



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

Planning Board Meeting Agenda

Wednesday, July 20, 2022 at 6:30 pm

Meeting in-person or by joining

Zoom Meeting ID 893 3371 2751, Passcode 256469

https://us02web.zoom.us/j/89333712751?pwd=UHLHqIc36E2apoqfZaTWp6J_CPyflx.1

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 June 15, 2022 Planning Board Meeting Minutes

Short-Term Rental Old Business

Public Hearings

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

Short-Term Rental New Business**Short-Term Rental Application 2022-0019**

Owner: Soja Income Trust
Local Contact: Raymond Soja
Property: 17 Cliffside Dr
Tax Map #: 168.16-1-6.017
Zoned: PD (Planned Development)
Sleeping Occupancy: 4
Parking Spaces: 1

Regular Old Business**2nd Preliminary****Site Plan Approval Application 2020-0013**

Owner: Bristol Harbour Village Association Inc
Representative: Regina Cushing, Gloria Harrington & Scott Grasby
Property: 5680 Shore Drive
Tax Map #: 168.16-1-7.100
Zoned: PD (Planned Development)

Short Term Rental Law Review and Discussion

Regular New Business**Site Plan Approval Application 2022-0020**

Owner: SBA Towers LLC
Representative: GPD Group Representing DRW NX
Property: 5776 Stid Hill Rd
Tax Map #: 177.00-1-7.200
Zoned: R-5 (Residential 5 Acre)

Other**Motion to Adjourn**

Town of South Bristol Planning Board Meeting Minutes Wednesday, July 20, 2022

Present: David Bowen
Jill Gordon
Michael McCabe
Fred McIntyre
Sam Seymour
Matthew Sousa
Kevin Stahl

Excused: Jason Inda

Guests: Jeremy Havens, John Constance, Holly Parzych, Steve & Deb Cortese, Ray & Marcia Soja, Mark & Joyce Moretti, T. Lusk, Russell Michelson & Ariel Merillat, Fred & Beth Muhleman, Bella Stahl, Cathy Colby, Ed & Ella Wildman, Dave Godshall, Anne Dewey, John & Teri Hauck, Erica Logan, Ellen & Todd Eachus, Gloria Harrington, Joe Kohler III, G. Lalka, Marilyn Whitley, Linda McElveen, Bruce & Linda Didsbury, Shawn Grasby, Gina Cushing, Wendy Szczesniak, Will Kim, Len Ceglie, Linda & John Bergquist, Tim Reed, Scott Martin, Stephen Cowley, KKL (Zoom), Justin Butterfield (Zoom), Grant Cushing (Zoom), Barbara Hunt (Zoom), KP (Zoom), Dan Marshall (Zoom)

Call to Order

The meeting of the Town of South Bristol Planning Board was called to order at 6:30 pm. All Board members were present except for Jason Inda.

Reading of Vision Statement

Jill Gordon read the Comprehensive Plan Vision Statement.

Meeting Etiquette

Chairman Sousa reviewed the meeting etiquette.

Minutes

David Bowen moved to approve the June 15, 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:

2022-0016, J Pak Properties LLC, 3 Cliffside Dr, tax map #168.16-1-9.003

2022-0017, Russell Michelson, 5932 Bopple Hill Rd, tax map #178.00-1-31.112

Said hearing will take place on the 20th day of July, 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 2022-0016

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 briefly for the minutes.

Jeremy Havens: Yes. My name is Jeremy Havens. I am the owner of J Pak Properties. We own 3 Cliffside Dr and we are applying for short-term rental policy permit for a three bedroom, one and half bath townhouse.

Chairman Sousa: Have there been any significant changes since we last saw you?

Jeremy Havens: No.

Chairman Sousa: Excellent. Diane, did we receive any written comments related to this application?

Diane Graham: No.

Chairman Sousa: Are there any public comments or questions either in-person or on Zoom related to this application? Hearing none. Does anybody on the board have any more questions for Jeremy? Hearing none.

I move that based on a review of short-term rental permit application 2022-0016 and the testimony presented at the Planning Board meeting on June 15, 2022 and public hearing on July 20, 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
Michael McCabe – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Just a reminder. Please email the weblink that your listing is located on to Diane so she can add that to your application and you are all set.

Jeremy Havens: Okay. Great. We have a letter that we need to send out to people. Will you send me that?

Diane Graham: A Statement of Compliance. I will send that to you.

Jeremy Havens: You are the best. Thank you so much.

