



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

Zoning Board of Appeals Meeting Agenda

Wednesday, April 27, 2022
7:00 pm

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/81721722403?pwd=bzJsSmtqTTNWWDJrRFF1bkhKSnAvUT09>

Meeting ID 81721722403, Passcode 194850

Call to Order

Pledge of Allegiance

Minutes

Approval of October 27, 2021 Zoning Board of Appeals Meeting Minutes

Rules of Order

New Business

Area Variance Application 2022-0006

Owner: JHB & KHB LLC
Representative: Thomas Richardson
Property: 6461 St Rt 64
Tax Map #: 184.04-1-5.000
Zoned: C1 (Light Commercial)

Other

Motion to Adjourn

Town of South Bristol Zoning Board of Appeals Meeting Minutes Wednesday, April 27, 2022

Present: Thomas Burgie
Carol Dulski
Martin Gordon
John Holtz
Barbara Howard

Absent: Robert Bacon

Excused: Jonathan Gage

Guests: Thomas Richardson
John French
Steve Cowley

Call to Order

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:00 pm followed by the Pledge of Allegiance.

Chairman Burgie: There are actually two variances applied for before us tonight. They are going to have to be handled from a SEQR standpoint from a little different perspective because they are covered differently. SEQR is State Environmental Quality Review Act. One of them we do not have to do much with because it is a given. They allow us under a Type II to not pursue it any further. The other one is not under a Type II and is what we call an unlisted action. That means we will have to do the short form of the SEQR form. This is only the second time that this board has done it since I have been on it. It is not difficult to do, but we have to handle that a little bit differently. Then we can move on with the rest of process as normal.

There was a roll call of board members with all present except for Robert Bacon and Jonathan Gage.

Minutes

Chairman Burgie called for a motion to approve the October 27, 2021 Zoning Board of Appeals meeting minutes as written. Barbara Howard moved to approve the meeting minutes. Carol Dulski seconded the motion. The motion was unanimously adopted by all board members present.

Rules of Order

John Holtz read the Rules of Order.

New Business

Area Variance Application 2022-0006

Owner: JHB & KHB LLC
Representative: Thomas Richardson
Property: 6461 St Rt 64
Tax Map #: 184.04-1-5.000
Zoned: C1 (Light Commercial)

Legal Notice of Public Hearing

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

2022-0006 for property owned by JHB & KHB LLC located at 6461 St Rt 64, tax map 184.04-1-5.000. The applicant/owners are requesting a variance to the 20 feet side setback required in a C-1 district to build two ADA compliant bathrooms. The variance requested is 22.2 feet, causing a negative setback of 2.2 feet into the town highway right-of-way on Cold Springs Road. Requesting a second variance to exceed lot coverage; existing coverage is 64.73%, the requested coverage will be 67.18% where 50% maximum is required in a C-1 district.

Said hearing will take place on the 27th day of April, 2022 beginning at 7:00 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512 or by joining Zoom Meeting ID 81721722403, Passcode 194850.

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

Diane Scholtz Graham, Board Assistant

Chairman Burgie: Thank you. This is your opportunity to present your case for what it is you are requesting. Please introduce yourselves first so everybody on the board knows who is talking.

John French: Sure. My name is John French. With me is Tom Richardson tonight.

Tom Richardson: Hello.

Chairman Burgie: Hi.

John French: Would you like a little presentation?

Chairman Burgie: Yes.

John French: Okay. Great.

Chairman Burgie: And the rationale.

John French: Okay. Again, I am John French. I am the Vice President of both Arbor Hill Associates as well as Frog Hollow Management. My wife Sherry Brahm French is President. Tom is a South Bristol resident as well. He is our general contractor for this project. If the name Richardson rings a bell, his parents are Bruce Richardson and his mother was Karen Richardson. Historical Society and for anyone that enjoyed wonderful pancakes. They ran Hovey House in the original Arbor Hill building. Historic glimpse into things. In 1987 John and Katy Brahm opened up Arbor Hill in the building most people know as where the Brown Hound was for a dozen years. Today Plenty the Bakery does a wonderful job in that building. They are a great tenant of ours. Quickly outgrowing that space they moved across the street and purchased the three buildings that are what I call Arbor Hill Commons these days. That includes the 170 year old carriage barn, which is really the reason we are here tonight to talk about that. Other little South Bristol nuggets for you that all our grapes come from South Bristol. Vineyards on our property on

Hawks Road as well as down the road at Randall Standish Vineyards there by Hick Road. That was a business started by John Braham and Tom Braham back in 1971. Still run by family today. Today on our property at 6461 St Rt 64 we produce thirty plus award winning wines. Nearly sixty gourmet food products that we distribute in thirty states mostly through specialty retailers. Winery gift shop open seven days a week and the website is never closed. Three of us on the management team at Arbor Hill sit on a variety of boards. I am the treasurer of the ROC/FLX Craft Beverage Trail. Angela MacAllister is our President of the Canandaigua Lake Wine Trail. Sherry is on the board for Explore Naples NY, Finger Lakes Visitors Connection and Naples NY Rotary along with me. Jerry and I have spent many years guiding Hospice House. So in 2011 we went on a family vacation and John Braham announced to Sherry that craft beer is the fastest growing thing in the beverage industry. We ought to open up a restaurant in the carriage barn. Sherry looked at John and said, Dad we do not know a thing about running a restaurant. We are busy enough. Ten minutes later she looks and sees John and me talking. Eight weeks later Brew & Brats was open. He only had one speed that man. At the back of the restaurant sits a delightful diorama done by Kit Corti for the Bicentennial of Naples. Tom is just finishing up refurbishing that for the second time in ten years because the first time we refurbished it was when we put the addition on in 2012. In 2014 and 2015 we added solar panels because we like to be good stewards of the environment. In 2019 we purchased 6471 Cold Springs Road. That is Patty Ruckdeschel's house if that helps anybody. Now our long time employee and family member as well, Alex Arsenaldt is our tenant. That is the property that butts right up to the back side of Brew & Brats. A few months earlier, of course, February of 2019 John started researching doing this bathroom project. Then March 2nd he passed away unexpectedly. Needless to say this has been on our radar for quite some time. My hands have been a little bit full with Arbor Hill so thankfully last year we connected with Tom and got things rolling. Interesting fact I came across while prepping a little bit for tonight in the last twelve months we have had over 18,000 transactions on that little property over there. Quite a neat thing to see that many people come through enjoying the property that is between the store and the restaurant. Just under 600 square feet is what this addition amounts to that we are looking to put on. That will afford our patrons the ability to enjoy to American Disability Act or ADA compliant bathrooms without leaving the property. They will still be allowed to follow the purple footprints over to the store, but we are taking of nature they will be able to stay right in the building. That is why we are here tonight.

Martin Gordon: Are your existing bathrooms ADA compliant?

John French: The existing bathroom is not ADA. Thanks Marty.

