



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

Planning Board Meeting Agenda

Wednesday, June 15, 2022 at 6:30 pm

Hybrid meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/85780571835?pwd=dnRCV3B6Szc5NU1mbW5jeGFPQmdlQT09>

Meeting ID 85780571835, Passcode 795027

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, April 20, 2022 and May 18, 2022 Planning Board Meeting Minutes

Short-Term Rental Old Business

Public Hearings

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

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

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

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

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

Short-Term Rental New Business

Short-Term Rental Application 2022-0016

Owner: J Pak Properties LLC
Local Contact: Jeremy Havens
Property: 3 Cliffside Dr
Tax Map #: 168.16-1-9.003
Zoned: PD (Planned Development)
Sleeping Occupancy: 6
Parking Spaces: 2

Short-Term Rental Application 2022-0017

Owner: Russell Michelson
Local Contact: Billy Staccone
Property: 5932 Bopple Hill Rd
Tax Map #: 178.00-1-31.112
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 10
Parking Spaces: 9

Regular Old Business**Public Hearing****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)

Short Term Rental Law Review and Discussion

Regular New Business**Site Plan Approval Application 2022-0018**

Owner: Om P. Sud & Pamela A. Nichols

Representative: Venezia & Associates

Property: 5844 Seneca Point Rd

Tax Map #: 178.11-1-7.211

Zoned: LR (Lake Residential)

Other**Motion to Adjourn**

Town of South Bristol Planning Board Meeting Minutes Wednesday, June 15, 2022

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

Guests: Jamie Spiller
Danielle Johnson
Rod Gennecro
Jeremy Havens
Brent Gerstner
Philip Pleger
Om Sud
Nancy Bills
Ryan McCabe (Zoom)
Jessica Singsavatdy (Zoom)
Russell Michelson (Zoom)
Amy Luersen (Zoom)
Judy Voss (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

Kevin Stahl read the Comprehensive Plan Vision Statement.

Meeting Etiquette

Chairman Sousa reviewed meeting etiquette.

Minutes

David Bowen moved to approve the March 16, 2022, April 20, 2022 and May 18, 2022 meeting minutes as written. Kevin Stahl seconded the motion. The motion was unanimously adopted by all Board members present.

Short-Term Rental Old Business

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Planning Board will hold a public hearing on the following short-term rental applications where owners are seeking a short-term rental operating permit:

2022-0009

Owner: Ryan L. McCabe & Beth A. McCabe
Property: 55 Cliffside Drive
Tax Map #: 168.16-1-6.054

2022-0010

Owner: Donald W. Pallies & Karen L. Pallies
Property: 2 Cliffside Drive
Tax Map #: 168.16-1-9.002

2022-0011

Owner: Scott Singsavatdy & Jessica Singsavatdy
Property: 17 Golfside Circle
Tax Map #: 168.15-1-29.170

2022-0014

Owner: Jamie Spiller & Samantha Windsor
Property: 15 Northstar Drive
Tax Map #: 167.71-1-15.100

2022-0015

Owner: TPGT Properties LLC
Property: 5903 St Rt 64
Tax Map #: 177.00-1-81.100

Said hearing will take place on the 15th day of June, 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 2022-0009

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: Please introduce yourself and your application briefly.

Ryan McCabe: Yes. I am Ryan McCabe. My wife and I purchased 55 Cliffside Drive right at the beginning of March. We live in Farmington. We plan to spend some time down there with family on the beach and so forth. Some of the weeks of the summer we would like to be able to rent the property out. We have a two bedroom, one and half bath, one assigned parking spot and one overflow parking spot. Any other information you are looking for?

Chairman Sousa: Not really. Has your application changed at all or been amended in any way since you were here was it last month I believe?

Ryan McCabe: Yes. I was here last month. No. It has not changed in any way.

Chairman Sousa: Okay. Are there any additional questions that the board has that did not come up last month? Hearing none. Diane, did we receive any written comments?

Diane Graham: No.