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: Please introduce yourself and your application briefly for the minutes.

Russell Michelson: My name is Russell Michelson. My fiancé and I live in the DC area and we spend a couple months up at our house. When we are not using it, we like to rent it out. It is a five bedroom, two and a half bath house with nine parking spots.

Chairman Sousa: Have there been any changes to your application since last month.

Russell Michelson: No.

Chairman Sousa: Diane, did we receive any written comments?

Diane Graham: Yes. Do you want to read the two pages? It was emailed to you all.

Chris Plopper: I am the author of that. My wife and I can kind of summarize it.

Chairman Sousa: I guess the next would be are there any public comments? Please come on up.

Diane Graham: The email was also forwarded to the applicant.

Chris Plopper: I am Chris Plopper. My wife Susan is in the back of the room. We live in the house directly on the lake side of the road from this property. We are at 5935 Bopple Hill Road. In the email that we sent we were concerned there was a trespassing incident on our property involving I assume a grandfather and his grandson coming down the stairs on that side of Bopple Hill Road crossing into our driveway. I said hello. We talked a little bit and the next thing I know they were going down our stairs to the lake, which is private property. That was disturbing. There was rowdy behavior at times. A lot of loud music. A lot of yelling. There were a number of weekends when things were going on at that property. I knew that a permit was supposed to be in hand. I thought anyways before that could happen, but that is

beside the point right now. I would like to say that Russell and Ariel, his fiancé made the effort to walk over to our house last night. We had a very cordial conversation. I think we all agreed maybe things did not get started quite properly. Sue and I reiterated our concerns about trespassing. We have since put up a no trespassing sign, which by the way was ignored by the individual I mentioned before. The very day it was up he went back down to the lake. Again, that is beside the point at this time. We do have concerns about trespassing. We are not the only people that have access to that part of the lake. Patrice and Jeff Pierce on one side have a seasonal place. Mark and Linda Credit on the other side of us down at the lakefront have a seasonal place. I really feel we had a nice conversation and we would really like to see maybe the age limit raised from 18 to something on the order of 21 or 25 for renting the place, just to keep the less adult behavior from happening. Certainly, do not want anymore trespassing. We would prefer no one come over and say hey can we go down to your lakeside. We do not own the whole lakefront. We certainly cannot speak for the other two properties.

Our other neighbors Peter and Shelly Reese they are a little farther down on Seneca Point Road, but they could not make it tonight. They write that they would request the rental age to be 25 if the permit is approved. Apparently, that is what the brick house is. The brick house is one of the rental properties just down Bopple Hill to the north of us. Apparently, the VRBO website has a phrase that "it is a great party deck." That suggests lets have big parties there. They are concerned about that and great for weddings, etc. Again, I am paraphrasing what Peter and Shelly Reese wrote. As per the VRBO, there is a maximum attendance of 35. I do not know if that number is valid or not. These are just some concerns of our friends and neighbors. Really that is all I have to add at this point. It probably would have been better if we had met Russell and Ariel sooner in this process, but you know we did not. I am sure they were responding to what we had sent in writing to the board. Again, I am sure it was not all that easy for them to walk across the street to meet us. My wife and I appreciated that. That is all I have to say.

Chairman Sousa: Thank you.

Diane Graham: Would you like me to appendix the email to the minutes?

Chairman Sousa: Yes, please.

Diane Graham: Did you want the comments just verbally that were sent to him or do you want him to send it to us from the other neighbor? What he was reading off his phone.

Chairman Sousa: I have the email you sent you mean.

Diane Graham: No. He has comments that are from another neighbor that was not presented in writing.

Chairman Sousa: Oh. That can be reflected in the minutes as is, sorry.

Diane Graham: That is all I wanted to know.

Chairman Sousa: I guess I would just say that in light of comments received for this application it would be nice and I think we have reiterated this to other applicants as well when you are operating a short-term rental specifically by the lakeside a lot of people from out of town see stairways going down. They think it is like a state park or maybe public lake access and they just go down them. It would be helpful in your rental application to specify any stairs are privately owned. There is no public lake access near your rental or available for your rental. So that any stairway that seemingly would go down to lake access is private

property and they would be trespassing just to avoid any confusion like that. I can understand someone out of town may see a staircase and mistakenly think oh great lake access what a great thing to show my grandson. Also, to speak a little bit to the events any event with 35 plus people would cause issues with traffic. I would strongly discourage anything like that. I think provisions in the permit related to parking requirements would prohibit any event that large. It would be helpful we are not in the business of regulating verbatim what your posting has to say but do have a noise ordinance and we are trying to be respectful to neighbors and anything that would maybe encourage partying may be somewhat discouraged. In light of those comments. Do we have any other public comments or questions in person or on Zoom related to this application? Are there any questions or comments from the board?

