



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

Planning Board Meeting Agenda

Wednesday, October 19, 2022 at 6:30 pm

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/83234858649?pwd=alRBamIwWE1FaTJBMVRhUXZoWThOdz09>

Meeting ID 832 3485 8649, Password 948885

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 and September 21, 2022 Planning Board Meeting Minutes

Short-Term Rental New Business

Short-Term Rental Application 2022-0030

Owner: Sheila Borror
Local Contact: Heather Hubert
Property: 8 Cliffside Drive
Tax Map #: 168.16-1-9.012
Zoned: PD (Planned Development)
Sleeping Occupancy: 8
Parking Spaces: 2

Short-Term Rental Application 2022-0031

Owner: Anna R. Pensgen & Nathan M. Pensgen
Local Contact: Kith & Kin Guest Services
Property: 140 Cliffside Drive
Tax Map #: 168.16-1-3.140
Zoned: PD (Planned Development)
Sleeping Occupancy: 4
Parking Spaces: 2

Short-Term Rental Application 2022-0032

Owner: Hibner Family Revocable Trust & Wong Family Trust
Local Contact: Justin Hibner
Property: 6503 Mountain Side Drive
Tax Map #: 177.00-1-3.115
Zoned: NC (Neighborhood Commercial)
Sleeping Occupancy: 8
Parking Spaces: 8

Short-Term Rental Application 2022-0033

Owner: Patrick J. O'Neill & Pamela F. O'Neill
Local Contact: Patrick O'Neill
Property: 6866 Co Rd 12
Tax Map #: 190.00-2-9.000
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 4
Parking Spaces: 3

Short-Term Rental Application 2022-0036

Owner: Chad Leddy, Melissa Leddy, James Marple & Cristina Marcelino
Local Contact: Finger Lakes Premier Properties
Property: 6475 Mountain Side Drive
Tax Map #: 177.00-1-3.114
Zoned: NC (Neighborhood Commercial)
Sleeping Occupancy: 8
Parking Spaces: 6

Regular Old Business

Public Hearings

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)

Town Code Review Update

Town Board Requested Review of Special Event Venue Proposed Local Law

Regular New Business**Site Plan Approval Application 2022-0034**

Owner: Mark Conners

Representative: Grove Engineering PE

Property: 6555 Longs Point Drive

Tax Map #: 185.17-1-15.000

Zoned: LR (Lake Residential)

Site Plan Approval Application 2022-0035

Owner: Ayers Funding LLC

Representative: Bayer Landscape Architecture PLLC

Property: 5768 Storm Haven

Tax Map #: 168.12-1-25.000

Zoned: R-3 (Residential 3 Acres)

Other**Motion to Adjourn**

Town of South Bristol Planning Board Meeting Minutes Wednesday, October 19, 2022

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

Guests: Justin Hibner, Stephen Warner, Thomas Rodenhouse, Anna & Nate Pensgen, Patrick & Pamela O'Neill, Stephen Borrer, Lindsay Bolton, Kari Ayers, Anthony Venezia, Bill Grove, Josh Raymor, Judy & John Manser, Mark Bayer, Jared Lusk, Shaun Hayes
Zoom: Sheila Borrer

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

Sam Seymour read the Comprehensive Plan Vision Statement.

Meeting Etiquette

Chairman Sousa reviewed the meeting etiquette.

Minutes

David Bowen moved to approve the August 17, 2022 meeting minutes as written. Kevin Stahl seconded the motion. The motion was unanimously adopted by all Board members present.

Short-Term Rental New Business

Short-Term Rental Application 2022-0030

Owner: Sheila Borrer
Local Contact: Heather Hubert
Property: 8 Cliffside Drive
Tax Map #: 168.16-1-9.012
Zoned: PD (Planned Development)
Sleeping Occupancy: 8
Parking Spaces: 2

Stephen Borrer: I am Stephen Borrer and my wife on Zoom Sheila Borrer.

Chairman Sousa: Are you introducing the application?

Stephen Borrer: I can answer any questions if she doesn't.

Town of South Bristol Planning Board Meeting Minutes 10.19.2022 Approved

Chairman Sousa: Sheila, please introduce yourself and introduce your application to the board.

Sheila Borrer: I am Sheila Borrer of 8 Cliffside Drive. I am here to request a short-term rental application for the unit.

Chairman Sousa: Can you tell us about the unit itself like how many bedrooms, bathroom and how people you are planning on staying there.

Sheila Borrer: It is four bedrooms, three and half baths and we plan on having no more than eight occupants at any given time. We have two parking spaces as well in front of the unit.

Chairman Sousa: Do you have experience with short-term rentals and managing them?

Sheila Borrer: We do. I have a place in South Carolina that we have been renting for two years now.

Chairman Sousa: I see you have a local contact as Heather Huber. I assume she is a local.

Sheila Borrer: Yes.

Chairman Sousa: She will be able to response to anything?

Sheila Borrer: She is, correct.

Chairman Sousa: Are there any other questions for the board at this time.

Sheila Borrer: None for me. Thank you.

Chairman Sousa: Any questions? Scott do you have any concerns initially at all?

Scott Martin: No.

Chairman Sousa: Alright. In light of no further questions.

I move that the Planning Board accept the short-term rental permit application 2022-0030 as complete and set the application for final review/public hearing on November 16, 2022. Jill Gordon seconded the motion.

All in favor.

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

Nays: 0

Motion carried.

Short-Term Rental Application 2022-0031

Owner: Anna R. Pensgen & Nathan M. Pensgen

Local Contact: Kith & Kin Guest Services

Property: 140 Cliffside Drive

Tax Map #: 168.16-1-3.140

Zoned: PD (Planned Development)

Sleeping Occupancy: 4

Parking Spaces: 2

Nate Pensgen: My name is Nate Pensgen. We are looking to get approval for a short-term rental application for 140 Cliffside Drive. It is two bedrooms, two baths and two parking spaces. We are looking to have no more than four occupants.

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

Nate Pensgen: We do not. No.

Chairman Sousa: This is your first time. The local contact is Kith & Kin Guest Services. Are they a property management firm?

Nate Pensgen: They are. Yes.

Chairman Sousa: Clearly they have experience managing properties I imagine. They will be the local contact so in the event that there is an issue that you will be the point of contact?

Shaun Hayes: That is right.

Chairman Sousa: Is this going to be a year-round rental?

Nate Pensgen: Yes. It will be available year-round. That is correct.

Chairman Sousa: Do we have any questions from the Board? Scott, any questions or concerns we should be aware of.

Scott Martin: No.

Chairman Sousa: In light of that.

I move that the Planning Board accept the short-term rental permit application 2022-0031 as complete and set the application for final review/public hearing on November 16, 2022. Jason Inda seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0032

Owner: Hibner Family Revocable Trust & Wong Family Trust

Local Contact: Justin Hibner

Property: 6503 Mountain Side Drive

Tax Map #: 177.00-1-3.115

Zoned: NC (Neighborhood Commercial)

Sleeping Occupancy: 8

Parking Spaces: 8

Justin Hibner: Hi, I am Justin Hibner. I am applying for a permit for 6503 Mountainside Drive. I am sure you are all familiar with that property. It currently has seven bedrooms and we are asking for eight parking spaces.

Chairman Sousa: Okay. Now my understanding with this property is

Justin Hibner: It will have an occupancy of eight due to the septic system. We are aware of that.

Chairman Sousa: Yes. Okay. This property has some history. Do you have experience?

Justin Hibner: I have a long-term rental. I do not have a short-term yet. This will be our first experience with that.

Chairman Sousa: You are looking at year-round rental?

Justin Hibner: Pretty much. Yes.

Chairman Sousa: Not surprising proximately to Bristol Mountain.

Justin Hibner: Yes. We will use it for personal use probably two month out of the year. Two-three months.

Chairman Sousa: Any questions or concerns with this? Are there any plans to upgrade the septic out of curiosity to bring it up to capacity at all?

Justin Hibner: I am initial discussions with Bill about that. That would not be at least until next year sometime. It would be better for the house to be able to do that. It has seven bedrooms, which is more than it should have. So to bring up the capacity is just common sense for that house.

Chairman Sousa: That makes sense to me for sure. Are there any questions from the board? Yes.

Frederick McIntyre: I think for a seven bedroom the code 75-A says you have to have a 2,000 gallon septic tank.

Justin Hibner: Correct.

Frederick McIntyre: When will you be doing that?

Justin Hibner: So the previous owner did not provide me with a septic inspection during the sale, which he was required to.

Frederick McIntyre: It was a violation of town code.

Justin Hibner: Yes. I have one scheduled for the 31st for an inspection. Then I will work with Bill Grove on the upgrade to that system. The goal is to get it done next summer when the weather is better. I do not think we can do it this fall.

Frederick McIntyre: Are you planning on getting an engineer to look or is he an engineer?

Justin Hibner: Bill Grove is an engineer, yes.