Chairman Burgie: How many patrons can the existing bathroom handle at one time?

John French: One person.

Chairman Burgie: One person.

John French: Yes.

Martin Gordon: Is it a mixed gender bathroom?

John French: Yes. That is all I have got. Now for all the hard questions that is where Tom takes over.

Tom Richardson: Alright. I am Tom Richardson. Just a little bit of background I raised my daughter in Naples. I worked for Bristol Builders years ago. Actually worked for them again after Bill Musnicki

passed away. I was working with DGA as a traveling superintendent and I have done that for ten years. As the pandemic hit, I was coming back from Florida and met with Katie and she asked me what I was doing. Well guess what. I will start with basically go over the whole project from start to finish. Again, it is primarily an ADA bathroom ideal set. We are going to have two bathrooms. One on each level. I am sure you know the main barn is one level. They call that the Naples Room. Then the Bristol Room, which is the addition off to the side is another level. So there will be two bathrooms. One bathroom will be on the Bristol level and another bathroom on the Naples level. That way whatever level you are on you can walk right into it, wheelchair or whatever. The existence of the bathrooms also sets up some interesting nuances that are desperately needed by Brew & Brats. There will be a walk-in cooler downstairs along with freezer area. The biggest thing is if there is going to be a keg lift. Currently these guys take a keg out of the garage, walk it up Cold Springs Road, turn the corner and go in underneath the tent to go into the building and that is how they get their kegs in. Anybody who has been there has pretty much seen it. The other thing we are going to do is we are going to add a new Presby sanitary system to it on the outside. The leach fields that are servicing the bar and there are two of them actually. One services the Arbor Hill establishment the tasting room and another one that services Brew & Brats. We are taking the one out of Brew & Brats because that actually going to be underneath where our addition is going. We are going to combine that into one large system. It is sized more than adequate to handle to entire facility and leave room for growth. The interesting thing is that when Bill Grove actually sized up how big to make it he used water data from John last summer. The interesting part about last summer was the fact that Katie's pool was leaking. He says a 1,000 gallons. I am guessing there is probably 2,000 gallons worth of pool water that went into that pool last summer.

John French: More like 4,000. It was a 1,000 per trip.

Tom Richardson: That system is well oversized. It will serve Brew & Brats and Arbor Hill well into the future. That is it in a nut shell. The one thing that is probably going to throw people off is everybody sees a 1,000 gallon holding tank that is separated from everything else. The reason for that is because a lot of the cleaning agents and things that they use in the wine room, which is located below Brew & Brats is caustic to an environmental style system that the Presby is. We are going to capture all of that send it to that tank and pump it out and take it offside for treatment. We do not produce nearly enough fluid if 1,000 gallons happens over a course of a year it will be farfetched. That will only need to get pumped out once a year. We probably end up pumping the septic tank and that tank just as maintenance every year anyways. I think that basically runs through the entire project for the most part. If anybody has any questions?

Chairman Burgie: Does anybody have any questions right now?

Martin Gordon: I have a couple. Just to clarify the keg process currently going on you have to walk on the road with the keg to get it up to the next level?

John French: That is correct.

Martin Gordon: Not very safe.

John French: Not really.

Tom Richardson: Not to mention in the winter or when it is raining.

Martin Gordon: Not that it is a highly traveled road, but you do not want them walking on the road with the keg. If you have to move it after dark, that is asking for trouble.

Tom Richardson: Yes.

Martin Gordon: The waste water from the manufacturing process is that going into an existing holding tank now or what is done with that water currently?

Tom Richardson: To be honest with you I am not 100% positive where it is going.

Martin Gordon: It is probably going into your septic.

Tom Richardson: More than likely it is going into our septic.

Martin Gordon: The current septic is not a Presby and probably can handle it?

Tom Richardson: No. I think all it is a cesspool. My guess. I have not dug it up. At this point we are replacing it anyway. So what it is at the moment I am not really too concerned over.

Martin Gordon: I guess my point is in looking at the benefits of this project number one well there are several and that is what I am noticing.

Tom Richardson: As far as the septic system goes and the benefits of the project there are pluses. One we have a brand new system that is environmentally friendly. It eliminates potential problems that I know the one at Arbor Hill behind the tasting room is a cesspool. I cannot believe the other tank below there is much different than what that is. They are definite improvements on what we have now.

Martin Gordon: Then you are adding the ADA bathrooms and you are avoiding a hazardous situation of hauling a keg in the road at nighttime in the winter.

John French: Yes. Thank you.

Chairman Burgie: Keep notes. These are all findings when we get to that point. Any other questions?

Martin Gordon: When you started you said for the SEQR process this not a Type II it is an unclassified.

Chairman Burgie: One of each.

Martin Gordon: Right. One of each. What makes it unclassified?

Chairman Burgie: What makes it unlisted?

Martin Gordon: Yes. Unlisted.

Chairman Burgie: We are about to go into the SEQR status after visitation reports. Can you hold the question for just a minute? I am prepared to educate on that.

Martin Gordon: Perfect.

Chairman Burgie: It is a good question and thought it was all Type II until I started researching it more today. If no other questions at this point then visitation reports. Anybody have an opportunity?

Barbara Howard: I went down a couple of days ago. It is not like I have not been there before. From my viewpoint I do not know where else they could put it. I think they need to, sorry John, get rid of the bathroom they have now.

Carol Dulski: I went this morning and talking to John/Tom. I was surprised that the bathroom was the only one that was there. The setback on Cold Springs Road. They are not going into I was misled with the notes was it two and half feet?

Chairman Burgie: Two point two feet.

Carol Dulski: Okay. That is already built into the plan.

Chairman Burgie: It is into the right-of-way. Not into the road.

Carol Dulski: Yes.

John Holtz: I was there for another reason and we talked about the project. I agree that it is necessary. I think that little cluster there not that we would ever do this, but historical society might be able to tap into it. It might be a benefit to the community as well as the business in my opinion. It seems like it is a very positive addition to what we have going here. All the traffic I did not know 18,000, like you said, transactions I did think it would be that high, but it is definitely needed to make the survival of the business.

Martin Gordon: I stopped by Friday before I left town and talked with Tom and John on the phone. You stopped by? No you didn't.

John French: No. I was out in the vineyards.

Martin Gordon: We talked on the phone. I also believe it would add value to the community. The other thing I noted was the two and half foot setback is a variance, right? I guess my question about that is if you measure it on a projected basis it may be two and half feet, but if you measure it along the slope it is not, I do not believe.

Chairman Burgie: Good point.

Martin Gordon: It is a very steep slope. So you may not be need a variance for that.

Chairman Burgie: That is another item that would be good to capture in findings as we talk about the variance, the necessity for it. Maybe it is not needed, but the regulation really does not define it as down a slope versus horizontal distance. It is kind of ambiguous there. That is a good thing to capture.

Martin Gordon: I do not know what the unlisted SEQR is on if it on that variance or the other one?