David Bowen: Do you have any response to your neighbors' statements?

Russell Michelson: Yes. Thank you for asking. I think these are very legitimate concerns. We have already revised the booklet that is out in the house when guests arrive to strongly state that they are not to cross the street to access the lake. They are not to make loud noises at night. They are not to have parties. I will say that I wasn't aware of the extent and that is on me of these problems until yesterday. We are doing everything we can to prevent this from happening. The mention of the party deck I can take that out. As for the mention of 35 people being allowed at the house, I have no idea what that is about, but if it does say that then that will be changed immediately. We definitely do not allow 35 people.

Michael McCabe: What will be your capacity?

Russell Michelson: It is ten people.

Chairman Sousa: What is the minimum age for a renter that you specify?

Russell Michelson: We just default to the websites minimum age.

Chairman Sousa: Is it 18?

Russell Michelson: I am not sure.

Jill Gordon: Would you consider raising it or look into it?

Russell Michelson: Yes. Absolutely.

Jill Gordon: It actually protects your property.

Russell Michelson: Yes. I forgot to mention so it was a new listing and the price was a little lower than it should have been. We raised it 40% yesterday, which I think will help as well.

Chairman Sousa: Alright. Are there any more questions or comments? Hearing none.

I move that based on a review of short-term rental permit application 2022-0017 and the testimony presented at the Planning Board meeting on June 15, 2022 and public hearing on July 20, 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
Michael McCabe – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Thank you. I will just remind you to send Diane the weblink to your listing so that she can include it in your application. You are all set.

Russell Michelson: Okay. Thank you.

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

Short-Term Rental New Business

Short-Term Rental Application 2022-0019

Owner: Soja Income Trust
Local Contact: Raymond Soja
Property: 17 Cliffside Dr
Tax Map #: 168.16-1-6.017
Zoned: PD (Planned Development)
Sleeping Occupancy: 4
Parking Spaces: 1

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

Raymond Soja: Yes. My name is Raymond Soja. My condominium that I own at Bristol Harbour is at 17 Cliffside Drive. It is a two bedroom, two and half bath condominium.

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

Raymond Soja: I have owned at Bristol Harbour since 2002. I was in the rental program at Bristol Harbour when they had a lodge for about 15 years then Ann Caprini took over the rental program and I was with her and Sue Ryan rental agents up until COVID and then there was no rental program during COVID for the last two years. Last year I found out about the Town of South Bristol regulations, so I started applying. I do not plan on doing a lot of renting. I have people who have rented from me in the past who called and asked me if I am going to rent. I do not want to deny them because they have been very good renters in the past. No problems at all. I want to be available for them should they want to rent.

Chairman Sousa: Are you going to advertise this property to seek renters?

Raymond Soja: I am not advertising at all.

Chairman Sousa: It is just the people who contact you that know it is an available rental.

Raymond Soja: Yes.

Chairman Sousa: Alright. Have you had any complaints during the rental periods when they have been using your property?

Raymond Soja: I never had a complaint. I know there have been complaints throughout the years at various ones, but not many. I think in the past they did a pretty good job of screening most of the applicants. Because I am using people I have rented to in the past I will do a great job of screening.

Chairman Sousa: In the meantime, do you plan to use the property for personal use?

Raymond Soja: I use it for personal use, yes.

Chairman Sousa: How many weeks per year do you expect to rent it?

Raymond Soja: Maybe rent it for one or two weeks.

Chairman Sousa: Out of 52 weeks?

Raymond Soja: Yes. I am doing this for people that I know. Again, I do not want to say no. They have been faithful and I want to be faithful to them.

Chairman Sousa: Alright. Are there any board or code enforcement officer's requests be we schedule a final review and public hearing for this application? Any comments or questions from the board?

David Bowen: Parking is one space?

Raymond Soja: One space and then two spaces in the area where our condominium is that is sort of first come, first serve. If you cannot use those two then you have to park up at the community center and walk down or have someone drive up and bring you down.

Chairman Sousa: Have you ever had issues parking?

Raymond Soja: Not in the past, but now with this marina incident happening obviously I do not know how this is going to work. I do not anticipate there being a problem.

Chairman Sousa: Any more comments? Hearing none.