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

Matthew Sousa moves that based on a review of short-term rental permit application 2022-0009 and the testimony presented at the Planning Board meeting on May 18, 2022 and public hearing on June 15, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. David Bowen seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Sam Seymour – Aye

Matthew Sousa – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Please email Diane the advertising websites. Any websites that your property is listed on so she has record and it is entered into the permit. Please do that prior to your permit being issued. You are all set.

Ryan McCabe: 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: I think we have a Rod Gennecro. Yes. Look at you. Johnny on the spot.

Rod Gennecro: I have a baseball game to get to.

Chairman Sousa: Okay. Let's keep it moving then. Please introduce yourself and the application briefly.

Rod Gennecro: My name is Rod Gennecro. I am the contractor for Pallies and their local contact. It is a three bedroom condo with two parking spots assigned. There is overflow up on top for that. I think that is about it.

Chairman Sousa: You are the local contact so you have to get to a baseball game. I imagine you are somewhere around here fairly close.

Rod Gennecro: Yes.

Chairman Sousa: Where about would you be coming from?

Rod Gennecro: Manchester.

Chairman Sousa: You would be the person to respond to something in the event of an emergency, etc?

Rod Gennecro: Yes.

Chairman Sousa: Awesome. Do you know if there are any changes to your application since last time?

Rod Gennecro: No.

Chairman Sousa: Do we have any questions of the board? No. Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Are there any comments from the public regarding this application either in person or on Zoom? Hearing none.

Matthew Sousa moves that based on a review of short-term rental permit application 2022-0010 and the testimony presented at the Planning Board meeting on May 18, 2022 and public hearing on June 15, 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:

David Bowen – Aye
Jill Gordon – Aye
Jason Inda – Aye
Michael McCabe – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Please email Diane any listings or have the Pallies email Diane any web addresses where the property is listed and go team!

Rod Gennecro: 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: We have Jessica Singsavatdy on Zoom.

Jessica Singsavatdy: Hi, I am Jessica Singsavatdy. I am the owner of 17 Golfside Circle. Our place has three bedrooms and two full baths. We have two designated parking spots.

Chairman Sousa: Have there been any significant changes or any changes at all to your application since you were here last month?

Jessica Singsavatdy: No changes at all.

Chairman Sousa: Are there any questions from the board? None. Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Are there any public comments or questions either in person or on Zoom related to this application? Please introduce yourself.

Nancy Bills: Hi, my name is Nancy Bills. I live next door. I am at 16 Golfside Circle. I have lived there 28 years. I have never had any complaints. I have rented to Airbnb myself so I have complaints about anybody renting. I have never complained about anybody else before as well. Last August I sent a letter to Bristol Harbour and to Phil Sommer's here asking if my neighbors had filled out the paperwork. I was told they had sent them letters and I do not know where it went from there. Then in August these are my complaints: I come home and there is a double cab truck with a boat hoist and a boat. It is blocking #15

two parking spots and #16 my two parking spots and #17 two parking spots. I have no place to park. I have a one year old grandson. I cannot even get him out of the car to get into my house. On February of this year we have to park down at the community center if there is a snow storm. I parked down there. I come back there is a car in my parking spot. The next day I text Jessica and asked her if she could ask her renters to move their car so they could plow because if they do not get plowed, I have no place to park when I come back. Her response basically was that I am not solution driven that I want to play a victim. I am snarky and maybe I should go knock on the door myself and ask them to remove the car. That was not an option. I had a son-in-law going into surgery that day I had to leave. On March 12, I received a text saying that there would be no more renters until apparently they got approved. They would only be renting to personal friends, family and themselves, which I really find hard to believe. My next issue is they allow dogs. It only happened once that I have seen with my eyes. The renters pick up the dog droppings and throw them over on my spot. They let their dogs out. There is a leash law at Bristol Harbour. That is not being followed. The people leave the dogs in the townhouse and some of them continue to bark all day long. Unfortunately, it is a townhouse so we are connected and when you are out on the back porch you can hear everybody's conversation. It is not that they are being overly loud. When you get more two-three people, it gets very loud. I did contact since a year ago this is when I resent a note to Scott Martin and send another one to our new BHVA and they have sent out letters and apparently it worked because she seems to be going through the process now. That is all I have to say.