Frederick McIntyre: I have concerns because I live next door.

Justin Hibner: Oh, I would love to chat with you at some point.

Frederick McIntyre: I am on 5745. There is an aquifer down there.

Justin Hibner: I have been reading up on the history of this house. Pumping twice a year is not. We will have less occupancy, but we would like to increase the capacity.

Frederick McIntyre: I think at this point and time it would be good that you are able to go to the old owner and ask him for the money to do this for you.

Justin Hibner: I am in touch with my real estate attorney, yes.

Frederick McIntyre: Otherwise if that fails, you are going to have to do it yourself. You do not want to pay for something like that. Did he ever tell you how or where he puts the water when he has to empty the pool or the Jacuzzi, where that water goes?

Justin Hibner: My assumption with the Jacuzzi is he was putting it into the septic because there is a little drain hole right next to the hot tub. He was replacing the water every stay. So, he putting it down into the septic every turnover once a week probably. I do not plan on doing that.

Frederick McIntyre: What about the pool? Do you know where that is going?

Justin Hibner: I am not sure. I do not know how often you empty a pool.

Frederick McIntyre: Well, sometimes if you had to do something to repair the pool where would the water go?

Justin Hibner: I would have to speak to the pool company that would do that work. I am not familiar with that. I would try to do it correctly for sure. Follow whatever environmental regulations that would be required.

Frederick McIntyre: Okay.

Chairman Sousa: Any more questions? Scott, did you have any concerns outside the obvious known undersized septic, but will obviously as we stated affect occupancy until it is upgraded. I do not have any more questions.

I move that the Planning Board accept the short-term rental permit application 2022-0032 as complete and set the application for final review/public hearing on November 16, 2022. David Bowen seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0033

Owner: Patrick J. O'Neill & Pamela F. O'Neill
Local Contact: Patrick O'Neill
Property: 6866 Co Rd 12
Tax Map #: 190.00-2-9.000
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 4
Parking Spaces: 3

Patrick O'Neill: Patrick and Pamela O'Neill, 6866 Co Rd 12. Occupancy four persons, two bedrooms and two baths. We are looking to submit our application for short-term rental. That would be year-round except for our personal use.

Chairman Sousa: Right. Do you have any experience with short-term rentals at all?

Patrick O'Neill: We have experience with long-term rental. Many years of that. It is our intention to work with the outfit called The Quiet Place. It is Mark and Katy. They have experience with that sort of thing. Their process is to vet guests and then see if our place is available.

Chairman Sousa: Scott, is there any concerns or issues that you saw with this application.

Scott Martin: No. None.

Chairman Sousa: Are there any questions from the board?

Jill Gordon: I see you have a holding tank on order. Has that been installed yet?

Patrick O'Neill: No. That is a distribution box. The distribution box is on order and with Shannon Mittermeier and he will be over as soon as he can fit it into his schedule. That was a recommendation from Tyler from watershed. He said this is old. You should replace this. It is functioning fine. It just should be replaced. We have that on order. Whenever he can get over to do it. The tank is in really good shape and it is adequate for the house.

Chairman Sousa: I think it is a 1,000 gallons, correct?

Patrick O'Neill: A thousand gallons, yes. I was there when they opened it all up and everything was in good shape. The distribution box was fine. It was just old.

Chairman Sousa: Do we have any questions from the board? Hearing none.

I move that the Planning Board accept the short-term rental permit application 2022-0033 as complete and set the application for final review/public hearing on November 16, 2022. Michael McCabe seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0036

Owner: Chad Leddy, Melissa Leddy, James Marple & Cristina Marcelino
Local Contact: Finger Lakes Premier Properties
Property: 6475 Mountain Side Drive
Tax Map #: 177.00-1-3.114
Zoned: NC (Neighborhood Commercial)
Sleeping Occupancy: 8
Parking Spaces: 6

Chairman Sousa: Finger Lakes Premier Properties you know the drill.

Diane Graham: We have one of the owner's on Zoom.

Chairman Sousa: Great. Please introduce yourself and Chad please introduce yourself for the board.

Lindsay Bolton: I am Lindsay Bolton with Finger Lakes Premier Properties. We will be managing this home for the family.

Chad Leddy: Hi, my name is Chad Leddy. I am happy there is a Zoom option. Sorry I had not seen it until a moment ago when Lindsay let me know. I am one of the four owners. It is two families that own this home.

Chairman Sousa: Finger Lakes Premier Properties will be the primary contact for this property throughout the booking experience and any issues that arise, correct?

Lindsay Bolton: Correct.

Chad Leddy: Yes.

Chairman Sousa: You have a lot of experience with that. Chad, do you have experience with short-term rentals at all or any co-owners?

Chad Leddy: No. We are hoping to use it largely for family use, but to have this available when we are not using it so other families can use it. None of us have any experience doing this. It is not our business or anything. That is why Finger Lakes Premier Properties is here to help us out.

Chairman Sousa: I assume it is a year-round rental?

Lindsay Bolton: Yes.

Chairman Sousa: I see there is a note here that says from the Ontario County Soil and Water that says the septic tank is undersized and leach area may be undersized by today's standards.

Lindsay Bolton: We have the occupancy set at eight for the septic.

Chad Leddy: That is my understanding as well. That is why it was adjusted down to eight. We are going to look at improving the septic system in the future, but for now that is what I gather the capacity would be.

Chairman Sousa: Right. It is a 1,250 gallon tank? I think is what the application states.

Lindsay Bolton: Yes.

Chairman Sousa: Okay. For four bedrooms that would be eight occupancy.

Lindsay Bolton: There is five bedrooms, three and half baths. There is a large game room too. We have limited the occupancy to eight.

Chairman Sousa: On your application it says number of bedrooms four.

Chad Leddy: That is an error. The tank was sized for four, but when we purchased it, it had six. We are going to close one to address one of the code enforcement officer's concerns about egress for renters. I technically there would be five for rental.

Chairman Sousa: Okay yes. I am looking at number of bedrooms, but it was under size rating for the 1,250 gallon tank. That was my error. It will be essentially a four bedroom rental with an eight person occupancy.

Chad Leddy: Yes. As far as the occupancy yes. We are planning on leaving five bedrooms open just so people can spread out if they wanted.

Chairman Sousa: Right.

Chad Leddy: We were told that the one did not have proper egress for guests, but the other five would. Hopefully that works. If the size of the tank would allow for ten, then we would ask to have ten. We understand that is not the case so we will looking to get that improved at some point.

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

Frederick McIntyre: The law states that is based on bedrooms. It is not based on occupancy. So, if you look up the NYS code for septic systems, it is based on the number of bedrooms you have. If you have a six bedroom house, it is a 1,750 gallon tank. If you have a seven bedroom house, it is a 2,000 gallon tank. Does not really matter how many people you put in there, it has to do with the number of bedrooms. Right now his tank is undersized where the number of bedrooms. He should do something about that.

Lindsay Bolton: We will discuss that with the owner. Like Chad said they left the fifth bedroom open so people can spread out. We can lock bedrooms. We do that all the time at homes. If that is the case, we can do that. We can update that application.

Chad Leddy: I would just add we understood from the county water inspector that the system was functioning well and obviously it had been previously used by a former owner for more people. We asked about changes. He indicated to me he did not think changes were immediately needed. Like there is no urgent situation with any signs of leakage. We are going to be hiring an engineer and making sure that is improved.

Chairman Sousa: Alright. Are there any other questions or concerns?

Frederick McIntyre: I have one other question. They are on the end of a private road. There are three houses and one of the houses is not a rental house. Who is going to maintain the road?

Justin Hibner: I have an answer to that. We do have a snow service lined up already for the road. We are looking at doing some new gravel, regrading to allow for better drainage because it is kind of eroding right now.

Frederick McIntyre: There is a lot more traffic going up there.

Justin Hibner: It is in rough condition right now, but we are addressing that. It is just a matter of getting stuff scheduled and figured out who pays for what.

Chairman Sousa: Alright. Are there any additional questions? Hearing none.

I move that the Planning Board accept the short-term rental permit application 2022-0036 as complete and set the application for final review/public hearing on November 16, 2022. David Bowen seconded the motion.

All in favor.

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

Motion carried.

Regular Old Business

Public Hearings

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:

2022-0027, EbenStone LLC, Blackberry Drive, Lot 1, Tax Map # 178.00-1-38.210
The owners are looking for site plan approval to build a single-family house.

2022-0028, EbenStone LLC, Blackberry Drive, Lot 2, Tax Map # 178.00-1-38.220
The owners are looking for site plan approval to build a single-family house.

Said hearing will take place on the 19th day of October, 2022 beginning at 6:30 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

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

Diane Scholtz Graham, Board Assistant

Site Plan Approval Application 2022-0027

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)

Chairman Sousa: Please introduce yourself and briefly discuss the project and any changes since you were here last time.