I move that the Planning Board accept the short-term rental permit application 2022-0019 as complete and set the application for final review/public hearing on August 17, 2022. Jill Gordon seconded the motion.

All in favor.

Ayes 6, D. Bowen, J. Gordon, M. McCabe, F. McIntyre, S. Seymour, M. Sousa, K. Stahl
Nays 0

Motion carried.

Diane Graham: Frederick that included you.

Frederick McIntyre: Oh, I did not know I was supposed to vote.

Diane Graham: You can step up to the new business because you are the seventh person. Do you want to introduce our new alternate?

Chairman Sousa: Yes. We have a new board member Frederick McIntyre. It is your first meeting. You are an alternate although Jason Inda is absent you may participate in any new business. Welcome. Happy to have you aboard.

Regular Old Business

2nd Preliminary

Site Plan Approval Application 2020-0013

Owner: Bristol Harbour Village Association Inc

Representative: Regina Cushing, Gloria Harrington & Shawn Grasby

Property: 5680 Shore Drive

Tax Map #: 168.16-1-7.100

Zoned: PD (Planned Development)

Chairman Sousa: This is a second preliminary. This is an application this board heard back in 2020. Although due to board turnover we do not have a quorum represented of people who heard the original preliminary hearing so we are scheduling a second one to afford members of this board to hear the application for the first time and then we will schedule a final. We have representatives from Bristol Harbour Village Association, Regina Cushing, Gloria Harrington and Shawn Grasby. You all three can come up or one at a time however you please.

[Clarification was made for the agenda and minutes to reflect correct first name, Shawn Grasby.]

Please introduce yourself and application to the board and give as much detail as you possibly can. Thank you.

Regina Cushing: Good evening. I am Gina Cushing. This is Gloria Harrington, President of Bristol Harbour Village Association. This is our code consultant, Shawn Grasby. I also serve on the Bristol Harbour Village Association Board of Directors. Yes. Our board turned over I think the board that appeared before on this issue are still with our community, but they have retired from the board. There was a year delay because last summer season this application concerns our waterfront and our beach property. The waterfront was famously closed for summer. We were not able to use it. This summer as we prepare to use the waterfront. The board determined that it would greatly benefit the community to put up a privacy and security fence on the south border of our beach property. We would like to do it for aesthetic reasons as well. You have a couple of maps that were sent and also a photograph of the same fence that we are going to install. We provided the photograph of the fence so that you could see what it looks like and also that easily comes apart. It is quite handy. Each panel can be easily moved for any need to get through at any point along the fence. We have a gate planned because we need to service our beach regularly. Maintenance bringing fresh sand to the beach, etc. We need a gate where a service vehicle like that can pass through. We would like to place the fence on the southern line of the boundary. We have had a surveyor out very recently to survey this for our application purpose. They pointed out the high water, low water lines and you can see the placement of the fence on the map, which would be above the high-

water line. At the end of our fence on the west side of the beach kind of climbs the cliff just a bit. If you follow the fence from the water line across the beach and across what we call our sluiceway and then you can see it ends just slightly up the wall. I think it is probably hard. Is there anyone that has a hard time looking at this map and understanding where the water line is, where the beach is, or what the sluiceway is?

David Bowen: I was by there today. I saw the stakes.

Regina Cushing: You were. Good. Yes.

David Bowen: It is essentially the same location as in the photograph, correct?

Regina Cushing: It is in a little different location than the photograph because we elected to cross the sluiceway to go right to the southern boundary line and in the photograph it not quite on that boundary line.

Chairman Sousa: You said there was going to be a gate for vehicular access, but not a pedestrian gate. I know it originally was not there something proposed about a pedestrian access.

Regina Cushing: I do not think we need a pedestrian. We do not plan on needing pedestrian access. It is a service gate.

Chairman Sousa: Right.

Regina Cushing: Everyone is able to reach the beach using our newly refurbished beautiful elevator. That is how our residents come to the beach.

Chairman Sousa: Where is the sluiceway?

Regina Cushing: The sluiceway does say concrete.

Chairman Sousa: Right.

Regina Cushing: On that sluiceway you will see there is an existing bridge.

Chairman Sousa: Right. That is what I was trying to locate. That is going to be removed, correct?

Regina Cushing: That is a little foot bridge because the sluiceway does get slippery.

Chairman Sousa: You are planning of removing that?