Chairman Sousa: Great. Thank you. Do we have any other public comments or questions in person or on Zoom? Are there any other questions or comments from the board? Hearing none.

Matthew Sousa moves that based on a review of short-term rental permit application 2022-0011 and the testimony presented at the Planning Board meeting on May 18, 2022 and public hearing on June 15, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jason Inda seconded the motion.

David Bowen: I guess before I vote does the owner have any response to the public comment?

Jessica Singsavatdy: I actually do have some comments. Thank you for giving me the opportunity to speak. Nancy and I have actually never met in person. I do feel that I have made the effort to extend maybe not so much a friendship, but a relationship that we do live next door to each other. I do have text messages from the conversation that she mentioned where somebody was maybe parking in her spot. Of course, I feel terrible about that. She did also mention that conversation happened at six o'clock in the morning. I called the people that were staying at my place as many times as possible. Unfortunately, I did not get through to them. I did offer Nancy the opportunity to park in my actual spot, which is right next to hers. To even pull in front. I know she had a family emergency to go to. So at six in the morning there is only so much that I could do. I tried to offer as many solutions as possible that she was not open to. I am really here to make it fair, equitable and feasible for everyone involved whether you are short-term rental host or a full-time resident. The situation with the dog feces that she had mentioned. She had never mentioned that at all until she had texted me about the parking situation. Unfortunately, there is really not any hard evidence that it was the people staying at my place that tossed the dog feces in her yard. That is what I have to say about that. I have sent flowers to Nancy. I have introduced myself. Every time I am there she has never been around. There is never a car in her parking spot. I have made the efforts to meet her and extend an olive branch, I guess.

David Bowen: Okay.

Chairman Sousa: Alright.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Sam Seymour – Aye

Matthew Sousa – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Sousa: I would just like to state for the record that with the issuance of a permit comes the responsibility to abide by the rules and regulations as specified in that permit. There is recourse for any issues that neighbors and residents have. They could submit a formal complaint to our Code Enforcement Officer and it will be addressed in the manner as outlined in our application. That is the purpose and the point of this whole entire process. Being issued a permit is a privilege and not an entitlement.

I remind you to please email Diane the advertising websites that your property is listed on.

Jessica Singsavatdy: Yes. Of course, I totally understand. Thank you.

Chairman Sousa: Great. Thank you.

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: Please introduce yourself and the application briefly.

Jamie Spiller: I am Jamie Spiller. I own a unit at Bristol Mountain Northstar Village. We have owned it for about ten years, I guess. I think I told you last time I rented it right up until the pandemic started then we stopped. We are about to restart now. Three bedrooms and two bathrooms. I am in regular close contact with all of my neighbors. I would obviously avoid situations like we just heard.

Chairman Sousa: Great. Your local contact Deb Webster she lives where?

Jamie Spiller: She is in Naples.

Chairman Sousa: Great. Right down the road. Excellent. Does she have experience with short-term rentals?

Jamie Spiller: Yes. She is the person who is actually managing it for us before we took it off the market.

Chairman Sousa: I think I remember that asking you the same questions. Do we have any comments or questions from the board? Has anything substantially changed regarding your application since last month?

Jamie Spiller: No. Nothing has changed.

Chairman Sousa: Have we received any written comments?

Diane Graham: No.

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

Matthew Sousa moves that based on a review of short-term rental permit application 2022-0014 and the testimony presented at the Planning Board meeting on May 18, 2022 and public hearing on June 15, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jill Gordon seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Sam Seymour – Aye

Matthew Sousa – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Thank you. Same reminder. Please email Diane the advertising websites.

Jamie Spiller: 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 briefly.

Danielle Johnson: Hello, I am Danielle Johnson. I own 5903 State Route 64. It is a two bedroom one bath. Enough room for at least four cars. Anything else?