Shawn Ritchie: My name is Shawn Ritchie and the two lots I am part owner of it. Representing EbenStone LLC.

Bill Grove: I am Bill Grove with Grove Engineering. I am the engineer who designed the septic and steep slopes plan for you.

Chairman Sousa: Are there any changes to the application?

Bill Grove: Since last month there was some clarification that I made submitted some revised plans that made it clear what the blue trapezoidal areas are. They were the proposed parking areas for the properties. The one on the west side of gravel driveway is kind of there now already. We are adding some of that extending it further south by means of a retaining wall on that south lot. I also added the additional lot coverage from the retaining walls. I know there was a question at the last meeting. Unfortunately, I could not be here, but there a question about the proposed eighteen inch culvert that runs on Lot 1, the north lot. It connects into a proposed catch basin that will connect into the twelve inch culvert. Question from the board about why we went from an eighteen into a twelve. It is because the twelve is existing. We are not proposing to add any more water to that. It is just a flatter stretch. When you have a flatter stretch of pipe a way to maintain flow through that is to increase the diameter. We could throttle that back down to a twelve and be just fine, I think. To be safe is when we went with an eighteen. It is not normal engineering practice to go from a bigger pipe to a smaller pipe, but in this case, I think because of the slope on that the eighteen makes sense. Again, we are not proposing any more additional water. That water already gets to

the point from that site, from both lots. Currently, comes down along the west side of the Blackberry Drive through a cross culvert and then flows down the hill catches in the ditch and then goes back north. It does a weird loop there. So we are proposing the twelve inch culvert across Blackberry Drive and the common property line to intercept that ditch and take it down through the middle, which allows us to both septic systems on the upper lot.

Chairman Sousa: Great. Are there any questions from the board?

Unidentified: Yes, I would like to know where the proposed septic system is for the property. Is it east or west of the parking area?

Bill Grove: They are both west of the parking areas.

Chairman Sousa: Could you please introduce yourself for the minutes.

Thomas Rodenhouse: I am Thomas Rodenhouse. The neighbor of the property.

Chairman Sousa: Thank you.

Sam Seymour: Bill, I have a question. When that culvert plugs up the sixteen incher that goes to the twelve incher, where is the water going to go?

Bill Grove: Likely over the gravel drive and down through the property. I guess we could define a swale through the common property line to carry that water in the case of a flood.

Sam Seymour: It looks like the gradients are cut in next to either house. You have a low spot next to either house in the purple lines.

Bill Grove: Yes.

Sam Seymour: I hope it does not favor one of those and wash out a basement or something or one of the septic systems or tanks.

Bill Grove: There is definitely room between to the two where we could put a swale down through. Define a swale along that common property line for the that case if something ever happened and it were to plug up that water could go somewhere.

Sam Seymour: Okay.

Bill Grove: I am going to ask the crown here. Do you ever see any issues? Does that culvert plug up often?

Thomas Rodenhouse: There were issues, but we had redone a few years ago. It used to be a problem, but now it is fine. This tends to plug up here. The small stream to east of the septic system tends to plug up. It is an open small stream and it gets plugged up with debris.

Bill Grove: Okay. Thank you.

Sam Seymour: What pipe is that Tom is talking about?

Bill Grove: He is talking about the open ditch along the southern end of the curve where it comes down along. Below the septic from Lot 2, the south lot.

Sam Seymour: Inside the sixteen inch pipe it crosses. Between the two pipes basically, right? Or is he talking outside the curve in the driveway.

Bill Grove: I think he is talking about the curve of the driveway. Where that pipe comes through underneath Blackberry now and flows down through the woods essentially and then gets to the bottom and has to make a sharp turn to the north.

Sam Seymour: And pick up your new pipe then. Is there any pitch in the driveway to get to the gully north of the first house, number one? Or is it a low spot between the houses?

Bill Grove: I do not follow, I guess.

Sam Seymour: If the south end of the new pipe plugs, where does the water go? Is there enough pitch in the road to run the water over to the 36 inch culvert? There is a natural gully over there.

Bill Grove: It is downhill in that direction.

Sam Seymour: Can the road be pitched all the way to that point without the pipes?

Bill Grove: Without that eighteen inch pipe is that what you are asking?

Sam Seymour: Yes without the eighteen inch pipe or twelve inch for that matter.

Bill Grove: We would not be able to use that side of the gravel drive as parking area. It would be an open ditch.

Sam Seymour: Yes. So you would have to get down to make your pitch, I see. So, that is a complication that you overcome by putting the pipe in to get the parking spots.

Bill Grove: Right. I think it is a better solution to the storm water flow with that twelve inch culvert that crosses Blackberry. The water is going to come down along the common property line and be able to flow right into a catch basin. What it does now it comes down through the woods and then hits the bottom of the ditch and has to make a turn to the north. I think that is where most of the problem with it plugging up is because it just stops there. With a catch basin there a lot less coefficient of friction I guess in that pipe that will kind of clear itself out. If it makes it into the pipe it will keep going. A grate may plug up occasionally with leaves.

Sam Seymour: I am a neighbor to the north about a quarter mile or half mile and I will tell you that any pipe less than two feet in diameter will plug. It is the nature of the hill. Stick, leaves, rocks all it takes is a little stick and you are done. Storm water is a real concern with this site. Especially when you try to move it laterally across the face of the hill for such a great distance.

Bill Grove: It goes there now. That is the natural path. We are just piping it there instead of open ditch.

Sam Seymour: Right, while there is no houses so when it goes over the road it has a place to go right now. That is less than a concern for me than the house being so close to the top of the bluff. Diane, can you pull it up.

Diane Graham: It is in your meeting folder.

David Bowen: Are you going to go to the houses now, Sam?

Sam Seymour: Do you have a question?

David Bowen: Bill, with regard to Lot #1 all this shaded pink area to the east of the leach field that is going to be excavated and that the grade of that slope of that hill is going to be altered, correct?

Bill Grove: Yes.

David Bowen: Is that designed to go to the catch basin that is currently there in the middle between the two lots?

Bill Grove: Yes. The catch basin will be the low point of all that.

David Bowen: All that will flow south?

Bill Grove: It will flow east to the parking area and then south to the catch basin and then back north in that small section. It will not be much flow because of the swale we have above the leach field on both sides it will collect surface water. I do not think there is much there now. I think Blackberry Drive does a pretty good job of keeping water on the west side.

David Bowen: You do not envision the need for any retaining wall in that lot?

Bill Grove: There is one on the lower side of the septic area. There is a retaining wall.

David Bowen: Along the driveway, along the road?

Bill Grove: No.

David Bowen: What degree of alteration of that slope is going to take place to funnel the water back to the south?

Bill Grove: It is essentially shaving the bank off so it is at a constant slope there. It is probably four feet of cut at the most.

David Bowen: With regard to Lot #2 with the retaining wall there the plan is to have any surface water coming east hitting that retaining wall and funneling to the catch basin?

Bill Grove: The retaining wall itself would have a drainage behind it so that will catch some of the water. The idea is I do not think we will get a lot of surface drainage off of the septic system and over the wall with the ability to make it down to the ditch. That ditch along the parking area would be graded to flow north to the catch basin.

David Bowen: Where the septic is going is a pretty significant slope as it is, isn't it?

Bill Grove: Yes. That one required two retaining walls below it because the way Blackberry Drive narrows down near the turn there we did not have enough room to work with. If Blackberry Drive had paralleled the gravel drive down below the septic systems, we would have probably had both septic's parallel to each other.

David Bowen: With respect to the drive is there any intention of pavement or impervious surface as opposed to what is there now that would alter flow of water in any way?

Bill Grove: No. For design purposes we have considered gravel driveways to be impervious anyway.

David Bowen: On the other side of the driveway on the house side you have some yellow, dark blue lines bordering the drive and then there are shapes outlined in yellow. Are those retaining walls because they are not labeled as such on the plan.

Bill Grove: They are. No, you are right. Yes. Those are retaining walls.

David Bowen: Will the idea there being to keep the grade in those shaped spaces level with the road?

Bill Grove: Yes. So, altering slightly lower at road level.

David Bowen: What is going to be used to fill that in to keep a steady grade in that spot?

Bill Grove: Crushed limestone, crusher run would be the backfill of the retaining walls.

David Bowen: Is there any design to have those areas used as parking?

Bill Grove: Yes.

David Bowen: So that is what those cut outs are actually for.

Bill Grove: Yes.

David Bowen: There is parking on the east and west side.

Bill Grove: Correct.

David Bowen: Do you know how many cars those spaces are designed for?

Bill Grove: You could fit three in each of the parking areas on the house side of the road. Then you could fit four maybe five on the west side parallel parking.

David Bowen: Four or five per lot?

Bill Grove: No. Total.

David Bowen: So a total of potentially twelve.

Bill Grove: No.

David Bowen: Sorry my math is wrong. Six and nine equals fifteen.

Bill Grove: Eleven.