Regina Cushing: Yes. We are planning on aiding if someone needs to get across that it will be down further to the south. A safe way to pass. We usually rope. Maybe you can see it in the picture. We have little ropes along the sluiceway so that people do not walk and step in it. We will have the rope as usual and a walkway closer to the water.

Chairman Sousa: This will be going over an existing easement, correct?

Regina Cushing: This will be going over an existing easement, yes.

Chairman Sousa: An underground easement. Can you speak to the nature of that easement, please?

Regina Cushing: Yes. That is an underground easement for the water intake pipe for the Bristol Water Works Corporation. The pipe is set far out underground in the lake and it goes underground up to the pump house. We call it pump house, but on the drawing says concrete block building on the west. So if you look at that cross-hatch section as an easement leaves our property goes over another property, but walk that straight line 20 foot easement up to what says the concrete block building that is the pump house.

Chairman Sousa: Do you know the approximate depth of that pipeline once it comes out from under the lake?

Regina Cushing: I really would like to know that, but I have not pulled the records from the authorities that would know.

Chairman Sousa: It would be helpful to have that information at the final hearing.

Regina Cushing: Where do you recommend we inquire for that?

Chairman Sousa: It is an easement is an agreement between you and property owners.

Regina Cushing: Never mind Shawn knows.

Chairman Sousa: Okay. Thank you Shawn. Scott, Did you see any site survey or fence plan changes that were required in your opinion.

Scott Martin: No.

Chairman Sousa: You need an archeological site determination letter with no impact. So you will have to have that at our next meeting. You will be able to get that by August 17th.

Diane Graham: It would have to be two weeks prior I would have to have it before.

Chairman Sousa: Right. Okay.

Diane Graham: I would need it by the end of July beginning of August.

Chairman Sousa: So, you will need it by August 3rd?

Diane Graham: Yes. It will take you some time to get it.

Regina Cushing: Well, I will certainly let you know when I have that date so we can all breath easy. Okay.

Chairman Sousa: Great. Are there any board comments or questions?

David Bowen: I am trying to make out the boundary line between the Fields property. Does the boundary line come down and go around the concrete block building and then along the fence?

Regina Cushing: Are you looking at the close up or the larger map?

David Bowen: I am looking at both.

Regina Cushing: Okay. I am going to open up the larger map. It might be easier to talk about what is not the Fields property just because of this picture. As you see there is a property boundary around the concrete block building and that boundary shoots up the cliff really skinny. That is a parcel that belongs to the Water Works Corporation. Our parcel is bounded by the deep dark line with the dots along it to show you the fence. The rest of that would be the Fields property.

Chairman Sousa: What is the height of the fence that you are proposing?

Regina Cushing: What is the height of the fence? Does anybody remember? Fred here helps.

Chairman Sousa: Five feet? Okay. Are there any more questions?

David Bowen: There was mention somewhere of the Mr. Fields believing the fence was a good idea as long as it was placed six inches onto your side of the property. Is that something there has been further discussion or agreement about because the survey shows it on the boundary line.

Regina Cushing: The survey shows it on the boundary line because we intend to put it on the boundary line.

Chairman Sousa: That is okay. General rule of thumb is if you are approximating the boundary line you move it back twelve inches and you pretty much assuredly on your property.

Regina Cushing: How far did you say, a foot?

Chairman Sousa: Yes. That is the general rule of thumb.

Regina Cushing: Thank you.

David Bowen: It also helps down the road if there are transfers of property and you do not have to get new fence agreements.

Regina Cushing: You want a slight setback and no more than a foot is okay?

Chairman Sousa: This is not in our zoning code or anything. I am just telling you these are best practices that it is your prerogative to follow. If you are building right on the property line, there is a transfer of property or there are disputes it makes it a little more complicated, if it directly on the property line. You need to make sure your survey extremely accurate.

Regina Cushing: Okay.

David Bowen: If you have to service the fence, you would be required to trespass every time you do that. That could be problematic as well.

Regina Cushing: Good advice. The other property is in our Planned Development Community – no trespass.

Chairman Sousa: The gate for vehicle access is that going to be locked when not in use?

Regina Cushing: Yes.

Chairman Sousa: Do you foresee any issues with emergency vehicle access in the event that there was an emergency on the beach?

Regina Cushing: I think that we will reach out and ask the emergency folks that particular question.

Chairman Sousa: It would be nice to have an answer to that. If there are some concerns with the emergency personnel on that gate being locked in the event of an emergency not being able to gain access to the beach.

Shawn Grasby: Does the town utilize lock boxes do you know Matt?

