be some minor excavation that I think would have to be done. It is going to come above the leach field for the septic. I think there would be some minor excavation we would have to do.

Ralph Endres: I am leaving my house in Bristol Harbour because of stairs. My suggestion is that you consider putting in an elevator.

Brent Gerstner: An elevator.

Ralph Endres: It is not all that expensive if you are roughing it in. About 25,000 dollars, but that justifies you being in it for as long as you want to be there.

Brent Gerstner: Okay.

Ralph Endres: Something to think about.

Brent Gerstner: Sure.

Ralph Endres: There are a number of houses on Seneca Point that have elevators in them. It is a long range plan.

Brent Gerstner: Makes sense.

Chairman Sousa: You will be clearing a good amount of trees to make room for the house, correct?

Brent Gerstner: A fair amount of them have already been cleared. I do not think we will be clearing any more.

Chairman Sousa: Okay. I am looking at a satellite image. It looks very grown. The dock across the street already exists, correct?

Brent Gerstner: Correct.

Chairman Sousa: With the retaining wall and everything?

Brent Gerstner: Yes.

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

Jason Inda: So there is drainage to the left side of the driveway must be some kind of gully that comes down there.



Brent Gerstner: There is a little creek that comes to the south side and runs up through the property.

Jason Inda: Is there any reason that Bill is having you bring your footer drains to rip-rap? This might be a question better for him. Would it be better to bring that right to the creek?

Brent Gerstner: I am not sure Jason. That would probably be a better question for Bill. We can certainly get back to you on that.

Jason Inda: Just some clarification on why that is. I know I am working on a house across the lake where he did the same thing and the town asked us to put it right into the drainage. I do not know if that was to prevent if rip-rap ever clogs up somehow then that water would be draining down your driveway on the road. Maybe we can send him an email where he can clarify that.

Brent Gerstner: Yes.

Sam Seymour: Your next door neighbor had a lot of trouble with his driveway when he built it.

Brent Gerstner: He did.

Sam Seymour: You have been in this property for some time.

Brent Gerstner: Seven going on eight years. We wanted to live with it a little bit to see what we wanted to do first.

Sam Seymour: Wise choice.

Chairman Sousa: The exterior design and rendering is that kind of what it going to look like?

Brent Gerstner: That is the plan. Depending on availability of materials.

Chairman Sousa: For the most part.

Brent Gerstner: Yes.

Ralph Endres: You are going to have a septic system that is capable for four bedrooms?

Brent Gerstner: Correct.

Ralph Endres: You are going to get your water from the lake?

Brent Gerstner: Yes.

Ralph Endres: A purifying system?

Brent Gerstner: Yes.

David Bowen: The house does not have gutters according to this rendering so it will just sheet drain?

Brent Gerstner: Yes. I believe so.

David Bowen: Will you be putting in lawn? It is a pretty substantial roof lines here with no gutter.

Brent Gerstner: We will have to put in a lawn then. That would be the plan.

David Bowen: If you are having a paved driveway it is not all running straight down and across the road and into the lake.

Brent Gerstner: Right.

Chairman Sousa: Are there any more questions or comments?

Ralph Endres: What is the width of that lot?

Brent Gerstner: Off the top of my head I could not tell you.

Jill Gordon: Is it 134?

Ralph Endres: I do not know if that is the elevation?

Brent Gerstner: That is probably close.

Chairman Sousa: Basically where the driveway turns to go in the house that is 134.

Diane Graham: The house is 25 feet from the creek, correct?

Sam Seymour: The setback?

Diane Graham: Yes. On the side.

Chairman Sousa: Are there any more questions or comments?

Diane Graham: Are there any changes to be made to the site plan?

Chairman Sousa: You do not think you are going to amend this all that substantially.

Brent Gerstner: No.

Diane Graham: As far as the questions that were asked, wondering if it needs to be noted on the site plan.

Chairman Sousa: I do not know if anything else needs to be noted. You want the clarification from Bill Grove?

Jason Inda: I do not think it needs to hold up the next meeting. He can send us an email.

Chairman Sousa: You just want to know the why?