Diane Graham: I know you said at least four parking spaces at the last meeting. It is your maximum number of parking spaces. That is what we want to hear.

Danielle Johnson: So the maximum is four.

Diane Graham: Thank you.

Danielle Johnson: Yes. No problem.

Chairman Sousa: Has anything changed with your application since last month?

Danielle Johnson: No.

Chairman Sousa: Have we received any written comments?

Diane Graham: No.

Chairman Sousa: Any public comments or questions either in person or on Zoom regarding this application? Hearing none.

Matthew Sousa moves that based on a review of short-term rental permit application 2022-0015 and the testimony presented at the Planning Board meeting on May 18, 2022 and public hearing on June 15, 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:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Sam Seymour – Aye

Matthew Sousa – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Please email Diane any advertising websites.

Danielle Johnson: Thank you so much guys.

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

Short-Term Rental New Business

Short-Term Rental Application 2022-0016

Owner: J Pak Properties LLC
Local Contact: Jeremy Havens
Property: 3 Cliffside Dr
Tax Map #: 168.16-1-9.003
Zoned: PD (Planned Development)
Sleeping Occupancy: 6
Parking Spaces: 2

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

Jeremy Havens: Yes. My name is Jeremy Havens. I have an application for 3 Cliffside in Bristol Harbour. It is a three bedroom, one and half bath with two close by parking spots and overflow parking at the community center and I believe up top as well.

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

Jeremy Havens: Yes. We have a short-term rental permit that we received last year at 4 Cliffside.

Chairman Sousa: I was going to say you looked familiar.

Jeremy Havens: Right after your baby was born. How are they doing?

Chairman Sousa: She is ten months old and walking. Does anybody have any other questions? We have reviewed so many applications in Bristol Harbour it is all pretty straight forward. You are local?

Jeremy Havens: I am in Fairport.

Chairman Sousa: The short-term rental from last has been going okay with no issues?

Jeremy Havens: Going well. We will not rent to people 25 and under. We have great relationships with all of our neighbors.

Chairman Sousa: Great. It is always great to have experienced property managers in the event that issues come up. Are there any questions? Scott do you have any concerns?

Scott Martin: No.

Matthew Sousa moves that the Planning Board accept the short-term rental permit application 2022-0016 as complete and set the application for final review/public hearing on July 20, 2022. David Bowen seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0017

Owner: Russell Michelson
Local Contact: Billy Staccone
Property: 5932 Bopple Hill Rd
Tax Map #: 178.00-1-31.112
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 10
Parking Spaces: 9

Chairman Sousa: Do we have Russell Michelson?

Russell Michelson: Yes. I am here.

Chairman Sousa: Please introduce your application to the board.

Russell Michelson: I am the owner of 5932 Bopple Hill Road. It is a five bedroom, two and half bath house with nine parking spots. We purchased it last year to enjoy the lake and the area. My fiancé and I live in the Washington DC area. We are getting married at the house in Naples next month. We have a professional property manager managing the property. Our local contact is our handyman Billy who has experience being the handyman for Airbnb's. When we are not using it we like to rent it out to guests.

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

Russell Michelson: No. Not before this house.

Chairman Sousa: So, this is your first soiree into it. Is Billy in Naples or South Bristol?

Russell Michelson: He lives in Naples.

Chairman Sousa: So, the renters will have his direct contact information if he needs to come up and address anything?

Russell Michelson: Yes.

Chairman Sousa: Will you be available by phone? I know obviously you cannot show up in person, but will they have your information as well?

Russell Michelson: Yes. They will.

Chairman Sousa: Scott, the septic tank no issues there? It is right-sized?

Scott Martin: It is good.

Chairman Sousa: Excellent. I am going to start asking you that question every time now. Are there any other questions?

Jill Gordon: I drove up to your spot. Nice little spot there actually big spot. I had a hard time envisioning the nine parking spaces though.