Chairman Burgie: It is on the other one.

Martin Gordon: Okay.

Chairman Burgie: That would be nice if it was, but it is on the other one.

Martin Gordon: Okay.

Chairman Burgie: I also made a trip down there. I did not want to bother you. I wanted to look around outside, but I left my card with one of your employees. She texted you and you showed right up. We talked a little bit. Obviously, the need is there. That was obvious to me that the need is there and where you are going to build it is well above the road level. It is not a factor of safety from a right-of-way standpoint, in fact, we have a letter here from the highway superintendent that concurs with what you are doing. From that standpoint the two point two feet into the right-of-way to me is not a big factor. The other thing that I looked at was you are requesting a coverage variance over 50% coverage with impervious surface. What happens in heavy rain or something of that nature and I asked you this questions. Has it ever flooded? Have you ever seen a deluge and we had a couple 100 year storms two years in a row that did major damage in many places in the town including on my property. You said it really did not do any flooding? There is not anything downhill from you other than your own property that could be affected by anything of that nature. So that was an important part too when we talk about can we really justify increasing the impervious portion of the property that will not absorb water. It is just going to run off. There is nothing but your property down there. In fact, you had the two properties put together under one tax ID, therefore, one property you would not need the coverage variance at all. So that is another point that we want to point out. It is still required because it is on this property and not on a combined property we cannot deal with it that way, but in talking about the rationale for why we make a decision one way or the other I think that is an important point. You are not affecting the neighbor's property you are affecting your own property.

Tom Richardson: Can I make a couple points on that? I did mention to John about combining the two parcels so that is definitely something that is on potential agenda in the future as we proceed with some of the improvements. Some of the other improvements that we have been talking about is using permeable pavers in the front section where the tents are. Again, that would help us absorb tremendous amounts of water and redirect. As far as the flooding goes we are blessed with the fact that the main creek that runs down below through there actually runs to the back side of the house that John owns. So the majority of the water that does come down in that gully in that area is actually diverted quite a ways away.

Chairman Burgie: So is that something that could be considered in lieu of the area coverage variance?

Tom Richardson: It is a matter of timing. John is in a little bit of a rush to get the addition taken care of. As we go farther along with some of the other improvements that we would like to do, I think that is something we definitely are going to seriously look at. Probably somehow take care of combining the two properties in one form or another to get around that various issue. It will come up again just pouring a pad is going to get us past running into that problem. That is something we want to avoid in the future.

Chairman Burgie: Okay. Thank you. If that is all on visitation, here is where we determine the SEQR status - State Environmental Quality Review Act. There are three different types of actions that can be brought in front us. We do need to review them for the variance that you are requesting here. A state law requires that. Type I variance potentially has significant impact. We need to determine in a Type I situation. There is a listing of Type I actions. They are usually major projects. Whether or not there is a

potential for major impact and if anything can be done to minimize that. Type II action is the state has already reviewed those and said the chances of any major impact environmentally from these is very minor. You do not need to do any more research. If it is on a Type II actions list, then we just document that and we move on and we do not do any other review of it. If it not in a Type I or Type II it is unlisted. If it is unlisted we do need to determine if there is potential for major impact. If there is none, then we can use the short form of the environmental assessment form EAF to determine if there is any potential for major impact. If there is, then we need to proceed from there. If not, then we document it as no major impact expected. It is a little bit more work than a Type II. Here is why I say they are going to be different. In paragraph 617.5 (c)(16) from the SEQR regulation, *“Granting of individual setback and lot line variances and adjustments is a Type II action.”* The variance of 22.2 foot that is a Type II action because that is just a granting of an individual setback variance. We do not have to do any further work. Just putting 2.2 feet into the right-of-way when the right-of-way obviously there is no safety concern. Also that is not going to cause any major environmental impact. However, in paragraph 617.5 (c)(16) the next to last paragraph says *“this section does not include use or area variances.”* An area variance is defined in the next section 617.5 (c)(17) the follows: *“area variance for single family dwellings including lot coverage are defined by the NY Planning Federation as authorization consistent with the NYS town code, etc.”* This paragraph says *for a single family, two family or three family residence an area variance includes lot coverage.* That is allowed. However, you are not talking about a residence. This is a business and restaurant and therefore we cannot use paragraph 617.5 (c)(17) to cover the lot coverage. Lot coverage is not discussed in this anywhere else, therefore, it becomes unlisted. Does that make sense? I am jumping around in different parts here to tie it together. If this were a single-family residence under 617.5 (c)(17) lot coverage would be included as a Type II action. This is not a single-family, two-family or three-family residence, therefore, it cannot be included that way. It specifically says area variance is not included in the granting of individual setback paragraph. They just did not define it there.

Martin Gordon: What is the exact wording of the definition of single, two-family or three-family residence? How does that read exactly?

Chairman Burgie: That is not in the SEQR.

Martin Gordon: It mentions it in there for area variance. Can you read that again, I guess?

Chairman Burgie: Okay. First of all, area variances defined in the discussion in section 617.5(c)(17). *“Granting of an area variance for a single-family, two-family or three-family residence is covered by this paragraph 617.5(c)(17). Area variance for a single-family dwelling including lot coverage are defined by the NY Planning Federation as the authorization consistent with the NYS Town Law Section 267(b) and by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.”* You could read that a hundred times.

Martin Gordon: It does not necessarily address commercial or light commercial property anywhere for an area variance. Just because it says that for residential is it completely silent on commercial because for commercial they realize you may have very well an area variance.

Chairman Burgie: Then we do the short-form and determine in this commercial application is there any potential for a major impact.

Thomas Richardson: May I interject a little.

Chairman Burgie: Go ahead.

Thomas Richardson: What you are finding is typical. Up and down most states along the east coast. There are so many ways for commercial/light commercial, apartment complexes specifically, which I am familiar with to deal with wastewater, and they have seventy roof situations. It is never defined. There are just too many ways to deal with it.

Martin Gordon: You are saying it always comes back to you have to do short form SEQR?

Thomas Richardson: Something to that effect.

Chairman Burgie: I think we would be safest to do that then we could not be questioned on it. We had one of these come up on coverage in the past, however, it was for a single-family dwelling. Therefore, it was covered by that paragraph. Given that any discussion on the granting on an individual setback variance being a Type II? Everybody agrees with that. Okay. What I would like to do is go to the short form in your application. Page 39 is where it starts. That is your application. The actual form that we are going to be filling out or agreeing with or not. You have filled it out. Diane I will need a blank to be able to actually do this because it is all filled out.

Diane Graham: Yes. The board fills that out. Let me see if I have one in here. If not, I will have to go get one.

Chairman Burgie: If there are any changes to this, we will change it. I will need a blank page 42. Based upon what we see here.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation? No.

I am going to read these off with what he is saying and if I personally agree, but please speak up if anybody doesn't.