Diane Graham: Three for each house and five total on the other.

Bill Grove: There is some existing parking at the north side of the north lot on the west side of the gravel driveway. Near where the existing twelve inch pipe is. That is all gravel parking now.

David Bowen: Right. You are intending to take that south.

Bill Grove: To extend it.

David Bowen: To extend it into Lot #2.

Bill Grove: Yes. The idea is to try and minimize grade changes and not have a driveway that goes down to each of the houses because of the steep slope that is there.

David Bowen: Just to clarify. On the west side of the road that would be a total of five cars for both lots?

Bill Grove: Of proposed parking area. The existing parking area you can probably fit two more in there, would you say Shawn?

David Bowen: Assuming this is done. How many will be on the west side for both lots?

Bill Grove: It is a hundred feet wide on each space. One the north lot you would have potentially five on the west side. Three on the east side.

David Bowen: For each house?

Bill Grove: For Lot #1, north lot. If you are asking for total after construction is complete how many cars could fit there?

David Bowen: For both lots combined.

Shawn Ritchie: The road through that whole section goes past Tom's house is very flat and very wide. It was excavated back in the day.

David Bowen: I have seen it. The plan for this is to be rental property, correct?

Shawn Ritchie: That is the proposal pending on what the town does with the law. Going forward that is my intent in order to be able to afford the property, correct.

David Bowen: So eight total bedrooms you are going to need sufficient parking for that. That is why I am trying to figure out how many spaces you are going to have total.

Shawn Ritchie: Each home I would stay with four bedrooms and typically have three cars or limit in the rental agreement to a limited amount of occupancy of eight so it is usually two-three cars typically.

David Bowen: Okay. Thank you.

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

Sam Seymour: On the drawing it shows two setbacks. One for each house of 65.2 feet and 70 feet. If Diane can pull up that picture of the cliff.

Diane Graham: I took it down because nobody was looking at it.

Sam Seymour: We are just getting into that. That is the one. I am guessing this a below the proposed houses, that cliff. It is a very steep cliff and there is no beach at the bottom. The mean high water is basically the bottom of the cliff. Anything that falls down that cliff is washed away every spring. There is another view. I do not know if you can zoom in on that, Diane.

Diane Graham: No. It is not liking the photo.

Sam Seymour: You can see where there has been sluffing on the cliff of big pieces of blocks of shale or a lot of scaling itself. The point is because there is no retaining wall at the beach or the shoreline and the water rises and falls at that point. You can see where it would wash away anything that sluffs down off the hill every year. That is going to continue to erode and erode. The concern I have is that the house is and even the septic tanks or the aerobic units and pump tanks are going to encroach on the bluff and be very close. Probably cause problems with the bluff falling off when you did those holes. Digging that close to the edge is a concern. I do not know what you get into the engineering of this. One of the ways I took a look at this was to say if you assume that the angle of repose is something in the neighborhood of 30-35 degrees for the shale cliff that is my observation in the neighborhood. These cliffs are closer to 45 degrees to the bottom of the foundation of the house or the basement level of the house that 755 elevation quoted in the 752 elevation quoted. The basement elevation, which I take it is the elevation of the floor?

Bill Grove: Yes.

Sam Seymour: So you are digging down below that even to for footers and things like that and then pouring the floor over that grade. Being that the houses are so close to the edge and the cliff is very vertical in that area I would have a concern about the footers and possible problems with that and over time large chunks falling off this cliff.

Bill Grove: Certainly, it is a challenging site, but buildable. We have each house I would say probably ten feet at the closest point to the precipice of the bluff. The aerobic units and the pump tanks are a little bit closer than that especially on the north lot. It certainly could be installed there without losing material over the edge.

Sam Seymour: How are you going to keep that material from eroding away over time?

Bill Grove: It would have to be seeded and mulched.

Sam Seymour: I do not know if you are familiar with the houses along the shoreline here, but after Agnes there is a house further to the south maybe six houses south where the entire hillside is concrete. They built a huge retaining wall across the beach shoreline and poured concrete all the way up the hill to keep the house from sliding down the hill. Now that is probably is less of a degree that this cliff here. The slope of the concrete is less than 45 degrees. I have not measured it. There is an instance where a house was saved through great expense from shoreline erosion basically after a flood. This cliff is even worse because the base of the cliff is right there at the water level. There is no preventing erosion at the base from the water, from the lake. Let alone the natural scaling of the cliff itself.

Bill Grove: I understand what you are saying. I think that the shale will continue to sluff off. I do not know if erosion is the right word because it comes off in small pieces. Over time, over hundreds of years yes.

Sam Seymour: It falls off in chunks too. I have seen pieces as big as pick-up trucks fall.

Thomas Rodenhouse: I should point out that is a good point. It is quite a steep cliff and it continues fall now. It is aggravated by the big stream by the south border. When we have significant waterfall it continues to accelerate the erosion of the cliff. You showed a photograph, but you can see where the soil is building up at the bottom of that stream.

Bill Grove: There is a limit on how close we can get to the edge of the cliff. It is a code requirement from the bottom of the top of the slope to the bottom of the footer. Your footer has to be below a 45 degree angle that intersects with the bottom of the slope. We have to get the footers below a certain line so that they are considered stable. That is a code requirement. We have that.

Sam Seymour: Can that requirement be interpreted to apply to the pump tank and ETU as well?

Bill Grove: Yes. I think it would still meet that requirement.

Sam Seymour: Okay.

Bill Grove: I am not disagreeing with chunks of shale do come off. Sometimes some big ones cleave off of that, but it is not necessarily an unstable soil condition. I do not know if the neighbor further south with the concrete if that was different soil conditions there.

Sam Seymour: It could be. I do not remember what that cliff was like before Agnes. It was a long time ago. Here you are introducing new water to the hillside with the leach fields bringing the runoff through the road way above the houses is a concern. Is a concern we have talked about. As that water percolates down through the soil and around the bases of the houses what is it going to do to the head wall? All interesting concerns. Along that line this culvert on the corner of the road. I guess what is not showing in your drawing is that there is another driveway that comes off the corner and heads to the south. That is why the pipe brings the flow to the inside of the turn, right instead of going right down the hill off the turn itself.

Bill Grove: Yes.

Sam Seymour: That is the neighboring property so there is not much you can do about that, right. As an engineer, Bill you are comfortable with the foundation of the houses building the standard type footers following the code requirement of 45 angle to the toe?

Bill Grove: I am confident that the architect will address that? I am not a structural engineer.

Sam Seymour: Okay. That is his ball game.

Bill Grove: Yes.

David Bowen: Along those lines what is your proposal for these houses, how many stories?

Shawn Ritchie: The design is one main floor with a walkout basement. The main floor will have a master bedroom, great room, kitchen with three bedrooms in the walkout basement to be a total of four. The intent is to get timber frame construction. We are working with an architect in Fairport. Design Works Engineering, Chuck Smith if you know him.

David Bowen: So it is one story total?

Shawn Ritchie: Well, it is one story with a walkout basement to end at the hill and a loft. If you consider a walkout basement a second story, I do not know.

Bill Grove: It has the appearance of a lofted ranch.

Shawn Ritchie: From the road and then from the lake you would see the walkout basement.

David Bowen: Are there going to be exits out to this bluff from the basement? It is a walkout basement to the east or into the hill?

Shawn Ritchie: Oh sure yes. There will be a slider door exit. Like Bill said twenty feet. It tapers there it shows a silt fence and it has a 45 degree slope going down. I work for Finger Lakes Tram so I am really familiar with a lot of the slopes all around the Finger Lakes. I have seen exactly what you are talking about especially Keuka Lake. You see precarious roads built to close and whatever. This hill is pretty mature if you look at the slope itself. It is 40-45 degrees. A lot of education on it indicates it is not one that is very active. It will get some sluff. I have slide down this hill intentionally to get down. It is not like a cliff where you are tumbling down. To me a glorious piece of land, but it is not a very active piece of land at all. There are stair systems north and south. Tom has a tram next door. He has a boathouse at the bottom. It is seeing what we do see on some other sites around the Finger Lakes. I know with the concrete structure it is the Redding structure with a tram there. I do not know the history if he used concrete. It was millions of dollars of concrete. It is hard to know to compare apples to apples with your concerns. I have the best people around to engineer correctly to make sure it is done right.

David Bowen: I appreciate your honesty last time stating that this was intended to be a short-term rental property. So my concern is safety of renters and you have a forty-fifty foot cliff right there, essentially, with a walkout basement right to it. Do you have plans for fencing, split rail fence or something that is going to protect people from going over?

Shawn Ritchie: In the tram business that is our number one thing is safety. We are very cognizant, lights in tensing for sure. That is not just renters. That goes across if it was my own house. You have to make sure it is safe no matter any condition.

David Bowen: You have a deck off the side of each house and then a porch and a deck on the lakeside. Are those elevated or are some down on grade level?