Russell Michelson: I think we count one garage spot as one of them. It is sort of hard to miss, but if you are going up the driveway and you look forward there is this little enclave that dents into the yard and you can fit two cars there easily. So that would leave six cars remaining in the driveway. I do believe it would be a tight fit, but we could fit nine cars there.

Jill Gordon: Alright. It would be tight.

Russell Michelson: Yes. Our maximum guest occupancy is ten people so I think it would be a rare event that there would be nine cars there.

Chairman Sousa: Yes. I think that is something we are going to start looking at committee law revisions setting a maximum regardless of the number of spaces to avoid any issues. Like we saw earlier just because you have one car you could have a boat on a trailer or something like that that all of a sudden creates issues. So just addressing all those hypotheticals. I see your little diagram here. It would be possible, sure. It would be interesting.

Any more questions or comments?

David Bowen: How often do you anticipate using it versus rental?

Russell Michelson: We anticipate using it probably three months out of the year. A lot in the summer and various times in the fall and winter.

Sam Seymour: I am actually one of your neighbors from across the street on Aspen Drive. A different neighbor talked to me about it and said he experienced a unique thing with some of the previous renters. They were looking to get to the water and wanted to go down his stairs. He had a little confrontation with him. Being so close to the lake that would be something to make sure that the people know who rent the place that there is no access to the water.

Russell Michelson: Right. I appreciate you letting me know. We do say there is no water access. I was surprised to hear that. We can make it more clear to guests that they should not attempt to access the water right at the house.

Chairman Sousa: Yes. Essentially the stairs are not public stairs. They are privately owned stairs.

Sam Seymour: Good.

Chairman Sousa: Any other questions or comments?

Diane Graham: Staying with the nine cars?

Chairman Sousa: Yes. We will stay with the nine cars because we do not specify a maximum yet. It is something that I think we will consider.

Matthew Sousa moves that the Planning Board accept the short-term rental permit application 2022-0017 as complete and set the application for final review/public hearing on July 20, 2022. David Bowen seconded the motion.

All in favor.

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

Motion carried.

Regular 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 application:

2022-0012 for property owned by Brent D. Gerstner and Michelle M. Gerstner located at 5870 Seneca Point Road, tax map #178.11-1-11.111. The property owners are looking for site plan approval to construct a carriage house.

Said hearing will take place on the 15th day of June, 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

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 your application briefly for the board.

Brent Gerstner: Certainly. I am Brent Gerstner. My wife and I own 5870 Seneca Point Road. We live in Bristol Harbour. We are looking to develop the property with a two and half car garage and potentially a carriage house on top of the garage.

Chairman Sousa: I guess the one thing I had there was concern about there being a creek bed on the property?

Jason Inda: Correct. That was my concern because it was not delineated from the structure. We do have a setback in the town 25 feet from the creek. I talked with Bill Grove because I talked to him on another matter and he sent a new developed site plan that does delineate that the creek is 25.3 feet away.

Brent Gerstner: Point three to work with. It is perfect.

Jason Inda: Yes. You have a little space there not much.

Chairman Sousa: It does meet our requirements.

Jason Inda: It does meet our requirements. I am satisfied.

Chairman Sousa: Okay. Bill did not have any concerns about, I know you have the .3 inches, but he did not have any concerns about creek beds shift sometimes.

Jason Inda: He did not seem to.

Chairman Sousa: Okay. Not being a contractor or engineer. Sometimes you have to take their word. Are there any more questions or comments regarding this? There has been no changes to the application or site plan at all, right other than delineating the creek bed. I know that was really at last month's meeting the only primary concern that we had.

Jason Inda: Just making sure that the footer drains daylight into that creek denoted on the new site plan as well.

Brent Gerstner: Now I just need to find a contractor to build it. Getting quotes as we speak.

Chairman Sousa: Are there any other questions?

David Bowen: Your comment triggered something you said potentially a carriage house. A two and a half car garage and possible carriage house. Are you actually doing the carriage house or just a garage?