Diane Graham: He has notes to the right on the second page as well. I do not know if you want to read those.

Chairman Burgie: Oh here. Okay. Those are for question 7. I see what you are saying.

2. Will the proposed action result in a change in the use or intensity of use of land? No.
3. Will the proposed action impair the character or quality of the existing community? No.
 - I would actually suggest that it will improve it.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No.
 - Again, as you pointed out it probably will improve the existing traffic rolling a keg up there.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No.
7. Will the proposed action impact existing (a) public / private water supplies and (b) public / private wastewater treatment utilities?
 - The note you have added here is *“The addition of two ADA bathrooms will require additional water to be supplied from the current well system. This additional draw, however, does not represent a dramatic increase on the demand in the well and it is still within its performance capabilities. One of the actions in this proposal is to create a new septic system that is sized to handle the wastewater generated by the entire Arbor Hill complex. This new septic system is above and beyond the requirements of the two new proposed ADA bathrooms.”*

Martin Gordon: I have a question, Tom.

Chairman Burgie: Go ahead.

Martin Gordon: The proposed action are we referring to the area variance itself for 7.?

Diane Graham: Lot coverage or setback?

Martin Gordon: This is lot coverage only. So if that is the proposed action or is the action the project? Will the proposed action impact existing and my question is the definition of proposed action is it the act of exceeding the area coverage or is it the entire project? If it is just the area variance making more penetrable surface, then it does not have any impact on public/private water supplies or public/private wastewater treatment.

Chairman Burgie: The proposed action is what they are proposing to build, which requires us to then to do the SEQR review.

Martin Gordon: So, then the proposed project is the whole project?

Chairman Burgie: Yes.

Martin Gordon: Got it.

Chairman Burgie: Now I understand the question. They have added moderate to large impact may occur. Now is that a moderate to large environmental impact? I would say no.

Martin Gordon: No.

Chairman Burgie: It is a moderate to large impact on your private water supply and wastewater treatment, however, it is sized to handle that. What we are looking at is environmental impact. So I would change both of those to no.

Thomas Richardson: Sure.

Chairman Burgie: Do you agree?

Thomas Richardson: That was kind of an ambiguous segment in there on what to put.

Chairman Burgie: Right.

Martin Gordon: It evens says in your response that it does not represent a dramatic increase.

Thomas Richardson: No.

Chairman Burgie:

8. Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources?
 - Do we have any indication of archeological or historic resources involved in this?

Thomas Richardson: The only thing that it does connect to is the original search that the state requires you to do. It brought up the historical society building. We did write a letter to, I forgot the name of that government agency, that basically said that you are good to go. The letter is actually in there.

Chairman Burgie: So, we have a response from them.

Thomas Richardson: It says no impact.

Chairman Burgie: So, we will want to read that into the record.

Thomas Richardson: It would be on page 33 is where it starts.

Chairman Burgie: Thank you. Diane, remember that we want to read that into the record.

Diane Graham: I am writing a note so hopefully. I have three things we are going to have to do: septic system approval, archeological site determination letter and County Planning comments.

Chairman Burgie:

9. Will the proposed action result in an adverse change to natural resources (wetlands, waterbodies, groundwater, air quality, flora and fauna)? No.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No.

Agreed? Marty, you look like you are thinking about it.

Martin Gordon: I would say no, but the only reason I am hesitating is you had mentioned that you own the property and any additional drainage would be onto that property. Are you expecting a lot outflow?

Thomas Richardson: No. We are not expecting much drainage at all. Currently the barn itself is conducted to rainwater distribution. It diverted down into the ditch on the side of the road. Again, we will divert what we do have in the same manner.

Martin Gordon: So that is no.

Diane Graham: The county's comments refer to some of that. What they are looking for they did not see.

Martin Gordon: That is the other thing that triggered me. The Presby System the way that works at the end of the pipe it is a vent. There is no water flowing out the end of the pipe. The water goes into the ground.

Thomas Richardson: Yes.

Martin Gordon: That is it. It is not flowing out the end and raining like a regular leach field might have.

Thomas Richardson: A regular leach field is not supposed to do that either. The system's design it has a bed of sand underneath. Essentially what happens is you have absorption, and it comes down and evaporates out.

Martin Gordon: I know I have one. It is an aerobic system.

Chairman Burgie: Are you good?

Martin Gordon: Yes.

Chairman Burgie:

11. Will the proposed action create a hazard to environmental resources or human health? No.

Diane Graham: You have answered no to every everything.

Chairman Burgie: I have answered no to everything, therefore, we should be checking the box the proposed action with not result in any significant adverse environmental impact, which is the box that you checked and we concur with that. I will need to redo the form with my signature on it.

Thomas Richardson: Sure.

Martin Gordon: It is misleading. The lead agency - is it their lead agency?

Chairman Burgie: It is the town. We can ask other agencies to be involved.

Thomas Richardson: I looked it up for the lead agency. It is extremely ambiguous depending on what kind of project you are doing. It is possible for a construction firm to be the lead agency.

Chairman Burgie: Is it? I have never seen that one.

Thomas Richardson: I read up on it to try to figure it out what the heck it is. To the best of my knowledge I though I did it correctly because I am the one presenting it and it refers to the person who is presenting all of the information as far as I was concerned.

Chairman Burgie: Okay. We are in concurrences with what have written down here other than changing two of them to no.

Thomas Richardson: Sure.

Chairman Burgie: There is no issue. I will put my signature on it and I will be held accountable then.

Thomas Richardson: There you go.

Diane Graham: Part 3 you are going to leave blank on yours?

Chairman Burgie: Part 3 the notes you mean?

Diane Graham: Yes.

Chairman Burgie: Yes.

Diane Graham: That will be blank. Okay.

Chairman Burgie: We will capture those as findings when we get to that point. Just so that you understand when I keep referring to findings. The findings are our documented evidence that should this be contested. It goes to court this is the evidence that we have done our due diligence in researching it and that supports the decision that we make in the end. That is the evidence that we are documenting called findings.

Diane Graham: You did that on lot coverage. What is the side setback?

Chairman Burgie: Side setback is Type II?

Diane Graham: Type II and no number?

Chairman Burgie: Oh, you want the paragraph?

Diane Graham: Yes.

Chairman Burgie: Again?

Diane Graham: Is it the one you just read with 16 and 17?

Chairman Burgie: Paragraph 617.5(c)(16) granting of individual setback variance.

Diane Graham: Okay.

Chairman Burgie: There is no paragraph for the lot coverage. That has to be unlisted.

Diane Graham: Thank you for the clarification.

Chairman Burgie: We good?

Diane Graham: Yes.

Chairman Burgie: I would like to open the public hearing now if anybody else either on Zoom or otherwise would like to make any comments.

Diane Graham: There is no one on Zoom.

Chairman Burgie: Okay, then we will close the public hearing. Relay any municipal officer's documentation as appropriate to this case. Do we have any private correspondence from neighbors or anything of that nature? I did not see any.