Shawn Ritchie: They are shown elevated. That is not completely defined exactly what they are. One on the main level and on the lower level a patio or something. The properties are mirrors of each other. The intent is to build one house now.

David Bowen: With terms of your future plans for rental is it going to be year-round?

Shawn Ritchie: We hope so. I want this property to be used whether it is for ministry or rental or for personal use in our company. It is not a second home for my family. We are not at that level type of thing, but we will be able to use it and share it and rent it so we can afford it to be quite honest with you. We care for the land. We love this town. We want to protect and incredibly enforce respect for our neighbors. Respect for the land. Our reputation it has to be at utmost integrity or else we are not going to be in business. We are going to carry that to this.

David Bowen: My concern again is more on the lines of safety. I have been up and down Blackberry Drive numerous times. I have good friends that live to the south of there. They would only go down there in the winter with chains on four wheel drive vehicle. So if you are going to be renting to people in the wintertime I have concerns about safety as well as getting in emergency vehicles if necessary.

Shawn Ritchie: That is very true and will take that very strongly into consideration. It is definitely not part of the business plan in a sense until we get into the property and use it. Tom O'Rourke lives down there year-round and he has been advising us. He maintains the property. Ninety percent of the time with a four wheel drive you are fine, but there are times that he a studded Subaru up there, which gives me confidence he plows it and it is usable. Safety is actually key in that regard.

David Bowen: Back to the engineering. Around the houses I do not see any indication of storm water removal from around the houses or from the houses themselves. What is the drainage plan if there is storm water, rain water, and snow melt?

Bill Grove: Sure. If the houses have gutters, which I do not know if you decided on that yet or not. They would be directed to splash pads. Probably piped to rip-rap that would kind of live in the area between the septic systems near the common property line. Makes the most sense to discharge the storm water from roof runoff. If we do not have gutters, there would still be a footer drain that would need to be drained down to daylight and likely go into that same area.

David Bowen: Then where would it go?

Bill Grove: It would return to sheet flow and go down over the bank.

David Bowen: That would raise additional concerns about erosion and sluffing in that area where your septic facilities are.

Shawn Ritchie: The north property Lot #1 has as Tom mentioned a gully next door to that. It may make sense to divert that runoff to that. It would be fairly straight forward to do. From the south property we would mitigate that somehow. Whether we run a line down the slope so it is not eroding the slope on the way down.

David Bowen: Where is the gully or creek Dr. Rodenhouse mentioned?

Shawn Ritchie: It is between the north property and his property.

Bill Grove: Where this pipe discharges.

Shawn Ritchie: The very top of the page has a 36 inch HDP culvert Sam was talking about.

Sam Seymour: That is the top of the gully right there that pipe.

Shawn Ritchie: It is.

Sam Seymour: Okay.

Shawn Ritchie: It is not active all the time. It is active during rain.

David Bowen: That is all off property, correct?

Shawn Ritchie: That is all off my property, correct.

David Bowen: So there is really no other place to divert water from the houses other to the septic facilities area or potentially piping it over to the Rodenhouse property.

Shawn Ritchie: Yes. Or we can pipe it down the cliff.

Bill Grove: I have designed that before. The hardest part with that is anchoring the pipe to the shale. I do not think it is practical in this case to do that. You could run a four inch coil pipe and let it dangle over the edge and get it to the bottom. Aesthetically, that is not too pleasing either.

Sam Seymour: It looks like you want to pitch things away from the houses between the pump tanks and aerobic units and run it over the cliff right there.

Bill Grove: There may be an area that is an existing I know the topo does not really reflect it, but there may be an existing swale that goes down over that steep bank that can direct stuff to. I almost think there is somewhere along there. Take advantage of an area that has some channelization in it.

David Bowen: Scott, I am wondering if there is any reason to refer this over to Megan Webster for a review.

Scott Martin: Would not hurt to have her look at it to get her opinion.

Chairman Sousa: Would that be your recommendation. Would you feel more comfortable having Megan Webster look at it?

David Bowen: I think it makes sense to have another engineering eye on it. I am not an engineer. Nobody on this panel is an engineer as far as I know.

Bill Grove: I guess our only concern with that is timing. We would not have to get that addressed get in front of Megan between last meeting and now.

David Bowen: I apologize as we have a lot of questions this time and did not last time. I apologize for that. It is a difficult site.

Bill Grove: Sure. If possible, I would like to if you want to do that I have no problem with that as long as we can do it administratively and not have to come back to the Planning Board. If we can satisfy Megan and make sure that Scott is aware of that so we do not lose another month because Shawn is ready to break ground pretty soon on it. I think a month delay would really put him off.

Sam Seymour: Do you have any update on the Town Board's position on the moratorium on short-term rentals?

Chairman Sousa: My update the Town Board has a drafted resolution. My understanding that it was voted on at their board meeting earlier this month. So it has been filed with the state. We do not have a receipt of filing?

Diane Graham: Correct.

Chairman Sousa: That would go into effect upon receipt of filing with the state. It has been sent to the state. As soon as we get receipt that moratorium is in place.

Sam Seymour: You are aware that the town has put a nine month moratorium on short-term rentals?

Shawn Ritchie: Yes. It has been a six year journey for us as I was mentioning before and that is the way it goes. That's life. We are certainly excited to move forward and be close. I hope I do not have to wait a month to address all those concerns at this point.

Chairman Sousa: Could we condition approval upon review and approval by Megan Webster?

Jason Inda: I am comfortable with that.

Chairman Sousa: Would you be okay with that?

David Bowen: Yes.

Diane Graham: Any recommendations she has be implemented?

Chairman Sousa: Right.

Diane Graham: Do you want to go through the rest of the stuff?

Chairman Sousa: Yes. This is a public hearing. I would like to give the opportunity for anyone in the audience or on Zoom to speak relative to this application considering we have an open public hearing. Hearing none. Now I will go on.

It is exempt from County Planning Board referral. We have your Department of Health letter waiver dated 9/7/22 relative to your septic system approval. Storm water and erosion control measures as recommended by Grove Engineering, which I think we will seek further guidance from Megan Webster. There are no threatened or endangered species. We have your archeological site determination as required dated 9/14/22 stating that there is no impact. There are no active farming operations within 500 feet. You are not in a flood plain. Did we receive any written comments?

Diane Graham: No.

Chairman Sousa: Okay. I already asked if people would like to speak.

Diane Graham: We did receive a steep slopes permit application.

Chairman Sousa: Yes. Sorry I skipped over that bullet. Did you open the public hearing for both sites?

Diane Graham: Yes.

Chairman Sousa: Hearing nobody in the audience, on Zoom or written comments relative to these applications I would like to declare the public hearing for both applications 2022-0027 and 2022-0028 as closed. We have determined SEQR as a Type II action with little or no impact.

Matthew Sousa moved that this is a Type II action under SEQR requiring little or no impact. Jason Inda 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.

Jason Inda moved to approve findings 1-4. Jill Gordon seconded the motion.

All in favor.

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

Motion carried.

Matthew Sousa made a motion to approve the site plan approval for applications 2022-0027 and 2022-0028 conditioned upon Megan Webster's review and any comments or concerns that she has be addressed. Jason Inda seconded the motion.

Roll Call Vote:

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

Motion carried.

Chairman Sousa: I am going to move town code review update and special event venue proposed local law after our regular new business to be respectful of everybody's time.

Regular New Business

Site Plan Approval Application 2022-0034

Owner: Mark Conners
Representative: Grove Engineering PE
Property: 6555 Longs Point Drive
Tax Map #: 185.17-1-15.000
Zoned: LR (Lake Residential)

Chairman Sousa: Our next application is 2022-0034 Mark Conners and Grove Engineering.

Bill Grove: Do you want to skip to the other application because I am the only one here for this one?

Chairman Sousa: That is fine.

Bill Grove: We can skip it and go to the next one and not make everybody wait.

Chairman Sousa: Yes. That is fine.

Bill Grove: I tried.

Chairman Sousa: Appreciate it. Could you please introduce this application briefly?

Bill Grove: I am Bill Grove with Grove Engineering. Here representing Mark Conners. A lot of the faces on the board are new from when the Conner's house project went through the Planning Board and Zoning Board, but not the Zoning Board it was kind of an interesting discussion. It centered on the existing storage/bunk house. At the time, that is the building over on the right hand side, which is the north side on this map. We got approval and construction is under way for the house and that plan says attached garage, but it is actually a detached garage. Right Diane, we talked about that.

Diane Graham: I sent you those things that I did not receive. So what you are looking at is before the letter.

Bill Grove: The structure on the left hand side of the plan is under construction nearly complete, I believe. In all this it was the Conners intention to eventually replace the storage/bunk house. Now that the site is under construction and a little bit more invasive in the construction than what Mr. Conners was thinking. He decided now would be the time to replace that existing storage building with a new one. Make it a little bit than what it was, but he was hoping to be able to do that before construction completely finishes on the rest of the project. Basically, it is tore up down there now. He does not want it to get all nice and then have to tear it up again in a couple of years. That is the accelerated request to have the storage/bunk house replaced. It is in the same footprint with the exception we are going back into the hill a little bit further.