Jason Inda: If this is a creek that runs more than six months out of the year I would like him to note what the distance to the creek is from the house because there is a setback issue there. I think they may be within the threshold. It is just not noted here.

Chairman Sousa: We will get those answers from Bill Grove. Again, I do not think that is anything that needs to hold us up for next meeting.

Jason Inda: No.

David Bowen: I am just concerned with the footer drain and the rip-rap. Is that rated for any year storm situation? It seems kind of small.

Brent Gerstner: I do not have that info Dave, but we can get it.

Jason Inda: That is part of the clarification I am asking for from Bill. In certain scenarios we would eliminate that if there was a creek there. We would run it right into the creek that would be able to take the volume rather than a chance that rip-rap could clog up with debris and that is water no longer flowing down it is going to come down that driveway. I think Bill can clarify that for us.

Chairman Sousa: Yes. Then we should be all set. I do not have any more questions. I think we are good. We will schedule you for final review next month assuming that we get the answers we need from Bill.

Brent Gerstner: Sure.

Chairman Sousa: We'll just get in touch with Bill and get the information.

Brent Gerstner: Yes. Let us know if you need anything else.

Chairman Sousa: Yes. Definitely.

Brent Gerstner: Okay.

Chairman Sousa: Sounds good.

Brent Gerstner: Thank you.

Jason Inda: Thank you.

### **Regular Old Business**

#### Amendment to Special Event Venue Resolution

Chairman Sousa: Dan Marshall's main concern with the special event venue resolution was just to ensure that we were not negatively impacting Bristol Mountain in any way. Making sure the local regulation was not limiting their ability to hold events. I agree with and understand those concerns. In my opinion they would probably be grandfathered in because they are business that would not be exclusively an event venue and they predate this anyway. That being said to eliminate Dan's concerns instead of throwing a paragraph in there that I did not see entirely necessary. I thought that we could maybe just expand the purview of the special event new law as applying to the Neighborhood Commercial zone and also the Planned Development zone that would include Bristol Mountain and others. There are several event

venues that operate now then this would be an allowable use in that district. I think it makes sense. It captures a lot of existing event venues. What I would say under use standard it says the maximum number of attendees at a special event venue shall be 300 then the Zoning Board of Appeals can set a lower maximum number for a special event. I would amend that to say the Zoning Board of Appeals can set a lower or higher maximum number for a special event venue just to eliminate the possibility that Bristol Mountain or another event venue that already exists that holds large events is subject to this or needs to submit an event management plan that the Zoning Board of Appeals can then review it. Saying yes you can keep having your fall fun days or something like that. That was Dan Marshall's concern. He wanted to make sure that by enacting this law.

Ralph Endres: Bristol Mountain has a fall thing where they open up their ski lift. They have literally thousands of people.

Chairman Sousa: That is what Dan Marshall was concerned about is would we be regulating them?

Ralph Endres: If they are fully able to handle it.

Chairman Sousa: I do not believe they would be subject to the event venue law because they would A. they are not really an event venue even though they do hold events. It is not exclusively their primary use and B. they would be grandfathered into this regulation anyways so they could keep on doing what they are doing. By amending it and making this an allowable use via special use permit in the Planned Development district and allowing the Zoning Board of Appeals wiggle room during that special use permit issuance to set a higher or lower maximum. Right now it specifies a lower maximum. That would be their prerogative during the review of their event management plan and special use permit issuance. Those are my two proposals. I do not know if we have any discussion if everybody is super opposed to it. I have already talked to Dan about it. He seemed satisfied with those amendments that would address what his main concern was.

Sam Seymour: Do you think we will get any feedback from the code review?

Chairman Sousa: Yes. They might have something to say about this. I can give you an update on that once we figure this all out. So it would be an amended resolution 1-2022.

That would just say that South Bristol Planning Board recommends to the South Bristol Town Board take appropriate steps to add local law on special event venue in the Neighborhood Commercial and Planning Development district per the attached.

The only thing that is changing under use standards item C. is or higher maximum number:

The maximum number of attendees at a special event venue shall be three hundred (300). The Zoning Board of Appeals may set a lower or higher maximum number for a special event venue based on the health, safety, welfare, of the attendees and/or the neighborhood and surrounding community.