Diane Graham: No.

Chairman Burgie: So it only public correspondence.

Diane Graham: We have the septic system approval letter, the County Planning comments and archeological letter.

Barbara Howard: Highway Superintendent.

Diane Graham: Highway Superintendent. Thank you.

Chairman Burgie: County Planning comments are *"roof water runoff from addition and existing building should be diverted away from the proposed septic."* Yes?

Thomas Richardson: Existing building is already diverted away from the proposed septic. The secondary addition will be as well.

Chairman Burgie: Good. *"Erosion and sediment control is not shown for construction."*

Thomas Richardson: We will end up putting an erosion fence along the ridge of the hill. The top section all the way from the beginning of the addition all the way around to the point where there is a property line segment that is a T to that point.

Chairman Burgie: Is this site plan required to go to the Planning Board?

Diane Graham: No. It is not in the zone for that.

Chairman Burgie: Basically, they had two comments and they did not make any recommendation. If they had made a recommendation for denial, which they do sometimes, then we would have to address each one of these and have a super majority in the vote to override their recommendation. They have not, therefore, we have addressed their comments.

The letter from the Canandaigua Lake Watershed Inspector. Could you read that in please?

Diane Graham: The whole thing - two pages? Do you want to say as read?

Chairman Burgie: *"This officer has reviewed the plan submitted by your engineer William J. Grove, PE an onsite wastewater treatment system replacement and holding tank designed to serve the property referenced above. The proposed system design is found to be in general compliance with the applicable standards as required by the NYS Department of Health and the Canandaigua Lake Watershed rules and regulations and as such the plans have been approved for installation."* Then it goes on to have a lot of additional specific detail to make sure that you follow through and provide them updates and things of that nature. Let's just attach that. I do not think we need to do the whole thing.

Diane Graham: So, I will appendix the County Planning comments and Canandaigua Lake Watershed letter?

Chairman Burgie: Yes. Where am I going to find the concurrence letter from the Town Highway Supervisor?

Diane Graham: In the packet attached to the stapled application.

Chairman Burgie: We also need to include the letter from the Deputy Commissioner for historic preservation. *"Based upon the review it is the opinion of the OPRHP that no property including archeological and/or historic resources listed in or eligible for the NYS National Register of Historic Places will be impacted by this project."* That is the highlight of it. We need to make sure that attached.

This is from Jim Wight the Town of South Bristol Highway Superintendent. His conclusion *"It is the Highway Superintendents recommendation that the variance request be granted based upon the above information. It is my opinion that 2.2 foot infringement of the right-of-way has no impact on the road below or the highway departments ability to maintain and surface the road."* We want to attach that to it also.

Martin Gordon: There is an additional finding we can add to that because they have an existing variance of about 13 feet for an existing building.

Chairman Burgie: They have an existing variance or they?

Martin Gordon: Encroach in the right-of-way by 13 feet.

Chairman Burgie: The variance has not been granted. This is a prior existing condition.

Martin Gordon: Right. So say prior existing condition. The prior existing condition encroaches on the right-of-way by 13 feet.

Chairman Burgie: So, in essence that is a grandfather. Yes, it does.

Martin Gordon: The 2.2 variance we are deciding on tonight is less than the existing condition.

Chairman Burgie: Understand. That is a good finding to make. I see what you are saying. We cannot call it a variance because a variance was never granted.

Martin Gordon: What do you call it, existing?

Diane Graham: It was a variance that was granted.

Thomas Richardson: It was a variance that was granted. It was granted in 2000. The actual meeting minutes for that variance that was granted for that existing building area is in your packet that I gave you.

Chairman Burgie: Oh. I missed that.

Diane Graham: The measurements were based on a two-rod road.

Chairman Burgie: From 2000, okay. I missed that one.

Thomas Richardson: If you go to page 55, essentially read the lower half of that page. It talks about the 20-foot variance and the variance they have granted.

Martin Gordon: In reality based on the survey that I am looking at it is not 20 feet it is 13. So, you did not use the full variance. The variance is 20, but it looks like you only used about 13 of that.

Thomas Richardson: The difference between this variance that was granted was granted on the assumption that Cold Springs Road was a two-rod road and you are going on the assumption that it is a three-rod road.

Chairman Burgie: Four-rod versus three-rod I believe it is the way to say it.

Thomas Richardson: Three-rod and two-rod. This variance that is in this packet was based on a two-rod road. Based on the fact that Cold Springs Road is only a single lane road with the usage as a dead end that supplies two houses.

Diane Graham: This variance is calling it a front setback when it should have been a side setback.

Martin Gordon: A rod is 16.5 feet does that help?

Chairman Burgie: Understand.

Martin Gordon: Okay.

Diane Graham: The highway superintendent deemed it a three-rod road.

Thomas Richardson: This was a matter of contention beforehand. It is written up that particular direction through the discussions that we had.

Martin Gordon: The licensed surveyor has it as a three-rod road.

Chairman Burgie: Which is a 25 foot roughly from centerline to the edge of the right-of-way.

Martin Gordon: That is correct.

Chairman Burgie: That is a three-rod and a two-rod would not make it a greater right-of-way. Four-rod would be 33 foot from that centerline to the edge of the right-of-way.

Martin Gordon: It would not be 33 feet.

Diane Graham: Four-rod is 33 feet.

Martin Gordon: Right. That is the width, but then from the centerline.

Diane Graham: It is.

Martin Gordon: Okay. So, it is 33.

Diane Graham: Yes, for a four-rod.

Chairman Burgie: Thirty-three feet from the centerline to the right-of-way.

Martin Gordon: That is why it was granted as 20 feet. That is the seven-foot difference.

Chairman Burgie: They assumed that it was the greater right-of-way. Whether you want to call it two-rod or four-rod.

Martin Gordon: Three-rod.

Chairman Burgie: I learned it from Phil. State Route 64 is a four-rod road and it is 33 feet from the centerline and a three-rod, which is in this case, Cold Springs Road is a three-rod is only 25 foot from the centerline to the end of the right-of-way. The four-rod is the greater right-of-way and it would require a greater variance than a three-rod that we are dealing with.

Martin Gordon: Which is what they did in 2000.

Chairman Burgie: Yes.

Thomas Richardson: No. That is not what they did in 2000. In 2000 they defined Cold Springs Road as a two-rod road.

Martin Gordon: That is what we are saying.

Thomas Richardson: I keep hearing four-rod.

Martin Gordon: It is a moot point because to go back to existing condition is 13 feet. Existing condition is 13 feet to the existing highway right-of-way ignoring the variance. You are asking now for a 2.2-foot variance, which is much less. You are within the distance you already have and it helps you I think.

Thomas Richardson: I do not know how we want to say that. Whether we reference the old variance in 2000?

Diane Graham: The 2000 variance is saying it is a front setback not a side setback.