David Bowen: What is going to go in it?

Bill Grove: Same.

Aren't there currently a couple of bedrooms and a bathroom and storage space? Is that still the idea?

Bill Grove: Yes. Exactly the same, but newer upgrade. Elevated to get it out of the floodplain.

David Bowen: So it will tie into the septic system?

Bill Grove: It will.

David Bowen: How many bedrooms?

Bill Grove: The septic system is designed for six.

David Bowen: How many are going to go in?

Bill Grove: This will be six ultimately in the end. Four in the house and two in the bunk house to be.

Diane Graham: I am confused. I thought it was 1,250 four bedroom.

Bill Grove: Each tank is 1,250. There are two separate septic tanks and one pump tank and one common leach field.

Diane Graham: So there are two 1,250's you said?

Bill Grove: Give me a second. I know it was designed and approved for four bedrooms. I am sorry six bedrooms.

Diane Graham: For some reason I have four.

Bill Grove: I do not think I have that paperwork with me. It is definitely six though. That was the design. There are six Presby bio fin modules in that leach area and then the two tanks. It is all traffic load rated because the driveway goes right over it.

Diane Graham: So how many are in the main house?

Bill Grove: Four in the main house and two in the existing and proposed storage/bunk house.

Chairman Sousa: Are there any other questions? We do have a letter from your application that says that we will need owner's written permission as part of the application, an agricultural data statement, a new archeological site determination letter, a bald eagle determination letter and updated site plan to show the existing garage as detached versus attached.

Bill Grove: Yes. The project initially was cleared for archeological and for the bald eagle. So I had submitted that with this application, but it was the town's request that we get that all updated to match the project. It has been submitted. I did hear back from SHPO that they received the application. It was an amendment to the original submission.

Chairman Sousa: Okay.

Bill Grove: I got worried because I did not get an initial email back from them. It took a few days, but I did get an email I think it was yesterday. I think you were copied on it too. One of you guys.

Chairman Sousa: Of receipt?

Bill Grove: Of receipt of the submission that it is under review. It will be reviewed.

Chairman Sousa: Okay.

Bill Grove: I do not anticipate any issues with it because it is previously disturbed area.

Chairman Sousa: Yes.

Bill Grove: I do not think that will be an issue. Submitted to DEC and Fish and Wildlife for the bald eagle impact and received email back from Fish and Wildlife that said they will review what the DEC says and concur with that or make adjustments, but I have not heard from DEC on it yet.

Diane Graham: There were a couple of other things too.

Bill Grove: We are not within 500 feet of any agricultural area or any farm operations.

Chairman Sousa: Application resolution 71.

Diane Graham: I received the first two pages. I did not get the data statement and the resolution signed. I need those pages.

Bill Grove: Okay. You need a data statement even if it says it is only if it is within 500 feet?

Diane Graham: Yes. We have to have it completed as part of the packet.

Bill Grove: Okay.

Diane Graham: It was not included in the packet.

Chairman Sousa: Okay. Yes. We will need those prior to final site plan approval.

Bill Grove: Okay.

Diane Graham: So there will be a deadline for the public hearing submission. So I would need it by that time before the meeting.

Bill Grove: I can definitely get you the Ag data statement because it is just putting a name on it. I am sorry I thought Mr. Connors had submitted that other form. I do not know if we will have archeological or the bald eagle stuff in time. If we do not, I will get it to you as soon as I get it. Then we will schedule the public hearing.

Chairman Sousa: There is no December meeting so if indeed those are not received by the November meeting the next meeting date is January 18.

Bill Grove: Do you have to have them to schedule the public hearing or could you schedule it and extend it to the next January, if you had to?

Diane Graham: I like to have everything in place for the board before scheduling for public hearing so there is no conditioning.

Chairman Sousa: We would not condition. We could schedule the public hearing. You could open the public hearing and then keep the public hearing open until January.

Bill Grove: It is a couple of extra weeks of time.

Chairman Sousa: That is an option. Open the public hearing in the November meeting with the understanding that there would be no action taken on the application. The public hearing would remain open until the January 18 meeting at which point it would be closed then a decision could be rendered.

Bill Grove: Yes.

Chairman Sousa: That is an option. Are there any more questions from the board? If not, I think we are all set. Minus the materials outlined below and the timeline I just reiterated.

Bill Grove: Okay.

Chairman Sousa: Great.

Bill Grove: Thank you.

Chairman Sousa: Thank you.

Site Plan Approval Application 2022-0035

Owner: Ayers Funding LLC

Representative: Bayer Landscape Architecture PLLC

Property: 5768 Storm Haven

Tax Map #: 168.12-1-25.000

Zoned: R-3 (Residential 3 Acres)

Chairman Sousa: Could you please introduce yourselves for the board and your application please.

Mark Bayer: Sure. My name is Mark Bayer. I am principal of Bayer Landscape Architecture in Honeoye Falls. I am here with Josh Raymor who is a senior associate with our firm. We also have on our team Anthony Venezia behind me who is our surveyor. Bill Grove is our septic engineer. Jared Lusk is attorney for the Cook family who is here on their behalf. Thank you for having us tonight. We want to run through the project for you basically located off Seneca Point Road on a private drive Storm Haven. If you are familiar with the site it is basically a beautiful wooded setting. The Cooks own about 45 acres over thirteen parcels on that site. We are talking about tonight one of the parcels, which is currently about 7.5 acres. We are planning to annex another acre to the site to accommodate septic, which I will talk more about. Their plan basically is to build a 3,500 square foot rustic Adirondack style timber frame cabin/lake house. One of the things on this site Mrs. Cook, Laura grew up in that region of the Adirondacks. She loves the wooded setting. Their goal is to keep it as a very rustic wooded setting and do a home in that same vain. There as part of our work we have done a lot of work in the field out there. Where the best position the house. The place we decided to position the house was essentially disturbed. We believe sometime between 1950 and 1970. Dialed into a location we can tell there has been earth moving and grading done there many years ago. It kind of opened it up and made sense to us as landscape architects to site there to preserve as much of the intact woodland as we can and use that disturbed area as the position of the home. Our goal is to tuck it in there and with the style of building we are doing again using natural subtle stone and timber frame construction to make the house basically recede and blend into the site. One of the other things that we focused a lot on for this project because we do as routine part of our work and working in collaboration with Erin Joyce who is our civil engineer. We really took a hard look at storm water management because that is extremely important in our work and on the lake and on this site. One of the goals of the project has been to come up with an innovative green infrastructure solution for storm water management. We have done some innovative kinds of things that we try to work into all our projects. The existing road coming down is in good shape. It has been maintained cross culverts of every place over the last few years, but there is about two hundred feet of the lower stretch of road before you come down to where the house is going to go that was not picked up in the cross culverts. So what we are doing there and I am going to point to the plan just so you can see it better. One of the things we are doing is this is the bottom part of the road that flattens out. There is nice big turn around there. The last two hundred feet historically has kind of drained due east and caused some scouring of this zone of the property. What we are planning to do is pick that water up right in this area here. It will be sent into a rain garden, which we are going to do at this point and that rain garden is obviously a vegetated retention area. Which will not only slow and filter water, but it will go across a check dam. Which is going to be located right here. Then there is a very long existing flat swale that runs south along the property that it is a