Brent Gerstner: We are going to do the two and a half car garage for sure. The carriage house depending on material cost what we can get a builder to build and when it could happen. It is likely. That is the plan that you see Dave. That is the plan at some point to do the approximate 800 square foot above the garage.

Chairman Sousa: We have septic system approval letter?

Scott Martin: Yes.

Chairman Sousa: You have your steep slopes permit issued?

Brent Gerstner: Yes.

Chairman Sousa: There is no endangered or threatened species. You have your archaeological site determination required and there was no impact. That was determined in April. No agricultural farms. No flood plain determination. Did we receive any written comments, Diane?

Diane Graham: No.

Chairman Sousa: Is there anybody in the public or on Zoom that wishes to speak regarding this application? Any comments or questions from the board at this time? Hearing none. I declare the public hearing closed. This is SEQR Type II with little or no impact.

Matthew Sousa made a motion declaring this is a SEQR Type II action with little or no impact. Jason Inda seconded the motion.

All in favor.

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

Motion carried.

Chairman Sousa:

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.

Do I have a motion for the findings?

Jason Inda made a motion to accept findings 1-4. Kevin Stahl second the motion.

All in favor.

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

Motion carried.

Matthew Sousa made a motion to approve the amended application. Jason Inda seconded the motion.

Roll Call Vote:

David Bowen – Aye
Jill Gordon – Aye
Jason Inda – Aye
Michael McCabe – Aye
Sam Seymour – Aye

Matthew Sousa – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Just so you know the site plan approval expires in six months so you need to start work before then or you have to come back to get an extension.

Brent Gerstner: Okay. I did not know that.

Chairman Sousa: We had that a couple of months ago so we are now getting into the practice of reminding people.

Diane Graham: I will put it in your letter as well, but we are trying to do it at the meeting too.

Brent Gerstner: Would the construction of the driveway count as starting site plan?

Chairman Sousa: I think any site work would probably.

Jason Inda: I am not going to say yes or no on the record.

Diane Graham: You will need to receive your building permit and then start.

Chairman Sousa: If you feel you are not going to meet that six-month deadline just get in touch with Scott or Diane.

Diane Graham: You would come back to the board to ask for a one-time six-month extension.

Brent Gerstner: The site will start. The construction of the garage contractors could be out further than six months.

Chairman Sousa: No. I understand that. Any site clearing.

Brent Gerstner: Before we do that I should be coming in with once I get the letter?

Diane Graham: Yes.

Brent Gerstner: Got it. Fair enough.

Regular New Business

Site Plan Approval Application 2022-0018

Owner: Om P. Sud & Pamela A. Nichols

Representative: Venezia & Associates

Property: 5844 Seneca Point Rd

Tax Map #: 178.11-1-7.211

Zoned: LR (Lake Residential)

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

Om Sud: My name is Om Sud. I along with my wife own the house at 5844 Seneca Point Road. It is a single-family home with a 100 plus feet of lake frontage. We had a dock on the lake which, was half on land and half temporary and we had to move the temporary dock. It was all set up for the boat and the lift, but there was only one side you could go out on the boat. I think its times to make the dock permanent and our application is basically based on our understanding and Venezia and Associates understanding following all the dimensions for the size of the dock. We have submitted a plan for a permanent dock.

Chairman Sousa: Are there any questions from the board? Scott, there are no variances required, right?

Scott Martin: No.

Chairman Sousa: I do not have any questions. It seems straight forward. There are no variances required. I would like to remind you that we do still need an archaeological site determination submission and letter. You need to submit that. We cannot give a final approval without that letter in hand.

Om Sud: What kind of letter?

Chairman Sousa: An archaeological site determination letter. It is on the SEQR form.

Om Sud: Okay. I will talk to Anthony.

Chairman Sousa: They will know what to do with that.

David Bowen: When I reviewed the Docking and Mooring Law it said when there is a consolidation like this where you are combining two you have file an additional dock waiver with the county clerk. Is that a form that is provided by us? Essentially what the owner is doing when they consolidate two docks into one that you are waiving that you give up your right to an additional dock at some point in the future apparently.