Chairman Sousa: Do we utilize lock boxes?

Shawn Grasby: Yes. Like Knoxboxes or anything like that.

Chairman Sousa: I do not know. Not off the top of my head. I would have to look into that. I do not have any more questions personally. Any more questions from the board?

Diane Graham: Do you want to specify the items that you need before the next meeting?

Chairman Sousa: Yes. In order to schedule the application for final review and public hearing it would be nice to have the archeological site determination letter, approximate depth of the fence and whether that door is going to be locked or not. If you do amend the site of the fence to accommodate twelve inches or what have you just make sure update your site plan accordingly so that it is reflected accurately.

Diane Graham: You asked about something that goes out into the lake.

Chairman Sousa: That was the easement.

Diane Graham:

Chairman Sousa: Yes. That was the water pipe easement. It goes in the lake and then comes under the fence. I was curious what its approximate depth would be.

Regina Cushing: Gentlemen. I do not want to answer a question wrong did we say five feet on the fence? If could be six feet?

Chairman Sousa: You said five feet was the approximate height.

Regina Cushing: I know folks who are not on the board anymore. The recollection is six feet.

Chairman Sousa: My recollection was six feet.

Regina Cushing: If we put five to six feet, yes. Thank you.

Chairman Sousa: We will need a firm answer next month.

Regina Cushing: We will go measure it. It has been in storage.

Chairman Sousa: As long as you have all those things we can schedule the application for final review and public hearing at the August 17 meeting pending receipt of the archeological site determination letter, definitive height of the fence and depth of the fence. I will have an answer at the next meeting on whether use of lock boxes if that is an option. It would be nice to have an emergency personnel whey in on if they have any concerns relative to that being locked.

Regina Cushing: Okay.

Chairman Sousa: Great.

Regina Cushing: Thank you very much. When is it going to cool off, you guys are in charge of this place, right? South Bristol?

Chairman Sousa: I see some hands raised.

[Inaudible audience comment.]

Chairman Sousa: The next meeting will be the final review and public hearing. That is the forum in which we will receive any and all public comments relative to this application. Thank you.

Chairman Sousa: We have our final application of the day. Actually, Diane, I am going to move the agenda item Short-Term Rental Law Review and Discussion until after regular new business, if that is okay?

Diane Graham: Okay.

Regular New Business

Site Plan Approval Application 2022-0020

Owner: SBA Towers LLC

Representative: GPD Group Representing DRW NX

Property: 5776 Stid Hill Rd

Tax Map #: 177.00-1-7.200

Zoned: R-5 (Residential 5 Acre)

Chairman Sousa: Application 2022-0020, SBA Towers LLC.

Diane Graham: I see Justin Butterfield is on the line and some others. I am not sure if they are part of the group.

Justin Butterfield: Justin Butterfield is here with GPD Group engineering firm representing DRW's application to install two microwave dishes on an existing SBA tower.

Chairman Sousa: I am sorry. There was a little bit of shuffling around. What are installing adjacent a tower?

Justin Butterfield: We are installing two six foot microwave dishes on an existing SBA communication tower.

Chairman Sousa: Sorry, I am pulling up your site plan here.

Justin Butterfield: No worries. Take your time.

Diane Graham: Is there anybody else with you?

Justin Butterfield: I am not aware of anybody else with the tower owner or the carrier with us here.

Chairman Sousa: Alright. These microwave dishes. They are not actually going to be mounted on the antenna. They are adjacent to the antenna, correct?

Justin Butterfield: There is an existing 199 foot guide communication tower at this location. These microwave dishes are going to be attached to that tower at 125 feet above grade.

Chairman Sousa: Okay. What is the purpose of these microwave dishes?

Justin Butterfield: DRW is a financial trading firm. The purpose of these microwave dishes is to support their internal data communication network.

Chairman Sousa: Okay.

Justin Butterfield: There is a depiction on the site plans that were sent on page T1, which is page 7 of 19 if you are looking at the pdf plans that shows the elevation of the microwave dishes above grade. There is an ice canopy above the dishes to protect them. There is a depiction of the ground equipment to be installed to support the dishes as well.

Chairman Sousa: Okay. Sorry, I am being handed additional papers.

Justin Butterfield: In addition to the site plans that you received there was a structural analysis completed by the tower owner just showing that the structure out there is structurally sufficient to carry all the equipment that is being proposed.

Chairman Sousa: Yes. I see that. It is just the two microwave dishes 125 feet up.