Martin Gordon: That could be the answer to the question because it is setback from St Rt 64, which is a four-rod.

Chairman Burgie: Right.

Diane Graham: Cold Springs is where the variance should have been from. It does not seem like the wording is that way.

Chairman Burgie: Your point being the existing building comes almost to the road itself. Well inside the right-of-way. They are requesting much less than that for this addition. Only 2.2 feet into the right-of-way whereas the existing building uses up most of the right-of-way. This is easier than what was built. When was the wine production room built?

Thomas Richardson: 2000.

Martin Gordon: The reason they were calling it a front setback is because it fronted on Cold Springs Road.

Chairman Burgie: Yes, because it was closest to Cold Springs Road.

Diane Graham: That is not the entrance.

Chairman Burgie: The entrance is from St Rt 64.

Diane Graham: It should have been a side setback not a front setback.

Martin Gordon: To keep it simple forget the variance and just refer to it as the existing conditions.

Chairman Burgie: If you want to state it as the variance request for this is much farther away from the road. Less intrusive of the right-of-way than the existing building then we can get around the two-rod, three-rod, four-rod, whatever.

Martin Gordon: Yes.

Chairman Burgie: Is there any other municipal officer documentation that we have not captured?

Diane Graham: I do not believe so. I will scan quick.

Chairman Burgie: We have been doing a lot of discussion trying to figure out what you are really requesting here. This is the time to open it up for discussion for Zoning Board of Appeals members.

Barbara Howard: In terms of clarifying the two, three, four or whatever rods. Am I correct that they were given a variance on the Cold Spring side in 2000?

Diane Graham: Yes.

Chairman Burgie: From what I see here they did not need one on the St Rt 64 side.

Barbara Howard: Correct. Was the original Cold Springs Road where the variance is. Okay. That variance was roughly 20 feet or something at the time.

Diane Graham: Yes.

Barbara Howard: That variance is no longer a variance because it is grandfathered into the next owner? Is that correct?

Diane Graham: It stays with the property.

Barbara Howard: Correct. It stays with the property. That 13-foot variance is really part of the regular property. Do they even need an additional? If they can go out to the 13 feet and they only went out 10 don't they three more that is already theirs? Whatever the numbers are. In which case they do not need a variance. They have not used up if you will the first 13 feet for their 20 feet that they got and it goes with the property, right?

Chairman Burgie: It is a new project on the same building. If this were to say they want to build another building a little bit farther over and do the same and use the same variance I would have to say no. You cannot do that. It is for that construction. It is a little bit murkier in this case, I would say, because if we talk about this variance, which is less than the variance that they received before I do not know.

Barbara Howard: If I am looking at this correctly, you still have that difference in that variance that you have not used.

Martin Gordon: It is a different measurement.

Barbara Howard: What is based off a different measurement?

Martin Gordon: The new variance request is measured off a different measurement point. Maybe we just ignore the whole variance and I proposed we say the requested 2.2-foot variance would intrude approximately ten feet less into the highway right-of-way than the existing property condition.

Barbara Howard: Yes. That is what I am saying. They are not using up all their lot line, if you will, is already larger than what they need for the variance. Tom, I would be delighted if you found something that clarified it for us.

Chairman Burgie: We get into the semantics of their existing variance versus what they are requesting. The existing variance based upon a two-rod. I am not familiar with two-rod roads. That is where we are getting that confusion here.

Thomas Richardson: The difference of this variance and the old variance is solely dependent on the definition of Cold Springs Road. If Cold Springs Road is defined as a three-rod road we need a variance request of 22.5 feet. We are 2.5 feet into the highway right-of-way. If Cold Springs Road is defined as a two-rod road as it was in the original 2000 variance when that was built then we would request an approximate 13 foot variance because we are still building within 20 feet of the property setback. The setback is 20 feet.

Chairman Burgie: Setback is 20 feet.

Thomas Richardson: Approximately we will be with a two-rod road we are seven feet off that two-rod definition line.

Chairman Burgie: Twenty-foot setback from a two-rod. Two-rod is how far from the centerline?

Thomas Richardson: Roughly seventeen feet.

Chairman Burgie: Seventeen plus twenty would be 37.

Thomas Richardson: Yes.

Diane Graham: You are basing it off the survey and town highway supervisor.

Chairman Burgie: The Town supervisor is calling it a three-rod. The difficulty with the wording here. The variance of 20-foot variance was based a two-rod. They are requesting a 22.5-foot variance based upon the survey and town highway supervisor, therefore, the twenty-foot variance doesn't cover their 22.5 foot variance. It would be nice to be able to do that, but I do not think we can do that.

Barbara Howard: What makes a road that has not had anything done to it from 2000 on, that I could see, to from a two-rod to a three-rod?

Diane Graham: There was nothing that I could see any determination on how they came to that two-rod.

Thomas Richardson: I can answer that question for you.

Barbara Howard: Go ahead. Absolutely.

Thomas Richardson: New York State automatically defines any road that is maintained by a municipality as a three-rod road automatically. It is their default situation. A road width is defined as far as rod width by it's use. Hence, the difference between 64 and Cold Springs Road or any other road. How much traffic does it get? A secondary definition goes into it is that a road must be the physical width of driving so pavement to pavement has to be bigger than sixteen feet, otherwise, it is defined as a single lane road. I think one of the reasons they defined it as a two-rod road to begin with back in 2000 because it also the width of Cold Springs Road is 13 feet, so it is a one lane road according to NYS. The other thing that happened is that they closed off the one end of Cold Springs Road, so it is a dead end. Cold Spring Road serves two houses and the Fish and Game Club. By definition of use if you really wanted to get into it and somebody could probably argue if they really wanted to it is a two-rod road. They could argue two-rod or three-rod.

Martin Gordon: This is a moot point.

Thomas Richardson: It is purely semantics.

Martin Gordon: I am going to clarify something. So, I am a registered PE in New York State. Road width was defined back in the 1800s two, three and four rods. Before that they did not have a standard distance. The rod widths that exist today are based on the original surveys from the 1800s. Has nothing to do with the road use. It was how it was originally measured.

Thomas Richardson: I am not going to get into it.

Martin Gordon: It is a moot point. Roads are not defined now in terms of road width based on use.

Thomas Richardson: The Attorney General of NYS back in about 2000 would disagree with you. Again, I am not going to get into this. This is not a discussion that worth diving into it. This is a rabbit that we do not need to go down.

Chairman Burgie: This is where I would like to suggest if we want to continue this discussion then we table it and we come back for another meeting because right now the guidance we have from the highway superintendent is that it is a three-rod road.

Thomas Richardson: I would say let's keep it as a three-rod road.

Chairman Burgie: Okay. You guys agree?

Martin Gordon: Yes.

Carol Dulski: Three-rod it is.