If in the event that Bristol Mountain had another event venue that is previously been operating with larger than 300 numbers needed to go for a special use permit then the Zoning Board of Appeals prerogative to allow greater than 300.

Matthew Sousa made said motion and it was seconded by Ralph Endres.

All in favor.

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

Nays: 0

### **Amended Resolution 1-2022**

It was RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to add a local law on Special Event Venue as amended in the Neighborhood Commercial (NC) and Planned Development (PD) District per the attached.

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

### **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 or higher 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.

#### Short Term Rental Law Review and Discussion

Chairman Sousa: We met with MRB Group yesterday to preliminarily talk about some of our code issues. They are going to take a look at our short-term rental law. They are going to find some comparable laws and I said that one of the main concerns that we have right now is finding a clean and neat way to limit the impact on full-time residents. Potentially at some point if we get to that point certainly in some areas of limiting or capping the number of permits we are allowed to issue. They were going to come back with some thoughts. It will be nice to get another set of eyes on them. Certainly some professional planners to take a look at the short-term rental law and give their two cents. It is being looked at and that is good news. I am hoping when we get their feedback we will be able to stop kicking the can down the road and actually make some proposed changes to improve the law.

Ralph Endres: Right now in sections of Bristol Harbour it is already beyond.

Chairman Sousa: You see all the Cliffside Drives my goodness. It must be like 20% that Cliffside Drive is short-term rentals.

Jill Gordon: Did they give us a timeline?

Chairman Sousa: We have another meeting in June to talk about things. In the meantime, they are going to look at some of our concerns. They might be able to have some preliminary comments by June. What is the final deliverable? I probably should ask Dan that question. I do not know if it is an actual report or proposed amendments to our zoning code or just recommendations. They will be shoring up a lot of our definitions inconsistency with language, enforcement, streamlining our town forms. It is my hope to streamline our Code Enforcement Officer's process and take some burden off of them.

They are going to look into our ability to potentially consolidate short-term rental permit review and issuance into one meeting instead of coming back for a second meeting/public hearing. There was question about authorizing a public hearing then when you are able to have that public hearing and how

you do that as far as the meetings law. Whether you have to have a meeting in order to authorize a public hearing. Then wait to the next meeting to hold the public hearing. That is how we have been operating, which is why it is in two meetings.

The way the code is written the Zoning Board of Appeals handles special use permits. That is a little unconventional. Traditionally Planning Board's handle special use permits. If there is ever an appeal to one of our decisions then Zoning Board of Appeals is the judicial board that handles that appeal. Right now, the Zoning Board of Appeals issues special use permits and if there was ever an appeal of that decision, that would go to a separate court, but then cost us more money and headaches. We would be involving a third party that I do not think needs to be involved. I proposed that maybe we rework that and the Planning Board takes over special use permit review. It is typically what the Planning Board does in most other towns that I have worked with at least.

Ralph Endres: I can give you a little historical perspective of why the Zoning Board of Appeals does special use permits. It used to be here in the Planning Board. There was an individual in the town, he is since deceased, used to come to all the Planning Board meetings and he was a singular person. He had one idea and that was logging. He would take an hour of the meeting. Finally it got to the point that we changed it the day he did not show up and it went to the Zoning Board of Appeals because the Zoning Board was doing nothing.

Chairman Sousa: That is the institutional knowledge we are going to miss because I did not know that. That was my proposal. Again it would be more work for us, but it honestly makes sense for the Planning Board to handle special use permits. The Zoning Board of Appeals chair did not seem to be opposed to it. I am not trying to steal work away from them. Just wanted to make sure that things worked traditionally the way they are supposed to work. Timeline wise I think we will hear something more. The kickoff meeting was an airing of grievances with the zoning code. They will take those comments and review them. They may have some more meat to discuss in June. Any questions or comments relative to the zoning code review? I will keep you updated. If there is anything that I want to kick around to this group, I will do that.

### **Motion to Adjourn**

Being no further business, Sam Seymour moved to adjourn the meeting. Jill Gordon seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 7:29 pm.

Respectfully submitted,



Diane Scholtz Graham  
Board Assistant