Justin Butterfield: Correct. There is some other ancillary equipment that is mounted affixed to the dishes. They are collated use. They are in several places on the drawing set. That is actual radio equipment that communicates to the dishes. They are smaller items that are attached to them.

Chairman Sousa: I do not believe there will be any site plan changes needed. Scott, have you taken a look at the site plan? Do you believe there is any changes necessary or anything you would like to see specifically?

Scott Martin: Not really.

Chairman Sousa: Okay. I do not we have any other documents required. Are there any other comments or questions from the board?

Diane Graham: We have requested three things that we have not received. Is the tower meeting regulations with the add on?

Chairman Sousa: They are not increasing the height or anything.

Diane Graham: I think it was FCC regulations on radiation. I do not have it in front of me.

Justin Butterfield: We were seeking some clarity there on exactly what FCC compliance documents would be needed. The team provided the tower's original FCC registration that SBA Tower would have completed back when the tower was built. The team also supplied the carrier DRW is applying for the FCC transmit license right now. We supplied the application of that. That would be completed before installing the equipment on site.

Chairman Sousa: So your application to the FCC you will provide your license to FCC?

Diane Graham: Justin, you are breaking up.

Chairman Sousa: You are breaking up a little. A little bit hard to understand. I think that I got the gist that you have a pending application with FCC and that you will provide that at our final approval.

Justin Butterfield: Yes sir.

Chairman Sousa: Excellent. I am sorry Diane what were the other two pieces.

Diane Graham: It is in the antenna tower requirements that SBA Tower meets the FCC communications for non-ionizing radiation and proof of compliance. Antenna towers shall be built, operate and maintain with the National Standards Institute. Copy of the providers FCC license.

Chairman Sousa: Okay.

Diane Graham: Just making sure those were all in place.

Chairman Sousa: So, you need a copy of the FCC license.

Diane Graham: We received a copy of the registration, but not a license from SBA.

Justin Butterfield: We would seek clarification there. SBA would not have a license to transmit. They are just the structure owner. They would just have their FCC registration for the tower. The only carrier we are proposing is DRW and that FCC license application will be provided.

Diane Graham: That makes sense.

Chairman Sousa: Okay.

Justin Butterfield: SBA FCC registration is sufficient we would have supplied that document for the tower itself. The FCC license application is pending, which we will supply as well.

Chairman Sousa: Yes. Both of those would be helpful. Thank you.

Justin Butterfield: Yes. Were there any other documents missing other than those two?

Chairman Sousa: There was the radiation compliance. I am trying to find the provision in antenna towers.

Diane Graham: Section 170-36 number 7.

Chairman Sousa: The Federal Communication standards for non-ionizing radiation in force at the time of application.

Justin Butterfield: Yes. We will supply that as well.

Chairman Sousa: Excellent. Thank you.

Diane Graham: I do not know about the ANSI and IEEE.

Justin Butterfield: I believe the structural analysis would be sufficient for that section of your code. That it is structurally sufficient up to current standards.

Chairman Sousa: Yes, for the electrical and electronic engineers and the American National Standards Institute. I would agree with him that the structural engineering report should be sufficient to satisfy that requirement as well. You said the total height was 199 feet?

Justin Butterfield: That is correct. That is the current height of the tower.

Chairman Sousa: We have in our provision that no antenna tower shall have an overall height greater than 195 feet. Did we receive a variance for the height? I know it is four feet.

Diane Graham: There is an antenna on the tower that brings it to 199. We will have to look into that.

Chairman Sousa: Okay.

Justin Butterfield: That is outside of my knowledge unfortunately when the tower was built.

Chairman Sousa: Yes. That predates me as well. We will look into that and get back to you. Do you have FAA lights on top of the tower at all for aircraft passing or is it the radar triggered lights?

Justin Butterfield: I can take a look into that. Typically, if the top of the structure is under 200 feet within a certain distance from an airport lighting is not required. It is very well that this tower from an FAA standpoint is not required to be lit.

Chairman Sousa: Okay. Great. Are there any questions or comments from the board? I do not have any more questions myself so we can schedule this application for final review and public hearing on August 17 pending the receipt of your FCC application, Non-Ionizing Radiation compliance with those standards, the Special Use Permit from the Zoning Board of Appeals. As long as we in receipt of all of those we can schedule this application for final review and public hearing next month. If not, we will have to go to the month after that in September.

Justin Butterfield: Okay.

Chairman Sousa: Thank you. I appreciate it. We will talk to you hopefully next month.

Justin Butterfield: Yes. Appreciate all your time. Thank you.

Other

September Training Opportunity

Short-Term Rental Law Review and Discussion

- Bristol Harbour Village Association Environmental Committee approval
- Maximum occupancy during the day on premises
- Cap number of days per year not requiring a STR operating permit (e.g. 14 days)
- Room tax
- Clarity with public on the process of public hearing notification at least ten days prior to hearing

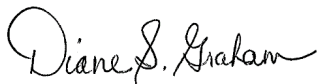
Town Code Review Update

- MRB Group meeting minutes clarification
 - Looking at consolidating Planning Board short-term rental application reviews into one preliminary and final review/public hearing meeting

Motion to Adjourn

Being no further business, Matthew Sousa moved to adjourn the meeting. Michael McCabe seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 7:51 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant

Appendix

STR Application 2022-0017 Neighbor Comments

From: ceo townofsbny.org <ceo@townofsbny.org>
Sent: Tuesday, July 19, 2022 8:44 AM
To: admin@southbristolny.org
Subject: FW: Public Hearing - 5932 Bopple Hill Rd Short Term Rental Permit
Attachments: 5935 Bopple Hill Rd.jpg

From: Chris Plopper [mailto:cplopper001@rochester.rr.com]
Sent: Monday, July 18, 2022 2:54 PM
To: ceo townofsbny.org <ceo@townofsbny.org>
Cc: deputyceo@southbristolny.org
Subject: Public Hearing - 5932 Bopple Hill Rd Short Term Rental Permit

July 18, 2022

Scott Martin and Alan Pearce
Code Enforcement Office
Town of South Bristol, New York

Dear Scott and Alan:

This letter is to record in writing the concerns of Christopher and Susan Plopper of 5935 Bopple Hill Rd, Town of South Bristol, NY, regarding the Short Term Rental Permit requested by the current owners of the property at 5932 Bopple Hill Rd. Please note the attached image taken from the Ontario County Property Map website. This map shows the spatial relationships of the subject property, our property, and the two lakefront properties of our neighbors - Jeff and Patrice Pierce (5931 Bopple Hill Rd), and Mark and Linda Credit (5933 Bopple Hill Rd). Please note also the pink-highlighted single-lane roadway that we all share for vehicular access to the lake. Susan and I also have set of stairs going down to the lake. The dock and boathouse in the center are ours.

We moved into our house on June 15, 2006, and have lived here year-round for over 16 years. With few exceptions, our time here has been exceptionally peaceful, and there have been absolutely no incidents involving uninvited people being on our lakefront our unruly loud behavior on the part of our neighbors.

Early this year, we became aware that the subject property had become an Airbnb. When we questioned the Town on this development, they indicated they were not aware of this, and that a permit was required. From that point on, there have been numerous occupancies of the property, in spite of the lack of a permit. One, during Memorial Day weekend, was disturbing.

I (Chris) was working in our garage, when I saw an older man and a child walking down the stairs on the west side of Bopple Hill Rd from the subject property. When I said hello, they came over to talk to me. After a brief conversation, the boy informed me they were going down to the lake to skip stones. I replied that there are not any good rocks for skipping, but that didn't deter them, and they walked directly to the open gate at the head of our stairs. I was dumbfounded, and could not bring myself to tell them it is private property and they should stop.

Later that morning, I went into Canandaigua and bought two "Private Property - No Trespassing" signs: one for the gate to the stairs, and one to put on a tree at the top of the roadway which goes to the lake. The next day, in spite of a closed

gate (with sign) and the sign on the roadway, one of our lakefront neighbors told us "an old man and a boy" were down at the lake.

Clearly, this is an untenable situation! Had either of them gotten injured (or worse) while trespassing, we or our neighbors could have been financially liable!!

On other occasions, again without a permit for the property to be hosting short term renters, there have been raucous gatherings involving loud music and lots of yelling. This is a residential neighborhood, not a university fraternity row!

In conclusion, we are not supportive of the subject property being a short term rental destination. If, however, the Town does approve the request for permit, we would like to see the minimum age for clients raised from the current 18 years, to at least 21. Plus, it has to be made ABUNDANTLY CLEAR to renters that there is absolutely NO LAKE ACCESS!! Signage to that effect should be physically posted on the inside of the front door - not just on the website. Finally, loud disruptive behavior will not be tolerated, and we will not hesitate to call the sheriff if need be.

Christopher and Susan Plopper
5935 Bopple Hill Rd
South Bristol, NY