Chairman Burgie: Three-rod. We make the variance based upon that and we do not try and use the prior variance, which is on a different information. Any other discussion? No. We are to the point that we are going to determine the findings. Document the findings that we have discussed. We try and capture them all. That is the evidence and then we will try and make a decision on.

Diane Graham: Which findings are we addressing first?

Chairman Burgie: We are going to address the SEQR status first and then there will be two findings for it.

Diane Graham: Are we going to do separate findings for each variance?

Chairman Burgie: No. I do not believe we need to for the rest of it, but the SEQR requires two findings.

Finding #1

Thomas Burgie moved that under the SEQR review the requested variance for individual side setback of 22.2 foot is covered by paragraph 617.5 (c)(16) granting of the individual setback variance is a Type II action and requires no further review. Carol Dulski seconded the motion.

All in favor.

Ayes: 5, T. Burgie, C. Dulski, M. Gordon, J. Holtz, B. Howard

Nays: 0

Motion carried.

Finding #2

Thomas Burgie moved that the requested variance for 67.18% lot coverage where 50% maximum is required is an unlisted action, however, during the short form EAF we find that there is no expected major impact. Barbara Howard seconded the motion.

All in favor.

Ayes: 5, T. Burgie, C. Dulski, M. Gordon, J. Holtz, B. Howard

Nays: 0

Motion carried.

Finding #3

Thomas Burgie moved that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties created by granting the area variance. John Holtz seconded the motion.

All in favor.

Ayes: 5, T. Burgie, C. Dulski, M. Gordon, J. Holtz, B. Howard

Nays: 0

Motion carried.

Finding #4

Thomas Burgie moved that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. Barbara Howard seconded the motion.

All in favor.

Ayes: 5, T. Burgie, C. Dulski, M. Gordon, J. Holtz, B. Howard

Nays: 0

Motion carried.

Finding #5

Thomas Burgie moved that the requested variance for side setback is substantial. The requested variance for coverage is not substantial. It is not a substantial increase over the coverage that exists now, however, one of the variances is substantial. The benefit to be achieved far out ways the impact of the variance requested.

What do you think? I am asking for board members to comment do you agree with that?

Martin Gordon: I wrote them to define specifically why.

Chairman Burgie: Would you like to add to this then?

Martin Gordon: I was going to suggest an alternative.

Martin Gordon made a motion that the requested area variance for side setback while although substantial will ameliorate a pedestrian highway safety issue. The requested 2.2 foot variance would intrude approximately ten feet less into the highway right-of-way than the existing property condition. Both the side setback variance and area variance will allow for compliance with ADA requirements for ADA accessible bathrooms. Barbara Howard seconded the motion.

All in favor.

Ayes: 5, T. Burgie, C. Dulski, M. Gordon, J. Holtz, B. Howard

Nays: 0

Motion carried.

Finding #6

Thomas Burgie moved that the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Barbara Howard seconded the motion.

All in favor.

Ayes: 5, T. Burgie, C. Dulski, M. Gordon, J. Holtz, B. Howard

Nays: 0

Motion carried.

Finding #7

Thomas Burgie moved that the alleged difficulty was not self-created. Carol Dulski seconded the motion.

All in favor.

Ayes: 5, T. Burgie, C. Dulski, M. Gordon, J. Holtz, B. Howard

Nays: 0

Motion carried.

Chairman Burgie: What other finding notes do you over there that you wanted to make?

Martin Gordon: That was it.

Chairman Burgie: John anything?

Carol Dulski: I am good.

Chairman Burgie: Good. We do not need to make anymore. I do not know of anymore that need to document in this case. We are done with findings. Any conditions required? I know of none too. Then I would like to petition a board member to offer a motion to approve or deny the applicant's request.

Barbara Howard moved to approve applicants request for a 22.2 feet side setback variance. Carol Dulski seconded the motion.

Roll Call Vote:

Thomas Burgie – Aye
Carol Dulski – Aye
Martin Gordon – Aye
John Holtz – Aye
Barbara Howard – Aye

Motion carried.

Chairman Burgie: I would like to petition a board member make a motion to approve or deny a 17.18% lot coverage variance for a total lot coverage of 67.18%.

John Holtz moved to approve a 17.18% lot coverage variance for a total lot coverage of 67.18%. Barbara Howard seconded the motion.

Roll Call Vote:

Thomas Burgie – Aye
Carol Dulski – Aye
Martin Gordon – Aye
John Holtz – Aye
Barbara Howard – Aye

Motion carried.

Chairman Burgie: You have both of your variances.

Thomas Richardson: Thank you.

John French: Thank you all. We appreciate it.

Chairman Burgie: I look forward to seeing the renovations done. You have a wonderful place.

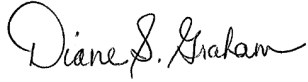
Other

Discussed board meeting seating and training opportunities.

Motion to Adjourn

Being no further business, Martin Gordon moved to adjourn the meeting. Carol Dulski seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:36 pm.

Respectfully submitted,

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

Diane Scholtz Graham
Board Assistant

Appendix

Ontario County Planning Board Comments

Town Highway Superintendent Letter

Canandaigua Lake Watershed Letter

Archeological Site Determination Letter

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting March 8 3:30 pm**
County Planning Board Meeting –April 13, 2022 at 7:00pm @ 20 Ontario Street & Virtual
 Telephone: 585-396-4455

This document will serve as both the **draft** minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

Attendance and Minutes.....2

Referral Reviews and Board Action.....3

General Procedures and Legal Obligations for Referring Agencies.....26

Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval NA = No Action

Referral #	Municipality	Applicant	Application Type	Class	Page
51	Town of Victor	Marks Engineering	Subdivision	Exempt	3
52	Town of Victor	Pinnacle Towers Inc	Special Use Permit	1	3
53	Town of Gorham	John Jay Newswagner	Special Use Permit	1	3
54	Town of Gorham	James Fahy Design Associates	Area Variance	AR 2	4
55	Town of Canandaigua	Marks Engineering	Site Plan	1	5
56	Town of Canandaigua	Scott Harter	Area Variance	Withdrawn	8
57	Town of Canandaigua	Scott Harter	Site Plan	Withdrawn	8
58	Town of East Bloomfield	Robert Denome	Site Plan	1	8
59	Town of West Bloomfield	Spallina Materials	Special Use Permit	1	9
60	Town of Geneva	Town of Geneva	Text Amendment	2/ no action	10
61	Town of Geneva	Thomas & Patricia Klementowski	Area Variance	1	11
62	Town of Farmington	Town of Farmington	Map Amendment	2/A	11
63	Town of South Bristol	Town Board	Text Amendment	2/a	15
64	Town of South Bristol	Thomas Richardson	Area Variance	1	16
65	Town of West Bloomfield	Bell Atlantic	Special Use Permit	1	17
66	Town of Manchester	Luke Abbott	Site Plan	1	19
67	Village of Manchester	George Aldrich	Site Plan	1	19
68	Village of Manchester	Martha Yudicky	Site Plan	1	20
69	Town of Farmington	O&L Realty LLC	Subdivision	1	21
70	Town of Victor	Kassis Superior Sign Co Inc.	Area Variance	1	21
71	Town of Hopewell	Paul Gillette	Site Plan	1	21
72	Town of Hopewell	Patricia Albrecht	Special Use Permit	1	22
73	Town of Hopewell	Phil Bassage	Site Plan	1	23
74	Town of Hopewell	Jay Ladue	Site Plan	1	24
75	Town of Hopewell	Jay Ladue	Subdivision	1	24

63 -2022 Town of South Bristol Town Board

Class: 2

Type: *Text Amendment*Applicant: *Town Board*

Brief Description: *Text amendment to the Town of South Bristol code to change how to assign postal address when more than one residence is located on a single lot, and to limit storage of Recreational Vehicles to 2 such vehicles owned by member(s) of owner's family residing on the lot.*

Board Motion: To retain referral 63-2022 as a class 2 and return to the local board. **Motion made by:** Doug Dello Stritto **Seconded by:** Roslyn Grammar **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried**

64 -2022 Town of South Bristol Zoning Board of Appeals

Class: 1

Type: *Area Variance*Applicant: *Thomas Richardson*Property Owner: *JHB & JKB LLC*Representative: *William Grove*Tax Map Parcel #: *184.04-1-5.000*

Brief Description: *Area variance to add ADA compliant bathrooms that will extend 2.2 ' into ROW of Cold Spring Road to a commercial use at 6461 SR 64 in the Town of South Bristol. The existing building is located partially in the ROW. A second variance is requested to allow an increase in lot coverage from 65 percent to 67 percent when 50 percent is allowed.*

<https://ontariocountyny.gov/DocumentCenter/View/34068/64-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34069/64-2022-site-plan>

<https://ontariocountyny.gov/DocumentCenter/View/34070/64-2022-survey>

The 624 SF addition will also accommodate portion of internal stair to new basement freezer and cold storage area. Project to also involve new septic system for Brews and Brats and Arbor Hill wastewater; restoration of the historical diorama of the Village of Naples; and relocating electric service to comply with public utility standards.

OCSWCD Comments

1. Roof water runoff from addition and existing building should be diverted away from proposed septic.
2. Erosion and sediment control not shown for construction.

OCSWCD Canandaigua Lake Watershed Inspector -Letter to approve septic plan issued 4/8/22.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

Town of South Bristol
Highway Department

Jim Wight
Highway Superintendent

March 17, 2022

Re: Brew and Brats @ Arbor Hill

6461 State Route 64 Naples, NY 14512 in the Town of South Bristol
Tax Map # 184.04 -1- 5.000

The above referenced has requested and applied for a zoning variance to accommodate an addition to their existing structure. A portion of the new addition (2.2') will be in the Town R.O.W. (Right of Way) on Cold Springs Rd.

Cold Springs Rd., to the best of my knowledge has a 3 rod R.O.W. (49.5')

It is my opinion that the 2.2' of infringement on the R.O.W. has no impact on the road below or the Highway Department's ability to maintain and service that road.

In conclusion, it is the Highway Superintendent's recommendation that the variance request be granted based on the above information.

Any questions or concerns regarding this decision, I can be reached at either;

jim.wight@southbristolny.org or (585)746 – 6620

Respectfully,

Jim Wight – Town of South Bristol Highway Superintendent

CANANDAIGUA LAKE WATERSHED COMMISSION

- City of Canandaigua
- Village of Rushville
- Village of Palmyra
- Village of Newark
- Town of Gorham

April 8, 2022

John French, JHB & KHB, LLC
6259 Hawks Road
Naples, NY 14512

Re: Property at
6461 NYS Route 64
Brew & Brats at Arbor Hill
Town of South Bristol
Tax Map No. 184.04-1-5

Dear Mr. French,

This office has reviewed plans submitted by your engineer William J. Grove, P.E. an onsite wastewater treatment (septic) system replacement and holding tank design to serve the property referenced above. The proposed system design is found to be in general compliance with applicable standards as required by the New York State Department of Health (NYSDOH), and the Canandaigua Lake Watershed Rules and Regulations and as such, the plans have been approved for installation.

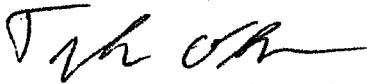
The system consists of retrofitting the existing cesspool that serves the office and tasting room with a grinder pump station, pumping to a 1,500 Gallon concrete septic tank, a single distribution box, and a 42'x20' Presby AES absorption bed with Ten Rows of 40' Long Presby AES Pipe, for a total of 400 lineal feet of line designed to treat 800 Gallons per Day. All water using fixtures are to be connected to this system; with the exception of the Wine Production Room. The Wine Production Room is to be served by a new grinder pump station, which pumps to a 1,000 Gallon holding tank fitted with a high level alarm; as per attached plans.

This letter **IS NOT** to be construed as an approval of the installed system. Final approval of this wastewater treatment system will be subject to the following conditions:

1. **THAT** since New York State requires a building permit be required for modification / replacement and new onsite wastewater treatment systems, it is the responsibility of the licensed professional, the contractor and property owner to check with the local municipality for any additional permits and inspections they may require.
2. **THAT** notification is to be given to this office and the licensed professional responsible for the plans that the system is to be installed **AT LEAST TWO (2) BUSINESS DAYS** in advance of installation to allow inspections to be scheduled.
3. **THAT** the construction/installation and care/maintenance of the facilities shall be in strict compliance with the approved plans.
4. **THAT** the system will be installed within three (3)-years of the date of this approval.

5. **THAT** the holding tank high level float alarm system be maintained in a good working order at all times
6. **THAT** a NYSDEC permitted waste hauler is to be used for pumping of the tank and no discharge from the tank will be allowed.
7. **THAT** copies of all pump out receipt be submitted to this office.
8. **THAT** any minor deviation from the approved plans will require the approval of this office and the licensed professional responsible for the plans. Any major deviation from the proposed plans will require new submission of plans to this office. An additional review fee may be required.
9. **THAT** upon completion of construction, the licensed professional responsible for the plans will furnish this office with a signed "As-Built" plan and certification of construction compliance in accordance with the approved plans.

Sincerely,



Tyler Ohle, NYSESCCP
Canandaigua Lake Watershed Inspector

c: Scott L. Martin – Town of South Bristol Code Enforcement Officer w/plans
William J. Grove, P.E. - Engineer w/plans



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

February 18, 2022

Thomas Richardson
Construction Manager
Frog Hollow Management
6461 State Route 64, NY
Naples, NY 14512

Re: DEC
Brew & Brats - Addition & New Septic System Construction Project
6461 State Route 64, South Bristol, Ontario County, NY
22PR01132

Dear Thomas Richardson:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay
Deputy Commissioner for Historic Preservation
Division for Historic Preservation