gradient of one to two percent. It is a very flat swale. It has lots of freeboard. It is stone lined and vegetated. Our goal in the project not only to pick up the upland drainage which is coming down into that existing swale. Slow that down so it is not running directly to the lake. In the process of what we are doing it is essentially running at one or two percent across the stone line vegetated swale. Basically, lets the water creep and infiltrate. That is really our goal for the upland water and the road to manage it. On the new laneway essentially we are going to do the same thing. If you look at the grading plan and we did a lot of drainage details in the package. That laneway that will come from the landing of the main road and come into the house site is also going to have a stone lined swale along the edge of pavement with underdrain and check dams so that we manage velocity of water throughout this property throughout this site so we never achieve high velocities, which is what causes erosion problems. We are managing the road in the lower reaches. We are managing the upland drainage in that swale I mentioned that has a lot of capacity. Then we are managing driveway drainage. Then I want to bring up another thing we are doing, which is around the building. We are working with Erin Joyce again. She came up. We designed a basically an infiltration system to pick up roof liters and roof runoff. If you look on your grading and drainage plan in your packets there is a 24 inch diameter storage pipe system that picks up roof drainage as well as smaller systems on the up slope side of the house. That basically is designed for the capacity of those roof liters for infiltration and again all with the goal of always being conscious of management of storm water and never releasing without both treating and slowing water down. If you look at the drawings we prepared, there is a lot of detail about that. I just wanted to share that with you so you have some sense of that. The other thing I wanted to talk about is working with Bill Grove. Before I do that also just in the grading design on the grading plan there has been a very deliberate attempt to confine or limit our limit of the disturbance in grading. So we are trying to preserve as much of the existing forest as we can. I think doing a very good job of that. As far as septic goes, we did not want to try and force it into the area around the house. We want to push it further from the lake. What we are proposing a one acre upland area that is on an adjacent lot. We are planning to annex that lot. That one acre to this lot so it will bring the total acreage of their lot from 7.5 plus or minus to about 8.5. Bill Grove who is here tonight has designed the septic system for that. He has designed it to all the health department's standards for a 3,500 square foot house under that regulation it can accommodate up to five bedrooms. It is way over designed, but we are doing that very intentionally. To make sure it has excess capacity. That is all in process. In order to do that Anthony Venezia our surveyor has set up a preliminary annexation plan, which is in your packet as well. That is all set for review by Scott and you as well. Our goal and plan is subject to your review if there are any changes our hope would be to submit that to the county and file that and annex the parcel before final approval. We have an existing well on site, which is essentially at the low end of the road that comes down. It has been checked out. We are planning to use it. I think the other things to mention based on the kind of property this is and the very beautiful rustic nature of the 45 acres that they own here the house is being tucked back off the edge of the bluff and our goal again to tuck it in. It is going to be done in stone and timber in a neutral pallet. We are very conscious of Canandaigua Lake Watershed guidelines and try to do buildings that recede and planning to retain as much possible tree cover at the edges and slot views, which is the way you should do it. We do not want the building to have a strong presence from the lake. It is being tucked in. The other things I would say again we are trying to maintain the crushed stone road and do all of this to the best of our ability to be sympathetic with the site and including what we often do and we will be doing as part of this project we will revegetate disturbed areas with all native vegetation. That is one of the things we try to do on all of our projects. Especially in settings like this. The pre-dominate vegetation will be indigenous. I am sure we will have a few ornamentals. Most of it will be native plants. I think hopefully that gives you an overview. I can answer any questions that you have.

David Bowen: Thank you for the detail and the plans very detailed. Can you just try to point out where the annexed lot lines will be?

Mark Bayer: I have another plan let me see. This is a larger scale plan. This lot here were are cutting out one acre from that. It is immediately adjacent. That will still be over the three acre minimum after the annexation. It will still be compliant. Anthony prepared a detailed annexation map, which is in your package as well. That is just above the house site. There is another lot and that is being annexed from that lot.

Chairman Sousa: The lot is parcel 168.12-1-1.011 is the 1.05 acres just the east of what you are annexing on the lake?

Mark Bayer: No.

Chairman Sousa: That is an existing lot?

Mark Bayer: That is an existing lot.

Chairman Sousa: It is like a preexisting non-conforming due to size owned by the Cooks that just is staying and undeveloped?

Mark Bayer: It is just staying. Yes. That is the plan. That lot is pre-existing non-conforming. I believe this lot with the annexation would conform.

Chairman Sousa: It looks like 3.19 acres according to the annexation plan.

Mark Bayer: That is why Anthony set it up that way so it will comply.

Sam Seymour: Back when we looked at the docks on this site. There was talk about putting a tram in along the north line. Is there still?

Mark Bayer: Shawn is actually under contract. The south one has actually been installed. Yes. The north tram is going in to serve the north.

Sam Seymour: It will land at the dock. Yeah.

Mark Bayer: It will land as planned it lands right on the dock. Any other questions I am happy to answer anything you have.

David Bowen: You characterized a large swale coming down from the rain garden paralleling the road.

Mark Bayer: Yes. That is existing.

David Bowen: It is characterized as existing, but it is relatively new, correct?

Mark Bayer: It has always been there for as long as I have known. In the spring the golf course superintendent did clean it out and stone, lined it. Scott and the watershed inspector came out because they did not pull a steep slopes permit when they did that work. Set conditions with the Cooks and

explained to me what they wanted the operator who was doing the work out there. I think they did an outstanding job of complying with the request. I think Scott could attest to that.

Scott Martin: I agree.

David Bowen: There was a stop work order?

Mark Bayer: Yes. There was.

David Bowen: What was the original intended design of that swale? Is it always part of this rain garden idea?

Mark Bayer: No. The swale has always been there because this lane here which is a switchback that does down almost to the lake. That is a dug way that was carved in there by I think the gentleman's name was Morry Storm. Do not quote me on that. That was carved in there years ago. I do not know how many years, but decades ago. This lane has always been there. When that lane went in, that swale went in to protect lane from the upland water. It has always been there. The golf course superintendent did clean it out. He did stone line it. He did it without a steep slope permit. I think they did everything they were asked to do to correct any disturbance.

David Bowen: That goes into an area that is labeled as a weir on plan.

Mark Bayer: When Kevin Olvany came out with Scott, Kevin asked that as part of essentially making sure that all the erosion control and everything was stabilized and cleaned nice the way he wanted, he asked that Greg our golf superintendent at the south end of that. Actually he asked him to improve another gully coming down at the south side. He wanted a small detention. They wanted to put, basically we call them check dams. It is capturing the downslope runoff. It is holding and releasing slowly. There is a series of check dams in that swale. There is also a check dam at the south end of the swale that water is impounded there. Infiltrates and trickles through the check dam at that end. That is all stone lined down there too.

David Bowen: I have actually seen it. It was in there at the time the stop work order was issued. I am just curious as to what the overall purpose of that was at the time? Is it to capture upland drainage and protect that road? Is it to give a path for drainage up from the rain garden? If so, what kind of storm water runoff in terms of year storms is it designed for, if it is designed at all for a certain capacity?

Mark Bayer: It is designed to protect the lane way. It had filled up with debris over many years. It was starting to undermine the road. It was cleaned out, stone lined and it manages the upland drainage like it has for years. I think it handles pretty large rain events. I do not know exactly that has been designed for a specific storm event, but I can tell you it functions really well in heavy, heavy events.

David Bowen: That diverts water off the Cooks property, correct? On neighboring property.

Mark Bayer: It goes where it has always gone. It runs along Cooks property. It crosses at some point to the neighbor south and runs down their property line. There is a 36 inch culvert that takes it to the lake. It has always done that. It is a brand new culvert that they put in. It is a 36 inch polyethylene corrugated lines pipe that is in great shape.

David Bowen: The house that is being designed. It is described as single-family under 4,000 square feet.

Mark Bayer: Yes.

David Bowen: How many bedrooms?

Mark Bayer: It is designed with open floor plan. It is designed as an Adirondack cabin. They are going to use the property with their three adult children. Currently the interior is still being worked on, but has a kitchen, one full bath, a large great room, which will serve multi-purposes. It will have a large-stone hearth and able to have sleeping accommodations in that great room as needed. They have other property in the immediate area as well. They will use both the great room and a planned very large screened porch for summer. They will have sleeping arrangements in that room as well. Think of it more as an Adirondack cabin with an open floor plan. Bill can attest to the fact that he designed the septic to accommodate up to a five bedroom. It is very much over scaled.

David Bowen: On the plan there is future expansion at the septic leach field.

Mark Bayer: That is done routinely.

David Bowen: There is no particular plan that is not being disclosed here?

Mark Bayer: The only plan that I have already told Diane and Scott about is at some point in the future I am going to come back they want to build a barn on one of the upper lots for her horses.

David Bowen: How about the lot number eleven. The non-conforming one where there is already a tram or proposed tram. Any current idea plan for that lot?

Mark Bayer: No.

Chairman Sousa: That is a non-conforming lot. It would require a variance.

Mark Bayer: There is no current plan for that. The only current plans that I am aware of that are on the immediate horizon are this plan and horse barn, which I am going to bring before you probably in two of three months.

David Bowen: You mentioned the drains around the house area drains for the roof. Where does that water then go?

Mark Bayer: Erin Joyce has designed that as an infiltration system. There is a 24 inch pipe that is perforated that is on the east side of the house. There is a 12 inch system on the west side of the house that receives the roof liter water and the immediate water around the house. It has storage capacity based on her calculations to handle that and infiltrate it if it ever backs up the position of that low point on that is over in this area, which would run overland. She has designed it specifically to handle the capacity of most storm events. That is part of a much larger effort on the overall site to correct problems that existed years ago that drained water down here. We are even picking up the neighbor to the north storm water whose driveway is discharging across the site right now. We are going to pick that up and correct that problem. It has been well thought through.

David Bowen: In your environmental assessment form paragraph 17 talked about and we may have covered this already, indicated there is going to be discharge of storm water to adjacent other than what we talked about with the weir. Is there any other discharge on the neighboring property?

Mark Bayer: That is the only place that exists today. We are actually like I just said we are actually correct a problem coming from the north.

Chairman Sousa: Are there any additional questions from the board? We will schedule this for final site plan review at our next meeting on November 16th. Are there any documents required that have not been submitted with the application?