Om Sud: We do not have a second dock.

David Bowen: Right. There is an existing dock and you are adding to it.

Om Sud: An existing dock and temporary extension to it. We are making the temporary extension permanent.

David Bowen: Right. The way I read that it was essentially a consolidation.

Om Sud: Okay. That is fine.

David Bowen: There is a waiver that supposed to be filed.

Chairman Sousa: My guess is that would have to be obtained by and submitted through the county clerk.

Diane Graham: That would have to be done by Venezia or the owner?

Chairman Sousa: The owner yes.

David Bowen: I do not know if the county clerk has a standard form falls under docking and moorings.

Sam Seymour: Has the County Planning reviewed these?

Diane Graham: No.

Chairman Sousa: The County Planning Board does not reviews Docking and Mooring, but that is separate. If you have to file something with the clerk it does not necessarily go to the planning department or Planning Board for review. It is only because it is a consolidation, right?

David Bowen: I am assuming the reason being that the consolidation you are exceeding the square footage of one dock and now you are still under, at least in this instance, the square footage limit for two docks, but you are over the square footage for one dock. So by consolidating you are essentially waiving your right to have two separate docks.

Om Sud: I understand that because I was told we are under the single dock guideline. Is there something legal that has to be done? I have to sign some form. What is the process. I have no problem doing that. I understand we cannot build a second dock without going to exception process.

Chairman Sousa: If I were you, I would contact the county clerk or have Venezia contact the county clerk and ask about that form.

Om Sud: Okay. We can check that.

David Bowen: It is in the town code under Docking and Moorings and there is a section that deals with consolidation. There is a requirement to file a waiver for the second dock.

Om Sud: One thing I do not understand is with that extension.

David Bowen: I think what it does it prevents since it is filed with the county clerk's office it is there in perpetuity and prevents a subsequent owner from adding another dock in the future and every other owner down the road.

Om Sud: I see. The current dock is more than the single dock with a temporary extension is more than a single dock size. That is what is confusing me. The current dock and extension we put in every year since we owned for the last fourteen years exceeds the size of the single dock.

David Bowen: It is not a permanent dock.

Om Sud: Oh. I see. Okay.

Chairman Sousa: You are making it a permanent dock and it is exceeding the square footage. That makes sense that is the requirement for that. I would recommend contacting the county clerk to make sure that gets squared away.

Om Sud: Okay. I will contact to see what they advise.

Chairman Sousa: Yes. I am not familiar with their processes or forms. My guess it is a county form.

Diane Graham: Kevin Olvany may be aware of it.

David Bowen: Have you ever heard of it, Scott?

Scott Martin: No. I missed that one Dave.

Chairman Sousa: Any more questions or comments from the board? We will schedule this for final approval at our next month's meeting so long as we do get that archeological site determination letter and the approval of the waiver.

Om Sud: I do not know the process to get the of approval of the waiver. Where can I get that? You need to guide me. If the county says they do not have any process of doing that.

Diane Graham: We are going to look into it.

Chairman Sousa: Yes. We will find that out.

Om Sud: Okay.

Jason Inda: Talk to your surveyor.

Om Sud: I will talk to him. Okay. Thank you very much.

Diane Graham: You are welcome. Thank you.

Other

Town Code Review

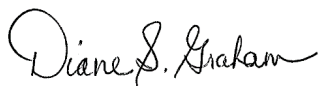
Chairman Sousa expressed sharing MRB Group zoning code review meeting information to keep the Planning Board and Zoning Board of Appeals members up to speed on conversations and comments regarding zoning. If board members have any comments or questions they would like brought to the meetings, to email them to Matthew Sousa.

Diane Graham discussed emailing all meeting documents for board review versus paper. The board agreed to emailing meeting documents plus have two paper sets in the office for review.

Motion to Adjourn

Being no further business, Michael McCabe moved to adjourn the meeting. Jill Gordon seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 7:25 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant