



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

Planning Board Meeting Agenda

Wednesday, September 21, 2022 at 6:30 pm

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/84053690590?pwd=RHRWYzBiMGQ2ampMSnZ0dytJTk1ldz09>

Meeting ID 840 5369 0590, Password 254052

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 August 17, 2022 Planning Board Meeting Minutes

Short-Term Rental Old Business

Public Hearings

Short-Term Rental Application 2022-0021

Owner: Alex Bolton & Marie Lopez (Bolton)
Local Contact: Alex & Marie Bolton
Property: 6979 St Rt 21
Tax Map #: 191.17-1-17.000
Zoned: LR (Lake Residential)
Sleeping Occupancy: 8
Parking Spaces: 4

Short-Term Rental Application 2022-0022

Owner: Michael Gerald Musselman & Nancy Lee Musselman
Local Contact: Michael & Nancy Musselman
Property: 11 Pinewood Ln
Tax Map #: 183.36-1-2.200
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 6
Parking Spaces: 2

Short-Term Rental Application 2022-0023

Owner: Emilu Holdings LLC
Local Contact: Denise Borgeest
Property: 6009 St Rt 21
Tax Map #: 178.00-1-62.210
Zoned: R3 (Residential 3 Acre)
Sleeping Occupancy: 6
Parking Spaces: 6

Regular Old Business

Public Hearings

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)

Town Code Review Update

Town Board Requested Review of Special Event Venue Proposed Local Law

Regular New Business

Site Plan Approval Application 2022-0024

Owner: Stemples Landing LLC
Representative: John Gerstner
Property: 6199 Stemple Hill Road
Tax Map #: 185.14-1-11.000
Zoned: LR (Lake Residential)

Site Plan Approval Application 2022-0025

Owner: Amanda Hurley (Harris)
Representative: John McKinnon
Property: 5862 Seneca Point Road
Tax Map #: 178.11-1-9.112
Zoned: LR (Lake Residential)

Site Plan Approval Application 2022-0026

Owner: Timothy W. Williams & Betsy M. Williams
Representative: Anthony Venezia
Property: 5777 Seneca Point Road
Tax Map #: 178.07-1-7.100
Zoned: LR (Lake Residential)

Site Plan Approval Application 2022-0027

Owner: EbenStone LLC
Representative: Shawn Ritchie & William Grove
Property: Blackberry Drive, Lot 1
Tax Map #: 178.00-1-38.210
Zoned: LR (Lake Residential)

Site Plan Approval Application 2022-0028

Owner: EbenStone LLC

Representative: Shawn Ritchie & William Grove

Property: Blackberry Drive, Lot 2

Tax Map #: 178.00-1-38.220

Zoned: LR (Lake Residential)

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, September 21, 2022

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

Guests: Craig Goodenberger, Kari Ayers, Cathy Colby, Ellen & Ed Wildman, V. Lalka, Mike Musselman, Steve Warner, Denise & Wayne Borgees, Sue & Dave VanKnapp, Gina Cushing, Fred & Beth Muhleman, Brue Didsbury, Tim Reed, Marie Bolton, Shawn Ritchie, Gloria Harrington, Jeen Fisher, Nancy Padovari, Marcia Smith, Cathy & Jeremy Fields, John Hauck, Wendy Szczesniak, Amanda & Paul Harris, Korby Mortensen, Scott Martin, Amy (Zoom), Tim (Zoom) Mr. Bill (Zoom), Rocco Venezia (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.

Reading of Vision Statement

Jason Inda read the Comprehensive Plan Vision Statement.

Meeting Etiquette

Chairman Sousa reviewed the meeting etiquette.

Minutes

The August 17, 2022 meeting minutes are not complete and have been deferred to the next meeting.

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:

2022-0021, Alex Bolton & Marie Lopez Bolton, 6979 St Rt 21, tax map #191.17-1-17.000;

2022-0022, Michael Gerald Musselman & Nancy Lee Musselman, 11 Pinewood Ln, tax map #183.36-1-2.200;

2022-0023, Emilu Holdings LLC, 6009 St Rt 21, tax map #178.00-1-62.210.

Said hearing will take place on the 21st day of September, 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 2022-0021

Owner: Alex Bolton & Marie Lopez (Bolton)

Local Contact: Alex & Marie Bolton

Property: 6979 St Rt 21

Tax Map #: 191.17-1-17.000

Zoned: LR (Lake Residential)

Sleeping Occupancy: 8

Parking Spaces: 4

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

Marie Bolton: Yes. My name is Marie Bolton. I own 6979 St Rt 21 in Naples, NY with my husband Alex Bolton and we would like to rent our home on a short-term basis.

Chairman Sousa: Has anything changed since you were here last time?

Marie Bolton: The windows got installed.

Chairman Sousa: Excellent.

Marie Bolton: I sent in pictures and a layout of the driveway that is clearer. Something more clear than prior to. That is it.

Chairman Sousa: We have those. Scott did you go to the site?

Scott Martin: Alan did. He looked at it.

Chairman Sousa: Alright. Excellent. Did any board members have any questions in light of some of the changes from last month?

David Bowen: Is the garage definitely going to be available to renters?

Marie Bolton: Yes.

David Bowen: Just because the rest of the parking is a little tight.

Marie Bolton: There is a button they push. No code.

Chairman Sousa: Are there any more questions from the board? Hearing none. Are there any questions in the audience either in person or on Zoom relative to this application? Alright. Hearing none. Were there any written comments?

Diane Graham: No.

Chairman Sousa: Hearing none and considering we have no written comments.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0021 and the testimony presented at the Planning Board meeting on August 17, 2022 and public hearing on September 21, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jill Gordon seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Sam Seymour – Aye

Matthew Sousa – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Please send the link you use for your online listing to Diane so she can include it in the application materials.

Marie Bolton: Okay. Thank you everyone.

Short-Term Rental Application 2022-0022

Owner: Michael Gerald Musselman & Nancy Lee Musselman

Local Contact: Michael & Nancy Musselman

Property: 11 Pinewood Ln

Tax Map #: 183.36-1-2.200

Zoned: R5 (Residential 5 Acre)

Sleeping Occupancy: 6

Parking Spaces: 2

Chairman Sousa: Our next application is 2022-0022 Michael and Nancy Musselman.

Michael Musselman: Good evening. I am Mike Musselman. Nancy was not able to be with us tonight. It is open house at school tonight. She is there with the kids. We are applying for 11 Pinewood Lane. A townhome in the Hidden Hollow community and asking for a short-term rental permit.

Chairman Sousa: Has anything changed substantially since you were here before?

Michael Musselman: Nothing at all.

Chairman Sousa: Given more time to review this application does any of the board members have any comments or questions? Did we receive any written comments, Diane?

Diane Graham: No.

Town of South Bristol Planning Board Meeting Minutes 09.21.2022 Approved

Chairman Sousa: Is there anyone here in person or on Zoom who would wish to speak on behalf of this application? Hearing none.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0022 and the testimony presented at the Planning Board meeting on August 17, 2022 and public hearing on September 21, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. David Bowen seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Sam Seymour – Aye

Matthew Sousa – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Same reminder. Please email your URL listing to Diane and you should be all set. Thank you.

Michael Musselman: Will do. Thank you.

Short-Term Rental Application 2022-0023

Owner: Emilu Holdings LLC

Local Contact: Denise Borgeest

Property: 6009 St Rt 21

Tax Map #: 178.00-1-62.210

Zoned: R3 (Residential 3 Acre)

Sleeping Occupancy: 6

Parking Spaces: 6

Chairman Sousa: We have short-term rental application 2022-0023 Denise Borgeest, Emilu Holdings.

Denise Borgeest: Hi how are you?

Chairman Sousa: Good. Please introduce yourself and briefly describe your application.

Denise Borgeest: My name is Denise Borgeest. We have applied for a short-term rental permit for house on 6009 St Rt 21.

Chairman Sousa: Has anything changed with your application?

Denise Borgeest: We put the numbers on the barn as you requested. So, you can see them really nicely now.

Town of South Bristol Planning Board Meeting Minutes 09.21.2022 Approved

Chairman Sousa: I see nodding from Jill that yes we can tell that is good. I know we had that discussion that is all that has substantially changed. Actually, you included pictures of them, which is nice.

Diane Graham: Any changes with the septic system?

Denise Borgeest: We are still waiting for Shannon. It is going to get done. He just has a lot to do.

Chairman Sousa: Yes. Of course, your occupancy will be limited to your septic capacity and we understand that. Are there any more comments or questions from the board? Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Is there anyone in person or on Zoom who wishes to speak on behalf of this application? Hearing none.

Matthew Sousa moved that based on a review of short-term rental permit application 2022-0023 and the testimony presented at the Planning Board meeting on August 17, 2022 and public hearing on September 21, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Michael McCabe seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Sam Seymour – Aye

Matthew Sousa – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Same deal. Please email your URL listing to Diane.

Denise Borgeest: Thank you very much.

Chairman Sousa: Thank you. I will declare our short-term rental public hearing closed.

Regular Old Business

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)

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Planning Board will hold a public hearing on the following applications:

2020-0013 for property owned by Bristol Harbour Village Association located at 5680 Shore Drive, tax map #168.16-1-7.100. The owners are looking for site plan approval to install a fence from the mean high water line on the southern property line with a twenty-foot gate, north across concrete sluiceway and slightly west.

Said hearing will take place on the 21st day of September, 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

Chairman Sousa: Thank you. Do we have somebody to represent this application? There you are. I could not see you.

Regina Cushing: I am Regina Cushing. This is Gloria Harrington, President of Bristol Harbour Village Association. This is our second meeting with you.

Diane Graham: July 20th you were here last.

Regina Cushing: When we last saw you, we had a list of outstanding items to bring to you. I think that has been delivered to you. We are here to see if there are any further questions that you would like to ask or clarify based on what was submitted.

Chairman Sousa: Alright. I guess the only thing I want to bring up initially as far as no site plan changes are concerned. I had a conversation with Shawn Grasby earlier this week. He called me and echoed the board's concern that we brought up to you the last time you were here in that the board would really like to see the fence kind of rule of thumb moved off immediately on the property line about twelve inches back. Which is rule of thumb not necessarily a requirement of the village, but best practices. Just to ensure there is in no way shape or form any reason why you would be encroaching on your neighboring property and to allow for maintenance on the outside of the fence without being accused of trespassing or anything like that. Shawn told me that you were kind of amenable to moving it back, is that correct?

Regina Cushing: That is correct.

Chairman Sousa: How far do you plan on moving that back?

Regina Cushing: A foot.

Chairman Sousa: A foot. Okay. Twelve inches, which is good. What I told Shawn and this is only my opinion and that is what I told him that I could not speak on behalf of this board, but what I told Shawn is that I am fine moving forward without having an updated site plan showing that move just in the event we approve the application tonight it will be a conditional approval assuring us that the fence when

constructed will be twelve inches off the property line and that can be confirmed by our code enforcement officer at the time it is constructed. If any approval is given tonight, it will be conditioned upon that, but not necessarily require an updated site plan just to show the fence moving twelve inches back. Shawn did not even necessarily confirm to me exactly how far it would be moved back. It did not seem substantial enough of a change and it was per our comments at the last meeting and this meeting. I am more than happy to entertain conversation surrounding that. That is just my individual opinion.

Jason Inda: Are you looking for an as built?

Chairman Sousa: Shawn's question to me was is this change substantial enough as to require a new revised set of site plans be presented, which would ultimately require maybe a delay in our decision-making process. I am of the opinion that they were taking our advice based on the last meeting. It is not so substantial as to require an entirely new set of plans. Not much really changes as far as the plan set other than it will not be built right on the property line, but rather off the property line.

Jason Inda: I agree. Proving that at the end are we going to require an as built after the fact that it is twelve inches off. I do not want the ownness on the code enforcement officer to go out there and measure off the property line. Are you good with an as built?

Scott Martin: I am good with an as built.

Chairman Sousa: Okay. Are you good with providing an as built?

Regina Cushing: You mean another survey?

Jason Inda: I think you could have your surveyor mark fence on the existing survey map.

Regina Cushing: I do not know if we can take care of that tonight, but I brought a survey.

Jason Inda: It would be required after it is built.

Regina Cushing: Okay.

Unidentified: Are you making it a requirement of the build by having an updated survey? I am sorry, I am jumping in so that I understand this as an owner and resident what you are requiring.

Jason Inda: We have not agreed on what we are requiring yet. My question is how are we going to prove that you put the fence where you said twelve inches back? We do not want you to go through the hoops to do a new site plan. So, if we can get a document.

Unidentified: For the twelve inches, [unintelligible] in order to do that, but that is not a requirement or are you saying it is a requirement?

Chairman Sousa: The twelve inches would be a conditional approval that we would be giving to tonight and that condition would be that the fence would be built twelve inches off of the property line.

Unidentified: Okay. I just want to understand [unintelligible].

Chairman Sousa: Based on our approval it would be a requirement.

Unidentified: Okay.

Chairman Sousa: Then based on that requirement what Jason has discussing we would like evidence that it is done. In lieu of having an updated site plan, which I do not feel is necessary to ask you to provide. Providing an as built after construction is a fair compromise and a valid concern that Jason brought up.

Unidentified: Thanks for clarifying.

Diane Graham: I need to know who spoke and did not identify themselves.

Unidentified: Oh, I am sorry. I am Wendy Szczesniak. I am a voter and resident of the Bristol Harbour Village.

Diane Graham: What is your spelling?

Unidentified: Szczesniak.

Diane Graham: Thank you.

Chairman Sousa: Okay. That is agreeable? I see hands raising. I am going to get to the portion where we take public comments. Everybody will have their turn to speak, I assure you. So, your archeological site determination had no impact. I saw the Bristol Water Works Corporation the depth of the water intake is eleven feet. In no way shape or form should this fence being constructed over that easement encroach on the pipeline. The height of the fence; have we firmly decided how high that will be.

Regina Cushing: It is six feet.

Chairman Sousa: It is six feet.

Regina Cushing: I sent a memo about all the measurements.

Chairman Sousa: Yes. Did we get an accurate depth of the fence posts? It is not incredibly relevant to me if we have the depth of the water intake pipe.

Jason Inda: What I saw was three feet.

Chairman Sousa: That was my understanding.

Regina Cushing: That is my understanding.

Chairman Sousa: Can you elaborate a little bit more on the written determination for emergency access for the record?

Regina Cushing: For access for emergency?

Chairman Sousa: Yes. So, there is a written determination for emergency access. I was wondering if you could elaborate on that verbally for the record.

Regina Cushing: We contacted Cheshire Fire Department who said that their review would also count for EMS services because they communicate together. I guess the fire department makes these decisions and recommendations. They came to the site to visit and gave us a written report, which was sent to you. The question they had to do with would we ever like to lock the fence. If we would like to lock the fence, how would we do that? We discussed it and it turns out that the Cheshire Fire Department uses a service, which is known as a Knoxbox. We have a contact to call at the fire department and we would order our lock through this Knoxbox system, which is a little house as I understand it holds the key to whatever lock you put on the fence. The EMS has the code for this Knoxbox and so does the fire department. They recommend that if we employ that they were fine and comfortable with that. They use it in other facilities. That was that.

Chairman Sousa: Okay. We received a letter from the Cheshire Volunteer Fire Department pretty much saying that they are okay with the Knoxbox being installed. Thank you for that elaboration. My understanding is that those key locks are finicky, so I was a little surprised that they were okay with it, but we have a letter from Cheshire Fire Department saying that they are comfortable with it.

Regina Cushing: They like it. They have someone who sets them all up. I guess whoever has a lock box that is cleared through Cheshire Fire Department in our area everyone might have the same code because the emergency service knows the code. I think they like it that way.

Chairman Sousa: There is no storm water erosion control measures or recommendations I do not believe unless anybody on this board disagrees with me. Do not need a NYS DEC and US Fish and Wildlife determination letter. You have your archeological site determination stating no impact. We have that on file. There are no agricultural farms, and it is not in a flood plain. Which brings me to our public comment period. Diane, did we receive any written comments related to this application?

Diane Graham: Not for this recent public notice. No.

Chairman Sousa: Is there anybody in the audience who wishes to speak on behalf of this application? I think there is. So, we are going to start with in person comments first and move to Zoom if there is anyone on Zoom who wishes to speak. Please come up to the microphone and introduce yourself to the board. Depending on how many comments we have. Are there a lot of people who wish to speak? Can I see a show of hands? I am going to limit everybody to a maximum of five minutes if you wish to get back in line and continue to speak that is your prerogative.

Bruce Didsbury: I am Bruce Didsbury, 150 Cliffside Drive. I want to ask a question. From what I heard was that the fence was going to be north or south of the sluiceway?

Regina Cushing: South.

Bruce Didsbury: Okay. I must have heard that wrong because I know the lot line is south of it. Alright. I want to put my voice forward that I am in favor of having the fence there. Okay. Thank you.

Chairman Sousa: Thank you. Do we any additional public comments in person?

Jeremy Fields: Good evening. It is Jeremy Fields. I am the adjacent neighbor to the south of the property. I am actually in support of the fence. I think it is actually a good thing. The only thing that we have request in the contingencies is that we gain access to it. Same thing with the Cooks and water department. I talked to Todd earlier. So, in other words if you do have a lock box, we have a key to it. There is a given right of way there and there is an easement. I have a copy of that. We have the maps and all the documentation. So that is number one. Number two is aesthetics. Just to consider aesthetics in the neighborhood and that is it, but I do support it.

Chairman Sousa: Thank you. Do we have any additional comments? Do we have any comments from anybody on Zoom?

Diane Graham: Anybody on Zoom? It does not look like it.

Chairman Sousa: Are there any questions or comments from the board at this time?

Sam Seymour: At the first meeting, this goes back several months, the question was raised about the color of the fence and a different person was here who represented the board suggested going to a tan or non-white color would be possible. From the pictures in the submittal here it looks like it is already white, is that the case?

Regina Cushing: Yes. It is a white fence.

Sam Seymour: So, is there any possibility of getting to a different color – a non-white color?

Regina Cushing: Is that a requirement?

Sam Seymour: No. It is not a requirement. It would be a strong suggestion.

Regina Cushing: It would require more maintenance, of course, if you are going to paint that fence, change the color. It comes vinyl and it is white. Low maintenance.

Sam Seymour: Unfortunately, it is a horrible color to see from the water and surrounding view scrapes.

Chairman Sousa: Are there any more comments or questions? Do you have any response to the testimony provided by Mr. Fields this evening?

Regina Cushing: No.

Chairman Sousa: There is nobody else to comment in person. I want to give amply opportunity. Hearing none. I will declare the public hearing closed. This is a SEQR type II action little or no impact.

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

All in favor.

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

Motion carried.

Chairman Sousa read the findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

Matthew Sousa moved to approve findings 1-4. Kevin Stahl seconded the motion.

All in favor.

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

Motion carried.

Chairman Sousa: Do I have a motion to approve or deny this amended application? This motion will be conditioned upon setting the fence back twelve inches and getting an as built survey after construction.

Regina Cushing: Understood.

Chairman Sousa: Do I have a motion?

David Bowen made a motion to approve the amended site plan approval application 2020-0013 given the condition that the fence be built at least one foot north of the property line and provide an as built survey after construction. Matthew Sousa seconded the motion.

Roll Call Vote:

David Bowen – Aye
Jill Gordon – Aye
Michael McCabe – Aye
Fred McIntyre – Aye
Sam Seymour – Aye
Matthew Sousa – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Sousa: Because this has become an issue of late it seems. We have a requirement in our code that says that site plan approval requires construction to begin within six months, otherwise, that approval expires. Please begin construction within six months. You will need to obtain a building permit prior to

construction. A one-time six-month extension can be given without too much issue. It would require you then to come back here and do this all over again.

Regina Cushing: From this approval, we need a building permit in six months.

Diane Graham: And start construction within six months.

Regina Cushing: And start. Okay. Thank you.

Diane Graham: Your welcome.

Regina Cushing: We will take the fence color under advisement. We represent the board. We are meeting tomorrow night. We will bring it up.

Chairman Sousa: Okay. Thank you.

Regular New Business

Site Plan Approval Application 2022-0024

Owner: Stemples Landing LLC

Representative: John Gerstner

Property: 6199 Stemple Hill Road

Tax Map #: 185.14-1-11.000

Zoned: LR (Lake Residential)

Chairman Sousa: Do we have a representative for this application here tonight? Excellent. Please come up. Please introduce yourself and your application for the board.

Korby Mortensen: I am Korby Mortensen. I am representing John C. Gerstner Construction and we are looking to build a break wall.

Chairman Sousa: This is the sea wall. I am sorry, is this new construction or maintenance?

Korby Mortensen: A rebuild on a dilapidated section of wall.

Chairman Sousa: Are there going to be any changes other than rehabilitating the dilapidated wall and the expansion of the footprint? It is kind of going to be as built or as it previously was built.

Korby Mortensen: Yes. The same.

Chairman Sousa: Does anybody else have any questions relative to this application?

Jill Gordon: I do. I went down and looked at the section Monday. There was a two foot diameter drain pipe right next to it.

Korby Mortensen: Okay.

Jill Gordon: It had quite a bit of water coming out of it. Is that going to stay?

Korby Mortensen: I am going to be honest with you I have never even seen the property.

Jill Gordon: Okay. It is not even on the site plan and it is a big two foot drain pipe.

Korby Mortensen: I assume it is going to stay, yes.

Jill Gordon: Okay.

David Bowen: I had sort of the same concern.

Korby Mortensen: Where is the drainpipe located on this?

Jill Gordon: Right at the northern corner of the property.

Diane Graham: Above the proposed concrete break wall where it curves back.

Jill Gordon: Right next to it.

Korby Mortensen: We are not going to be going any farther than the original sea wall now. It should not impede on that two foot.

David Bowen: The sea wall takes a 90 degree bend more or less.

Korby Mortensen: Yes sir.

David Bowen: It comes inland a little bit. Because this culvert is not on here and it is plainly visible in some of the photos that you shared with us. That stretch of concrete that goes inland is that going westerly of the terminus of that culvert? So when the water comes out of the culvert it is not going to be to the right of the sea wall and flooding out above it?

Korby Mortensen: No. I do not even know where the pipe comes out north of that wall.

David Bowen: It is pretty close to what is there now. I would hate to see that little jog in there and have it short of where the culvert comes out. So, you have water spilling out over the top.

Korby Mortensen: That is not something we practice.

David Bowen: Giving you hydraulic pressure against the back of the wall.

Korby Mortensen: No. That is not something that we practice. We would make sure that the water went into the lake.

David Bowen: It probably would be good to have another drawing with that culvert shown for the record. I could see that being a real problem if that is not built right.

Sam Seymour: Drainage through this property has been a real issue with the way the roads are above it. They were before the Planning Board a few years ago with some real questions about the town road and culvert positioning and things like that.

Korby Mortensen: I am working right up the street from it now so I can go look at it some more.

Sam Seymour: One of the key issues back then was the driveway that goes off above the road to Tom Hawks property and how that affected the flow water down the hill.

Korby Mortensen: Hawks would be south of Gotham. Hawks is right across from them.

Sam Seymour: His place is up the hill.

Korby Mortensen: The driveway is right across from Briggs though.

Sam Seymour: It extends across the hill across his property. The culvert placements in that driveway

Korby Mortensen: Where does the culvert end as of now in comparison to the return?

Sam Seymour: It is way to the left. The culverts I am talking about are way up the hill to the left in that view. The town road crosses below that and obviously there is a ditch on the town road and then the placement of their culverts at one point drained into this property and caused some problems. I do not know if they have changed that since. It would be something to take a look at as you negotiate the existing culvert at the water. Finding out where that comes from.

David Bowen: The culvert that is there now is right above the bunk house. Somewhere around the red boundary line.

Korby Mortensen: I am assuming it is in between the red boundary line and our wall return.

David Bowen: I have no idea where it comes out there.

Korby Mortensen: Yes. Me neither.

Chairman Sousa: It might be helpful it sounds like to have a little bit more information on the site plan depicting that outlet pipe and maybe some more discussion around how any of those issues would be mitigated at our next meeting when we do a public hearing and final approval.

Korby Mortensen: If I had to venture a guess, I would say the pipe goes past the return there now so it is a non issue.

Chairman Sousa: It would be great to have that confirmed for the board before we grant final approval.

Korby Mortensen: We can get you another revised set.

Chairman Sousa: Okay.

David Bowen: If it is east of that dark black arrow.

Korby Mortensen: It definitely has to be east of it. The wall would be gone if it wasn't. It would not have lasted this long if the culvert was washing in behind the wall.

David Bowen: That could be part of the reason you have an issue there now.

Korby Mortensen: Or it could be the sixty-year-old lumbers.

David Bowen: That too.

Sam Seymour: Can you give us an idea where the water level is at the foot of the wall? Is the wall going into deep water?

Korby Mortensen: It is shallow.

Sam Seymour: The wave action will be hitting the pile of rocks along the toe of the wall.

Korby Mortensen: Yes.

Sam Seymour: Okay.

Chairman Sousa: Are there any more questions or comments? I do not have any. I guess the main concern is a little more information like concrete information beyond just hearsay about the nature of that culvert pipe or outlet pipe or whatever we want to call it.

Korby Mortensen: We will get a hold of Anthony and have him do another one.

Chairman Sousa: Excellent. Otherwise, I think you are good.

Diane Graham: The next meeting would be October 19th.

Korby Mortensen: Thank you.

Chairman Sousa: Thank you.

Site Plan Approval Application 2022-0025

Owner: Amanda Hurley (Harris)
Representative: John McKinnon
Property: 5862 Seneca Point Road
Tax Map #: 178.11-1-9.112
Zoned: LR (Lake Residential)

Chairman Sousa: Our next application is Amanda Hurley or representative John McKinnon for 5862 Seneca Point Road.

John McKinnon: Hi, I am John McKinnon and I am the contractor. Amanda Harris is the homeowner. We are looking to put an addition on the front of the house roughly twelve by twenty. We will need a zoning variance. It will be a two-story addition. First story porch. Second story master bedroom addition, and bath. We are also looking to convert the existing garage to a guest house/bunk house type situation. Deck on the lakeside.

Chairman Sousa: You had said you need a setback variance.

John McKinnon: That is correct.

Chairman Sousa: Do you know the extent of the relief you are asking for?

John McKinnon: Yes. Twenty-four feet.

Diane Graham: It is 24.14 foot variance.

Chairman Sousa: You understand that the Zoning Board of Appeals will have to grant the variance before we take action on a site plan approval.

John McKinnon: Understood.

Chairman Sousa: Are there any questions from the board at this time?

Jason Inda: Will the new master bedroom increase the number of bedrooms to the house?

John McKinnon: No. It would not. That is just an expansion.

Jason Inda: Okay. How many bedrooms in the guest house that was formerly a garage?

John McKinnon: One large room?

Amanda Harris: I think it was designed my Dad did it twenty-five years ago and I think it was just a loft.

Jason Inda: Would you consider that a bedroom though and what is the existing septic system?

John McKinnon: It is a multi-flow system that is approved for four bedrooms, I believe. That would be the fourth room.

Jason Inda: There are just three in the house?

John McKinnon: Correct.

Jason Inda: Probably would like to see some confirmation of that.

John McKinnon: Yes. The town has that. If not, I will get it to you.

David Bowen: Would the guest house have any plumbing or kitchenette or bathroom?

John McKinnon: All of the above.

Diane Graham: So, the septic system information was not submitted with the application so if you could provide it that would be great.

John McKinnon: Yes.

Chairman Sousa: Are there any more comments or questions?

David Bowen: So that would be a loft bedroom, kitchen and bathroom downstairs?

Amanda Harris: Yes.

David Bowen: Any garbage disposal?

John McKinnon: I do not think that is a deal breaker either way.

David Bowen: It is a septic issue.

John McKinnon: Understood.

David Bowen: What would be the occupancy of the guest house?

Amanda Harris: Just when we have guests that come in for the weekend or something like that.

David Bowen: How many people?

Amanda Harris: Like two.

David Bowen: Is this for personal use or do you have rental ambitions?

Amanda Harris: Just personal.

Jason Inda: You understand you would not be allowed to rent it out under our law?

Amanda Harris: Yes. Do not want to.

Diane Graham: It would require a special use permit if it is fully equipped.

Chairman Sousa: You cannot rent a second residence on the lot.

Diane Graham: Correct. She would need a special use permit to have two places on the same lot.

Jason Inda: I am not 100% sure of that. I looked at the law and it does not read that way to me.

Diane Graham: If it is fully equipped, is it considered a house?

Chairman Sousa: It would not have a separate address.

Diane Graham: That would be determined by the special use permit. It would be A and B.

Jason Inda: In the section with additional residential structures on the same lot. There is no line that says it requires a special use permit to have a second dwelling on the same lot. I looked. I thought we had required it before, but I did not see it.

Diane Graham: It is in there under special use.

Sam Seymour: So, should we ask for a letter of approval from the Watershed Inspector on the septic system because they are adding bedroom space?

Chairman Sousa: They are adding bedroom space. Adding a fourth bedroom onto a home with an existing septic sized to handle four bedrooms. Getting confirmation of the size of the septic system is necessary.

Jason Inda: They may have already had that. If they got a permit for the original inspection, I would say that is fine. We do not need any additional information. If their original one says it is not adequate for the fourth bedroom.

Chairman Sousa: Then yes.

John McKinnon: It is a multi-flow system. We have all that information. It was approved for four bedrooms. I think we are good there.

Chairman Sousa: Okay. As long as you can provide documentation that it is approved for four bedrooms and specifies the size you are testifying that you are only including four bedrooms, then I think we are good. Are there any more questions or comments? I suppose we will get back to you on special use permit requirements for accessory dwellings, I suppose. I will remind you that all the this is contingent upon receiving your setback variance from the Zoning Board of Appeals.

John McKinnon: Understood.

Chairman Sousa: Thank you.

John McKinnon: Okay. Thank you.

Site Plan Approval Application 2022-0027

Owner: EbenStone LLC

Representative: Shawn Ritchie & William Grove

Property: Blackberry Drive, Lot 1

Tax Map #: 178.00-1-38.210

Zoned: LR (Lake Residential)

Shawn Ritchie: Good evening. I am Shawn Ritchie. I am the owner of EbenStone LLC or part owner. Our intent is to develop these two lots we have had for a number of years. We decided to do it once so you understood the scope of the project with a septic system on each and proposed four bedroom house on each lot.

Diane Graham: We are reviewing lot 1.

Chairman Sousa: Can you please give a little more detail for what you are trying to do?

Shawn Ritchie: Bill Grove is not here, but Kari is.

Kari Ayers: Hello. I am Kari Ayers representing Grove Engineering. There is a four-bedroom proposed residence on the lot. The septic system has been approved by the Department of Health with retaining walls holding up the supported areas shown.

Chairman Sousa: Are there any comments or questions from the board?

Sam Seymour: In the design you show the blue drainage piping, and it is moving water left and right across the hill pretty well here. Can you explain what the strategy will be?

Kari Ayers: Sorry, can you repeat that?

Sam Seymour: How are you going to drain the storm water off the site?

Kari Ayers: The storm water ends up running north as you can see through the HDPE pipe that runs up to the top of the plan. That is how it is conveyed.

Sam Seymour: The swale above the leach field for lot 1 joins with the flow under the driveway culvert and comes down the hill, is that a box there?

Kari Ayers: Yes.

Sam Seymour: So that would be a drainage box and then in your twelve inch pipe and you are going to convey that horizontally quite a distance to a larger pipe with a connection, is that also a box with a grate on top?

Kari Ayers: Yes.

Sam Seymour: That thirty-six-inch culvert drains I assume to a gully that would take flow from further up the hill, right?

Kari Ayers: Yes.

Sam Seymour: What is the pitch of those pipes to go all that distance?

Karin Ayers: I do not know that, but that can be determined.

Sam Seymour: Yeah. It is relatively flat. Here is another question for you. The colorization changes. You have the solid blue and then the blue for the twelve-inch HDPE pipe. What is the significance of that?

Shawn Ritchie: The light blue is the existing.

Sam Seymour: There is an existing pipe there?

Shawn Ritchie: Yes. That carries all the water now currently. Currently, it goes through the southern septic system. We are working with the watershed authority and Bill Grove; they redesigned it to divert the pipe a little bit north, so it goes right in between the two lots. That comes right down appropriately

distanced between the two septic fields into the drainage that is currently there. Then it goes north into a ravine.

Sam Seymour: Okay. The bright blue pipes then would be new?

Shawn Ritchie: Correct.

Sam Seymour: The lighter blue is existing? Okay, I got you. On the turn the driveway there is a sixteen-inch pipe, which way is that run? That is going to run obviously into the turn.

Shawn Ritchie: Slightly north.

Sam Seymour: Then pick up a road ditch or whatever to take you to the box between the two houses?

Shawn Ritchie: Correct. That is there currently.

Jason Inda: I think the darkened lines you are denoting are culverts that are designed to driven over where the HDPE is not.

Sam Seymour: There is a one piece that runs parallel with the driveway between the two houses just above the driveway. That would not be driven over, would it?

Shawn Ritchie: What is the question?

Sam Seymour: The heavy blue in the center of the four squares between the leach fields and the two houses that heavy blue stretch sounds like it is a new pipe being put in or new extension?

Shawn Ritchie: That is correct. There is a pipe there now. I believe the intent was to make sure it is appropriately sized. We could find out.

Jason Inda: He has it marked as an eighteen-inch culvert.

Sam Seymour: The heavy blue there? Oh, there it is. So that proposed eighteen-inch culvert goes into a box that has an existing twelve-inch culvert running to the thirty-six-inch culvert. I am in my seventh decade living on the hill, so I am one of your neighbors a little further north. The water that comes off the hill is absolutely incredible. The 1962 flood that went through several houses on Seneca Point Road. The house I was in was a beach house at the lake and my dad line for the story I was about five that the water was up to the window sills on either side of the house coming down the hill. The next year he had a guy come with a backhoe and dig huge ditches across the top of the property to divert any flow to the nearest gully. Fortunately, since then the culverts have not washed out, but we have plugged up many over the years. I will tell you these culverts will all plug up and you will have water coming down the hill like you would not believe in a huge storm. That is something to prepare for outside of this existing pipeage because it will happen.

Shawn Ritchie: Sure. A hundred percent. There is a pretty good group of neighbors that manage. John McAlpin, he sold the property recently and he was kind of the mayor of the area. Every year there is a proposal to make sure the road is maintained, and ditches are cleaned. That existing flow is certainly managed well. You are exactly right, you are going to get 72-year storm that is going to be a lot.

Sam Seymour: Fortunately, you have the road upper driveway above the leach fields, but I am surprised to see that the water not being diverted around all this development rather than bringing it right through the middle and then taking it off to the side.

Shawn Ritchie: I know that Bill and Tyler a couple years in the making going through every scenario, and we thought that this was the most appropriate for the site. I have to rely on their expertise.

Sam Seymour: So that is a question for Bill. How do you go from an eighteen-inch culvert to a twelve-inch culvert and expect it to work and not flash flood.

Shawn Ritchie: Okay.

Diane Graham: I have a question in the lot coverage calculations it says house and driveway. Does the house include all the porches and decks and does the driveway include the retaining walls and walkways.

Kari Ayers: The house does include porches and decks, but currently the proposed driveway does not include the area of the retaining walls.

Diane Graham: Thank you. So, that will be updated?

Shawn Ritchie: Yes.

Chairman Sousa: Are there any additional questions? If everybody is in agreement, we can go to lot 2 as well.

Site Plan Approval Application 2022-0028

Owner: EbenStone LLC

Representative: Shawn Ritchie & William Grove

Property: Blackberry Drive, Lot 2

Tax Map #: 178.00-1-38.220

Zoned: LR (Lake Residential)

Chairman Sousa: For lot 2 is there anything substantial different from lot 1 that you feel that should be called to our attention?

Shawn Ritchie: We have the same eighteen-inch pipe going to a twelve-inch pipe that we have to answer the question.

Chairman Sousa: Right. I feel all the same concerns kind of still exist that there is going to be a tremendous amount of run-off with what you are depicting considering the slopes you are working with. Do you have any additional questions for lot 2 that we did not necessarily cover in lot 1? It is kind of difficult to not treat this as one site plan.

David Bowen: Maybe I am not finding the labeling, but the trapezoid and the blue lines in the front of the yellow do those just signify is that part of a retaining wall system. What are we looking at with the blue? Not the piping, but the blue right in the middle of the whole thing. There is a blue trapezoid.

Chairman Sousa: A dark blue line. When you zoom in, it is darker than the existing culvert depicted.

David Bowen: Then around I guess are parking areas where there is retaining walls there is also dark blue lines? Basically, right along the driveway.

Shawn Ritchie: Not sure what they represent. That would be flat whether that is cleaning up. The driveway is wide there. You are right, the yellow indicates parking areas and the blue represents the boundary between the parking area and the dirt road. It is not a trapezoid structure there.

David Bowen: I am sure it is not structural. I am just trying to figure out from the gravel drive going west to where the retaining wall is the idea that is all going to be mowed down flat to single elevation because the elevation lines on your map do not signify that.

Kari Ayers: The contours would remain as how they exist. They would have no change. They would not be flat.

David Bowen: The eighteen-inch line runs underneath at least a portion of that, but we do not know what that signifies that blue outline?

Kari Ayers: Not a hundred percent sure.

Chairman Sousa: It would be nice to have that labeled and depicted for our next meeting, so we have complete understanding of what the purpose of it is or what it is trying to delineate because I am looking at it and I am in agreement I am not entirely certain what it is.

Shawn Ritchie: I agree. It is definitely lining the sides of the gravel driveway.

Chairman Sousa: Right.

David Bowen: It is doesn't go all the way across.

Chairman Sousa: Are there any more questions or comments on lot 2? It would be nice to delineate that and get some clarification on the thirty-six inch pipe going to a twelve inch HDPE pipe and then to the thirty-six inch and how that is going to adequately handle flow rates certainly during an extreme precipitation event.

David Bowen: Also, there is a proposed tram access to the lake. Is there any plan for stairs?

Shawn Ritchie: Only plan would be a small egress stairs next to the tram eighteen inch just for emergency. No stairs traversing the slope or hill.

I do plan for apply for rental approval for these lots. I have dreams to have a lake home. It is not feasible without that avenue of income. I just want to be up front with that.

Chairman Sousa: That is fine. That shouldn't have any bearing on any approval for site plan. Any more questions or comments from the board, otherwise, we will see you if you get the changes completed by month. Our meeting is October 19. Excellent.

Shawn Ritchie: Thank you very much.

Chairman Sousa: Thank you.

Site Plan Approval Application 2022-0026

Owner: Timothy W. Williams & Betsy M. Williams

Representative: Anthony Venezia

Property: 5777 Seneca Point Road

Tax Map #: 178.07-1-7.100

Zoned: LR (Lake Residential)

Rocco Venezia: It is Rocco on behalf of Stemple Landing.

Chairman Sousa: This is 5777 Seneca Point Road, application 2022-0026.

Rocco Venezia: We had another one on Stemple, but go ahead Seneca Point. This is a straight forward project. It is for Timothy and Betsy Williams. This is on the northern of the lots before you take off to where there is not lots and just a cliff coming down to the lake. They want to build a dock and they have a ton of frontage. They want to build a dock with two boat slips. We show it on the drawing. All the dimensions are there. The total square footage does meet the requirements of the Canandaigua Docking and Mooring Law. It is pretty straight forward. We do have the SHPO letter. Did we send that to you Diane? Do you have that?

Diane Graham: I have to look.

Rocco Venezia: They rendered a no impact letter.

Diane Graham: I do know Scott emailed Anthony for a revised site plan and we have not received that.

Rocco Venezia: He is working on that. Do we have to come in again next month?

Diane Graham: Yes.

Rocco Venezia: We will have it before then.

Chairman Sousa: We have confirmation that you contacted State Historic Preservation Office and that your initial submission was accepted, but we do not have a determination of no impact letter.

Rocco Venezia: Let me look into that because I do believe they sent it. I thought I sent it to Diane.

Chairman Sousa: It is not in the digital application material. Not saying that we do not have it, but we will need to formally have it by the next meeting, which I am sure we will.

Rocco Venezia: I understand.

Chairman Sousa: Thank you. Are there any questions or comments that the Board has at this time?

David Bowen: My only one. What is the water depth in these proposed slips?

Rocco Venezia: We know it is sufficient, but we have not measured it. We can measure before the next meeting, but we have not done it at this point.

Sam Seymour: That would be helpful.

David Bowen: So we know whether or not we might have to extend it out.

Rocco Venezia: So you want the water depth out there 60 feet out?

David Bowen: Plus they might want to get their boat out in the tail end of August too if their hoist does not go low enough.

Rocco Venezia: I think it drops off pretty quick there. We will go out and measure it.

David Bowen: I think it is pretty deep, but I do not know.

Sam Seymour: It is deep off the concrete pier. I can vouch for that.

Rocco Venezia: We can have that drawn with the other revisions you asked for.

Diane Graham: What did you say? I am sorry I did not hear you.

Rocco Venezia: So you asked for some other revisions that Anthony is working on. We will do that and get the water depth at the same time.

Diane Graham: Thank you.

Chairman Sousa: Are there any other questions or comments? I do not have any more questions. So other than the revisions that we discussed as far as getting the water depth our next meeting is October 19. We will need confirmation of a SHPO no impact letter before we take action and otherwise you should be all set.

Site Plan Approval Application 2022-0024 Additional Comments

Owner: Stemples Landing LLC

Rocco Venezia: Okay. Can we go back to my other one, Stemple Landing?

Diane Graham: A representative was here for Gerstner.

Chairman Sousa: We are all set there.

Diane Graham: He does not know what is needed I do not think.

David Bowen: Do you want to let him know about the culvert?

Chairman Sousa: Yes. There is a culvert on the north part of the property that is coming out of the retaining wall and it is not depicted on the site plan.

Rocco Venezia: We can add it.

Chairman Sousa: It would be nice to add it and some elaboration on its nature, flow and what impact, if any, it may have on the repair and replacement of the sea wall. Alright.

Rocco Venezia: Okay.

Chairman Sousa: Otherwise we are all square on that application as well.

Rocco Venezia: You have the SHPO letter on that one, right?

Chairman Sousa: Yes. I think we have a SHPO letter on that, don't we? Diane, do you know if we have a SHPO letter for Stemple Landing? I thought we did.

Diane Graham: Let me look here. Yes.

Chairman Sousa: Yes. We should be all set there.

Rocco Venezia: I apologize. I did not look at the time. I thought the meeting started at 7:30 pm. I did not realize it started at 6:30 pm.

Chairman Sousa: No. You are good. Do not worry.

Rocco Venezia: Thank you very much.

Chairman Sousa: Thank you Rocco.

Other

Town Code Review Update

- Next meeting is October 4, 2022
- Sample local laws pertaining to uses that are not currently codified in the code.
- Amending our special use permit process to give that ability to the Planning Board in the event that there is an appeals process.

Town Board Requested Review of Special Event Venues Proposed Local Law

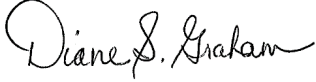
The board reviewed the proposed local law changes from the last meeting and decided on the following changes:

- A.3. remove "three hundred (300)" and add "shall be set by Zoning Board of Appeals based on their review of the application materials."
- Section 1. remove "whereas the holding of events is the primary use of the property."
- Section 3. add "only" after shall be permitted.
- Section 1. remove "limited"
- A.9. add water, licensed vendors, and site clean-up plan.

Motion to Adjourn

Being no further business, Sam Seymour moved to adjourn the meeting. Jill Gordon seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:18 pm.

Respectfully submitted,

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

Diane Scholtz Graham
Board Assistant