Diane Graham: We have not received the lot line revision yet.

Mark Bayer: It is in your packet full size. I do not know if you need something else.

Diane Graham: Pat Venezia asked and I let her know what we needed. We have not received it.

Mark Bayer: What is it specifically?

Diane Graham: Five paper and one Mylar for Scott to review and sign.

Mark Bayer: Okay. I do not know if you need to do an initial review.

Diane Graham: An initial review would be fine before making those for Scott.

Mark Bayer: Scott, can you take a look at the paper copies you have now and then we will get the Mylar and everything ready for you.

Scott Martin: Yes.

Diane Graham: Do you want anybody else to review plans?

Chairman Sousa: I do not find it necessary. I think the storm water control measures that you outlined are extensive and unique certainly.

Mark Bayer: We try to do a very good job of it. That is our standard practice and we are very much advocates for that kind of management.

Sam Seymour: How much water runs down the cut? The Morry Storm cut. The bulldozer cut.

Mark Bayer: One of the issues and to your question one of the issues we are trying to correct when we did that I mentioned that water was getting under the north south lane way, but then it was finding its way into the Morry Storm cut, which was sending shale down. So that has been corrected, which is good.

Sam Seymour: Good.

Diane Graham: Filing of this lot line do you want me to schedule this for public hearing and if then if they do not have it done then same thing?

Chairman Sousa: Yes.

Diane Graham: Okay.

Chairman Sousa: I imagine it is just filing and receipt from the county.

Anthony Venezia: Yes. If he gives me the go ahead and takes a look at it, I can get copies and the Mylar to sign it.

Chairman Sousa: There is no reason to think you could not have a receipt by county.

Anthony Venezia: The County requires the signature.

Diane Graham: The property will be issued a new tax map number. The two lots will have different tax map numbers. We will not have that before the next meeting.

Chairman Sousa: We will have receipt of filing with the county.

Diane Graham: Filing, but not the new tax map number.

Chairman Sousa: That is fine.

Mark Bayer: It is the same as we did on the docks.

Chairman Sousa: Exactly. Yes. That is fine. There is no reason to think that cannot occur prior to this. If for whatever reason it doesn't obviously we are not rendering a decision until that is in hand.

Mark Bayer: The filing will happen almost immediately.

Chairman Sousa: No further questions? Appreciate it.

Town Code Review Update

Chairman Sousa: MRB Group met with the town advisory board to review and make some changes and recommendations. There are a couple minor updates to the code that are going to be submitted to the town by next week. The plan is to do presentation on code changes and bulk use table to the Town Board.

Dan Marshall: We want to address the issue of the moratorium on short-term rentals whether we want to include that in the whole overall package or not. Given that it is probably going to take a few months it might want to be treated separately.

Chairman Sousa: It is more of a question for Shaun at MRB Group. It might be treated separately and beyond the initial scope, but if you want to send him an email.

Dan Marshall: We can do that. Again it is an expansion of the project so we may have to discuss the contract too. Sooner the better as far as the code. I know one of the things we haven't really discussed in our steering committee meetings is basically the fines and what have you for potential.

Diane Graham: And the process.

Chairman Sousa: All penalty and process.

Diane Graham: Yes. A step by step for them.

Dan Marshall: Again, the original concept here was to build some teeth into this thing.

Chairman Sousa: Yes.

Dan Marshall: So motivation to keep people busy doing what we would like them to do

Chairman Sousa: Right. Yes. That could certainly be put together and then when it gets presented to the Town Board that will be part of the entire outline and review.

Dan Marshall: Tell me whether or not it needs to be a special meeting if it is going to be lengthy.

Chairman Sousa: I think we talked about an hour tops to present and discuss.

Dan Marshall: Often times my Town Board meetings do not last an hour. So that is a lengthy one.

Chairman Sousa: If they prefer a special meeting or meeting during the day.

Dan Marshall: We will determine that.

Chairman Sousa: I am sure Shaun and I are flexible. I do not want to speak for him. If it needs to be a special meeting, I am sure there is a date that can work out. That is for you guys purposes kind of where the process is at. It is winding down. It is going to be presented to the Town Board and then to Planning Board for review and comment.

Diane Graham: I sent an email out per Dan's request to our town attorney regarding the short-term rental law. We have eight in the pipeline wanting to know if we can push them through or not.

Chairman Sousa: My understanding and again I would defer to Jeff, of course, with whatever he says, but my understanding is that they are submitted and complete applications prior to the moratorium going into effect then they need to be accepted and processed.

Diane Graham: The wording does not say that.

Dan Marshall: That was the intent.

Chairman Sousa: I do know if that is even wording. I think that is established.

Dan Marshall: I have been challenged on another paragraph in the statement of intent where actually a gentleman who is here this evening and left argued that what it was saying was that once the moratorium is complete we will no longer allow permits period for short-term rentals.

Chairman Sousa: I am sorry. That was wording for the intent of the moratorium?

Dan Marshall: If you read on the very first page of the local law paragraph two it states that no permits will be issued. I read it as no permits will be issued during the moratorium. This guy was reading it as no permits will be issued forever. That is certainly not the case. Why would you have a moratorium if you weren't going to eventually be done with the moratorium and move on? I had to humbly tell guy I disagree with him.

Diane Graham: You are good if he comes back with it is alright to process those eight applications.

Chairman Sousa: As long as Jeff agrees with that assessment. If Jeff says no that is not my assessment, the moratorium has been filed with the state regardless of receipt those should not be accepted then I would defer to his opinion.

Diane Graham: Okay.

Dan Marshall: I would also then tell him to change the law because it is our opinion and it is our choice to allow those eight or ten people that are in the pipeline to continue.

Chairman Sousa: My understanding is that the moratorium does not go into effect until it is filed with the state and receipt of filing. That is when it takes effect. Technically, those applications having been submitted and rendered complete have been applied for before the moratorium taking effect and should be heard. That is my take. Those would be the last eight to go through I imagine. I cannot image that receipt of filing with the state is that far off?

Diane Graham: It was filed the 18th.

Dan Marshall: We certainly need to have Jeff let us know immediately when the law has been filed with the state.

Diane Graham: Yes. His assistant will email that to Judy and me.

Chairman Sousa: That is my understanding.

Diane Graham: Okay. I wanted to make that known. We were not clear. We are reading the words and says one thing. We are under the impression that we can process what we already have.

Chairman Sousa: That is my opinion. Again, let's see what Jeff says.

Dan Marshall: My question was about the second paragraph in the statement of intent. Your question was somewhat different. He owes two answers to us at this stage of the game.

Chairman Sousa: I know statement of intent are tricky though. This is what we are intending and then follows is what the law is. The statement of intent is reiterating.

Dan Marshall: I humbly disagreed with the guy.

Chairman Sousa: Are there any questions about the code review update?

Frederick McIntyre: I have two suggestions.

Chairman Sousa: Aright.

Frederick McIntyre: Under the event barns E. You talk about liability.

Chairman Sousa: Oh, sorry we are not there yet. This is just for the town code review update that MRB Group is conducting. Yes.

Dan Marshall: If I can have the floor for one second and then I am going to leave you. The reason I am here this evening frankly Matthew is to thank you very much for your service to the town. You will be missed. The good news is because you are working for MRB we might still find you.

Chairman Sousa: Thank you. Things will circle back around for sure.

Dan Marshall: You have handled a lot of sticky situations and on behalf of the Town Board thank you.

Chairman Sousa: I appreciate it. Thank you.

Dan Marshall: Your replacement is still a work in progress. It may be tough, but we will find someone.

Chairman Sousa: I am sure you will. I appreciate it. It has been an honor and a privilege to serve on this board for a couple of years and be the chair. South Bristol is where we bought our first house. It will always hold a special place in our heart. We are not going that far away. We are going to be frequent visitors.

Town Board Requested Review of Special Event Venue Proposed Local Law

Board discussion:

- Event barns section G. talks about liability. Question whether it should it be under section A.
 - Section G. applies to the entire law anything contained within section A.9 as well.
- Event barns section B.1 does not make any reference for renovating event barns and septic under event management plan or said requirement under section A.9 requirements.
 - Section A.9 would apply to a special events venues utilizing or renovating events barns and see section A.9 for requirements.
- Event plural was added to the draft in two areas
- A.3 had be crossed out and it was added back in
- Section 1. The limited commercial use

Chairman Sousa to amend wording for the board's review and approval at the next meeting.

Other

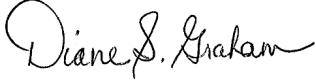
Bill Grove with Grove Engineering offered his assistance on the septic system side of things with the short-term rental moratorium.

Shawn Ritchie expressed wanting an opportunity to attend short-term rental public workshops and have input.

Motion to Adjourn

Being no further business, Matthew Sousa moved to adjourn the meeting. Jill Gordon seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:52 pm.

Respectfully submitted,

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

Diane Scholtz Graham
Board Assistant